

RESOLUTION OF THE LOCAL PLANNING AGENCY
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 2012-005
EAGLE EQUITY CAPITAL CPD

WHEREAS, Eagle Equity Capital, LLC, owner of property located at 2301 and 2311 Estero Boulevard and 111 and 121 Mango Street Fort Myers Beach, Florida has requested an amendment to expand the existing CPD, formerly known as Big John's Board Walk Eatery, to allow for required parking on-site for the existing restaurant uses, in addition to stormwater management, and landscape buffers; and

WHEREAS, the subject property is located in the both the Boulevard and Mixed Residential and Future Land Use Category of the Comprehensive Plan of the Town of Fort Myers Beach; and

WHEREAS, the STRAP for the properties are 19-46-24-W3-0110D.0010, 19-46-24-W3-0120E.0010, 19-46-24-W3-0120E.0020 and 19-46-24-W3-0120E.0030; and

WHEREAS, the legal description for the properties are Lots 1 and 2, Block D of Beach Estates subdivision, according to the plat thereof recorded in Plat Book 6 Page 68, and Lots 1, 2, and 3, Block E of Seagrape subdivision, according to the plat thereof recorded in Plat Book 4 Page 17 of the Public Records of Lee County, Florida; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on April 10, 2012; and

WHEREAS, at the hearing the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the file, and the testimony of all interested persons, as required by the Fort Myers Beach Land Development Code Section 34-85

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

The LPA recommends the Town Council **APPROVE/DENY** the request to rezone the subject property to a RPD zoning district subject to the **6 conditions** and **11 deviations** set forth with specificity below.

RECOMMENDED CONDITIONS OF APPROVAL:

1. If the principal building on the subject property (2301 parcel) is removed or replaced for any reason, deviations 3, 4, 5, 6, and 7 will become null and void. Any new buildings replaced on the subject property must comply with required setbacks and any other regulations in effect at the time of permitting.
2. That the trolley stop concrete bench as shown on the southwest corner of the subject property, generally at the intersection of Fairweather Street and Estero Boulevard, be moved to the southeast corner of the subject property, generally near the intersection of Mango Street and Estero Boulevard.

3. Any changes or fracturing of ownership of the four parcels within the subject property will require, at a minimum, an administrative amendment to the Mast Concept Plan to reflect the change in ownership, which will include recorded unified control documentation.
4. The parking lot must be stabilized in accordance with the provisions in Section 34-2017(b)(1).
5. A local development order is required prior to any expansion of the existing restaurant or any use of the second restaurant bay in accordance with this planned development approval. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order, including payment of additional impact fees.
6. Should Town Council determine that the Traffic Impact Statement Waiver is not warranted and the application may place an undue burden on road facilities, based upon Staff analysis, then Town Council should consider the following conditions to mitigate those impacts, including a Traffic Impact Statement:
 - a. Require the applicant to amend the Master Concept Plan to reduce the outdoor dining square footage to 1,000 square feet, consistent with the prior approval in Resolution 06-30 and maintain Condition 5, as worded above; and/or
 - b. Require the applicant to provide a Traffic Impact Statement that demonstrates the proposed CPD amendment meets concurrency for review and approval by Town Council. In the event the Traffic Impact Statement demonstrates that the proposed CPD amendment does not meet concurrency standards, the applicant shall provide a Traffic Impact Mitigation Plan to assess mitigation strategies, including the feasibility of providing an easement on the subject property for a future trolley stop and shelter, as a mitigation strategy. The Traffic Impact Mitigation Plan and any requisite amendments to the Master Concept Plan would then require review by the Local Planning Agency and approval by Town Council to effectuate the rezoning.

RECOMMENDED APPROVED DEVIATIONS:

Deviation #1

Deviation from the requirements of LDC Section 10-416(d)(2) and LDC Table 10-8, which requires a Type C/F buffer where proposed commercial uses abut single family residential uses, to allow for an eight (8) foot high solid stockade fence and 14-15 foot Type C buffers without a wall, as indicated on the MCP and landscape plan.

APPROVE/DENY

Deviation #2

Deviation from the requirements of LDC Section 10-416(d)(2) and LDC Table 10-8, which requires a 15 foot Type D buffer between parking areas and right-of-way, to allow for a 5 foot Type D buffer between parking areas and right-of-way.

APPROVE/DENY

Deviation #3

Deviation from the requirement of LDC Section 34-704(a), which requires buildings to be constructed between five (5) to ten (10) feet from Estero Boulevard, to allow a front setback of 46 feet to accommodate the existing building.

APPROVE/DENY

Deviation #4

Deviation from the requirements of LDC Section 34-707(b)(1)a, which requires a minimum 10 foot street setback to allow for a 2.39 foot street setback from Fairweather Lane to accommodate the existing building.

APPROVE/DENY

Deviation #5

Deviation from the requirement of LDC Section 34-704(b)(1)b, which requires a minimum 20 foot rear setback, to allow for a two-foot rear setback to accommodate the existing building.

APPROVE/DENY

Deviation #6

Deviation from the requirement of LDC Section 34-995(a)(3), which prohibits a principal façade facing a primary street from having blank walls greater than 10 feet in length, to allow for one (1) section of the principal façade to be 16 feet in length.

APPROVE/DENY

Deviation #7

Deviation from the requirements of LDC Section 34-995(d), which requires corner buildings to be located no more than 20 feet from the intersection of right-of-way lines, to allow the existing corner building to be located a distance of 48.5 feet from the intersection of Estero Boulevard and Fairweather Lane.

APPROVE/DENY

Deviation #8

Deviation from LDC Section 34-2020(d)(2)h, which requires 8 parking spaces per 1,000 square feet of total floor area, including any outdoor seating area (for a total of 47 required parking spaces) to allow for a 30% reduction from the LDC requirement for a total of 34 provided spaces.

APPROVE/DENY

Deviation #9

Deviation from LDC Section 34-2017, which requires high turnover parking lots to have a paved surface, to allow for a crushed shell or limerock surface.

APPROVE/DENY

Deviation #10

Deviation from LDC Section 34-285 and Table 10-1, which requires 125 feet of connection separation along local roads, to allow for 96± feet of connection separation along Mango Street.

APPROVE/DENY

Deviation #11

Deviation from LDC Section 10-289(d) which requires an 8 foot wide sidewalk along the property's Estero Boulevard frontage, to allow for a 5 foot wide sidewalk.

APPROVE/DENY

RECOMMENDED FINDINGS AND CONCLUSIONS

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

1. *Whether there exists an error or ambiguity which must be corrected.*
Resolution 06-30 did not specifically address parking for the restaurant uses as an on-site condition. This ambiguity in on-site parking requirements is being addressed and corrected with the proposed amendment to the CPD. **APPROVE/DENY**
2. *Whether there exist changed or changing conditions which make approval of the request appropriate.*
A single property owner has acquired all four parcels, 2301 and 2311 Estero Boulevard and 111 and 121 Mango Street, which comprise the subject property. This change in ownership allows for the required parking on the 2301 parcel to effectively be accommodated on-site. However, in order to permit an increase of commercial uses on parcels within the Boulevard and Mixed Residential FLU categories, a commercial planned development rezoning or amendment is required. **APPROVE/DENY**
3. *The impact of a proposed change on the intent of this chapter.*
The proposed amendment to the CPD will implement the provisions found in Section 34-702, the Commercial Boulevard zoning district, which requires rezoning to Planned Developments. The application and request, therefore, are consistent with the provisions found within Chapter 34 of the Land Development Code. **APPROVE/DENY**
4. *Whether the request is consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses as set forth in the Fort Myers Beach Comprehensive Plan.*
As discussed in the analysis section of this report, the requested amendment is consistent with the Comprehensive Plan, particularly with the provisions within both the Boulevard and Mixed Residential future land use categories that require commercial zoning changes to comply with the planned development zoning process.

It is important to note, however, that this CPD amendment request provides the Town with an opportunity to add a trolley pull-out at this location. Policy 7-D-2(ii) suggests that these trolley pull-offs can be installed when improvements to Estero Boulevard are constructed, but that policy also states that trolley pull-offs can be “required by the Land Development Code during the redevelopment process.” Staff is of the opinion that requiring a trolley pull-off as part of the proposed CPD amendment is a policy decision that is for Town Council to determine. **APPROVE/DENY**
5. *Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.*
The request to amend the CPD for 2301 Estero to include land at 2311 Estero, 111 Mango and 121 Mango meets and exceeds all performance and locational standards for the proposed uses. No new structures or substantial improvements are proposed, therefore the Commercial Design Standards that are found in Section 34-991 and subsequent sections of

the LDC do not apply. Furthermore, the proposed amendment is consistent with Policy 4-C-2 which requires that commercial uses in the Boulevard and Mixed Residential FLU be designed to contribute to the pedestrian experience and to provide services for overnight guests and residents. **APPROVE/DENY**

6. *Whether urban services are, or will be, available and adequate to serve a proposed land use change.*

The applicant has provided Letters of Availability from Beach Water and Lee County Utilities, demonstrating water and sewer service capacity and availability. **APPROVE/DENY**

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

As existing commercially developed and vacant lots located on interior parcels of land away from both the Matanzas Pass waterfront and the Gulf of Mexico and beach, the subject property does not include any sensitive and/or environmentally critical lands. However, any lighting visible from the beach and/or included on development order plans will be required to meet all applicable environmental codes including, but not limited to, Sea Turtle lighting requirement as found in LDC Section 14-79. **APPROVE/DENY**

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

The property owner has recently made façade improvements and repairs to the existing building on the subject property. The CPD amendment proposes additional improvements and installations that will have a significant positive impact on the pedestrian experience, resident and visitor alike, and the overall aesthetic appeal of the subject property. Elimination of back out parking, installation of landscape buffers, and opportunity for new business ventures will serve to enhance the immediately surrounding area. The redevelopment of the subject property will be compatible with existing or planned uses and will not cause damage, hazard, nuisance, or other detriment to persons or property. **APPROVE/DENY**

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

As previously discussed in the analysis section above, the increase of trips from the prior approval of Resolution 06-30 is 6.43 peak hour trips. Staff has determined that this may create undue burden. However, the site design improvements that accompany the requested CPD amendment demonstrate a significant improvement to bicycle and pedestrian safety and contribute to the overall positive visual appearance along the subject property's Estero Boulevard frontage. That being said, this request does present an opportunity to provide for a trolley pull off easement that would dramatically improve the public transportation system in the Town while possibly offsetting the additional vehicular trips generated by this request. **APPROVE/DENY**

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

Joanne Shamp, Chair	AYE/NAY	Al Durrett, Member	AYE/NAY
Hank Zuba, Member	AYE/NAY	John Kakatsch, Member	AYE/NAY
Alan Smith, Member	AYE/NAY	Jane Plummer, Member	AYE/NAY
Dan Andre, Member	AYE/NAY		

DULY PASSED AND ADOPTED THIS _____ day of APRIL, 2012.

Local Planning Agency of the Town of Fort Myers Beach

By: _____
Joanne Shamp, LPA Chair

Approved as to legal sufficiency:

By: _____
Marilyn W. Miller, Esquire
LPA Attorney

ATTEST:

By: _____
Michelle Mayher
Town Clerk



Town of Fort Myers Beach

DEPARTMENT OF COMMUNITY DEVELOPMENT
STAFF REPORT

TYPE OF CASE: Commercial Planned Development (CPD)
CASE NUMBER: FMBDCI2012-0001
LPA HEARING DATE: April 10, 2012
LPA HEARING TIME: 9:00 AM

I. APPLICATION SUMMARY

Applicant: Waldrop Engineering for Eagle Equity Capital

Request: Commercial Planned Development (CPD) Amendment to expand the existing CPD, formerly known as Big John's Board Walk Eatery, which was approved per Resolution No. 06-30, to allow for required parking on-site for the existing restaurant uses, in addition to stormwater management, and landscape buffers.

Subject property: BEACH ESTATES
Block D Plat Book 6 Page 68
Lots 1 & 2

SEAGRAPE SUBDIVISION
Block E Plat Book 4 Page17
LOT 1, 2 & 3

Physical Address: 2301 Estero Boulevard
2311 Estero Boulevard
111 Mango Street
121 Mango Street

STRAP #: 19-46-24-W3-0110D.0010
19-46-24-W3-0120E.0010
19-46-24-W3-0120E.0020
19-46-24-W3-0120E.0030

Parcel Size: .66 AC (combined)

FLU: Boulevard

Mixed Residential

Zoning: COMMERCIAL PLANNED DEVELOPMENT (CPD)
COMMERCIAL BOULEVARD (CB)
RESIDENTIAL MULTI-FAMILY (RM)

Current use(s): Restaurant, Vacant

Adjacent zoning and land uses:

North: Single Family Residential
RESIDENTIAL MULTI-FAMILY (RM)
Mixed Residential

South: Neptune Inn (Hotel)
COMMERCIAL RESORT (CR)
Boulevard

Island Treasures and Rickshaw Service (Mixed Use)
COMMERCIAL BOULEVARD (CB)
Boulevard

Multi-family residential
COMMERCIAL BOULEVARD (CB)
Boulevard

East: Mango Street (2 lane ROW)

Sea N' Sand (Retail)
COMMERCIAL BOULEVARD (CB)
Boulevard

Heavenly Biscuit (Restaurant)
RESIDENTIAL MULTI-FAMILY (RM)
Mixed Residential

Single Family Residential
RESIDENTIAL MULTI-FAMILY (RM)
Mixed Residential

Mango Street Inn (Hotel)
RESIDENTIAL MULTI-FAMILY (RM)
Mixed Residential
West: Fairweather Lane (2 lane ROW)

Naples Grocery (Retail)
COMMERCIAL BOULEVARD (CB)
Boulevard

II. BACKGROUND AND ANALYSIS

Background:

In 2006 the previous owners of the property located at 2301 Estero ~~Boulevard~~ applied Boulevard applied for a rezoning from Commercial Boulevard (CB) to Commercial Planned Development (CPD) to allow for the conversion of an existing 4,000 square foot building from office uses to restaurant uses. The application was denied by Town Council after public hearing in May of 2006. The applicant and the Town went through the FLUEDRA (Future Land Use and Environmental Dispute Resolution Act) process and reached a compromise that included a revised Master Concept Plan (MCP) showing an additional outdoor dining area of 1,000 ± square feet. Town Council adopted Resolution 06-30 in December of 2006, memorializing this compromise. (Resolution 06-30 is attached to the application.) One of the main issues with the 2301 Estero parcel was the required parking for the restaurant uses. The agreement reached in 06-30 allowed for required parking to be provided off-site through a joint use parking agreement.

A limited review development order was applied for in 2007, but the permit expired with none of the approved changes from Resolution 06-30 completed.

Ownership of the subject property changed in 2011 and the current property owner also acquired adjacent property located at 2311 Estero Boulevard, 111 Mango Street and 121 Mango Street. (See Applicant Exhibit 5-3)

Analysis:

This application seeks to amend and expand the existing CPD, by including the land areas of 2311 Estero Boulevard, 111 Mango Street and 121 Mango Street, to on-site parking for the existing building and restaurant uses, in addition to providing stormwater management and landscape buffers.

Prospective tenants have been inquiring about leasing the restaurant spaces in the existing building, but, with no suitable off-site parking lots available for joint use arrangements the property owner decided to meet with Staff to determine their options. The result of that initial discussion and many others subsequent to it resulted in this request to amend the CPD.

The subject property is in an area of the Town of Fort Myers Beach that is just outside the DOWNTOWN zoning district, where land uses are more intense than on other parts of the island. Commercial uses continue along Estero Boulevard but along side streets in this area, residential uses become dominant. Immediately surrounding the subject property are two hotels, the Neptune Inn and the Mango Street Inn, as well as three retail/commercial establishments and one restaurant. The uses proposed by the applicant on the Schedule of Uses (see applicant Exhibit D-2-3) are compatible within this existing development framework.

As outlined in the background section of this report, the 2301 Estero Boulevard parcel went through the planned development process in 2006 eventually resulting in an approval granted by Resolution 06-30. That process was very focused on the pedestrian nature of the subject property and the proposed restaurant uses. Town Council agreed with that approach by approving an MCP that provided for most of the open space on the 2301 parcel

to be developed as either outdoor seating area, landscape area or stormwater mitigation area. Required parking was to be provided off-site through a joint use parking agreement. The FLUEDRA case stated: *"In the instant case, the property owner seeks to provide service to nearby residents and tourists, and is therefore prepared to develop the property in a manner which will enhance the "pedestrian friendly" nature of both their and surrounding properties, discourage consideration of their property as a vehicular destination unless and until appropriate ~~off-site~~offsite parking can be arranged, and make improvements which will enhance surface water management. It is believed that this can be accomplished by virtually eliminating on-site parking (making this clearly a pedestrian destination rather than a vehicular one) which will have the additional advantage of freeing property which would otherwise be utilized for parking for use of improvements in conformity with Objective 1-A of the Plan and stormwater mitigation."*

Development of the 2301 Estero Boulevard property as a pedestrian friendly enterprise that would service overnight guests and residents rather than day trip visitors is contemplated by the foregoing language and in the approval of Resolution 06-30, but no redevelopment of the 2301 parcel was ever accomplished.

In addition to providing the required parking on-site for the indoor restaurant uses, the applicant proposes an on-site stormwater management system, landscape buffers to protect the adjacent residential properties, and most importantly, elimination of the back out parking spaces long Estero Boulevard. The proposed site plan is included in the Master Concept Plan (MCP) attached hereto as Exhibit A.

The applicant maintains that the subject property, as established by Resolution 06-30, remains a pedestrian friendly development that will serve overnight guests and visitors alike.

Staff also reviewed the request for consistency with the Comprehensive Plan and identified the following goals, objectives and policies that apply to the requested zoning action.

Policy 4-A-3: The town shall protect residential neighborhoods from intrusive commercial activities.

Generally, a proposal to amend a CPD to include two residentially zoned lots (111 and 121 Mango Street) in an existing residential neighborhood could be considered commercial intrusion. However, upon closer review of this particular amendment request and related justifications provided by the applicant, Staff has determined that the applicant has demonstrated consistency with Policy 4-A-3 by limiting the schedule of uses, proposing a Type C landscape buffer along the north and west property lines of the 121 Mango Street parcel, and by proposing to keep the existing 8 foot stockade fence along the north property line of the 2301 Estero Boulevard parcel.

It is also important to note that the proposed schedule of uses (see applicant Exhibit D-2-3) for the subject property is very limited and does not include any new commercial buildings. There is, however, a proposed increase in intensity consisting of an outdoor seating area located on the 2301 parcel between the existing building and Estero Boulevard. The site design of the subject property provides adequate buffering to the north where Mango Street transitions into a more traditional residential neighborhood while moving the parking more toward Estero Boulevard.

The applicant is proposing a 14-17' (width varies) Type C landscape buffer long the north and west property lines of the 121 Mango Street parcel. This buffer is proposed to provide the code required

plant materials. This proposed buffer represents an increase in screening from the existing conditions on-site. Furthermore, the existing eight foot stockade fence along the north property line of the 2301 parcel, as well as the existing building, protects the adjacent residential property from the increased commercial uses to the south.

Policy 4-C-2: Commercial Intensity: *The maximum intensity of allowable commercial development in any category may be controlled by height regulations (see Policy 4-C-4) or other provisions of this plan and the Land Development Code. Standards in the Land Development Code will encourage more intense commercial uses only in the “Pedestrian Commercial” category. The Land Development Code shall specify maximum commercial intensities using floor-area-ratios (the total floor area of the building divided by the area of the site in the category allowing commercial uses). The Land Development Code may allow floor-area-ratios in the “Pedestrian Commercial” category as high as 2.5, and in other categories as high as 1.5.*

As demonstrated on the MCP and application, the requested CPD amendment does not increase the allowable square footage for the existing commercial building over the previously approved 4,000 square feet. However, including the 2311 Estero and 111 and 121 Mango Street lots does add acreage to the overall subject property size. The Floor Area Ratio (FAR) is, therefore, calculated at 0.2, a figure below the allowable 1.5 in both the Boulevard and Mixed Residential Future Land Use (FLU) categories.

Policy 4-C-3: Commercial Locations: *When evaluating proposals for new or expanded commercial uses in categories where they are permitted, the following principles shall apply:*

- i. *No ~~rezonings~~ ~~for rezonings for~~ commercial uses shall be allowed in the “Low Density” category.*
- ii. *Where new or expanded commercial uses are encouraged, as in the “Pedestrian Commercial” category, the Land Development Code shall specify its permitted form and extent and provide a streamlined approval process. Landowners may also use the planned development rezoning process to seek approval of other forms of commercial development in that category.*
- iii. *In the “Mixed Residential” category, 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.*
- iv. *In the “Boulevard” category, where mixed-use development including some commercial uses may be permissible, landowners may seek commercial rezoning only through the planned development process. Proposals must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code.*
- v. *The following principles shall be considered by the town when evaluating requests for new commercial uses:*
 - a. *Shopping and services for residents and overnight guests are strongly preferred over shopping and services that will attract additional day visitors during peak-season congestion.*
 - b. *Shopping and services that contribute to the pedestrian character of the town are strongly preferred over buildings designed primarily for vehicular access.*

- vi. *The neighborhood context of proposed commercial uses is of paramount importance. The sensitivity of a proposed commercial activity to nearby residential areas can be affected by:*
 - a. *the type of commercial activities (such as traffic to be generated, hours of operation, and noise);*
 - b. *its physical scale (such as the height, and bulk of proposed buildings); and*
 - c. *the orientation of buildings and parking.*

Commercial activities that will intrude into residential neighborhoods because of their type, scale, or orientation shall not be approved.

Staff recommends that the application be found consistent with Policy 4-C-3 ii through vi, because the subject property is not within the Low Density FLU and therefore subsection i does not apply.

The site design, as proposed on the MCP, utilizes the existing commercial building and does not propose any new structures or additional uses. This, along with the proposed perimeter buffers and stockade fence, demonstrate sensitivity and awareness of surrounding residential uses, by limiting commercial activities and locating those permitted activities closer to Estero Boulevard and away from residential neighborhoods. The schedule of uses proposed by the applicant is essentially limited to restaurant uses and outdoor seating. These uses are compatible and complement the surrounding commercial uses (hotels and retail establishments) while also providing for resident and overnight guests rather than day trip visitors as specifically stated in Policy 4-C-3v. Moreover, the site design proposes a fundamental change to the subject property's circulation, eliminating back out parking along Estero Boulevard and providing a paved sidewalk the length of the subject property's Estero frontage. Landscape buffers will provide visual appeal and screening of the parking, furthering the public realm and enhancing and improving the safety of the pedestrian experience.

Policy 4-B-4: "Mixed Residential": *designed for older subdivisions with mixed housing types on smaller lots, newer high-rise buildings, and mobile homes and RV parks. This category will ensure that Fort Myers Beach retains a variety of neighborhoods and housing types. For new development, the maximum density is 6 dwelling units per acre (except where the Future Land Use Map's "platted overlay" indicates a maximum density of 10 units per acre for legally existing dwelling units). Commercial activities are limited to lower-impact uses such as offices, motels, churches, and public uses, and must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code. 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%.*

Policy 4-B-4 stresses that any commercial uses permitted within the Mixed Residential FLU must be sensitive to adjacent residential properties and is limited to lower intensity uses. Commercial uses are well established at the southern end of Mango Street with the Mango Street Inn and Heavenly Biscuit restaurant. However, by providing ample buffering along the north and west property lines and by pushing the majority of the parking area to the southern portion of the subject property, the applicant has demonstrated consistency with this policy.

Amending the CPD to include the 111 and 121 Mango Street parcels will convert residential land uses to commercial land use. This rezoning, along with other converted land uses since November 1999, results in approximately 8.1% of non-residential land uses in the Mixed Residential category, which

leaves approximately 23 acres remaining available for non-residential land uses in that category before the 12% cap is reached.

Policy 4-B-5: "Boulevard": a mixed-use district along portions of Estero Boulevard, including less intense commercial areas, historic cottages, and mixed housing types. This category is not intended to allow commercial uses on all properties; its mixed-use nature is intended to remain permanently. For new residential 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). To obtain approval for new or expanded commercial activities, proposals must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code. These qualities and overall consistency with this comprehensive plan shall be evaluated by the town through the planned development rezoning process. Non-residential uses (including motels and churches) now comprise 46.9% of the land in this category, and this percentage shall not exceed 70%.

Similar to the policy direction in 4-B-4 for the Mixed Residential FLU, Policy 4-B-5 pertaining to the Boulevard FLU stresses sensitivity and compatibility. As previously discussed, the landscape buffers, limited schedule of uses, elimination of back out parking onto Estero and the proposed sidewalk extension along the subject property's Estero Boulevard frontage are all elements proposed by the applicant that demonstrate consistency with this policy.

The 2301 and 2311 Estero Boulevard parcels are located within the Boulevard FLU and are currently commercially-zoned. Therefore an analysis of proposed increase of non-residential uses in the FLU category is not applicable.

Goal 7: To improve peak-season mobility without reducing the permeability of Estero Boulevard to foot traffic or damaging the small-town character of Fort Myers Beach. The town seeks to reduce speeding, improve evacuation capabilities, and improve mobility through balanced transportation improvements such as a continuous system of sidewalks and bikeways, a network of trolleys and water taxis linked to off-island systems, and parking options matched to road capacity.

Policy 7-A-2 Parking: Even though existing parking lots are not used to capacity, parking is not abundant at Fort Myers Beach. The welcome rebirth of commercial activity near Times Square will increase the demand for parking. The Town of Fort Myers Beach will address parking shortages through the methods outlined in this plan.

The proposed amendment to the CPD is focused on providing additional on-site parking for the tenants and customers of the existing commercial building. By providing landscape buffers, bike racks, extending the sidewalk along Estero Boulevard and by eliminating the back out parking in front of the existing building, the applicant has proposed dramatic improvements to this portion of Estero Boulevard. Parking and delivery ingress/egress is via Mango Street.

Policy 7-D-2 Improve Trolley Service: Trolley ridership increases when service is more frequent and when fares are low or free, yet no long-term funding or operational plan has been developed for providing higher service levels. Practical measures to improve trolley usage include:

- i. Recurring subsidies from tourism resources so that service can be enhanced and congestion minimized during heavy seasonal traffic;

- ii. *Pull-offs at important stops along Estero Boulevard so that passengers can safely board and traffic is not blocked excessively; these pull-offs could be built during other improvements to Estero Boulevard or required by the Land Development Code during the redevelopment process.*
- iii. *Clear signs at every stop with full route and fare information;*
- iv. *Bus shelters at key locations, with roofs, benches, and transparent sides;*
- v. *Replacement of the existing trolley buses with clean-fuel vehicles so that businesses won't object to having trolleys stop at their front doors; and*
- vi. *Accommodation of the special needs of the transportation disadvantaged.*

Staff worked extensively with the applicant and his consultants to try to reach an agreement whereby the applicant would provide a trolley pull off easement and integrate it into the MCP. However, at the time of sufficiency the applicant opted to forgo providing a trolley easement and instead chose to move forward with the MCP attached to this application. At the time of public hearing Town Council has the option to make approval of this CPD amendment conditioned upon the studying the feasibility of a trolley pull off easement.

Policy 7-H-10 Connections to Estero Boulevard: *An excessive number of streets and driveways have direct access to Estero Boulevard, reducing its ability to handle peak-season traffic. The town shall take advantage of any suitable opportunities to consolidate street connections into fewer access points onto Estero Boulevard.*

As shown on the MCP (Exhibit A), the subject property has been redesigned, eliminating 10 existing back-out parking spaces that caused traffic and pedestrian conflicts along Estero Boulevard. The proposed parking lot has been moved to the east side of the existing building providing 34 spaces, including two ADA accessible spaces as well as a bike rack accommodating up to four bicycles. Ingress and egress is along Mango Street. This redesign should reduce vehicular and pedestrian conflicts along Estero Boulevard as well as interruptions to traffic flow, especially during peak season.

Policy 7-J-2: Traffic Impact Analyses: *A thorough traffic impact analysis is currently required only for major rezonings and very large development orders. The town shall amend its Land Development Code during 2010 to:*

- i. *Decrease the thresholds for requiring traffic impact analyses;*
- ii. *Require them to study the cumulative impact of potential development; and*
- iii. *Use the results in assessing whether impacts are acceptable, and whether an improved design could offset some of the impacts.*

Resolution 06-30 approved 4,000 square feet of indoor restaurant use and 1,000 square feet of outdoor seating, required a local development order *"prior to any use of the subject property in accordance with this planned development. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order."*

The proposed request for 5,859± square feet of restaurant use is a net increase of 859± square feet over the prior approval. This increase comes from a request for additional outdoor seating area.

LDC Section 2-46(a)(2) provides a concurrency exemption for *"Commercial building permits for interior remodeling improvements that are not for the purpose of changing the use of the building and do not increase its floor area."* Further, subsection (b) provides that *"...the Town Council may*

evaluate the probable concurrency impacts of such proposed development activities at the earlier stages as one factor in their determination whether or not to approve such activities.”

Since the building in question was previously occupied by medical offices, it is possible that the subject property could be vested for an amount of trips associated with that occupancy. Accordingly, ITE Code 720 specifies a trip generation rate of 3.46 trips per 1,000 square feet for medical/dental offices. ITE Code 931 specifies a trip generation rate of 7.49 trips per 1,000 square feet for quality restaurants. Therefore the vested trips based upon the prior occupancy of 4,000 square feet of medical/dental office equals 13.84 PM peak hour trips. The vested trips based on the prior approval (Resolution 06-30) which included 5,000 square feet of quality restaurant equals 37.45 PM peak hour trips. The projected trips based upon the proposed use which includes 5,859 square feet of quality restaurant equals 43.88 PM peak hour trips.

The projected increase in trips from the proposed request of 5,859 square feet of restaurant uses versus medical/dental office is 30.04 PM peak hour trips. The project increase of trips from the proposed request and the prior approval (Resolution 06-30) is 6.43 PM peak hour trips.

Findings and Conclusions:

Based upon an analysis of the application and the standards for approval of a planned development rezoning found in Section 34-85 and 34-216 of the LDC, Staff makes the following findings and conclusions:

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

Resolution 06-30 did not specifically address parking for the restaurant uses as an on-site condition. This ambiguity in on-site parking requirements is being addressed and corrected with the proposed amendment to the CPD.

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

A single property owner has acquired all four parcels, 2301 and 2311 Estero Boulevard and 111 and 121 Mango Street, which comprise the subject property. This change in ownership allows for the required parking on the 2301 parcel to effectively be accommodated on-site. However, in order to permit an increase of commercial uses on parcels within the Boulevard and Mixed Residential FLU categories, a commercial planned development rezoning or amendment is required.

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

The proposed amendment to the CPD will implement the provisions found in Section 34-702, the Commercial Boulevard zoning district, which requires rezoning to Planned Developments. The application and request, therefore, are consistent with the provisions found within Chapter 34 of the Land Development Code.

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

As discussed in the analysis section of this report, the requested amendment is consistent with the Comprehensive Plan, particularly with the provisions within both the Boulevard and Mixed Residential future land use categories that require commercial zoning changes to comply with the planned development zoning process.

It is important to note, however, that this CPD amendment request provides the Town with ~~an opportunity~~an opportunity to add a trolley pull-out at this location. Policy 7-D-2(ii) suggests that these trolley pull-offs can be installed when improvements to Estero Boulevard are constructed, but that policy also states that trolley pull-offs can be “required by the Land Development Code during the redevelopment process.” Staff is of the opinion that requiring a trolley pull-off as part of the proposed CPD amendment is a policy decision that is for Town Council to determine.

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

The request to amend the CPD for 2301 Estero to include land at 2311 Estero, 111 Mango and 121 Mango meets and exceeds all performance and locational standards for the proposed uses. No new structures or substantial improvements are proposed, therefore the Commercial Design Standards that are found in Section 34-991 and subsequent sections of the LDC do not apply. Furthermore, the proposed amendment is consistent with Policy 4-C-2 which requires that commercial uses in the Boulevard and Mixed Residential FLU be designed to contribute to the pedestrian experience and to provide services for overnight guests and residents.

6. *Whether urban services are, or will be, available and adequate to serve a proposed land use change.*

The applicant has provided Letters of Availability from Beach Water and Lee County Utilities, demonstrating water and sewer service capacity and availability.

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

As existing commercially developed and vacant lots located on interior parcels of land away from both the Matanzas Pass waterfront and the Gulf of Mexico and beach, the subject property does not include any sensitive and/or environmentally critical lands. However, any lighting visible from the beach and/or included on development order plans will be required to meet all applicable environmental codes including, but not limited to, Sea Turtle lighting requirement as found in LDC Section 14-79.

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

The property owner has recently made façade improvements and repairs to the existing building on the subject property. The CPD amendment proposes additional

improvements and installations that will have a significant positive impact on the pedestrian experience, resident and visitor alike, and the overall aesthetic appeal of the subject property. Elimination of back out parking, installation of landscape buffers, and opportunity for new business ventures will serve to enhance the immediately surrounding area. The redevelopment of the subject property will be compatible with existing or planned uses and will not cause damage, hazard, nuisance, or other detriment to persons or property.

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

As previously discussed in the analysis section above, the increase of trips from the prior approval of Resolution 06-30 is 6.43 peak hour trips. Staff has determined that this may create undue burden. However, the site design improvements that accompany the requested CPD amendment demonstrate a significant improvement to bicycle and pedestrian safety and contribute to the overall positive visual appearance along the subject property's Estero Boulevard frontage. That being said, this request does present an opportunity to provide for a trolley pull off easement that would dramatically improve the public transportation system in the Town while possibly offsetting the additional vehicular trips generated by this request.

Requested Deviations:

Based on an analysis of the procedure for reviewing deviation requests as found in Section 34-216 which requires that each deviation be found to

- a. *Enhance the achievement of objectives of the planned development;*
- b. *Preserve and promote the general intent of the LDC to protect the public health, safety and welfare; and*
- c. *Operate to the benefit, or at least not to the detriment, of the public interest; and*
- d. *Is consistent with the Fort Myers Beach Comprehensive Plan.*

Staff makes the following recommendations regarding the requested deviations:

Deviation #1

Deviation from the requirements of LDC Section 10-416(d)(2) and LDC Table 10-8, which requires a Type C/F buffer where proposed commercial uses abut single family residential uses, to allow for an eight (8) foot high solid stockade fence and 14-15 foot Type C buffers without a wall, as indicated on the MCP and landscape plan.

For the applicant's Schedule of Deviations and Justifications please see applicant Exhibit D-1-F. Revised 3/28/12

Staff recommends APPROVAL of the requested deviation. The 8 foot tall stockade fence was a condition of approval in Resolution 06-30 in order to provide screening between the existing building and the adjacent residential property to the north. The 2 foot rear yard of the 2301 Estero parcel limits the amount of buffering that can be provided, thus only the fence is feasible. The proposed Type C buffer along the western and northern property lines of the 121 Mango Street parcel will provide a visual screen between the residential uses to the north and the commercial uses

on the subject property where currently there is no buffer. Staff is feels that the buffer plant material will be better maintained and have a higher rate of survival is the wall requirement is waived.

Deviation #2

Deviation from the requirements of LDC Section 10-416(d)(2) and LDC Table 10-8, which requires a 15 foot Type D buffer between parking areas and right-of-way, to allow for a 5 foot Type D buffer between parking areas and right-of-way.

For the applicant's Schedule of Deviations and Justifications please see applicant Exhibit D-1-F. Revised 3/28/12

Staff recommends APPROVAL of Deviation #2, because the request has no detrimental impact on the public interest and enhances the objective of the proposed planned development. Approving a reduction in required buffer widths is a mutually beneficial compromise as it allows for the most efficient use of the subject property and requires an aesthetic improvement to the Estero Boulevard and Mango Street road frontages. It should be noted that approval of this deviation does not include a reduction in required plant material; 5 trees per 100 linear feet and a double row hedge maintained at 36" will still be required along the Estero Boulevard and Mango Street frontages. Please see Exhibit B, for an illustrative landscape plan.

Deviation #3

Deviation from the requirement of LDC Section 34-704(a), which requires buildings to be constructed between five (5) to ten (10) feet from Estero Boulevard, to allow a front setback of 46 feet to accommodate the existing building.

For the applicant's Schedule of Deviations and Justifications please see applicant Exhibit D-1-F. Revised 3/28/12

Staff recommends APPROVAL of Deviation #3, as the request is intended to validate existing conditions on the subject property and has no detrimental impact to the public interest.

Deviation #4

Deviation from the requirements of LDC Section 34-707(b)(1)a, which requires a minimum 10 foot street setback to allow for a 2.39 foot street setback from Fairweather Lane to accommodate the existing building.

For the applicant's Schedule of Deviations and Justifications please see applicant Exhibit D-1-F. Revised 3/28/12

Staff recommends APPROVAL of Deviation #4, as the request is intended to validate existing conditions on the subject property and has no detrimental impact to the public interest.

Deviation #5

Deviation from the requirement of LDC Section 34-704(b)(1)b, which requires a minimum 20 foot rear setback, to allow for a two-foot rear setback to accommodate the existing building.

For the applicant's Schedule of Deviations and Justifications please see applicant Exhibit D-1-F. Revised 3/28/12

Staff recommends APPROVAL of Deviation #5, as the request is intended to validate existing conditions on the subject property and has no detrimental impact to the public interest.

Deviation #6

Deviation from the requirement of LDC Section 34-995(a)(3), which prohibits a principal façade facing a primary street from having blank walls greater than 10 feet in length, to allow for one (1) section of the principal façade to be 16 feet in length.

For the applicant's Schedule of Deviations and Justifications please see applicant Exhibit D-1-F. Revised 3/28/12

Staff recommends APPROVAL of Deviation #6, as the request is intended to validate existing conditions on the subject property and has no detrimental impact to the public interest. The applicant has indicated no plans for substantial improvements to the existing building and therefore is not required to meet the Commercial Design Standards.

Deviation #7

Deviation from the requirements of LDC Section 34-995(d), which requires corner buildings to be located no more than 20 feet from the intersection of right-of-way lines, to allow the existing corner building to be located a distance of 48.5 feet from the intersection of Estero Boulevard and Fairweather Lane.

For the applicant's Schedule of Deviations and Justifications please see applicant Exhibit D-1-F. Revised 3/28/12

Staff recommends APPROVAL of Deviation #7, as the request is intended to validate existing conditions on the subject property and has no detrimental impact to the public interest.

Deviation #8

Deviation from LDC Section 34-2020(d)(2)h, which requires 8 parking spaces per 1,000 square feet of total floor area, including any outdoor seating area (for a total of 47 required parking spaces) to allow for a 30% reduction from the LDC requirement for a total of 34 provided spaces.

For the applicant's Schedule of Deviations and Justifications please see applicant Exhibit D-1-F. Revised 3/28/12

Staff recommends APPROVAL of the requested deviation. Section 34-2020(d)(2)(h) requires that restaurants provide 8 spaces per 1000 square feet of floor area plus any outdoor seating area. The subject property includes 4000 square feet of existing

indoor restaurant floor area, which results in 32 required spaces. The proposed outdoor seating area of 1859± square feet adds an additional 15 required spaces for a grand total of 47 required spaces. The applicant is providing 34 total spaces, including two ADA accessible spaces, a reduction of approximately 30%. Staff supports the request for a reduction in spaces because the inclusion of outdoor seating space will not generate additional need for parking and will provide an enjoyable alternative for patrons of the restaurants while contributing to the pedestrian experience along this portion of Estero Boulevard.

However, it should be noted that a trolley pull off would have enhanced the rationale for this deviation and may have reduced the parking requirement, further reducing the impacts on the neighborhood.

Deviation #9

Deviation from LDC Section 34-2017, which requires high turnover parking lots to have a paved surface, to allow for a crushed shell or limerock surface.

For the applicant's Schedule of Deviations and Justifications please see applicant Exhibit D-1-F. Revised 3/28/12

Staff recommends APPROVAL of the requested deviation. The area around the subject property, as well as many parts of Estero Island, has a tendency to flood in large storm events. The applicant's request to use a more porous material in the parking lot will reduce the subject property's impact on the current stormwater system. Additionally, the applicant has provided a large on-site retention area as an extra method for stormwater management. Furthermore the applicant has indicated that all disabled parking spaces will comply with state law and the requirements of the Florida Building Code.

Deviation #10

Deviation from LDC Section 34-285 and Table 10-1, which requires 125 feet of connection separation along local roads, to allow for 96± feet of connection separation along Mango Street.

For the applicant's Schedule of Deviations and Justifications please see applicant Exhibit D-1-F. Revised 3/28/12

Staff recommends APPROVAL of the requested deviation. The site design of the subject property eliminates the back out parking along Estero Boulevard, but results in a connection separation that is under the 125' requirement. The actual separation between points is minor and is only 25% less than the distance required.

Deviation #11

Deviation from LDC Section 10-289(d) which requires an 8 foot wide sidewalk along the property's Estero Boulevard frontage, to allow for a 5 foot wide sidewalk.

For the applicant's Schedule of Deviations and Justifications please see applicant Exhibit D-1-F. Revised 3/28/12

Staff recommends APPROVAL of the requested deviation. Sidewalks along Estero Boulevard in this part of the Town are inconsistent. If there was a network of 8' sidewalks on the adjacent properties, Staff would be unable to support this deviation. Currently, however, no sidewalks exist on the subject property nor do they exist on neighboring properties across Mango Street and Fairweather Lane. By eliminating the back out parking along Estero Boulevard and providing a buffer between the subject property and Estero Boulevard the applicant has demonstrated a consistent effort to improve bicycle and pedestrian safety that justifies the requested reduction in sidewalk width.

III. RECOMMENDATION

Taking into consideration the current and existing conditions of this site, Staff recommends **APPROVAL** of the requested rezoning from Commercial Boulevard (CB) and Residential Multi-family (RM) to Commercial Planned Development (RPD). Limitations and conditions are for Town Council to determine at the time of Public Hearing. Should Town Council choose to approve the requested rezoning, Staff recommends the approval be subject to the following conditions:

1. If the principal building on the subject property (2301 parcel) is removed or replaced for any reason, deviations 3, 4, 5, 6, and 7 will become null and void. Any new buildings replaced on the subject property must comply with required setbacks and any other regulations in effect at the time of permitting.
2. That the trolley stop concrete bench as shown on the southwest corner of the subject property, generally at the intersection of Fairweather Street and Estero Boulevard, be moved to the southeast corner of the subject property, generally near the intersection of Mango Street and Estero Boulevard.
3. Any changes or fracturing of ownership of the four parcels within the subject property will require, at a minimum, an administrative amendment to the Mast Concept Plan to reflect the change in ownership, which will include recorded unified control documentation.
4. The parking lot must be stabilized in accordance with the provisions in Section 34-2017(b)(1).
5. A local development order is required prior to any expansion of the existing restaurant or any use of the second restaurant bay in accordance with this planned development approval. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order, including payment of additional impact fees.
6. Should Town Council determine that the Traffic Impact Statement Waiver is not warranted and the application may place an undue burden on road facilities, based upon Staff analysis, then Town Council should consider the following conditions to mitigate those impacts, including a Traffic Impact Statement:

- a. Require the applicant to amend the Master Concept Plan to reduce the outdoor dining square footage to 1,000 square feet, consistent with the prior approval in Resolution 06-30 and maintain Condition 5, as worded above; and/or
- b. Require the applicant to provide a Traffic Impact Statement that demonstrates the proposed CPD amendment meets concurrency for review and approval by Town Council. In the event the Traffic Impact Statement demonstrates that the proposed CPD amendment does not meet concurrency standards, the applicant shall provide a Traffic Impact Mitigation Plan to assess mitigation strategies, including the feasibility of providing an easement on the subject property for a future trolley stop and shelter, as a mitigation strategy. The Traffic Impact Mitigation Plan and any requisite amendments to the Master Concept Plan would then require review by the Local Planning Agency and approval by Town Council to effectuate the rezoning.

IV. CONCLUSION

Rezoning the property from Commercial Boulevard and Residential Multifamily to Commercial Planned Development is consistent with the Boulevard and Mixed Residential future land use categories as contemplated in the Fort Myers Beach Comprehensive Plan. This request would not adversely affect the surrounding properties and would allow the applicant the fullest use of the subject property.

If Town Council finds that the requested use is contrary to the public interest or the health, safety, comfort, convenience, and/or welfare of the citizens of the Town, or that the request is in conflict with the criteria of LDC Section 34-85 regarding Rezoning, Town Council should deny the request as provided in LDC Section 34-85(4). If Town Council chooses to approve the request, special conditions necessary to protect the health, safety, comfort, convenience, or welfare of the public may be attached if Council finds that such conditions are reasonably related to the requested rezoning. Staff has recommended conditions for the Town Council's convenience and consideration.

Staff recommends **APPROVAL** of the requested rezoning, as conditioned.

Exhibits:

- Exhibit A – Master Concept Plan
- Exhibit B – Illustrative Landscape Plan
- Exhibit C – Traffic Impact Statement Memo

PARKING SCHEDULE FOR SITE

AREA DESCRIPTION	SQ FT	PERCENTAGE
TOTAL SITE AREA	28,212 SQ FT	100%
BUILDING AREA	4,000 SQ FT	14%
OPEN SPACE	24,212 SQ FT	86%

USE	AREA	PARKING RATIO	SPACES REQ'D
RESTAURANT	4,000 S.F.	8 SPACES : 1,000 S.F.	32
OUTDOOR SEATING	1,859 S.F.	8 SPACES : 1,000 S.F.	15
TOTAL			47

TOTAL REQUIRED PARKING	47
HANDICAP SPACES REQUIRED	2
REGULAR PARKING REQUIRED	45
REGULAR PARKING SPACES PROVIDED	32
TOTAL H. C. PARKING SPACES PROVIDED (LDC-34-2020)	2
TOTAL PARKING SPACES PROVIDED (INCLUDING H.C.)	34

SITE DEVELOPMENT NOTES

- 1-Site area: 28,212 sq. ft. / 0.65 acres
- 2-Future land use-boulevard and mixed residential
- 3-Current zoning, cpd, cb, rm.
- 4-Proposed zoning cpd
- 5-Maximum proposed intensity is 4,000 sq. ft. of restaurant uses and 1,859 sq. ft. of outdoor seating/
- 6-Potable water to be provided by town of fort Myers beach.
- 7-Sanitary sewer to be provided by local county utilities.
- 8-Solid waste pickup to be provided by town of fort Myers beach.
- 9-Buffer yards to be provided in accordance with LDC section 10-416, unless subject to deviation request as shown on MCP and landscape plan.
- 10-Site located in firm zone ae.
- 11-Base flood elevation +13.00' NAVD 88.

SITE DATA

SITE AREA: 28,212 sq. ft.
 BUILDING SQUARE FOOTAGE: 4,000 sq. ft.
 OUTDOOR SEATING SQUARE FOOTAGE: 1,859 sq. ft.
 MAXIMUM BUILDING HEIGHT: 18 ft. (F.F.S. 59+)
 MINIMUM BUILDING SETBACKS:
 ESTERO BOULEVARD: 45 ft.
 FAIRWEATHER LANE: 239 ft.
 MANGO STREET: 110.5 ft.
 REAR: 2 ft.

SITE ADDRESS: 2301 ESTERO BOULEVARD
 FORT MYERS BEACH, FL.

△ SITE DEVIATION NOTES (B)

Exhibit D-1-F Schedule of Deviations & Justification

- 1-Deviation from the requirements of LDC Section 10-416(d)(2) and LDC Table 10-8, which requires a Type C/F buffer where proposed commercial uses about single family residential uses, to allow for an (8) foot high solid stockade fence and 15-foot Type "C" buffers without a wall, as indicated on the MCP and landscape plan.
- 2-Deviation from the requirements of LDC Section 10-416(d)(2) and LCD Table 10-8, which requires a 15-foot Type "D" buffer between parking areas and rights-of-way, to allow for a 5-foot type "D" buffer between parking areas and rights-of-way
- 3-Deviation from the requirement of LDC Section 34-704(a) which requires buildings to be constructed between five (5) to ten (10) feet from Estero Boulevard, to allow a front setback of 46 feet to accommodate the existing building.
- 4-Deviation from the requirement of LDC Section 34-704(b)(1)a, which requires a minimum 10-foot street setback, to allow for a 2.39 street setback from Fairweather Lane to accommodate the existing building.
- 5-Deviation from the requirement of LDC Section 34-704(b)(1)b, which requires a minimum 20-foot rear setback, to allow for a two-foot rear setback to accommodate the existing building.
- 6-Deviation from the requirement of LDC Section 34-995(a)(3), which prohibits a principal facade facing a primary street from having blank walls greater than 10 feet in length, to allow for one (1) section of the principal facade to be 16 feet in length.
- 7-Deviation from the requirement of LDC Section 34-995(d), which requires corner buildings to be located no more than 20 feet from the intersection of right-of-way lines, to allow the existing corner building to be located a distance of 48.5 feet from the intersection of Estero Boulevard and Fair-weather Lane.
- 8-Deviation from LDC Section 34-2020(d)(2)h, which requires 8 parking spaces per 1,000 square feet of total floor area, including any outdoor seating area, or 47 required spaces, to allow for a 30% reduction from the LDC requirement, for a total of 34 spaces.
- 9-Deviation from LDC Section 34-2017, which requires high turnover parking lots to have a paved surface, to allow for a crushed shell or limerock surface.
- 10-Deviation from LDC Section 10-285 and Table 10-1, which requires 125 feet of connection separation along local roads, to allow for 96+/- feet of connection separation along Mango Street.
- 11-Deviation from LDC 10-289(d) which requires an 8 foot wide sidewalk along the Property's Estero Blvd. frontage to allow a 5'-0" sidewalk.

EXHIBIT (A)

LOCATION	BUFFER TYPE	# TREES (1)	# SHRUBS (1)	BUFFER WIDTH (2)
NORTH	C	110 LF/100 LF X 5 = 6 TREES	110 LF/100 LF X 18 = 20 SHRUBS	15'
NORTHWEST	C	40 LF/100 LF X 5 = 2 TREES	40 LF/100 LF X 18 = 7 SHRUBS	14'
SOUTH (ESTERO BLVD.)	D	218 LF/100 LF X 5 = 11 TREES	36" HEDGEROW	5'
EAST (MANGO ST.)	D	193 LF/100 LF X 5 = 10 TREES	36" HEDGEROW	5'
WEST (FAIRWEATHER LN)	NO BUFFER REQUIRED	N/A	36" HEDGEROW	5'

- (1) PER 100 LINEAR FEET
- (2) SEE DEVIATIONS
- (3) AT LEAST 75% OF TREES AND 50% OF SHRUBS MUST BE NATIVE FLORIDA SPECIES.

REV#	DATE	BY	DESCRIPTION
©	3/13/12	DK	REVISED MONUMENT SIGN LOCATION
©	3/13/12	DK	REVISED PER ZONE SUBMITTAL COMMENTS
(A)	3/6/12	DK	REMOVE S. STAIRWAY & E. SWAL

EAGLE EQUITY CAPITAL LLC
MASTER CONCEPT PLAN
 FORT MYERS BEACH, FLORIDA

SCALE	DWN. BY	DATE	APPROVED	DRAWING No.	REV#
AS SHOWN	D.K.	2/20/12	BH	11-301-03	C



BARBON CONSULTING SERVICES
 FORT MYERS, FLORIDA
 239-433-5802

LANDSCAPING NOTES

TREES AND PALMS:
 ALL CODE REQUIRED TREES AT THE TIME OF INSTALLATION MUST BE A MINIMUM OF 10 FEET IN HEIGHT, HAVE A 2-INCH CALIPER (AT 12 INCHES ABOVE THE FINISH GRADE) AND A FOUR - FOOT SPREAD. PALMS MUST HAVE A MINIMUM OF TEN FEET OF CLEAR TRUNK AT PLANTING. TREES ADJACENT TO WALKWAYS, BIKE PATHS AND RIGHT-OF-WAYS MUST BE MAINTAINED WITH EIGHT FEET OF CLEAR TRUNK. THE HEIGHT OF ALL TREES AND SHRUBS MUST BE MEASURED FROM THE FINAL GRADE OF THE PROJECT SITE.

SHRUBS AND HEDGES:
 SHRUBS MUST BE A MINIMUM OF 24 INCHES IN HEIGHT ABOVE THE ON-SITE ADJACENT PAVEMENT SURFACE TO BE BUFFERED AND/OR SCREENED, WHEN MEASURED AT THE TIME OF PLANTING. THEY MUST BE A MINIMUM THREE-GALLON CONTAINER SIZE AND BE SPACED 18 TO 36 INCHES ON CENTER. THEY MUST BE AT LEAST 36 INCHES IN HEIGHT WITHIN 12 MONTHS OF TIME OF PLANTING AND MAINTAINED IN PERPETUITY AT A HEIGHT OF NO LESS THAN 36 INCHES ABOVE THE ADJACENT PAVEMENT REQUIRED TO BE BUFFERED AND/OR SCREENED, EXCEPT FOR VISIBILITY AT INTERSECTIONS AND WHERE PEDESTRIAN ACCESS IS PROVIDED. REQUIRED HEDGES MUST BE PLANTED IN DOUBLE STAGGERED ROWS AND MAINTAINED SO AS TO FORM A CONTINUOUS, UNBROKEN, SOLID VISUAL SCREEN WITHIN A MINIMUM OF ONE YEAR AFTER TIME OF PLANTING.

PLANT MATERIAL STANDARDS:
 PLANT MATERIALS USED SHALL CONFORM TO THE STANDARDS FOR FLORIDA NO. 1 OR BETTER AS GIVEN IN 'GRADES AND STANDARDS FOR NURSERY PLANTS' PART I AND 'GRADES AND STANDARDS FOR NURSERY PLANTS' PART II, FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES TALLAHASSEE.

AT LEAST 75% OF TREES AND 50% OF SHRUBS MUST BE NATIVE FLORIDA SPECIES. 100% OF TREES & SHRUBS ARE NATIVE.

GENERAL LANDSCAPING REQUIREMENTS

REQUIRED NUMBER OF TREES, IN ADDITION TO LANDSCAPING FOR ALL BUFFERS AND PARKING AREAS - (1 TREE PER 3000 SQ. FT. OF DEVELOPMENT AREA) - 28,218 SQ. FT. / 3,000 SQ. FT. - 9.4 TREES
 9 TREES PROVIDED FOR GENERAL USE

PARKING TREE REQUIREMENTS

REQUIRED NUMBER OF TREES, IN ADDITION TO LANDSCAPING FOR ALL BUFFERS - (1 TREE PER 250 SQ. FT. OF INTERNAL PLANTING AREA) - 1256 SQ. FT. / 250 SQ. FT. - 5 TREES
 5 TREES PROVIDED FOR PARKING AREA

NORTH BUFFER (MODIFIED)*

*DEVIATION 4: EXHIBIT D-1-F REVISED 02/22/2012

5 TREES PER 100 L.F. REQUIRED (LENGTH- 35 L.F.) (35/100) x 5 - 2 TREES REQUIRED
 2 TREES PROVIDED
 HEDGE 50 SHRUBS PER 100 L.F. REQUIRED (LENGTH - 35 L.F.) (35/100) X 50 - 18 SHRUBS REQUIRED
 18 SHRUBS PROVIDED
 *DUE TO SPACE ONLY 35L.F. BUFFER PROVIDED

SOUTH BUFFER (MODIFIED)*

*DEVIATION 2: EXHIBIT D-1-F REVISED 02/22/2012

5 TREES PER 100 L.F. REQUIRED (LENGTH- 193 L.F.) (193/100) x 5 - 10 TREES REQUIRED
 10 TREES PROVIDED
 HEDGE 50 SHRUBS PER 100 L.F. REQUIRED (LENGTH - 193 L.F.) (193/100) X 50 - 97 SHRUBS REQUIRED
 97 SHRUBS PROVIDED
 *BUFFER TO BE 5' WIDE

EAST BUFFER (MODIFIED)*

*DEVIATION 4 & 5: EXHIBIT D-1-F REVISED 02/22/2012

5 TREES PER 100 L.F. REQUIRED (LENGTH- 110 L.F.) (110/100) x 5 - 6 TREES REQUIRED
 6 TREES PROVIDED
 HEDGE 50 SHRUBS PER 100 L.F. REQUIRED (LENGTH - 110 L.F.) (110/100) X 50 - 55 SHRUBS REQUIRED
 55 SHRUBS PROVIDED
 *DUE TO SPACE ONLY 110L.F. BUFFER PROVIDED

WEST BUFFER (MODIFIED)*

*DEVIATION 2: EXHIBIT D-1-F REVISED 02/22/2012

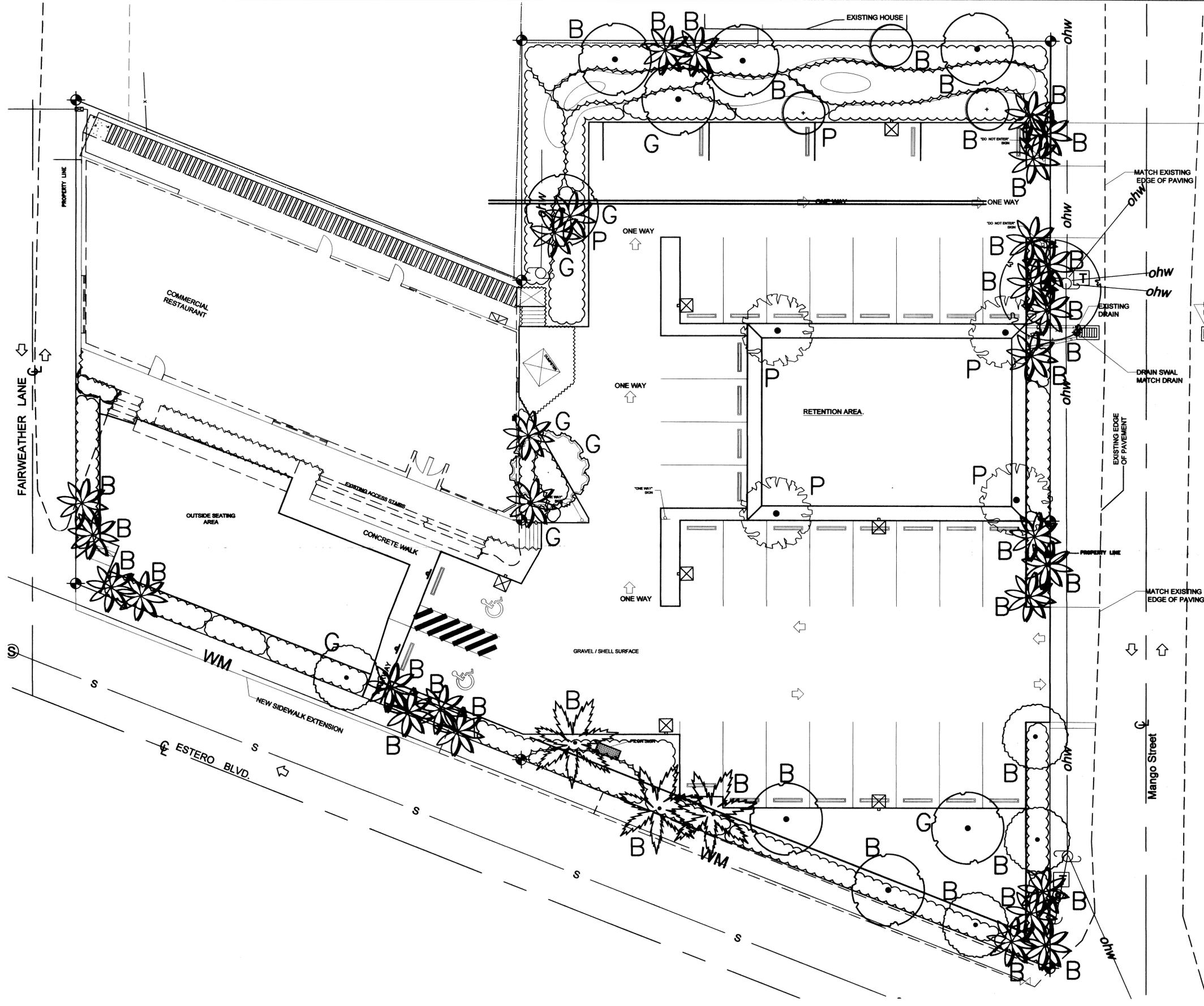
5 TREES PER 100 L.F. REQUIRED (LENGTH- 218 L.F.) (218/100) x 5 - 11 TREES REQUIRED
 11 TREES PROVIDED
 HEDGE 50 SHRUBS PER 100 L.F. REQUIRED (LENGTH - 218 L.F.) (218/100) X 50 - 109 SHRUBS REQUIRED
 109 SHRUBS PROVIDED
 *BUFFER TO BE 5' WIDE

PLANT LEGEND

PALMS		
3	COCONUT PALM	COCOS NUCIFERA 10'-12' CT MIN.
26	SABAL PALM	SABAL PALMETTO 10'-14' CT MIN.

TREES		
5	BLACK OLIVE	BUCIDA MOLINETTI 8'-10' H. MIN.
4	GUMBO LIMBO	BURSERIA SIMARUBA 8'-10' H. MIN.
3	HOLLY	ILEX CASSINE 8'-10' H. MIN.
2	BUTTONWOOD	CONOCARPUS ERECTUS 8'-10' H. MIN.
2	GEIGER	CORDIA SERESTENA 8'-10' H. MIN.
2	SATIN LEAF	CHRYSOPHYLLUM OLIVIFORME 8'-10' H. MIN.
1	STRANGLER FIG	FICUS AUREA 15'-20' H. EX.
1	JACARANDA	JACARANDA MIMOSIFOLIA 8'-10' H. MIN.

SHRUBS / GROUNDCOVERS		
50	MYRSINE	RAPANEA PUNCTATA 3G.
40	COCOPALM	CHRYSOBALANUS ICACO 3G.
40	WAX MYRTLE	MYRTICA CERIFERA 3G.
55	BEAUTY BERRY	CALLICARPA AMERICANA 3G.
30	SEAGRAPE	COCCOLOBA UVIFERA 3G.
30	DWARF FIREBUSH	HAMELIA PATENS 3G.
20	MUHLY GRASS	MUHLBERGIA CAPILLARIS 3G.
20	FAKAHATCHEE GRASS	TRIPSACUM DACTILOIDES 3G.
25	DUNE SUNFLOWER	HELIANTHUS DEBILIS 1G.
20	BLANKET FLOWER	GAILLARDIA PULCHELLA 1G.



R.S. WALSH LANDSCAPING, INC.
 8050 PENZANCE BLVD., FORT MYERS, FLORIDA 33912
 TEL: 239-768-5655
 FAX: 239-768-2970
 WWW.RSWALSH.COM

By Helen J. Hendry, Sr.
 Florida Registered Professional Engineer
 3/7/12

EAGLE EQUITY CAPITAL LLC.
 2301 ESTERO BOULEVARD
 FORT MYERS BEACH, FLORIDA
 LANDSCAPE CONCEPT

REV#	NOTES	DATE
01	PLANT LIST 0' NOTES	3/7/2012

SCALE: 1" = 10'

FILE NAME	LANDSCAPE
ARCHITECTURAL INFORMATION PROVIDED BY:	
COMPANY NAME:	
FILE NAME:	
DATE:	
SITE INFORMATION PROVIDED BY:	
COMPANY NAME:	
FILE NAME:	
DATE:	

EXHIBIT (B)
L.1



EXHIBIT (C)

Memorandum

To: Leslee Chapman, Zoning Coordinator

From: Walter Fluegel, Community Development Director

Date: March 29, 2012

Re: Eagle Equity Capital LLC CPD (DCI2012-001) Traffic Impact Statement Waiver Request

I have reviewed the Planned Development Rezoning submittal requirements, contained in Code Section 34-212, the prior CPD approval for the subject property (as embodied in Resolution 06-30) and the Concurrency Exemptions provided for in Code Section 2-46(a)(2) and determined that pursuant to Sections 34-202 and 34-203, the requirement for a Traffic Impact Statement can be waived at Town Councils' option, subject to the conditions identified below.

FINDINGS

1. The prior CPD Approval (Resolution 06-30) for 5,000 square feet of Restaurant Use states, "A local development order is required prior to any use of the subject property in accordance with this planned development. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order."
2. This request is for 5,859 square feet of Restaurant Use, a net increase of 859 square feet of additional Restaurant square footage over the prior approval, which is due to the increased square footage in outdoor dining area.
3. Town Land Development Code Section 2-46(a)(2) provides a concurrency exemption for, "*Commercial building permits for interior remodeling improvements that are not for the purpose of changing the use of the building and do not increase its floor area.*" Further, subsection (b) provides that "*....the Town Council may evaluate the probable concurrency impacts of such proposed development activities at the earlier stages as one factor in their determination whether or not to approve such activities.*"

Since the building in question was previously occupied as a Dental Office, it could be vested for an amount of trips associated with that type of occupancy. Accordingly, ITE Code 720 specifies a trip generation rate of 3.46 trips per 1,000 square feet for Medical/Dental Offices. ITE Code 931 specifies a trip generation rate of 7.49 trips per 1,000 square feet for Quality Restaurants.

Vested trips based upon prior occupancy:

4,000 sq ft of Medical/Dental Office= **13.84 PM Peak Hour trips**

Projected trips based upon proposed use:

5,859 sq ft of Quality Restaurant= **43.88 PM Peak Hour trips**

Prior approval:

5,000 sq ft of Quality Restaurant= 37.45 PM Peak Hour trips

Projected Increase in trips:

Increase in trips from this request versus Medical/Dental Office=

30.04 PM Peak Hour trips

Increase in trips from this request versus prior approval (Resolution 06-30)=

6.43 PM Peak Hour trips

Section 2-306 of the Land Development Code provides that when change of use, redevelopment, or modification of an existing use requires the issuance of a building permit, impact fees shall be based upon the net increase in the impact fee for the new use as compared to the previous use.

CONDITIONS

Waiver of the Traffic Impact Statement is subject to the following conditions:

1. If Town Council determines that the Traffic Impact Statement can be waived, then the approval should be conditioned upon the following language: "A local development order is required prior to any expansion of the existing restaurant or any use of the second restaurant bay in accordance with this planned development approval. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order, including payment of additional impact fees."
2. Should Town Council determine that the Traffic Impact Statement Waiver is not warranted and the application may place an undue burden on road facilities, based upon the previous findings in this memo, then Town Council should consider the following conditions to mitigate those impacts, including a Traffic Impact Statement:

- a. Require the applicant to amend the Master Concept Plan to reduce the outdoor dining square footage to 1,000 square feet, consistent with the prior approval in Resolution 06-30 and maintain Condition 1, as worded above. And/or;
- b. Require the applicant to provide, for review and approval by Town Council, a Traffic Impact Statement that demonstrates the proposed development meets concurrency. In the event the Traffic Impact Statement demonstrates that the proposed development does not meet concurrency standards, the applicant shall provide a Traffic Impact Mitigation Plan to assess alternative mitigation strategies, including the feasibility of providing, for example, an easement on the subject property for a future trolley stop and shelter. The Traffic Impact Mitigation Plan and any requisite amendments to the Master Concept Plan would then require review by the Local Planning Agency and approval by Town Council to effectuate the rezoning.

STAFF RECOMMENDATION

Staff recommends that Town Council **DENY** the request for waiver of the Traffic Impact Statement and condition the CPD approval as follows:

Require the applicant to provide, for review and approval by Town Council, a Traffic Impact Statement that demonstrates the proposed development meets concurrency. In the event the Traffic Impact Statement demonstrates that the proposed development does not meet concurrency standards, the applicant shall provide a Traffic Impact Mitigation Plan to assess alternative mitigation strategies, including the feasibility of providing, for example, an easement on the subject property for a future trolley stop and shelter. The Traffic Impact Mitigation Plan and any requisite amendments to the Master Concept Plan would then require review by the Local Planning Agency and approval by Town Council to effectuate the rezoning.



WALDROP ENGINEERING

CIVIL ENGINEERING & LAND DEVELOPMENT CONSULTANTS

28100 BONITA GRANDE DR. #305
BONITA SPRINGS, FL 34135
P: 239-405-7777
F: 239-405-7899

January 27, 2012

Ms. Leslee Chapman
Town of Fort Myers Beach
2523 Estero Blvd.
Fort Myers Beach, FL 33931

RE: Eagle Equity Capital Commercial Planned Development (CPD) Amendment

Dear Ms. Chapman,

Enclosed please find one (1) original and thirteen (13) copies of the above referenced application, submitted on behalf of Eagle Equity Capital, LLC (Applicant). The Applicant is requesting approval of a Commercial Planned Development (CPD) Amendment to expand the existing CPD, formerly known as Big John's Board Walk Eatery, which was approved per Resolution No. 06-30.

The purpose of the CPD expansion is to allow for supportive parking for the restaurant uses, in addition to stormwater management, and landscape buffers. Through this CPD, the Applicant is able to reduce the total number of LDC deviations from thirteen (13), which were approved per Resolution No. 06-30, down to ten (10) deviations. These deviations are required to accommodate the infill nature of the site, as well as the existing, non-conforming building, which was constructed in 1961 prior to the implementation of LDC regulations.

Approval of this amendment will relocate the existing parking spaces that back out onto Estero Blvd. to the east side of the existing building. This will serve as a significant improvement to the appearance of the property, and will enhance public health, safety and welfare.

A check in the amount of \$5,500 is enclosed for the review fee. It is understood that the \$3,000 submitted for previous reviews will be credited towards the CPD Amendment fee of \$8,500. An original signed and sealed boundary survey will be submitted to your attention under a separate heading.

Should you require additional information or have any questions, please feel free to contact me directly at (239) 405-7777, or alexisc@waldropengineering.com.

Sincerely,

WALDROP ENGINEERING, P.A.

Alexis V. Crespo, AICP
Principal Planner

Enclosures

cc: Mr. Peter Bell, Eagle Equity Capital, LLC, w/ enclosures

Eagle Equity Capital

Commercial Planned Development Amendment

January 27, 2012

Submitted To:

Community Development Department
Town of Fort Myers Beach
2523 Estero Blvd.
Fort Myers Beach, FL 33931



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Public Hearing Application & Affidavit

Supplement D Application

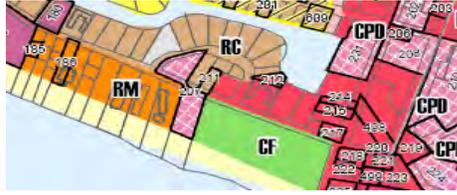
Exhibits

Exhibit 3-1	Waiver
Exhibit 4-1	Disclosure of Interest Form
Exhibit 5-1	Plats
Exhibit 5-2	Boundary Survey
Exhibit 5-3	Aerial Location Map
Exhibit 5-6-8	Variance Report
Exhibit D-1-C	Comprehensive Plan Compliance Narrative
Exhibit D-1-E	Decision-Making Compliance Narrative
Exhibit D-1-F	Schedule of Deviations & Justifications
Exhibit D-2-1	Master Concept Plan
Exhibit D-2-3	Schedule of Uses
Exhibit D-3	Resolution No. 06-30 & Approved Master Concept Plan

*EAGLE EQUITY CAPITAL
COMMERCIAL PLANNED DEVELOPMENT AMENDMENT*

PUBLIC HEARING APPLICATION & AFFIDAVIT

Town of Fort Myers Beach
 Department of Community Development



Zoning Division

Application for Public Hearing

This is the first part of a two-part application. This part requests general information required by the Town of Fort Myers Beach for any request for a public hearing. The second part will address additional information for the specific type of action requested.

Project Name: Eagle Equity Capital, LLC
Authorized Applicant: Alexis V. Crespo, AICP
LeePA STRAP Number(s): 19-46-24-W3-0110D.0010; 19-46-24-W3-0120E.0010; 19-46-24-W3-0120E.0020; and 19-46-24-W3-0120E.0030

Current Property Status: Commercial and Vacant
Current Zoning: CPD; CB; & RM
Future Land Use Map (FLUM) Category: Boulevard & Mixed Residential
*Platted Overlay? <input checked="" type="checkbox"/> yes <input type="checkbox"/> no FLUM Density Range: Max. 6 du/acre

*The portion of the Property fronting along Mango St. is located within the Platted Overlay.

Action Requested	Additional Form Required
<input type="checkbox"/> Special Exception	Form PH-A
<input type="checkbox"/> Variance	Form PH-B
<input type="checkbox"/> Conventional Rezoning	Form PH-C
<input checked="" type="checkbox"/> Planned Development	Form PH-D
<input type="checkbox"/> Master Concept Plan Extension	Form PH-E
<input type="checkbox"/> Appeal of Administrative Action	Form PH-F
<input type="checkbox"/> Development of Regional Impact	Schedule Appointment
<input type="checkbox"/> Other (cite LDC section number: _____)	Attach Explanation

Town of Fort Myers Beach
 Department of Community Development
 2523 Estero Boulevard
 Fort Myers Beach, FL 33931
 (239) 765-0202

PART I – General Information

A. Applicant:

Name(s): Eagle Equity Capital, LLC c/o Peter P. Bell
Address: Street: P.O. Box 508
City: Richmond State: IL Zip Code: 60071
Phone: (847) 815-7255
Fax:
E-mail address: PPBell@HAAadvisors.com

B. Relationship of applicant to property (check appropriate response)

<input checked="" type="checkbox"/> Owner (indicate form of ownership below)
<input type="checkbox"/> Individual (or husband/wife) <input type="checkbox"/> Partnership
<input type="checkbox"/> Land Trust <input type="checkbox"/> Association
<input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Condominium
<input type="checkbox"/> Subdivision <input type="checkbox"/> Timeshare Condo
<input type="checkbox"/> Authorized representative (attach authorization(s) as Exhibit AA-1)
<input type="checkbox"/> Contract Purchaser/vendee (attach authorization(s) as Exhibit AA-2)
<input type="checkbox"/> Town of Fort Myers Beach (Date of Authorization: _____)

C. Agent authorized to receive all correspondence:

Name: Waldrop Engineering, P.A.
Mailing address: Street: 28100 Bonita Grande Dr., Suit 305
City: Bonita Springs State: FL Zip Code: 34135
Contact Person: Alexis V. Crespo, AICP, LEED AP
Phone: (239) 405-7777, ext. 207 Fax: (239) 405-7899
E-mail address: alexisc@waldropengineering.com

D. Other agents:

Name(s):
Mailing address: Street:
City: State: Zip Code:
Phone: Fax:
E-mail address:

Use additional sheets if necessary, and attach to this page.

PART II – Nature of Request

Requested Action (check applicable actions):

<input type="checkbox"/> Special Exception for:
<input type="checkbox"/> Variance for:
<input type="checkbox"/> Conventional Rezoning from _____ to:
<input checked="" type="checkbox"/> Planned Development
<input checked="" type="checkbox"/> Rezoning (or amendment) from CPD, CB & RM to: CPD
<input type="checkbox"/> Extension/reinstatement of Master Concept Plan
<input type="checkbox"/> Public Hearing of DRI
<input type="checkbox"/> No rezoning required
<input type="checkbox"/> Rezoning from _____ to:
<input type="checkbox"/> Appeal of Administrative Action
<input type="checkbox"/> Other (explain):

PART III – Waivers

Waivers from application submittal requirements: Indicate any specific submittal items that have been waived by the Director for the request. Attach copies of the Director’s approval(s) as Exhibit 3-1.

Code Section Number	Describe Item
34-212(6)	Traffic Impact Statement

PART IV – Property Ownership

<input type="checkbox"/> Single owner (individual or husband and wife)
Name:
Address: Street:
City: State: Zip Code:
Phone: Fax:
E-mail Address:

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

From Sky Bridge, proceed southeast along Estero Blvd. approximately 3/4 miles. Turn left into property at 2301 Estero Blvd.

Attach Area Location Map as Exhibit 5-3

G. Property Restrictions (check applicable):

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

Restrictions and/or covenants are attached as Exhibit 5-4

A narrative statement explaining how the deed restrictions and/or covenants may affect the request is attached as Exhibit 5-5.

H. Surrounding property owners:

Attach list of surrounding property owners (within 500 feet) as Exhibit 5-6

Attach two sets of mailing labels as Exhibit 5-7

Attach a map showing the surrounding property owners as Exhibit 5-8

I. Future Land Use Category: (see Comprehensive Plan Future Land Use Map)

Low Density Marina

Mixed Residential Recreation

Boulevard Wetlands

Pedestrian Commercial Tidal Water

Is the property located within the "Platted Overlay" area on the Future Land Use Map? Yes No (Only the portion of the Property fronting along Mango St.)

J. Zoning: (see official zoning map, as updated by subsequent actions)

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 Dev.)

CF (Community Facilities) CPD (Commercial Planned Dev.)

CR (Commercial Resort) EC (Environmentally Critical)

BB (Bay Beach)

PART VI – Affidavit

**Application Signed by a Corporation, Limited Liability Company (LLC),
Limited Company (LC), Partnership, Limited Partnership, or Trustee**

See attached explanatory notes for instructions

I, Peter Bell, as Managing Member
of Eagle Equity Capital, LLC, swear or affirm under oath, that I am
the owner or the authorized representative of the owner(s) of the property and
that:

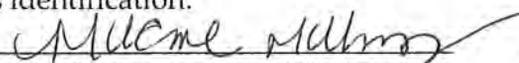
1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data, or other supplemental matter attached hereto and made a part of this application are honest and true;
3. I hereby authorize Town staff or their designee(s) to enter upon the property during normal working hours (including Saturdays and Sundays) for purposes reasonably related to the subject matter of this application; and
4. The property will not be transferred, conveyed, sold, or subdivided unencumbered by the conditions and restrictions imposed by the approved action

Eagle Equity Capital, LLC
Name of Entity (corporation, LLC, partnership, etc)
Managing Member
Title of Signatory

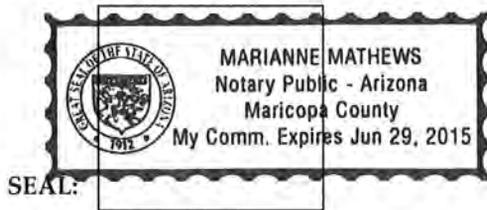

Signature
Peter Bell
Typed or Printed Name

State of Arizona
County of Maricopa

The foregoing instrument was sworn to (or affirmed) and subscribed
before me this 1-18-2012 by Peter Bell
Date Name of person under oath or affirmation
who is personally known to me or who has produced AZ. Pr. Lic.
Type of identification

as identification.

Signature of person administering oath

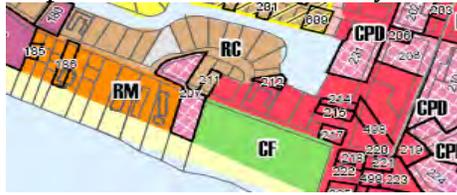
Marianne Mathews
Typed or Printed Name



*EAGLE EQUITY CAPITAL
COMMERCIAL PLANNED DEVELOPMENT AMENDMENT*

SUPPLEMENT D APPLICATION

Town of Fort Myers Beach
 Department of Community Development



Zoning Division

Supplement PH-D

**Additional Required Information for a
 Planned Development Application**

This is the second part of a two-part application. This part requests specific information for a planned development rezoning or an amendment to an approved planned development. Include this form with the Request for Public Hearing form.

Project Name: Eagle Equity Capital CPD Amendment
Authorized Applicant: Waldrop Engineering, P.A. c/o Alexis V. Crespo, AICP
LeePA STRAP Number(s): 19-46-24-W3-0110D.0010; 19-46-24-W3-0120E.0010 19-46-24-W3-0120E.0020; and 19-46-24-W3-0120E.0030

Current Property Status: Commercial and Vacant
Current Zoning: CPD, CB and RM
Future Land Use Map (FLUM) Category: Boulevard & Mixed Residential
* Platted Overlay? <input checked="" type="checkbox"/> yes <input type="checkbox"/> no FLUM Density Range: 6 du/acre max.

*Only the portion of the Property fronting on Mango St. is located in the Platted Overlay.

Requested Action:

<input type="checkbox"/> DRI (with rezoning)
<input checked="" type="checkbox"/> Planned Development (also check below)
<input checked="" type="checkbox"/> Rezoning from: CPD, CB, RM to: CPD
<input checked="" type="checkbox"/> Amendment to Master Concept Plan/attendant documentation

G. Administrative amendments to approved Master Concept Plan

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

The proposed amendments to the MCP approved per Resolution No. 06-30 include the addition of acreage to the overall CPD and addition of a crushed shell parking area to support the approved restaurant uses. Additionally, the Applicant is seeking approval of an outdoor seating area in place of the existing parking area and additional deviations from the LDC to support the proposed infill development. When combined, these changes to the MCP require Town Council approval via the public hearing process.

PART 2
Submittal Requirements

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

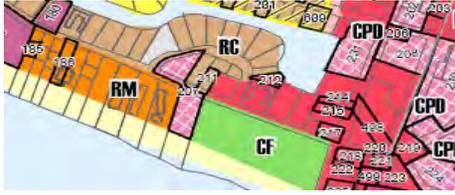
Required Items

- Public Hearing Request Form
- Supplement Form PH-D
- Master Concept Plan
- Traffic Impact Statement
- Architectural Elevations
- Schedule of Uses

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

**EXHIBIT 3-1:
TIS WAIVER**

Town of Fort Myers Beach
Department of Community Development



Zoning Division

Application for Waiver of Submittal Requirements

Submit a request for waiver of submittal requirements prior to submitting an application for public hearing or administrative action. Requesting a waiver of submittal requirements simultaneously with an application may delay your application. The request and the director's response will become part of the application file.

Waiver is requested for items required for:

Public Hearing

- General Requirements
- DRI
- Planned Development
- Conventional Rezoning
- Special Exception
- Variance
- Appeal
- Other

Administrative Action

- General Requirements
- Planned Dev. Amendment
- Commercial Antenna
- Consumption on Premises
- Forced Relocation of a Business
- Interpretation of LDC
- Minimum Use Determination
- Setback Variance
- Other

Name of Project: Eagle Equity Capital CPD (FKA Big John's Boardwalk Eatery)
Applicant: Alexis Crespo, AICP c/o Waldrop Engineering, P.A. on behalf of Eagle Equity Capital, LLC
LeePA STRAP Number(s): See Exhibit "A" Attached.
Street address: 2301 & 2311 Estero Blvd., 111 & 121 Mango St., Fort Myers Beach, 33931
Phone Number: (239) 405-7777 E-mail: alexisc@waldropengineering.com

Specific requirements from which waiver is sought

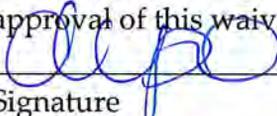
Section Number	Requirement
34-212(6)	Traffic Impact Statement

Scope of project and reasons for request

Explain the nature of the project and give reasons why you think specific requirements are inapplicable or otherwise should be waived.

The proposed CPD Amendment will allow for the addition of parking area and water management to support the restaurant uses approved per Resolution No. 06-30.
The Applicant is not seeking additional intensity or density as part of this application. Therefore, approval of this petition will not generate additional trips along Estero Blvd. or surrounding roadways and a waiver from the requirement to provide a Traffic Impact Statement is respectfully requested.

I hereby state that the information provided above is accurate to the best of my knowledge. I recognize that if my project changes from what is described above approval of this waiver request may no longer be valid.

 _____ Date 1-24-12

Director's Decision Approved Denied

Comments:

Signature

Date

**EXHIBIT 4-1:
DISCLOSURE OF INTEREST
FORM**

**EXHIBIT 4-1
 DISCLOSURE OF INTEREST FORM**

STRAP# See attached

Attach additional sheets in the same format for each separate STRAP number in the application if multiple parcels with differing ownership are included.

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

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
Eagle Equity Capital, LLC	
Peter Bell, Managing Member	100%
6219 Broadway Street	
Richmond, IL 60071	

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

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

Name and Address	Percentage

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

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

Name, Address, and Office (if applicable)	Percentage

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

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 must be filed.

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

Signature



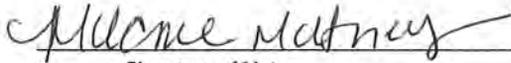
Applicant

Peter Bell

Printed or typed name of applicant

STATE OF Arizona
COUNTY OF Maricopa

The foregoing instrument was acknowledged before me this 18th day of Jan, 2012 by Peter Bell, who is personally known to me or who has produced AZ. Dr. Lic as identification and who did (or did not) take an oath.

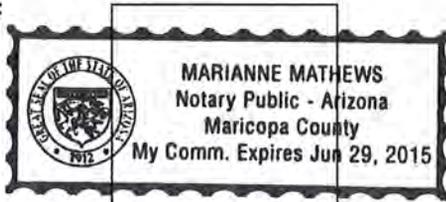


Signature of Notary

Marianne Mathews

Typed or Printed Name of Notary

SEAL:



**EXHIBIT 5-1:
BEACH ESTATES &
SEAGRAPE PLATS**

BEACH ESTATES.

A RE SUBDIVISION OF
LOT 23 OF T.P. HILLS SUBDIVISION SEC. 19
LOT 24
TWP. 46 R. 24E.

CERTIFICATE OF OWNERSHIP
This is to certify that the undersigned are owners of the land herein described and have caused said land to be subdivided into lots, blocks, streets and alleys as shown; and we hereby dedicate said streets and alleys to the use of the public forever.

SCALE 1"=100'

JOHN A. MYLER
CIVIL ENGINEER
FORT MYERS, FLA.

AUGUST 1925.

CERTIFICATE OF SURVEY.
We the undersigned hereby certify that the plat as shown is a correct representation of the land platted permanent reference monuments have been placed as shown

J. Myler
John A. Myler
Civil Engineer
Ft. Myers, Fla.
CERTIFICATE 387
F.S.B. 42-21

Witnesses *E. E. Sweeney* signed _____
_____ *UNMARRIED Man*

STATE OF FLORIDA
COUNTY OF LEE
I hereby certify that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, _____ to me well known to be the persons described in and who executed the foregoing certificate of ownership and he acknowledged before me that he executed the same freely and voluntarily for the purpose therein described.

Witness my hand and official seal at
Fort Myers, County of Lee, State of Florida.
this _____ day of _____ AD 1925

Notary Public
my commission expires _____

STATE OF FLORIDA
COUNTY OF LEE
I the undersigned authority do hereby certify unto whom it concerns, that _____ to me well known as the wife of _____ and as one of the persons described in, and who executed the foregoing certificate of ownership, did this day to me, on a separate and private examination before me taken and made separately and apart from her said husband, acknowledge and declare that she made herself a party to and executed the same for the purpose of renouncing and relinquishing her dower and rights of dower and conveying her separate estate in and to the lands in said conveyance described and granted, and that she did so freely and voluntarily and without constraint, apprehension, fear, or compulsion of or from her said husband.
Witness my hand and seal at
this the _____ day of _____ AD 1925.

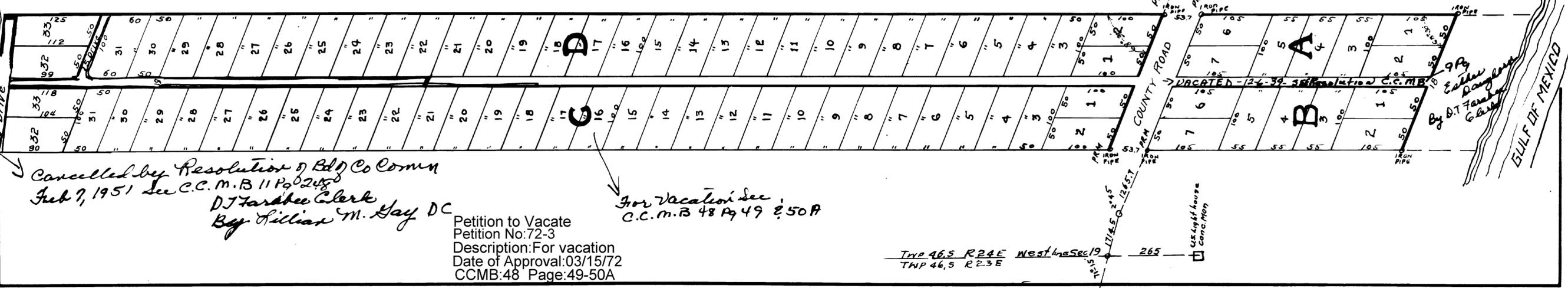
Notary Public
My Commission expires _____

Accepted and Approved by Lee County Commissioners.
this the 17th day of October AD 1925

Chairman

Clerk
N

No. 41063
FILED IN THE OFFICE OF THE
Clerk of the Circuit Court,
Lee County, Florida
on this 17th day of Oct
1925
by *John A. Myler*
Notary Public



Petition to Vacate
Description: For name change
Avocado Ave to Chapel St
Date for Approval: 05/21/52
CCMB:11 Page:429

SEAGRAPE

Being a Subdivision of Lots 25-26-27
28 and the West 120 Feet of Lots 29 and 30
of T.F.Hill's Subdivision of Gov't. Lots 2-3
and 4 in Section 19 Tp. 46 S.-R. 24 E.

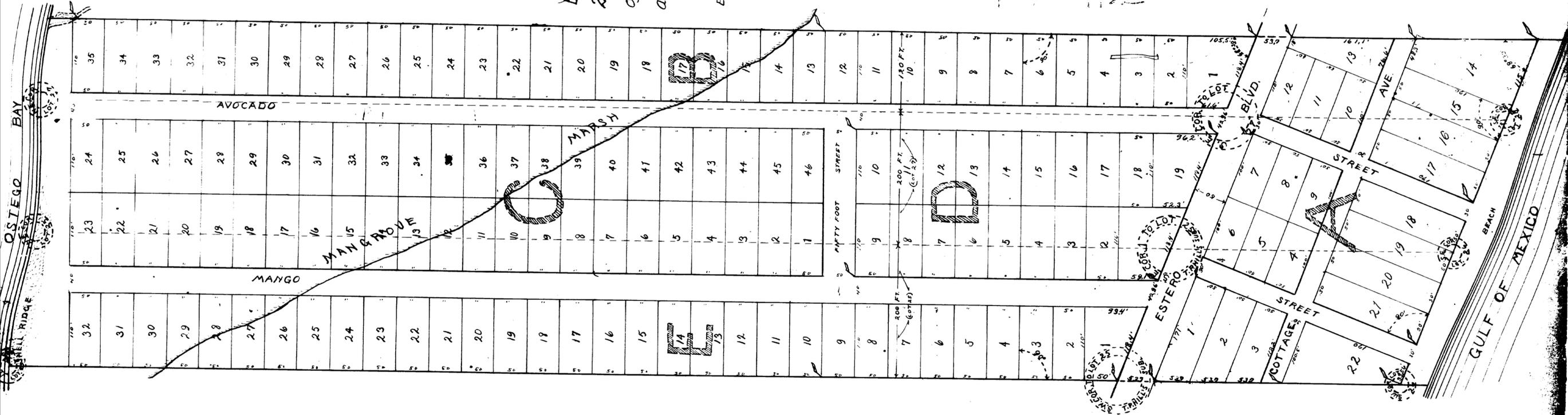
Estero Island

E.E. DANKOHLER AND G.S. FICKLAND, OWNERS

2 1/4" IRON PIPE SHOWN - F

Vacation between
Block C & D. See
C.C.M.B 151 Pg 43

Petition to Vacate
Petition No: 84-13
Description: Vacation btwn Block C&D
Date of Approval: 10/24/84
CCMB:151 Page:43



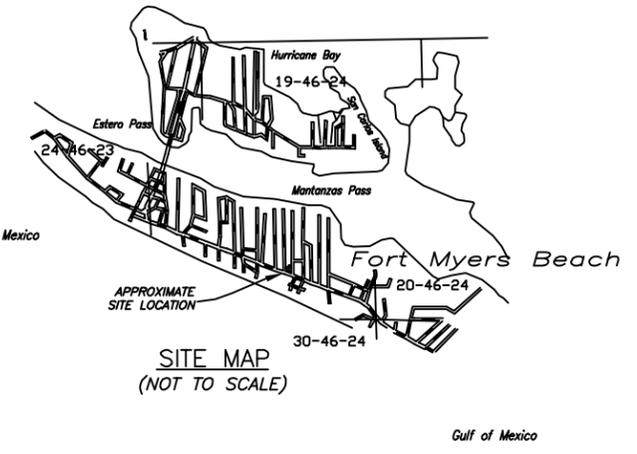
SCALE
1 in. = 100 ft.

SUBDIVIDED
JUNE 1919
BY
H.K. DAVIDSON, ENG.

22nd
 4
 J. Davidson
 1919

**EXHIBIT 5-2:
BOUNDARY SURVEY**

ALTA/ACSM Land Title Survey of:
2301 & 2311 Estero Boulevard
(Lots 1&2, Block D, Beach Estates)
111 & 121 Mango Street
(Lots 1,2 &3, Block E, Sea Grape)
Fort Myers Beach
(Plat Book 6, Page 68) Estero Blvd.
(Plat Book 4, Page 17) Mango St.
Section 19, Township 46 South, Range 24 East
Town of Fort Myers Beach, Lee County, Florida



Legal Descriptions per Title Commitment Schedule A:

Parcel 1

Lots 1, 2 and 3, Block E, of that certain subdivision known as SEAGRAPE according to the map or plat thereof on file and recorded in the office of the clerk of the circuit court in Plat Book 4, Page 17, Public Records of Lee County, Florida.

Parcel 2

Lots 1 and 2, Block D, BEACH ESTATES, according to the map or plat thereof on file and recorded in the Public Records of Lee County, Florida, in Plat Book 6 at page 68.

SURVEY NOTES:

- MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
- SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
- UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
- REPRODUCTIONS OF THIS DRAWING ARE VOID UNLESS SEALED WITH SIGNERS EMBOSSED SURVEYOR'S SEAL.
- THIS PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD AREA ON THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE RATE MAPS.
 NATIONAL FLOOD INSURANCE INFORMATION:
 COMMUNITY NUMBER 120 673
 PANEL NUMBER 0554
 SUFFIX F
 EFFECTIVE DATE 08/28/2008
 FIRM ZONE AE
 BASE FLOOD ELEVATION +13' NAVD 88
- BEARINGS ARE BASED ON THE EAST LINE OF LOT 2, BLOCK D, BEACH ESTATES, AS MONUMENTED IN THE FIELD, BEING NORTH.
- DATE OF LAST FIELD WORK : 1/19/2011
- THIS BOUNDARY SURVEY WAS COMPLETED WITH REFERENCE TO TITLE COMMITMENT NO. FA-C-471112, PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY, DATED JANUARY 19, 2011 AT 8:00 a.m.
- ADDITIONS TO OR DELETIONS FROM SURVEY OR REPORTS BY OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2011, ANDREW D. JOHNSON, PSM, ALL RIGHTS RESERVED. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF ANDREW D. JOHNSON, PSM.
- THIS SURVEY WAS PREPARED ONLY FOR THE CLIENTS AS NAMED HEREON AND NO THIRD OR OTHER PARTY CERTIFICATION IS EXPRESSED OR IMPLIED.

ABBREVIATIONS:

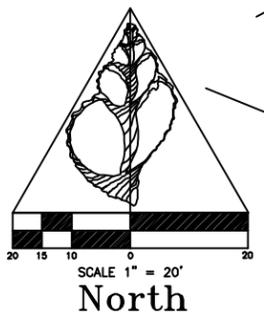
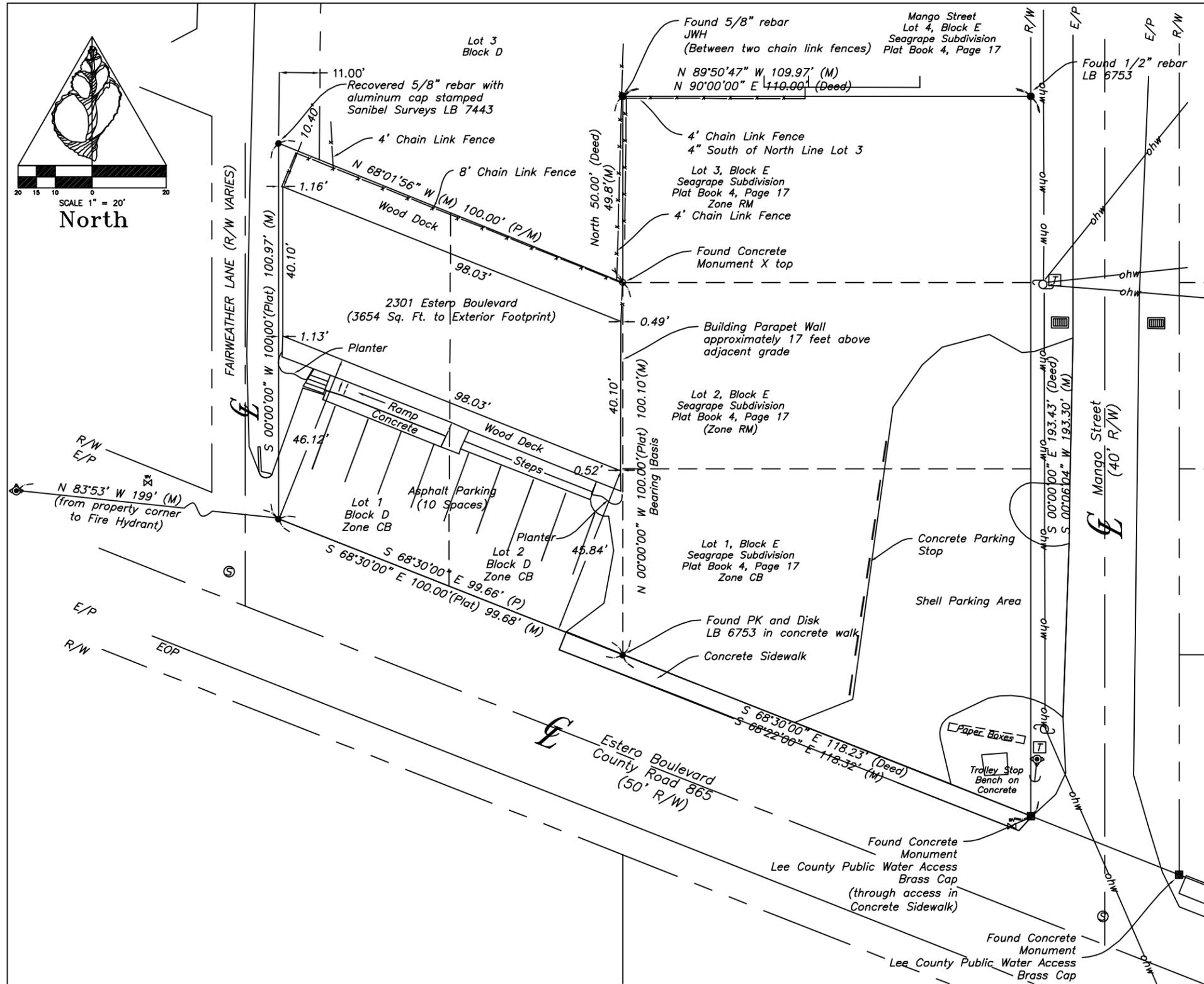
- D = PER DEED
- P = PER PLAT
- M = AS MEASURED
- E/P = EDGE OF PAVEMENT
- A/C = AIR CONDITIONER
- OHW = OVERHEAD WIRES
- UE = UTILITY EASEMENT
- PUE = PUBLIC UTILITY EASEMENT
- DE = DRAINAGE EASEMENT
- R/W = RIGHT-OF-WAY
- C = CENTERLINE
- OR = OFFICIAL RECORDS BOOK
- PG = PAGE
- CONC = CONCRETE

SYMBOL KEY:

- = MONUMENT AS NOTED
- = CONCRETE MONUMENT
- △ = NAIL AND DISK
- WM = WATER METER
- WV = WATER VALVE
- ⊙ = FIRE HYDRANT
- ⊞ = CATCH BASIN
- = CONCRETE POWER POLE
- ⊞ = WOOD POWER POLE
- ⊞ = GUY ANCHOR
- ⊙ = LAMP
- ⊙ = STORM SEWER MANHOLE
- ⊙ = SANITARY SEWER MANHOLE
- ⊙ = SEWER CLEAN OUT
- ⊞ = TELEPHONE PEDESTAL
- ⊞ = CABLE TELEVISION PEDESTAL
- ⊙ = 240 VOLT ELECTRIC SERVICE
- ⊙ = BENCHMARK

SANIBEL SURVEYS
 2410 Palm Ridge Road
 Sanibel Florida 33957
 472-0095
 sanibelsurveys@gmail.com
 Licensed Business No. 7443
 JOB #05236 ALTA

Valid only with embossed seal



To:
 Eagle Equity Capital LLC
 First American Title Insurance Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA and NSPS in 2005, and includes items 1, 2, 3, 4, 7(a), 7(b)(2), 7(c), 10 and 11(a) of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS, and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of Florida, the Relative Positional Accuracy of this survey does not exceed that which is specified therein.

Date: _____ Signed: _____
 PSM Registration No. 6256

**EXHIBIT 5-3:
AERIAL LOCATION MAP**



PROJECT LOCATION



**WALDROP
ENGINEERING**

CIVIL ENGINEERING & LAND
DEVELOPMENT CONSULTANTS

28100 BONITA GRANDE DRIVE - SUITE 305
BONITA SPRINGS, FL 34135
P: 239-405-7777 F: 239-405-7899
EMAIL: info@waldropengineering.com

FLORIDA CERTIFICATE OF AUTHORIZATION #8636

EXHIBIT V-3

AERIAL
LOCATION MAP

PREPARED FOR:

EAGLE EQUITY
CAPITAL LLC

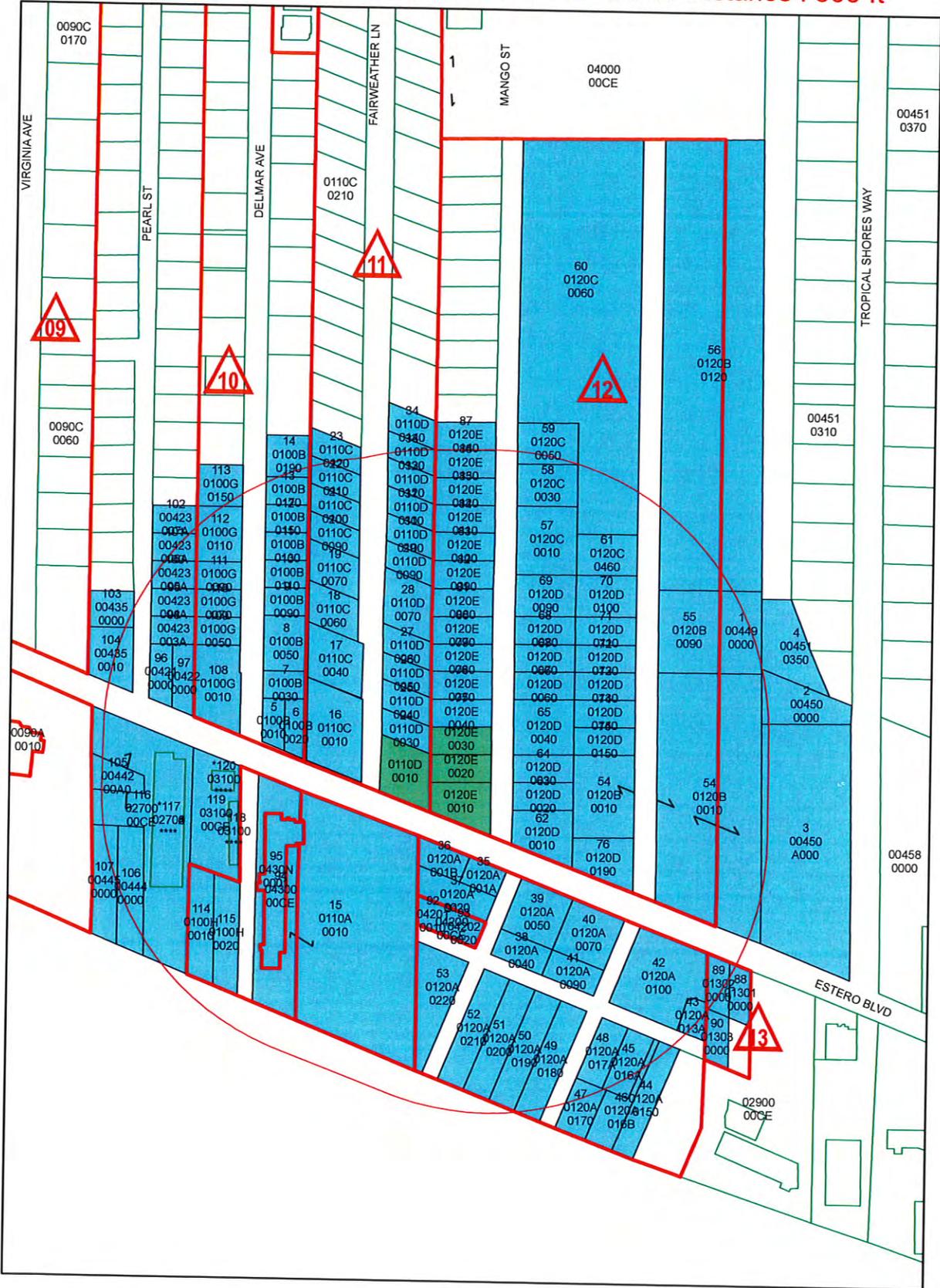
FILE NAME: 28301E0101.dwg
UPDATED: 2012-01-24

**EXHIBIT 5-6-8:
VARIANCE REPORT &
MAILING LABELS**

VARIANCE REPORT

1/19/2012

Subject Parcels : 4 Affected Parcels : 161 Buffer Distance : 500 ft



19-46-24-W3-0110D.0010 et al.





Lee County Property Appraiser

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

Phone: (239) 533-6159 • Fax: (239) 533-6139 • eMail: MapRoom@LeePA.org

VARIANCE REPORT

Date of Report: January 19, 2012
Buffer Distance: 500 ft
Parcels Affected: 161
Subject Parcel: 19-46-24-W3-0110D.0010, 19-46-24-W3-0120E.0010,
 19-46-24-W3-0120E.0020, 19-46-24-W3-0120E.0030

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
HURT GEORGE CRALLE JR 9994 RADCLIFF RD NW ALBUQUERQUE NM 87114	19-46-24-W3-00449.0000 ACCESS UNDETERMINED FORT MYERS BEACH FL 33931	HILLS T P SUBD OR 577 P 258 PB 3 PG 84 LESS N 793 FT	1
HURT GEORGE CRALLE JR 9994 RADCLIFFE RD NW ALBUQUERQUE NM 87114	19-46-24-W3-00450.0000 99 TROPICAL SHORES WAY FORT MYERS BEACH FL 33931	HILLS T.P.SUBD. OR 355 P 98 PB 3 PG 84	2
FIRST STATES INVESTORS 5200 CORE LOGIC PO BOX 961025 FORT WORTH TX 761610025	19-46-24-W3-00450.A000 2523 ESTERO BLVD #25 FORT MYERS BEACH FL 33931	HILLS T.P.SUBD. PB 3 PG 84 BEG AT SW COR LOT 31 TH N	3
HURT GEORGE CRALLE JR 9994 RADCLIFFE RD NW ALBUQUERQUE NM 87114	19-46-24-W3-00451.0350 101 TROPICAL SHORES WAY FORT MYERS BEACH FL 33931	HILLS T.P.SUBD. PB 3 PG 84 LOT PT 31	4
VONPLINSKY MICHAEL 48 FAIRVIEW BLVD FORT MYERS BEACH FL 33931	19-46-24-W3-0100B.0010 2201 ESTERO BLVD FORT MYERS BEACH FL 33931	WATSONS W.W.SUBD. BLK.B PB 5 PG 67 LOT 1	5
VONPLINSKY MICHAEL 48 FAIRVIEW BLVD FORT MYERS BEACH FL 33931	19-46-24-W3-0100B.0020 2205 ESTERO BLVD FORT MYERS BEACH FL 33931	WATSON W.W.SUBD. BLK.B PB 5 PG 67 LOT 2	6
VONPLINSKY MICHAEL 136 TROPICAL SHORES WAY FORT MYERS BEACH FL 33931	19-46-24-W3-0100B.0030 116 DELMAR AVE FORT MYERS BEACH FL 33931	WATSONS W.W.SUBD. BLK.B PB 5 PG 67 LOTS 3 + 4	7
BROWN LENNDA JOE TR 16210 LARSEN AVE GOWEN MI 49326	19-46-24-W3-0100B.0050 126 DELMAR AVE FORT MYERS BEACH FL 33931	WATSONS W W SUBD BLK B PB 5 PG 67 LOTS 5 THRU 8 INCL	8
LEIGH MARK H + 424 COUNTY RD 650 N SPARLAND IL 61565	19-46-24-W3-0100B.0090 128 DELMAR AVE FORT MYERS BEACH FL 33931	WATSONS W.W.SUBD. BLK.B PB 5 PG 67 LOTS 9 + 10	9
J CANE INVESTMENTS LLC 1016 SE 4TH ST BELLE GLADE FL 33430	19-46-24-W3-0100B.0110 130/132 DELMAR AVE FORT MYERS BEACH FL 33931	WATSONS W.W.SUBD. BLK.B PB 5 PG 67 LOTS 11 + 12	10
PEREZ WILLIAM + MARIA D 16 NW 39TH AVE CAPE CORAL FL 33993	19-46-24-W3-0100B.0130 136 DELMAR AVE FORT MYERS BEACH FL 33931	WATSONS W. W. SUBD BLK B PB 5 PG 67 LOTS 13 + 14	11
F-MAR INVESTMENTS LLC 1016 SE 4TH ST BELLE GLADE FL 33430	19-46-24-W3-0100B.0150 138/140 DELMAR AVE FORT MYERS BEACH FL 33931	WATSONS W. W. SUBD BLK B PB 5 PG 67 LOTS 15 + 16	12
WINCHESTER JAY + BARBARA A 146 DELMAR AVE FORT MYERS BEACH FL 33931	19-46-24-W3-0100B.0170 146 DELMAR AVE FORT MYERS BEACH FL 33931	WATSONS W W SUBD BLK B PB 5 PG 67 LOTS 17 + 18	13
ALEXANDER JAMES M TR 18 RIVERVIEW RD MONMOUTH BEACH NJ 07750	19-46-24-W3-0100B.0190 150 DELMAR AVE FORT MYERS BEACH FL 33931	WATSONS W W SUBD BLK B PB 5 PG 67 LOTS 19 THRU 21	14

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
BLUE VISTA CAPITAL LLC PO BOX 508 RICHMOND IL 60071	19-46-24-W3-0110A.0010 2316/2320 ESTERO BLVD FORT MYERS BEACH FL 33931	BEACH ESTS PB6 PG68 BLKA+B +ALLEY + WATSON WW SUB BLKA PB5 PG67 LTS 1THRU10 LESS CONDO INST#2007000193360	15
B + B CASH GROCERY STORES INC PO BOX 1808 #78 TAMPA FL 33601	19-46-24-W3-0110C.0010 2211 ESTERO BLVD FORT MYERS BEACH FL 33931	BEACH ESTATES BLK.C PB 6 PG 68 LOTS 1 2 3	16
BEJUNE EDWARD W + MARJORIE C 164 MIRAMAR ST FORT MYERS BEACH FL 33931	19-46-24-W3-0110C.0040 113/115 FAIRWEATHER LN FORT MYERS BEACH FL 33931	BEACH ESTATES BLK.C PB 6 PG 68 LOTS 4 + 5	17
BEJUNE EDWARD + MARJORIE 164 MIRAMAR ST FORT MYERS BEACH FL 33931	19-46-24-W3-0110C.0060 127/129 FAIRWEATHER LN FORT MYERS BEACH FL 33931	BEACH ESTATES BLK.C PB 6 PG 68 LOT 6 + SLY 1/2 OF LOT 7 LESS ELY 11 FT	18
DEWESE BRUCE R + 14685 WESTON RD WESTON OH 43569	19-46-24-W3-0110C.0070 131 FAIRWEATHER LN FORT MYERS BEACH FL 33931	BEACH ESTATES BLK C PB 6 PG 68 LOT 8 + N 1/2 LOT 7 LESS ELY 11 FT	19
ZIEMBA WALTER J JR + SYLVANA A 1256 HANTON AVE FORT MYERS FL 33901	19-46-24-W3-0110C.0090 203/205 FAIRWEATHER LN FORT MYERS BEACH FL 33931	BEACH ESTATES BLK.C PB 6 PG 68 LOT 9 LESS ELY 11 FT	20
RUSCH JOHN H + SUSAN N 5429 POPLAR RD SHAWANO WI 54166	19-46-24-W3-0110C.0100 209 FAIRWEATHER LN FORT MYERS BEACH FL 33931	BEACH ESTATES BLK.C PB 6 PG 68 LOT 10 LESS ELY 11 FT	21
TUCKER H THOMAS + KAY E 11 EVERGREENS DR BROOKFIELD CT 06804	19-46-24-W3-0110C.0110 211 FAIRWEATHER LN FORT MYERS BEACH FL 33931	BEACH ESTATES BLK C PB 6 PG 68 LOT 11 LESS ELY 11 FT	22
TUCKER HARRY T JR 11 EVERGREENS DR BROOKFIELD CT 06804	19-46-24-W3-0110C.0120 213 FAIRWEATHER LN FORT MYERS BEACH FL 33931	BEACH ESTATES BLK.C PB 6 PG 68 PT.LOT 12 LESS ELY 11 FT	23
DYE GARY A 1/2 INT + S53 W31115 OLD VILLAGE RD MUKWONAGO WI 53149	19-46-24-W3-0110D.0030 110 FAIRWEATHER LN FORT MYERS BEACH FL 33931	BEACH ESTATES BLK.D PB 6 PG 68 LOT 3 LESS WLY 11 FT	24
BEHRENS EDITA + KLOVENSTEENWEG 117 B 22559 HAMBURG GERMANY	19-46-24-W3-0110D.0040 118 FAIRWEATHER LN FORT MYERS BEACH FL 33931	BEACH ESTATES BLK D PB 6 PG 68 LOT 4 LESS WLY 11 FT	25
OCONNELL MAURICE D 3071 SHELLMOND BLVD FORT MYERS BEACH FL 33931	19-46-24-W3-0110D.0050 120-124 FAIRWEATHER LN FORT MYERS BEACH FL 33931	BEACH ESTATES BLK.D PB 6 PG 68 LOT 5 LESS WLY 11 FT	26
GINGRAS EDWARD PO BOX 1525 AVON CO 81620	19-46-24-W3-0110D.0060 126 FAIRWEATHER LN FORT MYERS BEACH FL 33931	BEACH ESTATES BLK.D PB 6 PG 68 LOT 6 LESS WLY 11 FT	27
FIGGINS CATHERINE D 134 FAIRWEATHER LN FORT MYERS BEACH FL 33931	19-46-24-W3-0110D.0070 134 FAIRWEATHER LN FORT MYERS BEACH FL 33931	BEACH ESTATES BLK.D PB 6 PG 68 LOTS 7 + 8 LESS WLY 11 FT	28
BARUZZA ALDO + MARIA 38 GRAYS RD STONE CREEK ON L&G 2X5 CANADA	19-46-24-W3-0110D.0090 202 FAIRWEATHER LN FORT MYERS BEACH FL 33931	BEACH ESTATES BLK D PB 6 PG 68 LOT 9 LESS WLY 11 FT	29
CHITTENDEN DALE R + JOANN 15925 138TH AVE SPRING LAKE MI 49456	19-46-24-W3-0110D.0100 206/208 FAIRWEATHER LN FORT MYERS BEACH FL 33931	BEACH ESTATES BLK D PB 6 PG 68 LOT 10 LESS WLY 11 FT	30
LOPEZ RALPH J + LORRAINE M 9 SMALLEYS CT NEWARK DE 19702	19-46-24-W3-0110D.0110 210 FAIRWEATHER LN FORT MYERS BEACH FL 33931	BEACH ESTATES BLK D PB 6 PG 68 LOT 11 LESS WLY 11 FT	31
NODA LUIS SR + MARCELINA 1920 BELL LN WEST PALM BEACH FL 33406	19-46-24-W3-0110D.0120 214 FAIRWEATHER LN FORT MYERS BEACH FL 33931	BEACH ESTATES BLK.D PB 6 PG 68 LOT 12 LESS WLY 11 FT	32
DORBAD PATRICK J + DEBORAH C 495 ECHO CIR MARCO ISLAND FL 34145	19-46-24-W3-0110D.0130 216 FAIRWEATHER LN FORT MYERS BEACH FL 33931	BEACH ESTATES BLK D PB 6 PG 68 LOT 13 LESS WLY 11 FT	33

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
HILL CARRIE 218/220 FAIRWEATHER LN FORT MYERS BEACH FL 33931	19-46-24-W3-0110D.0140 218/220 FAIRWEATHER LN FORT MYERS BEACH FL 33931	BEACH ESTATES BLK D PB 6 PG 68 LOT 14 LESS WLY 11 FT	34
STEFL DONALD W + PO BOX 2301 FORT MYERS BEACH FL 33932	19-46-24-W3-0120A.001A 2370 ESTERO BLVD FORT MYERS BEACH FL 33931	SEAGRAPE SUBD BLK A PB 4 PG 17 ELY 71 FT LOT 1	35
BRIDGENORTH PROPERTIES LLC PO BOX 1 FORT MYERS BEACH FL 33931	19-46-24-W3-0120A.001B 2330 ESTERO BLVD FORT MYERS BEACH FL 33931	SEAGRAPE SUBD. BLK A PB 4 PG 17 LOT 1 LESS ESTLRY 71 FT	36
PAOLERCIO WILLIAM 81 MANGO ST FORT MYERS BEACH FL 33931	19-46-24-W3-0120A.0020 81 MANGO ST FORT MYERS BEACH FL 33931	SEAGRAPE SUBD. BLK.A PB 4 PG 17 LOT 2	37
HUSSEY DEBORAH ANN TR 11230 MARBLEHEAD MANOR CT FORT MYERS FL 33908	19-46-24-W3-0120A.0040 70 MANGO ST FORT MYERS BEACH FL 33931	SEAGRAPE SUBD BLK A PB 4 PG 17 LOT 4	38
HUSSEY DEBORAH ANN TR 11230 MARBLEHEAD MANOR CT FORT MYERS FL 33908	19-46-24-W3-0120A.0050 2440 ESTERO BLVD FORT MYERS BEACH FL 33931	SEAGRAPE SUBD BLK A PB 4 PG 17 LOTS 5 + 6	39
HUSSEY DEBORAH ANN TR 11230 MARBLEHEAD MANOR CT FORT MYERS FL 33908	19-46-24-W3-0120A.0070 2450 ESTERO BLVD FORT MYERS BEACH FL 33931	SEAGRAPE SUBD BLK A PB 4 PG 17 LOTS 7 + 8	40
HUSSEY DEBORAH ANN TR 11230 MARBLEHEAD MANOR CT FORT MYERS FL 33908	19-46-24-W3-0120A.0090 71 CHAPEL ST FORT MYERS BEACH FL 33931	SEAGRAPE SUBD BLK A PB 4 PG 17 LOT 9	41
2500 ESTERO BLVD LLC 2512 SW 30TH AVE HALLANDALE FL 33009	19-46-24-W3-0120A.0100 2500 ESTERO BLVD FORT MYERS BEACH FL 33931	SEAGRAPE SUBD BLK A PB 4 PG 17 LTS 10 11 + 12 + PT 13	42
SAND CASTLE COTTAGES LLC 6541 WINKLER RD FORT MYERS FL 33919	19-46-24-W3-0120A.013A 2543 COTTAGE AVE FORT MYERS BEACH FL 33931	SEAGRAPE SUBD BLK A PB 4 PG 17 PT LOT 13 DESC IN OR 1759 PG 0091	43
NATIONAL CITY BANK OF PHILLIP A TERRY MONARCH BEVERAGE CO 9347 E PENDLETON PIKE INDIANAPOLIS IN 46236	19-46-24-W3-0120A.0150 2548 COTTAGE AVE FORT MYERS BEACH FL 33931	SEAGRAPE SUBD BLK A PB 4 PG 17 E 40 FT LOT 15	44
VANOYEN NANCY L TR 2522 COTTAGE AVE FORT MYERS BEACH FL 33931	19-46-24-W3-0120A.016A 2520 COTTAGE AVE FORT MYERS BEACH FL 33931	SEAGRAPE SUBD BLK A PB 4 PG 17 NLY 70 FT LOT 16	45
VANOYEN NANCY L TR 2522 COTTAGE AVE FORT MYERS BEACH FL 33931	19-46-24-W3-0120A.016B 2522 COTTAGE AVE FORT MYERS BEACH FL 33931	SEAGRAPE SUBD BLK A PB 4 PG 17 PT LOTS 16 + 15	46
TEZAK WAYNE P + HELEN C TR 50 CHAPEL ST #4 FORT MYERS BEACH FL 33931	19-46-24-W3-0120A.0170 50 CHAPEL ST FORT MYERS BEACH FL 33931	SEAGRAPE SUBD. BLK.A PB 4 PG 17 LOT 17 S 100 FT + LT 16 W 7.75 FT	47
GOLDBERG GENNIE M TR 11793 ROYAL TEE CT CAPE CORAL FL 33991	19-46-24-W3-0120A.017A 2518 COTTAGE AVE FORT MYERS BEACH FL 33931	SEAGRAPE SUBD. BLK.A PB 4 PG 17 LOT 17 N 70 FT	48
FOSTER EDWINA G L/E 2440 COTTAGE AVE FORT MYERS BEACH FL 33931	19-46-24-W3-0120A.0180 2440 COTTAGE AVE FORT MYERS BEACH FL 33931	SEAGRAPE SUBD BLK A PB 4 PG 17 LOT 18	49
TURNER WILLIAM D III 5660 SHADDELEE LN W FORT MYERS FL 33919	19-46-24-W3-0120A.0190 2434/2436 COTTAGE AVE FORT MYERS BEACH FL 33931	SEAGRAPE SUBD. BLK.A PB 4 PG 17 LOT 19	50
DEAN KATHRYN S +ROBERT S JR TR 18640 PARKINSON RD ALVA FL 33920	19-46-24-W3-0120A.0200 2430 COTTAGE AVE FORT MYERS BEACH FL 33931	SEAGRAPE SUBD BLK A PB 4 PG 17 LOT 20	51
MITCHELL BRIAN C + LAUREEN L 2062 NW 19TH WAY BOCA RATON FL 33431	19-46-24-W3-0120A.0210 2426 COTTAGE AVE FORT MYERS BEACH FL 33931	SEAGRAPE SUBD. BLK.A PB 4 PG 17 LOT 21	52

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
SCHLICHTE EDITH 61 MANGO ST FORT MYERS BEACH FL 33931	19-46-24-W3-0120A.0220 61/63 MANGO ST FORT MYERS BEACH FL 33931	SEAGRAPE SUBD BLK A PB 4 PG 17 LOT 22	53
CHAPEL BY THE SEA PO BOX 2997 FORT MYERS BEACH FL 33932	19-46-24-W3-0120B.0010 100 CHAPEL ST FORT MYERS BEACH FL 33931	SEAGRAPE SUBD.PB 4 PG 17 BLK.B LTS 1-8 + BLK D LTS 16 -18 + OR 221 PG 436	54
HURT GEORGE CRALLE JR 9994 RADCLIFF RD NW ALBUQUERQUE NM 87114	19-46-24-W3-0120B.0090 166 CHAPEL ST FORT MYERS BEACH FL 33931	SEAGRAPE SUBD BLK B PB 4 PG 17 LOTS 9 10 11	55
JAMIESON JAMES J 131 GULF ISLAND DR FORT MYERS BEACH FL 33931	19-46-24-W3-0120B.0120 200 CHAPEL ST FORT MYERS BEACH FL 33931	SEAGRAPE SUBD BLK B PB 4 PG 17 LTS 12-27 LESS N7FT 27 TOGETHER PARCEL LYING WITHIN 80FT TO THE EAST OR 3641/2920	56
ROTH ALLAN T + RHONDA K 12232 JAY CIR NW COON RAPIDS MN 55448	19-46-24-W3-0120C.0010 206 MANGO ST FORT MYERS BEACH FL 33931	SEAGRAPE SUBD BLK C PB 4 PG 17 LOTS 1 + 2 + N 25 FT VAC ST	57
MORRIS TIMOTHY E + JOAN E 2092 NORBORN DR LEXINGTON KY 40502	19-46-24-W3-0120C.0030 216 MANGO ST FORT MYERS BEACH FL 33931	SEAGRAPE SUBD BLK C PB 4 PG 17 LOT 3 + S 1/2 OF LOT 4	58
IVESTER DONALD B + LEE ANN 222 MANGO ST FORT MYERS BEACH FL 33931	19-46-24-W3-0120C.0050 222 MANGO ST FORT MYERS BEACH FL 33931	SEAGRAPE SUBD BLK C PB 4 PG 17 LOT 5 + N 1/2 OF LOT 4	59
JAMIESON JAMES J 131 GULF ISLAND DR FORT MYERS BEACH FL 33931	19-46-24-W3-0120C.0060 266 MANGO ST FORT MYERS BEACH FL 33931	SEAGRAPE SUBD BLK C PB 4 PG 17 LTS 6 THRU 15 LTS 32-45 LESS N7FT 15&32	60
DUMERS LYLE H + JEANEEN 203 CHAPEL ST FORT MYERS BEACH FL 33931	19-46-24-W3-0120C.0460 203 CHAPEL ST FORT MYERS BEACH FL 33931	SEAGRAPE SUBD BLK C PB 4 PG 17 LOT 46 + N 25 FT VAC ST	61
GERSTENHABER RAM + FRIDA TR BEACH CONNECTION 2401 ESTERO BLVD FORT MYERS BEACH FL 33931	19-46-24-W3-0120D.0010 2401 ESTERO BLVD FORT MYERS BEACH FL 33931	SEAGRAPE SUBD BLK D PB 4 PG 17 LOT 1	62
CZULEWICZ MARYLU TR 4281 ORANGE RIVER LOOP RD FORT MYERS FL 33905	19-46-24-W3-0120D.0020 110 MANGO ST FORT MYERS BEACH FL 33931	SEAGRAPE SUBD BLK D PB 4 PG 17 LOT 2	63
MEADOR CHARLES R JR 2085 ESTERO BLVD FORT MYERS BEACH FL 33931	19-46-24-W3-0120D.0030 112 MANGO ST FORT MYERS BEACH FL 33931	SEAGRAPE SUBD BLK D PB 4 PG 17 LOT 3	64
MANGO STREET INN LLC 126 MANGO ST FORT MYERS BEACH FL 33931	19-46-24-W3-0120D.0040 126 MANGO ST FORT MYERS BEACH FL 33931	SEAGRAPE SUBD BLK D PB 4 PG 17 LOTS 4 + 5	65
PAOLERCIO WILLIAM 81 MANGO ST FORT MYERS BEACH FL 33931	19-46-24-W3-0120D.0060 136 MANGO ST FORT MYERS BEACH FL 33931	SEAGRAPE SUBD. BLK.D PB 4 PG 17 LOT 6	66
MOORE ROBERT E + JULIA R 13221 WHITTMORE CIR DALLAS TX 75240	19-46-24-W3-0120D.0070 144 MANGO ST FORT MYERS BEACH FL 33931	SEAGRAPE SUBD BLK D PB 4 PG 17 LOT 7	67
PAOLERCIO ANTHONY 56 WILDCLIFF RD NEW ROCHELLE NY 10805	19-46-24-W3-0120D.0080 150 MANGO ST FORT MYERS BEACH FL 33931	SEAGRAPE SUBD. BLK.D PB 4 PG 17 LOT 8	68
ROTH ALLAN T + RHONDA K 12232 JAY CIR NW COON RAPIDS MN 55448	19-46-24-W3-0120D.0090 160 MANGO ST FORT MYERS BEACH FL 33931	SEAGRAPE SUBD BLK D PB 4 PG 17 LOT 9 + S 25 FT OF VAC ST	69
PELICAN COVE OF 218 E COMMERCIAL BLVD STE 201A FORT LAUDERDALE FL 33308	19-46-24-W3-0120D.0100 169 CHAPEL ST FORT MYERS BEACH FL 33931	SEAGRAPE SUBD BLK D PB 4 PG 17 LOT 10 + S 25 FT OF VAC ST	70
PAOLERCIO WILLIAM 81 MANGO ST FORT MYERS BEACH FL 33931	19-46-24-W3-0120D.0110 167 CHAPEL ST FORT MYERS BEACH FL 33931	SEAGRAPE SUBD. BLK.D PB 4 PG 17 LOT 11	71

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
MEEHAN PATRICIA LYNN 293 ELM ST W SUDBURY ON P3C 1V6 CANADA	19-46-24-W3-0120D.0120 161 CHAPEL ST FORT MYERS BEACH FL 33931	SEAGRAPE SUBD. BLK.D PB 4 PG 17 LOT 12	72
LIGHT JAY S + KATHERINE K 151 CHAPEL ST FORT MYERS BEACH FL 33931	19-46-24-W3-0120D.0130 151 CHAPEL ST FORT MYERS BEACH FL 33931	SEAGRAPE SUBD BLK D PB 4 PG 17 LOT 13	73
PFÄFFINGER HEDWIG TR JAMES SCHULTZ 1030 SPINDLE HILL RD WOLCOTT CT 06716	19-46-24-W3-0120D.0140 145 CHAPEL ST FORT MYERS BEACH FL 33931	SEAGRAPE BLK.D PB 4 PG 17 LOT 14	74
BUNTING ROBERT C + ELEANOR E 21681 INDIAN BAYOU DR FORT MYERS BEACH FL 33931	19-46-24-W3-0120D.0150 139 CHAPEL ST FORT MYERS BEACH FL 33931	SEAGRAPE SUBD. BLK.D PB 4 PG 17 LOT 15	75
CHAPEL BY THE SEA PO BOX 2997 FORT MYERS BEACH FL 33932	19-46-24-W3-0120D.0190 2471 ESTERO BLVD FORT MYERS BEACH FL 33931	SEAGRAPE SUBD BLK D PB 4 PG 17 LT 19 LEASEHOLD INT	76
LAFRANCE DAVID R + JANICE S 9A JERED LN SOUTHWICK MA 01077	19-46-24-W3-0120E.0040 125 MANGO ST FORT MYERS BEACH FL 33931	SEAGRAPE SUBD. BLK.E PB 4 PG 17 LOT 4	77
HUGHES GARY D TR + APT 2307 101 S FT LAUDERDALE BEACH BLV FORT LAUDERDALE FL 33316	19-46-24-W3-0120E.0050 135 MANGO ST FORT MYERS BEACH FL 33931	SEAGRAPE SUBD BLK E PB 4 PG 17 LOT 5	78
SOTO JESUS + EVELYN 22614 FOREST VIEW DR ESTERO FL 33928	19-46-24-W3-0120E.0060 145 MANGO ST FORT MYERS BEACH FL 33931	SEAGRAPE SUBD. BLK.E PB 4 PG 17 LOT 6	79
WICKETT LLOYD A + MARGARET J 5647 SHADDELEE LN W FORT MYERS FL 33919	19-46-24-W3-0120E.0070 161 MANGO ST FORT MYERS BEACH FL 33931	SEAGRAPE SUBD. BLK.E PB 4 PG 17 LOT 7	80
WICKETT LLOYD A + MARGARET J 5647 SHADDELEE LN W FORT MYERS FL 33919	19-46-24-W3-0120E.0080 163 MANGO ST FORT MYERS BEACH FL 33931	SEAGRAPE SUBD. BLK.E PB 4 PG 17 LOT 8	81
ROTH ALLAN 12232 JAY CIRCLE COON RAPIDS MN 55448	19-46-24-W3-0120E.0090 165 MANGO ST FORT MYERS BEACH FL 33931	SEAGRAPE SUBD. BLK.E PB 4 PG 17 LOT 9	82
ROTH ALLAN T 12232 JAY CIRCLE COON RAPIDS MN 55448	19-46-24-W3-0120E.0100 205 MANGO ST FORT MYERS BEACH FL 33931	SEAGRAPE SUBD. BLK.E PB 4 PG 17 LOT 10	83
ROTH ALLAN + RHONDA 12232 JAY CIRCLE COON RAPIDS MN 55448	19-46-24-W3-0120E.0110 209 MANGO ST FORT MYERS BEACH FL 33931	SEAGRAPE SUBD. BLK.E PB 4 PG 17 LOT 11	84
LANSMAN PHYLLIS MARSHA + 32 SUNSET RD WELLESLEY MA 02482	19-46-24-W3-0120E.0120 211 MANGO ST FORT MYERS BEACH FL 33931	SEAGRAPE SUBD BLK E PB 4 PG 17 LOT 12	85
BERTAKIS JOHN C + CYNTHIA E 128 CAMPECHE LN KISSIMMEE FL 34743	19-46-24-W3-0120E.0130 215/217 MANGO ST FORT MYERS BEACH FL 33931	SEAGRAPE SUBD BLK E PB 4 PG 17 LOT 13	86
KOPERDOWSKI PIOTR 67 SILO RIDGE RD S ORLAND PARK IL 60467	19-46-24-W3-0120E.0140 227 MANGO ST FORT MYERS BEACH FL 33931	SEAGRAPE SUB BLK E PB 4 PG 17 LOT 14	87
HOLMES MARTIN J JR 2930 QUARRY RD MAUMEE OH 43537	19-46-24-W3-01301.0000 2518 ESTERO BLVD FORT MYERS BEACH FL 33931	BLAKES SUBD. PB 4 PG 44 LOT 1	88
2500 ESTERO BLVD LLC 2512 SW 30TH AVE HALLANDALE FL 33009	19-46-24-W3-01302.0000 2510 ESTERO BLVD FORT MYERS BEACH FL 33931	BLAKES SUBD. PB 4 PG 44 LOT 2	89
OLOUGHLIN DEREK W 201 EAST ANDRUS RD NORTHWOOD OH 43619	19-46-24-W3-01303.0000 2553 COTTAGE AVE FORT MYERS BEACH FL 33931	BLAKES SUBD PB 4 PG 44 LOT 3	90

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
SEA BREEZE ESTATES CONDO ASSN 325 W LOCUST LN KENNETT SQUARE PA 19348	19-46-24-W3-04200.00CE SEA BREEZE COMMON ELEMENT FORT MYERS BEACH FL 33931	SEA BREEZE ESTATES CONDO DESC IN OR 4753 PG 4012 COMMON ELEMENTS	91
FICKES MICHAEL G + DAPHNE P 325 W LOCUST LN KENNETT SQUARE PA 19348	19-46-24-W3-04201.0010 2401 COTTAGE AVE FORT MYERS BEACH FL 33931	SEA BREEZE ESTATES CONDO DESC IN OR 4753 PG 4012 BLD 1 UNIT 1	92
FICKES MICHAEL G + DAPHNE P 325 W LOCUST LN KENNETT SQUARE PA 19348	19-46-24-W3-04202.0020 71 MANGO ST FORT MYERS BEACH FL 33931	SEA BREEZE ESTATES CONDO DESC IN OR 4753 PG 4012 BLD 2 UNIT 2	93
NEPTUNE INN CONDO ASSN INC BLUE VISTA CAPITAL LLC PO BOX 508 RICHMOND IL 60071	19-46-24-W3-04300.00CE COMMON ELEMENT FORT MYERS BEACH FL 33931	NEPTUNE CONDO DESC IN INST# 2007000193360 COMMON ELEMENTS	94
BLUE VISTA CAPITAL LLC PO BOX 508 RICHMOND IL 60071	19-46-24-W3-0430N.0001 2310 ESTERO BLVD FORT MYERS BEACH FL 33931	NEPTUNE CONDO A TIMESHARE DESC IN INST# 2007000193360 PH I BLDG N 34 UNITS	95
PALMA FRED R JR + RHONDA + 3400 MEYERS RD OAK BROOK IL 60523	19-46-24-W4-00421.0000 2101 ESTERO BLVD FORT MYERS BEACH FL 33931	HILLS T.P.SUBD. PB 3 PG 84 PT LOT 19	96
MAUGANS ALICE B 2141 ESTERO BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-00422.0000 2141 ESTERO BLVD FORT MYERS BEACH FL 33931	HILLS T P SUBD PB 3 PG 84 AKA BLK K LOT 22 C L YENTS S/D	97
NEASE STEPHEN I + AMY B 1601 JACKSON ST STE 202 FORT MYERS FL 33901	19-46-24-W4-00423.003A 110 PEARL ST FORT MYERS BEACH FL 33931	BLK K LOT 3 CL YENTS SUBDIV U/R AS DESC IN INST #2010000098650	98
NEASE STEPHEN I + AMY B 1601 JACKSON ST STE 202 FORT MYERS FL 33901	19-46-24-W4-00423.004A 124 PEARL ST FORT MYERS BEACH FL 33931	BLK K LOT 4 CL YENTS SUBDIV U/R AS DESC IN INST #2010000098651	99
NEASE STEPHEN I + AMY B 1601 JACKSON ST STE 202 FORT MYERS FL 33901	19-46-24-W4-00423.005A 130 PEARL ST FORT MYERS BEACH FL 33931	BLK K LOT 5 CL YENTS SUBDIV U/R AS DESC IN INST #2010000098652	100
NEASE STEPHEN I + AMY B 1601 JACKSON ST STE 202 FORT MYERS FL 33901	19-46-24-W4-00423.006A 134 PEARL ST FORT MYERS BEACH FL 33931	BLK K LOT 6 CL YENTS SUBDIV U/R AS DESC IN INST #2010000098653	101
NEASE STEPHEN I + AMY B 1601 JACKSON ST STE 202 FORT MYERS FL 33901	19-46-24-W4-00423.007A 140 PEARL ST FORT MYERS BEACH FL 33931	BLK K LOT 7 CL YENTS SUBDIV U/R AS DESC IN INST #2010000098654	102
NEAF JAMES C 974 SOUTH SHORE DR IRVING NY 14081	19-46-24-W4-00435.0000 125 PEARL ST FORT MYERS BEACH FL 33931	PAR IN LOT 19 TP HILLS SUB PB 3 PG 83 DESC OR 2143 PG 2263	103
MEADOR CHARLES R JR P.A. 2085 ESTERO BLVD FORT MYERS BEACH FL 33931	19-46-24-W4-00435.0010 2085 ESTERO BLVD FORT MYERS BEACH FL 33931	PARL IN LT 19 IN AREA 4 SEC 19 T46 R24 DESC IN OR 462 P 552	104
BUICE NANCY ANN 3437 SPINNAKER WAY ACWORTH GA 30102	19-46-24-W4-00442.00A0 71 PEARL ST FORT MYERS BEACH FL 33931	T P HILLS SUBD PB 3 PG 84 BEG 100 FT S OF NW COR LOT	105
FRY DAVID + MONIQUE 15440 CATALPA COVE FORT MYERS FL 33908	19-46-24-W4-00444.0000 41 PEARL ST FORT MYERS BEACH FL 33931	BEG 228 FT S + 50 FT E OF NW CORN OF LT 20 T P HILLS SUBD PB 3 PG 84 THN E 50 FT THN S TO GULF OF MEXICO THN W TO PTE DUE S OF POB THEN N TO POB	106
RONNKVIST TOM 1470 WESTWOOD DR MINNETRISTA MN 55364	19-46-24-W4-00445.0000 51 PEARL ST FORT MYERS BEACH FL 33931	HILLS T.P.SUBD. PB 3 PG 84 BEG 216 FT S OF NW COR LOT	107
SURFUS JOHN D PO BOX 3053 FORT MYERS BEACH FL 33932	19-46-24-W4-0100G.0010 2171 ESTERO BLVD FORT MYERS BEACH FL 33931	WATSONS W.W.SUBD. BLK.G PB 5 PG 67 LOTS 1 THRU 4 INCL.	108

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MALDONADO DENEANE 121 DELMAR AVE FORT MYERS BEACH FL 33931	19-46-24-W4-0100G.0050 121 DELMAR AVE FORT MYERS BEACH FL 33931	WATSONS W W SUBD BLK G PB 5 PG 67 LOTS 5 + 6	109
FLANJACK CHARLES W + ALISE P 1512 BRAMAN AVE FORT MYERS FL 33901	19-46-24-W4-0100G.0070 127 DELMAR AVE FORT MYERS BEACH FL 33931	WATSONS W.W.SUBD. BLK.G PB 5 PG 67 LOTS 7 + 8	110
ANNE K MEANS 2 LLC 1420 Q ST BEDFORD IN 47421	19-46-24-W4-0100G.0090 131 DELMAR AVE FORT MYERS BEACH FL 33931	WATSONS W W SUBD BLK G PB 5 PG 67 LOTS 9 + 10	111
ALBINO-HINKLEY LORRAINE D TR 135 DELMAR AVE FORT MYERS BEACH FL 33931	19-46-24-W4-0100G.0110 135 DELMAR AVE FORT MYERS BEACH FL 33931	WATSONS W W SUBD BLK G PB 5 PG 67 LOTS 11 THRU 14 INCL	112
MICELI JACK A 1657 SW GEMINI LN PORT SAINT LUCIE FL 34984	19-46-24-W4-0100G.0150 149 DELMAR AVE FORT MYERS BEACH FL 33931	WATSONS W.W.SUBD. BLK.G PB 5 PG 67 LOTS 15 16 + 17	113
BAISCH GAYLE LYNN 1/3 INT + 1443 CLARET CT FORT MYERS FL 33919	19-46-24-W4-0100H.0010 63 DELMAR AVE FORT MYERS BEACH FL 33931	WATSONS W W SUBD BLK H PB 5 PG 67 LOT 1	114
DULLARD STEPHEN TR PO BOX 2695 FORT MYERS BEACH FL 33932	19-46-24-W4-0100H.0020 61 DELMAR AVE FORT MYERS BEACH FL 33931	WATSONS W W SUBD BLK H PB 5 PG 67 LOT 2	115
SURF SONG CONDO ASSOC INC 2088 ESTERO BLVD #4B FORT MYERS BEACH FL 33931	19-46-24-W4-02700.00CE 2086 ESTERO BLVD FORT MYERS BEACH FL 33931	SURF SONG CONDO DESC OR 1434 PG 59 + OR 1672 PG 3563 COMMON ELEMENTS	116
SNYDER VERA K 4089 SPLIT RAIL LN FENTON MI 48430	19-46-24-W4-02700.A000 ESTERO BLVD FORT MYERS BEACH FL 33931	SURF SONG CONDO OR 1434 PG UNIT A	*117
HOVENDEN R DOUGLAS TR 1/2 + 37 PENDLETON WAY BLOOMINGTON IL 61704	19-46-24-W4-02702.00A0 2088 ESTERO BLVD #2A FORT MYERS BEACH FL 33931	SURF SONG CONDO OR 1434 PG 0059 UNIT 2-A +(XF-GAR #23)	*117
JOHNSON ROGER A + KATHRYN E 2088 ESTERO BLVD #2B FORT MYERS BEACH FL 33931	19-46-24-W4-02702.00B0 2088 ESTERO BLVD #2B FORT MYERS BEACH FL 33931	SURF SONG CONDO OR 1434 PG 0059 UNIT 2-B +(XF-GAR#18)	*117
KAUFMAN CHRISTINE V TR 12007 WILTSHIRE PLACE CT SAINT LOUIS MO 63131	19-46-24-W4-02702.00C0 2088 ESTERO BLVD #2C FORT MYERS BEACH FL 33931	SURF SONG CONDO OR 1434 PG 0059 UNIT 2-C +(XF-GAR#8)	*117
PARRISH JOHN R + BARBARA S 226 E NEW THOMPSON LAKE RD CARBONDALE IL 62901	19-46-24-W4-02702.00D0 2088 ESTERO BLVD #2D FORT MYERS BEACH FL 33931	SURF SONG CONDO OR 1434 PG 0059 UNIT 2-D	*117
JOHNSEN CLARENCE R TR 1/2 INT+ 2088 ESTERO BLVD APT 2E FORT MYERS BEACH FL 33931	19-46-24-W4-02702.00E0 2088 ESTERO BLVD #2E FORT MYERS BEACH FL 33931	SURF SONG CONDO OR 1434 PG 0059 UNIT 2-E	*117
COPELY ANDREW RICHARD JR TR 5109 THE OAKS CIR ORLANDO FL 32809	19-46-24-W4-02702.00F0 2088 ESTERO BLVD #2F FORT MYERS BEACH FL 33931	SURF SONG CONDO OR 1434 PG 0059 UNIT 2-F +(XF-GAR#4)	*117
BURGAUER JAMES O TR 2088 ESTERO BLVD #2G FORT MYERS BEACH FL 33931	19-46-24-W4-02702.00G0 2088 ESTERO BLVD #2G FORT MYERS BEACH FL 33931	SURF SONG CONDO OR 1434 PG 0059 UNIT 2-G	*117
RESCA FRANCES M TR 2 HOLLY CT ROCKLAND MA 02370	19-46-24-W4-02703.00A0 2088 ESTERO BLVD #3A FORT MYERS BEACH FL 33931	SURF SONG CONDO OR 1434 PG 0059 UNIT 3-A +(XF-GAR#24)	*117
JOHNSON DANA ROGER TR 620 MAIN ST N #414 STILLWATER MN 55082	19-46-24-W4-02703.00B0 2088 ESTERO BLVD #3B FORT MYERS BEACH FL 33931	SURF SONG CONDO OR 1434 PG 0059 UNIT 3-B +(XF-GAR#20)	*117
FERGUS EDGAR W + CHARLOTTE 2088 ESTERO BLVD #3C FORT MYERS BEACH FL 33931	19-46-24-W4-02703.00C0 2088 ESTERO BLVD #3C FORT MYERS BEACH FL 33931	SURF SONG CONDO OR 1434 PG 0059 UNIT 3-C +(XF-GAR#7)	*117

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
JACKSON JOHN K + MARY DELIA 1400 N 100 E HARTFORD CITY IN 47348	19-46-24-W4-02703.00D0 2088 ESTERO BLVD #3D FORT MYERS BEACH FL 33931	SURF SONG CONDO OR 1434 PG 0059 UNIT 3-D +(XF-GAR#11)	*117
BONHAM JEFFREY M TR 40% + 433 ARBORETUM WAY OSWEGO IL 60543	19-46-24-W4-02703.00E0 2088 ESTERO BLVD #3E FORT MYERS BEACH FL 33931	SURF SONG CONDO OR 1434 PG 0059 UNIT 3-E +(XF-GAR#12)	*117
DUNDEE NICHOLAS J + LINDA M 2088 ESTERO BLVD #3F FORT MYERS BEACH FL 33931	19-46-24-W4-02703.00F0 2088 ESTERO BLVD #3F FORT MYERS BEACH FL 33931	SURF SONG CONDO OR 1434 PG 0059 UNIT 3-F	*117
CARNEY RICHARD P + JEAN M 2088 ESTERO BLVD #3G FORT MYERS BEACH FL 33931	19-46-24-W4-02703.00G0 2088 ESTERO BLVD #3G FORT MYERS BEACH FL 33931	SURF SONG CONDO OR 1434 PG 0059 UNIT 3-G +(XF-GAR#2)	*117
HAPKIEWICZ WALTER G + ANNIS M 1528 WINCHELL CT EAST LANSING MI 48823	19-46-24-W4-02704.00A0 2088 ESTERO BLVD #4A FORT MYERS BEACH FL 33931	SURF SONG CONDO OR 1434 PG 0059 UNIT 4-A +(XF-GAR#21)	*117
YOUNG ROBERT B + VIRGINIA L 2088 ESTERO BLVD #4B FORT MYERS BEACH FL 33931	19-46-24-W4-02704.00B0 2088 ESTERO BLVD #4B FORT MYERS BEACH FL 33931	SURF SONG CONDO OR 1434 PG 0059 UNIT 4-B +(XF-GAR#22)	*117
CONNORS VIRGINIA A TR PATRICK CONNORS W5040 OSPREY CT NEW LISBON WI 53950	19-46-24-W4-02704.00C0 2088 ESTERO BLVD #4C FORT MYERS BEACH FL 33931	SURF SONG CONDO OR 1434 PG 0059 UNIT 4-C +(XF-GAR#13)	*117
RAVENSCROFT JEAN A TR 2088 ESTERO BLVD #4D FORT MYERS BEACH FL 33931	19-46-24-W4-02704.00D0 2088 ESTERO BLVD #4D FORT MYERS BEACH FL 33931	SURF SONG CONDO OR 1434 PG 0059 UNIT 4-D +(XF-GAR#14)	*117
KEITH THOMAS E + EILEEN M 2088 ESTERO BLVD APT 4E FORT MYERS BEACH FL 33931	19-46-24-W4-02704.00E0 2088 ESTERO BLVD #4E FORT MYERS BEACH FL 33931	SURF SONG CONDO OR 1434 PG 0059 UNIT 4-E +(XF-GAR#6)	*117
THREE SISTERS MANAGEMENT 3340 WELLINGTON BLVD CRAWFORDSVILLE IN 47933	19-46-24-W4-02704.00F0 2088 ESTERO BLVD #4F FORT MYERS BEACH FL 33931	SURF SONG CONDO OR 1434 PG 0059 UNIT 4-F +(XF-GAR#15)	*117
MAZER BERNARD A + DIANNE CO-TR W221S7455 CAROL DRIVE MUSKEGO WI 53150	19-46-24-W4-02704.00G0 2088 ESTERO BLVD #4G FORT MYERS BEACH FL 33931	SURF SONG CONDO OR 1434 PG 0059 UNIT 4-G +(XF-GAR#1)	*117
EWBANK R SUE TR 1/2 INT + 30 OLD OTTAWA RD DANVILLE IL 61834	19-46-24-W4-02705.00A0 2088 ESTERO BLVD #5A FORT MYERS BEACH FL 33931	SURF SONG CONDO OR 1434 PG 0059 UNIT 5-A +(XF-GAR#19)	*117
PACIFIC PEAK INC 5698 SHADDELEE LN W FORT MYERS FL 33919	19-46-24-W4-02705.00B0 2088 ESTERO BLVD #5B FORT MYERS BEACH FL 33931	SURF SONG CONDO OR 1434 PG 0059 UNIT 5-B +(XF-GAR#17)	*117
DIDIER LISA A TR + 1845 E 765 S WOLCOTTVILLE IN 46795	19-46-24-W4-02705.00C0 2088 ESTERO BLVD #5C FORT MYERS BEACH FL 33931	SURF SONG CONDO OR 1434 PG 0059 UNIT 5-C +(XF-GAR#9)	*117
MCGRAW RAYMOND J + EVA L 329 N MANOR DR WILLIAMSPORT IN 47993	19-46-24-W4-02705.00D0 2088 ESTERO BLVD #5D FORT MYERS BEACH FL 33931	SURF SONG CONDO OR 1434 PG 0059 UNIT 5-D +(XF-GAR#10)	*117
SCHOLTZ STEPHEN A 124 KINGSWAY CRESCENT TORONTO ON M8X 2S2 CANADA	19-46-24-W4-02705.00E0 2088 ESTERO BLVD #5E FORT MYERS BEACH FL 33931	SURF SONG CONDO OR 1434 PG 0059 UNIT 5-E +(XF-GAR#16)	*117
NELSON MARY B 2088 ESTERO BLVD #5F FORT MYERS BEACH FL 33931	19-46-24-W4-02705.00F0 2088 ESTERO BLVD #5F FORT MYERS BEACH FL 33931	SURF SONG CONDO OR 1434 PG 0059 UNIT 5-F +(XF-GAR#5)	*117
STENSRUDE LARRY C TR + 2088 ESTERO BLVD UNIT 5G FORT MYERS BEACH FL 33931	19-46-24-W4-02705.00G0 2088 ESTERO BLVD #5G FORT MYERS BEACH FL 33931	SURF SONG CONDO OR 1434 PG 0059 UNIT 5-G +(XF-GAR#3)	*117
MURRAY JACKIE + PO BOX 1097 CARMEL IN 46082	19-46-24-W4-03100.00I0 2096 ESTERO BLVD #1 FORT MYERS BEACH FL 33931	POLYNESIAN VACATION VILLAS OR 1484 PG 2034 UNIT 1	*118

**EXHIBIT D-1-C:
COMPREHENSIVE PLAN
COMPLIANCE NARRATIVE**

Eagle Equity Capital CPD Amendment

Exhibit D-1-C: Comprehensive Plan Compliance Narrative

The subject property is comprised of four (4) parcels per the Lee County Property Appraiser. The two (2) parcels fronting on Estero Blvd. are designated within the Boulevard Future Land Use Category, while the two (2) parcels fronting on Mango St. are designated within the Mixed Residential Future Land Use Category. The parcels designated Mixed Residential are also located within the Platted Overlay.

The intent of the Eagle Equity Capital CPD amendment is to combine all four (4) parcels into a unified CPD with restaurant uses, outdoor seating, supportive parking, water management, and landscape buffers. Per Exhibit C, Page 2 of 2, in Resolution 06-30, the CPD currently permits 3,607 s.f. of restaurant uses, in addition to 960 s.f. of outdoor seating area. Per the proposed MCP, attached as Exhibit D-2-1, no increase in intensity is proposed as part of this amendment. The sole purpose of this amendment is to add additional acreage into the CPD to provide the requisite parking spaces, stormwater management, and landscape buffers to support the approved restaurant uses.

The following is an analysis of how the proposed CPD amendment is consistent with relevant goals, objectives and policies of the Town of Fort Myers Beach Comprehensive Plan (Plan).

Policy 4-B-5: Boulevard Category

The Boulevard Future Land Use Category is intended for a mix of uses, including low intensity commercial uses and a variety of residential unit types. Policy 4-B-5 requires that the expansion of existing commercial uses within this Category be evaluated via the Planned Development rezoning process.

The proposed CPD is in direct compliance with the intent of the Boulevard Category, as previously demonstrated through Resolution No. 06-30. The commercial restaurant uses are currently approved at an intensity of 4,000 s.f., and were deemed consistent with the acceptable range of uses intended for the Boulevard Category. Buffers between the existing restaurant building and the residential uses to the north were approved as part of this CPD to ensure compatibility and mitigate any impacts of the proposed uses.

The proposed expansion of the CPD will allow for the requisite parking area to support the approved restaurant uses, and is requested via the Commercial Planned Development process, which is in direct compliance with this policy. Additionally, no outdoor entertainment is requested as part of this application and it is understood that the forthcoming resolution will condition approval accordingly. Per the proposed buffers and site layout, the proposed CPD amendment will continue to ensure compatibility with the adjacent residential uses.

Policy 4-B-4: Mixed Residential Category

The Mixed Residential (MR) Future Land Use Category is designated in areas with mixed housing types on smaller lots, newer high-rise buildings, mobile homes and RV parks. This Category is intended to ensure that Fort Myers Beach retains a variety of neighborhoods and housing types. Commercial uses within this Category are limited to lower impact uses that complement surrounding commercial development, and must be ensure compatibility with adjacent residential uses.

The proposed CPD amendment will allow for a low impact crushed shell parking area to support the restaurant uses approved per Resolution No. 06-30. The proposed Master Concept Plan (MCP) provides for substantial landscape buffers to screen the proposed parking area from adjacent residential lots. Upon development, the proposed landscaping will not only buffer the residential community to the north from the proposed parking area, but will also screen views and noise generated from Estero Blvd. Additionally, a lighting plan will be provided prior to site

development activities and will mitigate light trespass onto adjacent properties. Therefore, approval of the proposed amendment will serve as an enhancement to the neighboring residential community and is in substantial compliance with Policy 4-B-4 of the Comprehensive Plan.

Policy 4-B-11: Platted Overlay

The two (2) parcels fronting along Mango St. are designated within the Platted Overlay per the Town's Future Land Use Map. This overlay has no effect on the proposed CPD amendment, as the policy specifically states that the Overlay does not impact the uses permitted per the underlying Mixed Residential Category.

Policy 4-C-1: Commercial Intensity

This policy limits Floor Area Ratio (FAR) to 1.5 for properties not within the Pedestrian Commercial Category. Based upon the property's acreage of 0.65+/- acres (or 28,700+/- s.f.), the maximum attainable intensity is 43,050 s.f. As stated above, the Applicant is not proposing to increase the approved 4,000 square feet of restaurant uses. Therefore the total FAR proposed is 0.15, well below the maximum permitted per Policy 4-C-1.

Policy 4-C-2: Commercial Locations

This policy reiterates that commercial expansions within the Boulevard and Mixed Residential Categories must undergo the PD rezoning process, and also prescribes the following principles for evaluating requests:

- a. Shopping and services for residents and overnight guests are strongly preferred over shopping and services that will attract additional day visitors during peak-season congestion.***

The Applicant owns the Neptune Inn and is seeking this amendment to provide ancillary dining for patrons of the hotel. The subject property is located in close proximity to the central hotel district and is anticipated to service guests from several other establishments as well. Therefore, the proposed amendment will provide for services to support overnight guests, and is unlikely to attract additional day visitors during peak season.

- b. Shopping and services that contribute to the pedestrian character of the town are strongly preferred over buildings designed primarily for vehicular access.***

The proposed amendment will have a substantial, positive impact on the pedestrian character of the subject property, as the MCP proposes to remove the existing back-out parking that directly abuts Estero Boulevard and relocate it to the eastern portion of the site. Landscaped buffers are proposed to screen the parking area from adjacent residences, Mango St. and Estero Blvd. The existing parking area will be redeveloped with outdoor seating and a 5-foot landscape buffer, which will significantly enhance the pedestrian environment along Estero Boulevard.

- vi. The neighborhood context of proposed commercial uses is of paramount importance. The sensitivity of a proposed commercial activity to nearby residential areas can be affected by:***

- a. The type of commercial activities (such as traffic to be generated, hours of operation, and noise);***
- b. Its physical scale (such as the height, and bulk of proposed buildings); and***
- c. The orientation of buildings and parking). Commercial activities that will intrude into residential neighborhoods because of their type, scale, or orientation shall not be approved.***

The proposed amendment will ensure sensitivity to the nearby residential areas. Firstly, the proposed commercial usage and intensity is virtually the same as previously approved per the underlying CPD.

Therefore, this request will not result in increased traffic generation or noise, and the hours of operation will remain the same as originally conditioned.

The existing building has been significantly refurbished by the Applicant and is constructed at an appropriate height and scale to complement the existing commercial development pattern, and more importantly, to mitigate impacts to the residential neighborhood to the north. The building is one (1) story and is only 4,000 s.f. in size. This compact development form will be further enhanced via the proposed landscape buffers as proposed.

Lastly, the relocated parking area is sensitively designed and screened to buffer impacts to the neighboring residential uses. The existing parking area is a hazard to pedestrian and vehicular traffic flow along Estero Blvd., therefore, approval of this amendment will result in an increase to public health, safety and welfare.

In summary, this CPD amendment is requested solely to allow for the requisite parking to operate the approved restaurant uses and outdoor seating area. The requested use is appropriate within the underlying Future Land Use Categories, will ensure compatibility with the adjacent residential neighborhood, and will serve as a significant enhancement when compared to the existing/approved development program. Therefore, this application is consistent with the intent of the Fort Myers Beach Comprehensive Plan.

**EXHIBIT D-1-E:
DECISION-MAKING
COMPLIANCE NARRATIVE**

Eagle Equity Capital CPD Amendment

Exhibit D-1-E: Design Standards & Decision-Making Compliance Narrative

Eagle Equity Capital, LLC (Applicant) is requesting approval of a Commercial Planned Development (CPD) Amendment to expand the existing CPD, formerly known as Big John's Board Walk Eatery, which was approved per Resolution No. 06-30.

The existing CPD comprises one (1) parcel containing approximately 0.23+/-acres. The CPD is approved for 4,000 square feet of restaurant uses, in addition to on-premise consumption of alcoholic beverages (limited to beer and wine served only in conjunction with meals), and approximately 1,000 square feet of outdoor seating in conjunction with the proposed deck. A total of thirteen (13) deviations were approved due to the infill context of the site and non-conforming nature of the existing building.

The Applicant is seeking approval to add three (3) adjacent parcels to the CPD, which would create a total CPD area of 28,700 square feet, or 0.65+/-acres. Per the proposed MCP, attached as Exhibit D-2-1, the Applicant is not requesting any additional restaurant or outdoor seating square footage as a part of this request. Similarly, the Applicant is seeking approval of the same conditions previously attached to the CPD regarding on-premise consumption of alcoholic beverages, hours of operation, and outdoor entertainment.

The sole purpose of the CPD expansion is to allow for supportive parking for the restaurant use, in addition to stormwater management, and landscape buffers. Through this CPD, the Applicant is able to reduce the number of LDC deviations to ten (10) deviations. These deviations are required to accommodate the existing, non-conforming building, which was constructed in 1961 prior to the implementation of LDC regulations. Approval of this amendment will relocate the existing parking spaces, which back out onto Estero Blvd., to the east side of the existing building. This will serve as a significant improvement to the appearance of the property, and will enhance public health, safety and welfare.

Deviations are sought for buffer yard widths due to the infill nature of the site, as well as for a crushed shell or limerock parking lot surface. A full listing of proposed deviations and justifications are attached as Exhibit D-1-F.

I. Development Location

The subject property is located at along Estero Boulevard, and is bound to the west by Fairweather Lane and to the east by Mango Street. The development pattern around the property consists of a mix of high and medium intensity commercial uses, single family residential, multifamily residential, and hotel uses. Please refer to Table 1 below, which describes the adjacent Future Land Use Categories, Zoning Districts, and existing land uses.

Table 1: Inventory of Surrounding Lands

DIRECTION	FUTURE LAND USE	ZONING DISTRICT	EXISTING LAND USE
North	Mixed Residential	Residential Multi-family (RM)	Single Family Residential
South	Boulevard	Commercial Resort; Commercial Boulevard	Hotel (Neptune Inn); Commercial Retail
East	Right-of-Way; Boulevard	Right-of-Way; Commercial Boulevard	Mango Street (2-lane local road); Commercial Retail
West	Right-of-Way; Boulevard	Right-of-Way; Commercial Boulevard	Fairweather Lane; (2 lane local road); Commercial Retail

II. Proposed Uses

As stated above, there are no requested amendments to the approved Schedule of Uses as part of this application. The uses associated with the CPD are limited to 4,000 square feet of restaurant uses with on-premise consumption of alcoholic beverages, outdoor seating area, and ancillary parking. Per Condition 3 of Resolution No. 06-30, it is understood that all uses other than the restaurant uses will require administrative action prior to site development approval.

III. Decision-Making Compliance

Per Section 34-85 of the LDC, the requested CPD complies with the following considerations for rezoning approval:

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

The Applicant acquired the property adjacent to the existing CPD and is now able to accommodate the requisite parking, water management, and landscape buffers required to support the approved restaurant uses. The Neptune Inn and subject property have undergone significant renovations in recent years, and the approval of this CPD will further reinforce the redevelopment/reinvestment in this portion of the Town.

2. The impact of a proposed change on the intent of this chapter.

The proposed rezoning will implement the Town’s LDC provisions that require commercial expansions to occur via the Planned Development review process. The CPD amendment and requested deviations will also provide the flexibility required to allow for quality, infill redevelopment. Therefore, the proposed change is consistent with and furthers the intent of Chapter 34.

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

Per Exhibit D-1-C attached, the proposed CPD amendment is consistent with the Comprehensive Plan, specifically those policies pertaining to the Boulevard and Mixed Residential Future Land Use Categories, as

well as the commercial intensity and location provisions. . Please refer to the attached narrative in Exhibit D-1-C for further explanation of the rezoning's consistency with the Comprehensive Plan.

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

The proposed commercial uses meet the locational standards outlined in Policy 4-C-2 of the Comprehensive Plan. The commercial expansion is proposed via the PD process allow for a thorough evaluation by Town Staff. Additionally, the proposed restaurant use is already approved and the expansion of the parking area and buffer yards will serve as overall enhancement to immediate area and the Town of Fort Myers Beach in general.

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

The subject property does not contain environmentally sensitive lands and has been cleared and /or developed with commercial uses. Therefore, approval of this amendment will not impact environmentally critical areas or natural resources.

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

The proposed CPD amendment will dramatically improve the appearance of the subject property from the Estero Boulevard viewshed, as well as from adjacent properties. The Applicant has completed significant façade improvements in recent years, in efforts to redevelop the property and bring the antiquated building up to the current regulations, to the extent possible.

Buffers are proposed along all perimeters of the property, as prescribed on the MCP and outlined in the attached Schedule of Deviations and Justifications. These buffers will adequately screen the proposed restaurant and parking area from adjacent properties, and will also screen the noise and visual impacts stemming from Estero Boulevard.

Lastly, approval of this petition will result in the relocation of the existing parking that backs directly onto Estero Boulevard, thereby positively impacting public health, safety and welfare.

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

Per the Traffic Impact Statement (TIS) waiver submitted within this application, the proposed rezoning will not negatively impact the surrounding transportation infrastructure, as no additional density or intensity is being requested. The purpose of this amendment is solely to provide the ancillary parking to support the approved 4,000 s.f. restaurant use. Therefore, no additional trips will be generated upon approval of this amendment. Additionally, the property is currently serviced by Town of Fort Myers Beach potable water and sanitary sewer services, and capacity is available to serve the approved restaurant use.

**EXHIBIT D-1-F:
SCHEDULE OF DEVIATIONS
& JUSTIFICATIONS**

Eagle Equity Capital CPD Amendment

Exhibit D-1-F Schedule of Deviations & Justifications

Deviations 1-9 below were approved as part of Resolution 06-30, and are included in this application for consistency purposes. Where the previously approved deviations area proposed for modifications, the changes are shown in strike-through/underling format.

- 1. Deviation from the requirements of LDC Sections 10-415(f) and 10-416(c) for open space landscaping standards to allow the alternative shall water exfiltration and alternative buffers and open space as indicated on the MCP, as conditioned.**

Justification: This deviation was previously approved per Resolution No. 06-30 and is required to allow for the existing, non-conforming building, which was constructed in 1961 prior to adoption of the Land Development Code.

- 2. Deviation from the requirements of LDC Section 10-416(d)(2) and LDC Table 10-8 for a Type C/F buffer to allow for an eight (8) foot high solid stockade fence and two (2)-foot wide landscape buffer on the rear lot line abutting the restaurant, as conditioned, in addition to a 5-foot wide and 15-foot wide landscape buffer without a wall on the rear lot line abutting the parking area, as indicated on the MCP.**

Justification: This deviation was previously approved per Resolution No. 06-30 and is required to allow for the existing, non-conforming building, which was constructed in 1961 prior to adoption of the Land Development Code. Due to the infill nature of the site additional deviations are requested for the expansion of this use. The proposed buffer yards will result in an enhancement to surrounding residential properties and will visually screen the proposed restaurant and parking uses as prescribed on the proposed MCP.

- 3. Deviation from the requirements of LDC Section 10-416(d)(2) and LDC Table 10-8 for a Type D buffer between parking and rights-of-way to allow the alternative shallow water exfiltration and alternative buffers, as conditioned.**

Justification: This deviation was previously approved per Resolution No. 06-30 and is required to allow for the existing, non-conforming building, which was constructed in 1961 prior to adoption of the Land Development Code.

- 4. Deviation from the requirement of LDC Section 34-704(a) that a building be built at five (5) to ten (10) feet from Estero Boulevard to allow a front setback of 46 feet for the existing building to allow the alternative shallow water exfiltration and alternative buffers, as conditioned.**

Justification: This deviation was previously approved per Resolution No. 06-30 and is required to allow for the existing, non-conforming building, which was constructed in 1961 prior to adoption of the Land Development Code.

- 5. Deviation from the requirement of LDC Section 34-704(b)(1)a. for a minimum street setback of 10 feet to allow a street setback of 2.39 feet from Fairweather Lane.**

Justification: This deviation was previously approved per Resolution No. 06-30 and is required to allow for the existing, non-conforming building, which was constructed in 1961 prior to adoption of the Land Development Code.

- 6. Deviation from the requirement of LDC Section 34-704(b)(1)b. for a minimum rear setback of 20 feet to allow a rear setback of two (2) feet for the existing building.**

Justification: This deviation was previously approved per Resolution No. 06-30 and is required to allow for the existing, non-conforming building, which was constructed in 1961 prior to adoption of the Land Development Code.

- ~~**7. Deviation from the requirement of LDC Section 34-704(b)(1)c. for a minimum side setback of five (5) feet to allow for a side setback of 0.64 feet on the south side for the existing building.**~~

Note: This deviation was previously approved per Resolution No. 06-30 and is no longer required due to the additional land added to the CPD directly east of the existing building.

- 7. Deviation from the requirement of LDC Section 34-995(a)(3), that prohibits a principal façade facing a primary street from having blank walls greater than 10 feet in length, to allow for one (1) section of the principal façade to be 16 feet in length, as conditioned.**

Justification: This deviation was previously approved per Resolution No. 06-30 and is required to allow for the existing, non-conforming building, which was constructed in 1961 prior to adoption of the Land Development Code. The building has undergone a substantial renovation that dramatically improved the appearance of the building, which meets the overall intent of the LDC's commercial design standards.

- 8. Deviation from the requirement of LDC Section 34-995(a)(3), that the distance of a corner building not be more than 20 feet from the intersection of right-of-way lines to allow for a distance of 48.5 feet from the intersection of Estero Boulevard and Fairweather Lane to the existing building to allow the alternative shallow water exfiltration and alternative buffers, as conditioned.**

Justification: This deviation was previously approved per Resolution No. 06-30 and is required to allow for the existing, non-conforming building, which was constructed in 1961 prior to adoption of the Land Development Code.

- ~~**9. Deviation from LDC Section 34-1986(c)(4) that prohibits off-street loading areas from being located between the principal building and a street right of way to allow the loading area indicated on the MCP and the alternative shallow water exfiltration and alternative buffers, as conditioned.**~~

Note: This deviation was previously approved per Resolution No. 06-30 and is no longer required due to the relocated parking area shown on the attached MCP.

~~10. Deviation from LDC Section 34-2015(6) that all parking lots be provided with sufficient maneuvering room so as to allow an exiting vehicle to leave the parking lot in a forward motion, to allow:~~

- ~~a. Back-out parking for (1) disabled parking space and one (1) standard parking space—limited to use as pick-up and delivery to serve the proposed pedestrian-oriented restaurants in the existing building—designed to back out onto Estero Boulevard—as indicated on the MCP.~~
- ~~b. A 15-foot wide by 26-foot deep loading area to serve the proposed pedestrian-oriented restaurants in the existing building—designed to back out onto Fairweather Lane as indicated on the MCP.~~

Note: This deviation was previously approved per Resolution No. 06-30 and is no longer required due to the relocated parking area shown on the attached MCP.

~~10. Deviation from LDC Section 34-2020(b)(2) that requires additional parking to be provided in accordance with the standards of the LDC Section 34-2020 when the use of a building is changed to a different use that is required to have more parking than exists to allow the pedestrian-oriented configuration indicated on the MCP and the alternative shallow water exfiltration and alternative buffers, as conditioned.~~

Note: This deviation was previously approved per Resolution No. 06-30 and is no longer required due to the additional parking area shown on the attached MCP.

9. Deviation from LDC Section 34-2020(d)(2)h., for 8 parking spaces per 1,000 square feet of total floor area plus any outdoor seating for restaurants, to allow for the provision of no on-site customer parking, limited service parking for pick-up delivery, and limited off-street loading-s indicated on the MCP to supply the proposed pedestrian-oriented restaurants in the existing building, and allow for the alternative shallow water exfiltration and alternative buffers, as conditioned. 4 parking space per 1,000 s.f. of outdoor seating for restaurants.

Justification: Due to the infill nature of the site, the Applicant is requesting a slight reduction to the number of parking spaces required to support the 975 s.f. outdoor seating area. The required parking for indoor restaurant uses is provided in accordance with the Section 34-2020 of the LDC.

The subject property consists of a pedestrian-oriented restaurant use within walking distance of numerous hotels within the central business district of Fort Myers Beach. Moreover the property is owned by the owner of the Neptune Inn and intended as an ancillary restaurant to service hotel guests. Therefore, a significant number of patrons are expected to walk or bicycle to the property.

Moreover, the proposed CPD exponentially increases the parking and loading areas from one (1) handicap and one (1) standard parking space shown on the approved MCP, to thirty-two (32) standard parking spaces and two (2) handicap parking spaces, as shown on the proposed MCP. Upon approval of this petition the parking spaces will no longer back out onto public rights-of-way, thereby mitigating potential hazard to pedestrians and vehicles.

For these reasons, the Applicant respectfully submits that approval of this request will recognize the pedestrian nature of the project, and that the deviation will not negatively impact public, health, safety or welfare.

10. Deviation from LDC Section 34-2017 which requires high turnover parking lots to have a paved surface, to allow for a crushed shell or limerock surface.

Justification: The proposed crushed shell or limerock surface will complement the overall character of the Town of Fort Myers Beach, while ensuring public health, safety and welfare. The proposed impervious surface will also result in environmental benefits, including reduction of heat island effect due to higher reflectivity when compared to asphalt, and will help to filter and reduce runoff from the site. Moreover, the engineered MCP is designed to prevent the flow of sediment-laden runoff from the parking area via strategically located stormwater management features. Lastly, the handicap parking spaces will be paved to further ensure the safety of restaurant patrons.

**EXHIBIT D-2-1:
MASTER CONCEPT PLAN**

AREA DESCRIPTION	SQ FT	PERCENTAGE
TOTAL SITE AREA	28,218 SQ FT	100%
BUILDING AREA	3,607 SQ FT	13%
OPEN SPACE	24,612 SQ FT	87%

USE	AREA	PARKING RATIO	SPACES REQ'D
RESTAURANT #1	2,097 S.F.	6 SPACES : 1,000 S.F.	12
RESTAURANT #2	1,509 S.F.	8 SPACES : 1,000 S.F.	12
OUTDOOR SEATING	975 S.F.	4 SPACES : 1,000 S.F.	4
TOTAL			34

TOTAL REQUIRED PARKING	34
HANDICAP SPACES REQUIRED	3
REGULAR PARKING REQUIRED	31
REGULAR PARKING SPACES PROVIDED	32
TOTAL H.C. PARKING SPACES PROVIDED	32
TOTAL PARKING SPACES PROVIDED (INCLUDING H.C.)	34

GENERAL CONSTRUCTION NOTES

- THE CONTRACTOR SHALL FAMILIARIZE HIMSELF WITH THE SITE, CONSTRUCTION PLANS AND THE CONTRACT DOCUMENTS, AND SHALL CONDUCT HIS WORK IN STRICT ACCORDANCE WITH ALL PERMITS AND APPROVALS OBTAINED FOR THIS PROJECT.
- CONTRACTOR SHALL NOTIFY THE ENGINEER OF RECORD OF ANY ERRORS OR DISCREPANCIES OF THE PLANS PRIOR TO CONSTRUCTION.
- THE CONTRACTOR SHALL NOTIFY THE APPROPRIATE AGENCY PRIOR TO COMMENCING WORK WITHIN SUCH AGENCY'S JURISDICTION.
- PAVING CONTRACTOR IS RESPONSIBLE FOR CONSTRUCTION OR RESURFACING OF EXISTING TRAVEL WAYS WHEN DAMAGED DURING CONSTRUCTION.
- THE REVIEW AND APPROVAL OF IMPROVED PLANS DOES NOT AUTHORIZE THE CONSTRUCTION OF REQUIRED IMPROVEMENTS WHICH ARE INCONSISTENT WITH EXISTING EASEMENTS OF RECORD.
- GRASS AREAS DISTURBED BY CONSTRUCTION SHALL BE SOEDED W/ BAHIA.
- PROPOSED GRADES SHOWN ARE FINISHED GRADES AND REFER TO TOP OF PAVEMENT.
- ALL ELEVATIONS REFERENCE NATIONAL GEODETIC VERTICAL DATUM. (NGVD)
- IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO ENSURE THAT THE WATER DISCHARGED FROM THE SITE DURING CONSTRUCTION SPECIFICALLY THE TURBIDITY OF DISCHARGED WATER SHALL NOT EXCEED 29 NTU ABOVE THE BACKGROUND LEVEL. WATER QUALITY AND SILTATION CONTROL DEVICES SHALL REMAIN IN PLACE UNTIL EROSION CONTROL MEASURES ARE INSTALLED, ESTABLISHED AND ACCEPTED.
- WHERE INDICATED, OR AS NECESSARY, SILT FENCE OR HAY BALES SHALL BE PLACED ALONG THE PROJECT PERIMETER TO PREVENT SEDIMENT AND TURBID WATER FROM LEAVING THE SITE. ALL SILTATION CONTROLS SHALL BE IN PLACE PRIOR TO THE COMMENCEMENT OF WORK. ANY ADDITIONAL DEVICES NOT CURRENTLY SHOWN ON THE PLANS SHALL BE DETERMINED IN THE FIELD BY THE ENGINEER.
- DURING CONSTRUCTION, CONTRACTOR SHALL KEEP ALL CATCH BASINS AND STORMS SEWER CLEAR OF DEBRIS. UPON COMPLETION, CONTRACTOR SHALL CLEAR AND CLEAN ENTIRE STORM SEWER SYSTEM, LAMP ALL LINES AND INSTALL SEDIMENT FILTERS AS SPECIFIED PER DETAIL SHEET 12 OF 13.
- DEBRIS SHALL BE SWEEPED/VACUUMED FROM THE PAVED AREAS AS REQUIRED BY THE OWNER AND ENGINEER. PAVED AREAS MUST REMAIN FREE OF DUST, SAND, STONES, AND SIMILAR DEBRIS AT ALL TIMES.
- ALL MATERIALS, DEBRIS, UNSUITABLE EARTH, ETC. OF NO SALVAGE VALUE BECOMES THE PROPERTY OF THE CONTRACTOR AND SHALL BE LEGALLY DISPOSED OF BY THE CONTRACTOR.
- ALL CONSTRUCTION SHALL BE IN COMPLIANCE WITH O.S.H.A. SAFETY STANDARDS, INCLUDING O.S.H.A. TRENCH SAFETY STANDARDS AND CURRENT FLORIDA BUILDING CODE.
- EXISTING UTILITY INFORMATION WAS PLOTTED FROM AVAILABLE RECORDS. CONTRACTOR SHALL FIELD VERIFY AND LOCATE ALL UNDERGROUND AND OVERHEAD UTILITY LINES PRIOR TO COMMENCEMENT OF CONSTRUCTION. ANY VARIATIONS FROM THE INFORMATION SHOWN ON THE PLANS SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE ENGINEER. THE CONTRACTOR SHALL COORDINATE WITH ALL LOCAL UTILITIES PRIOR TO EXCAVATION TO DETERMINE THE EXACT LOCATION OF ALL UTILITIES. ANY DAMAGE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE REPAIRED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.

CITY OF FORT MYERS BEACH	735-0202
* WATER & SEWER	735-0202
* STORM	735-0202
CABLE T.V.	
* MEDIA ONE	793-3433 / 463-7772
* EMERGENCY (AFTER 9:00 P.M.)	455-4114
* CABLE VISION INDUSTRIES	598-11404
ELECTRIC	
* F.P.L.	1-800-542-0088
* LEE COUNTY ELECTRIC	1-800-542-0088
* EMERGENCY	598-11404
TELEPHONE	
* A.T.T. FIBER OPTIC CABLE	1-275-4146
* 24 HOUR HOT LINE	1-800-432-4770
* SPRINT UNITED TELEPHONE OF FLORIDA	1-800-542-0088

X.XX = PROPOSED GRADES
 X.X = EXISTING GRADES

ENGINEER OF RECORD:
 Name: _____
 Address: _____
 City & State: Ft. Myers, Florida
 Phone: 239 _____
 FLORIDA REGISTRATION NO.: _____
 DATE: _____

SITE DATA

HEIGHT OF BUILDING = MAXIMUM 18 FT.
 No. STORIES = ONE
 BUILDING AREA = 3607 SQ. FT.
 F.F. = 9.53
 LOT AREA 1D & 2D = 9739 SQ. FT.

ADJACENT LOTS:
 NORTH - STREET - FAIRWEATHER LANE & COMMERCIAL STORE (COMMERCIAL BLDG.)
 EAST - RESIDENTIAL LOT WITH HOUSE (MULTIFAMILY)
 WEST - STREET - ESTERO BLVD. & MOTEL (COMMERCIAL RESORT)
 SOUTH - PARKING LOT (COMMERCIAL LOT 1)
 SOUTH - (RESIDENTIAL LOT 2 & 3)

SITE ADDRESS: 2201 ESTERO BOULEVARD
 FORT MYERS BEACH, FL.

REV #	DATE	BY	DESCRIPTION

EAGLE EQUITY CAPITAL LLC
PROPOSED SITE PLAN
FORT MYERS BEACH, FLORIDA

BARBON CONSULTING SERVICES
 FORT MYERS, FLORIDA

SCALE	DWN. BY	DATE	APPROVED	DRAWING No.	REV #
AS SHOWN	D.I.K.	12/31/11	B.H.	11-301-03	0

**EXHIBIT D-2-3:
SCHEDULE OF USES**

Eagle Equity Capital CPD Amendment

Exhibit D-2-3 Schedule of Uses

The following uses are requested in accordance with Resolution No. 06-30:

Residential – Open

Lodging – Limited

Office – Limited

- Offices, general or medical
- Personal services

Retail – Limited

- Restaurant (limited to two (2) with a total maximum area of 4,000 s.f. of indoor space with additional outdoor seating as included on the MCP)
- On-premises consumption of alcoholic beverages (limited to beer and wine served only in conjunction with meals) including approximately 1,000 s.f. of outdoor seating in conjunction with the proposed deck.

Civic – Open

Essential Services

Accessory Uses

Temporary Uses

*EAGLE EQUITY CAPITAL
COMMERCIAL PLANNED DEVELOPMENT AMENDMENT*

RESOLUTION NO. 06-30

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 06-30

WHEREAS, Joan M. DeLucas ("Applicant") previously requested to rezone 0.22+/- acres or approximately 9,739+/- square feet, from Commercial Boulevard (CB) to Commercial Planned Development (CPD) to allow the conversion of an existing 4,000 square foot office building into two (2) restaurants; and

WHEREAS, the subject property is located at 2301 Estero Boulevard, Fort Myers Beach, in Section 19, Township 46 South, Range 24 East, in Lee County, Florida; and

WHEREAS, Applicant has indicated the subject property's current STRAP number is: 19-46-24-W3-0110D.0010, and the legal description of the subject property is attached hereto and incorporated herein by reference as Exhibit "B"; and

WHEREAS, a public hearing was properly noticed and held on April 11, 2006, before the Local Planning Agency (LPA), at which time the LPA recommended approval of the application; and

WHEREAS, a public hearing was properly noticed and duly held on May 8, 2006, before the Town Council, at which time the Town Council denied the applicant's request and subsequently denied the applicant's request for rehearing; and

WHEREAS, the applicant exercised her right to request a proceeding with a Special Magistrate pursuant to the Florida Land Use and Environmental Dispute Resolution Act ("FLUEDRA"), Chapter 70, Florida Statutes; and

WHEREAS, following the parties' participation in the FLUEDRA proceeding, a Consent Recommendation dated November 22, 2006 was presented to the Town Council at its regularly scheduled meeting on December 11, 2006; and

WHEREAS, the Town Council voted to approve the Consent Recommendation as modified by Town Council with the consent of applicant at said meeting, which modifications are memorialized in the Amended Consent Recommendation dated December 14, 2006 which is attached hereto as Exhibit "A" and the Master Concept Plan (MCP), entitled "Big John's Board Walk Eatery" stamped "Received November 14, 2006 by GM, last revised 11/13/06," which is attached hereto as Exhibit "C", except as modified by the conditions set forth in the Amended Consent Recommendation, both of which Exhibits are hereby incorporated by reference; and

WHEREAS, this Resolution is intended as a ministerial act only, to memorialize the decision reached by the Town Council at its meeting of December 11, 2006;

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

SECTION 1. FINDINGS OF FACT AND CONCLUSIONS.

Based upon the recommendations of the LPA, the presentations by Applicant, staff, and other interested parties at the public hearing, and review of the application and the standards for planned development zoning approval, and the review of the Amended Consent Recommendations by the Special Magistrate pursuant to the FLUEDRA process engaged in by the Town and the applicant, the Town Council makes the following findings and reaches the following conclusions:

1. The requested rezoning, as conditioned pursuant to the attached Amended Consent Recommendation, complies with:
 - a. The Fort Myers Beach Comprehensive Plan;
 - b. LDC Chapter 34;
 - c. all other applicable Town ordinances and codes; and
 - d. the following additional requirements for planned development zoning requests: Comprehensive Plan Policy 4-C-3.
2. The proposed use or mix of uses is appropriate at the subject location.
3. Sufficient safeguards to the public interest are provided by the recommended conditions to the concept plan or by other applicable regulations.
4. All recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
5. As to the requested deviations, as conditioned pursuant to the attached Amended Consent Recommendation:
 - a. Each item enhances the achievement of the objectives of the planned development; and
 - b. The general intent of LDC Chapter 34 to protect the public health, safety, and welfare will be preserved and promoted; and
 - c. Each deviation operates to the benefit, or at least not to the detriment, of the public interest; and
 - d. Each deviation is consistent with the Fort Myers Beach Comprehensive Plan.

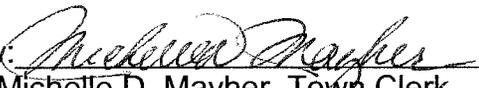
The foregoing resolution was adopted by the Fort Myers Beach Town Council upon motion by Vice Mayor Massucco and second by Councilmember Meador and ,being put to a vote, the result was as follows:

Dennis Boback, Mayor	aye
Don Massucco, Vice Mayor	aye
Charles Meador, Jr.	aye
Garr Reynolds	nay
William Shenko, Jr.	aye

DULY PASSED AND ENACTED this 18th day of December, 2006.

ATTEST:

TOWN OF FORT MYERS BEACH

By: 
Michelle D. Mayher, Town Clerk

By: 
Dennis C. Boback, Mayor

Approved as to form by:



Anne Dalton, Town Attorney

EXHIBIT A

SPECIAL MAGISTRATE PROCEEDING PURSUANT TO THE FLORIDA LAND USE AND ENVIRONMENTAL DISPUTE RESOLUTION ACT

Joan M. DeLucas,

Petitioner/Applicant

vs.

Case # DCI 2005-00112

Big Johns Boardwalk Eatery

Town of Fort Myers Beach,

Respondent

AMENDED CONSENT RECOMMENDATION OF SPECIAL MAGISTRATE

This matter came before the undersigned on September 9, 2006, pursuant to a Request for Relief filed by Petitioner pursuant to FS 70.51 of the Florida Statutes. A Consent Recommendation of Special Magistrate was entered on or about the 22nd day of November, 2006, and that Consent Recommendation was considered by the Town Council of Fort Myers Beach at a Town Council Meeting held on the 11th day of December, 2006. The Town Council approved the Consent Recommendation with certain modifications, and the Parties have requested entry of an Amended Consent Recommendation which embodies those modifications.

Background

Petitioner seeks to convert certain property located at 2301 Estero Blvd., Fort Myers Beach, to use as 2 informal dining establishments. Although the restaurants would have separate and distinct kitchens and menus, they would operate under unified ownership, management, and control, and would both service the same market demographic.

Although redevelopment of the property as a restaurant would require both rezoning and several deviations from the existing Land Development Code, Petitioner believed that her proposed use of the property was consistent with the Town's intent for future development as outlined under the Town's Comprehensive Plan and Land Development Code such that the rezoning and deviation requests would be granted and expended approximately \$500,000 in renovating the subject property for restaurant purposes. On May 8, 2006, the Town Council denied Petitioner's request for rezoning and for the deviations which would have been sought had the rezoning been approved. Petitioner believes that said denial to be unreasonable, and unfairly burdens the owner's use of the property.

The Town of Fort Myers Beach, through its representatives at the hearing, suggested that although use of the property as a restaurant would not in and of itself be inappropriate, granting the requested deviations from the Land Development Code would not be in the best interest of the Town, or of the surrounding property owners in this mixed use commercial/residential area. Without minimizing or ignoring concerns relating to deviations requested that are not specifically enumerated herein, the primary concerns related to traffic and parking. The parking

available on the site would at best be only a fraction of that required under the Land Development Code. A commercial establishment which would bring substantial vehicular traffic to the site would create a burden on surrounding properties from overflow parking, and the vehicular traffic generated by those who cannot find a place to park would exacerbate the already existing traffic burden on Estero Boulevard. Although recognizing that any limitation on development of a parcel by its nature burdens the owner's use of property, the Town does not believe its refusal to allow use of the property for a restaurant under these circumstances is unreasonable, nor does it constitute a burden which is unfair to the property owner.

Framework for Resolution

As set forth in Objective 1-A of the Comprehensive Plan and the Policies adopted in accordance therewith, as a result of traffic concerns on Estero Boulevard, and in order to maintain a certain ambiance as more specifically set forth in the Comprehensive Plan, the Town seeks to direct commercial development in a manner which enhances the accessibility of the property itself to pedestrians, which improves general pedestrian flow along Estero Boulevard, and which minimizes adverse vehicular impact. In addition, the Town seeks to enhance surface water management and drainage where possible.

In the instant case, the property owner seeks to provide service to nearby residents and tourists, and is therefore prepared to develop the property in a manner which will enhance the "pedestrian friendly" nature of both their and surrounding properties, discourage consideration of their property as a vehicular destination unless and until appropriate off site parking can be arranged, and make improvements which will enhance surface water management. It is believed that this can be accomplished by virtually eliminating on-site parking (making this clearly a pedestrian destination rather than a vehicular one) which will have the additional advantage of freeing property which would otherwise be utilized for parking for use of improvements in conformity with Objective 1-A of the Plan and stormwater mitigation. It is further believed by the applicant and the representative of the Town of Ft. Myers Beach that the restrictions on parking and the conditions relating to buffering and hours of operation will better address the concerns raised in the initial staff report regarding neighborhood compatibility and commercial intrusion.

Consent to Entry of Amended Recommendations

Based upon the foregoing, the Parties have agreed to entry of this Amended Consent Recommendation. In consenting to entry of this Amended Recommendation, the Town of Fort Myers Beach does not admit that the actions of the Town which were the subject of this proceeding were unreasonable or unfairly burdened the owners' use of the property.

Recommendations

It is recommended that the Town of Fort Myers Beach adopt a Resolution which will embody, or substantially embody, the following terms and conditions.

A. CONDITIONS

1. The development of this project must be consistent with the two page Master Concept Plan (MCP) entitled "Big John's Board Walk Eatery," stamped "Received

November 14, 2006 BY GM, last revised 11/13/06, except as modified by the conditions below. This development must comply with all requirements of the Land Development Code (LDC) at the time of Local Development Order approval except as may be granted by deviations as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

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

a. Schedule of Uses

Residential – Open

Lodging – Limited

Office – Limited

- Offices, general or medical
- Personal services

Retail – Limited

- Restaurant (limited to two (2) with a total maximum area of 4000 square feet of indoor space with additional outdoor seating as indicated on the MCP)
- On-premises consumption of alcoholic beverages (limited to beer and wine served only in conjunction with meals) including approximately 1000 square feet of outdoor seating in conjunction with the proposed deck

Civic – Open

b. Planned Development Dimensional Regulations

Dimensional regulations must comply with LDC Section 34-704 except where otherwise granted by deviations as part of this planned development

Maximum building height – 18 feet above grade and one story
Maximum F.A.R. – 0.53

3. All uses in the schedule of uses other than the limited Restaurant and on-premises consumption of alcoholic beverages uses require administrative action in accordance with LDC Section 34-219 to assure the compliance of the property with this zoning approval. All Office and Retail uses in the Schedule of uses listed in Condition 2. are limited by LDC Sections 34-702 and 34-703. If the deck is not developed as proposed and the use of the existing building reverts completely back to offices then the currently existing parking area—as excavated—may return to service in the current configuration.
4. The general schedule of uses of the subject property is hereby limited to provide that the hours of operation of any business on the subject property must not commence earlier than 6:00 a.m. and must terminate not later than 10 p.m. The hours of operation for the restaurants are limited from 7:00 a.m. to 10:00 p.m. Sunday through Thursday and 11:00 p.m. Friday and Saturday.

5. Outdoor entertainment on the subject property is prohibited.
6. Prior to issuance of the Certificate of Compliance (CC) or Certificate of Occupancy (CO) Applicant is required to procure off-site parking in accordance with The Town Land Development Code. Any changes to the planned development to accommodate this modification will be approved administratively if in accordance with LDC Section 34-219.
7. Putricible waste and other waste products of the property's use must be stored in roll-off containers inside a completely enclosed area and removed from the premises on a daily basis. If private provision of this service is not available prior to the issuance of the local development order, Applicant will contact the Town to make other arrangements for these services.
8. The use of the on-site parking spaces and loading area allowed by Deviations #1 and #2 is limited to 10 minute intervals for picking up take-out orders or for parking delivery vehicles in accordance with LDC Section 34-1987. All parking areas must be constructed with pervious pavement acceptable to the Town at time of local development order.
9. Any expansion of on-premises consumption of alcoholic beverages requires separate Town Council consideration and approval.
10. Prior to issuance of the required local development order for this project, a landscape plan prepared by a professional landscape architect satisfying all conditions of this Resolution must be submitted to the Town for administrative review and approval as part of the local development order. This plan must include potted plants for the proposed deck area to offset the reductions allowed by Deviation #1 and appropriate plants for the 2-foot wide landscape buffer allowed by Deviation #2. The fence and reduced landscape buffer allowed by Deviation #2 must otherwise comply with all provisions of the LDC regarding fences and landscape buffers.
11. In conjunction with the review of the local development order, the Town will identify the best way to delineate the pedestrian sidewalk along Estero Boulevard and the owner must cooperate with the Town to establish this determination to facilitate pedestrian traffic.
12. All outside lighting must comply with the requirements of the LDC. Prior to the issuance of any Certificate of Compliance (CC) or Certificate of Occupancy (CO) for the subject property, any outside lighting to the rear of the subject property must be mounted low enough to be contained within the required 8-foot high stockade fence.
13. Prior to the issuance of any CC or CO for the subject property, a Type D landscaped buffer a minimum of 15 feet wide satisfying or exceeding the standards of LDC Section 10-416(d)(3) and LDC Table 10-9 buffers must be planted on the Estero side of the proposed deck area indicated on the MCP. Additional

landscaped areas five (5) feet wide on the northerly side of the deck and 10 feet wide on the southerly side of the deck with a planting plan acceptable to the Town must be included on the landscape plan referenced in condition 10 must be provided. This landscaping is required to address Deviation #1.

14. Prior to issuance of any CC or CO, the area between the existing building and Estero Boulevard from the southerly side lot line to the right-of-way of Fairweather Lane must be excavated to remove the asphalt and reduce the elevation of this portion of the site below that of the adjacent pavement for Estero Boulevard and Fairweather Lane to provide shallow water exfiltration.
15. Prior to issuance of any CC or CO for the project an accessible deck meeting all the requirements of the LDC must be constructed in the Deck Area indicated on the MCP.
16. A non-advertising mural must be painted and maintained on the 16-foot length of blank wall on the principal façade allowed by Deviation #8.
17. All exhaust vents for the restaurants will be mounted on the roof, screened from view on all sides and directed toward Estero Boulevard.
18. A local development order is required prior to any use of the subject property in accordance with this planned development. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.
19. Approval of this zoning request does not give Applicant an undeniable right to receive local development order approval. Future development order approval must satisfy the requirements of the Fort Myers Beach Comprehensive Plan.

B. APPROVED DEVIATIONS

1. Deviation #1 from the requirements of LDC Sections 10-415(f) and 10-416(c) for open space landscaping standards to allow the alternative shallow water exfiltration and alternative buffers and open space as indicated on the MCP, as conditioned.
2. Deviation #2 from the requirements of LDC Section 10-416(d)(2) and LDC Table 10-8 for a Type C / F buffer to allow an eight-(8)-foot high solid stockade fence and two-(2)-foot wide landscape buffer on the rear lot line, as conditioned.
3. Deviation #3 from the requirement of LDC Section 10-416(d)(2) and LDC Table 10-8 for a Type D buffer between parking and rights-of-way to allow the alternative shallow water exfiltration and alternative buffers, as conditioned.
4. Deviation #4 from the requirement of LDC Section 34-704(a) that a building be built at five (5) to ten (10) feet from Estero Boulevard to allow a front setback of

46 feet for the existing building to allow the alternative shallow water exfiltration and alternative buffers, as conditioned.

5. Deviation #5 from the requirement of LDC Section 34-704(b)(1)a. for a minimum street setback of 10 feet to allow a street setback of 2.39 feet from Fairweather Lane for the existing.
6. Deviation #6 from the requirement of LDC Section 34-704(b)(1)b. for a minimum rear setback of 20 feet to allow a rear setback of two (2) feet for the existing building .
7. Deviation #7 from the requirement of LDC Section 34-704(b)(1)c. for a minimum side setback of five (5) feet to allow a side setback of 0.64 feet on the south side for the existing building.
8. Deviation #8 from LDC Section 34-995(a)(3), that prohibits a principal façade facing a primary street from having blank walls greater than 10 feet in length, to allow for one (1) section of the principal facade of the existing building to be 16 feet in length, as conditioned.
9. Deviation #9 from the requirement of LDC Section 34-995(d) that the distance of a corner building not be more than 20 feet from the intersection of right-of-way lines to allow for a distance of 48.5 feet from the intersection of Estero Boulevard and Fairweather Lane to the existing building to allow the alternative shallow water exfiltration and alternative buffers, as conditioned.
10. Deviation #10 from LDC Section 34-1986(c)(4) that prohibits off-street loading areas from being located between the principal building and a street right-of-way to allow the loading area indicated on the MCP and the alternative shallow water exfiltration and alternative buffers, as conditioned.
11. Deviation #11 from the requirement of LDC Section 34-2015(6) that all parking lots be provided with sufficient maneuvering room so as to allow an exiting vehicle to leave the parking lot in a forward motion, to allow:
 - a. back-out parking for one (1) disabled parking space and one (1) standard parking space--limited to use as pick-up and delivery to serve the proposed pedestrian-oriented restaurants in the existing building—designed to back out onto Fairweather Lane as indicated on the MCP.
 - b. a 15-foot wide by 26-foot deep loading area to serve the proposed pedestrian-oriented restaurants in the existing building—designed to back out onto Estero Boulevard—as indicated on the MCP.
12. Deviation #12 from LDC Section 34-2020(b)((2) that requires additional parking to be provided in accordance with the standards of LDC Section 34-2020 when the use of a building is changed to a different use that is required to have more parking than exists to allow the pedestrian-oriented configuration indicated on the MCP

and the alternative shallow water exfiltration and alternative buffers, as conditioned.

13. Deviation #13 from the requirement of LDC Section 34-2020(d)(2)h., for 8 parking spaces per 1000 square feet of total floor area plus any outdoor seating for restaurants, to allow for the provision of no on-site customer parking, limited service parking for pick-up / delivery, and limited off-street loading as indicated on the MCP to supply the proposed pedestrian-oriented restaurants in the existing building, and allow for the alternative shallow water exfiltration and alternative buffers, as conditioned.

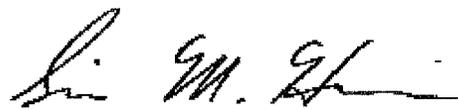
Done this 14th day of December, 2006



SIMON M. HARRISON
Special Magistrate
P. O. Box 07372
Fort Myers, FL 33919
(239-433-4505)
Fl Bar No. 262072

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that duplicate originals of the foregoing have been filed with the parties by service by United States Mail to Anne Dalton, Esq., 2044 Bayside Parkway, Fort Myers, FL 33901, and Matthew D. Uhle, Esq., 1625 Hendry Street, Fort Myers, FL 33902, and a true and correct copy of the foregoing has been furnished by United States Mail to the Florida Department of Legal Affairs, The Capitol PL-01, Tallahassee, FL 32399-1050, this 14th day of December, 2006.



Simon M. Harrison

Legal Description
EXHIBIT 7-2

Lot 1, Block D, and Lot 2, Block D of the Beach Estates Subdivision as recorded in Plat Book 6, page 68, of the Public Records of Lee County, Florida, located in Section 19, Township 46 North, Range 24 East, being more particularly described as follows:
Beginning at the concrete monument marking the northeast corner of Lot 2, Block D of said Beach Estates Subdivision,

Thence North 68°01'56" West, 100.00 feet along the northerly line of said Lots 1 and 2 of Block D to the northwest corner of said Lot 1 and the easterly right of way of Fairweather Lane, being 18 feet wide;

Thence, South 00°00'00" West, 100.97 feet along said easterly right of way to the northerly right of way of County Road 865 (Estero Boulevard), being 50 feet wide,

Thence, South 68°30'00" East, 99.68 feet along said northerly right of way to the east line of said Lot 2;

Thence, North 00°00'00" West, 100.10 feet along the east line of said Lot 2 to the Point of Beginning.

Parcel contains 9323.60 square feet, or 0.21 acres, more or less.

Applicant's Legal Checked

by Lgm 12/15/2005

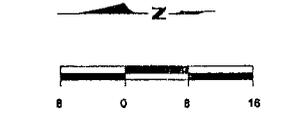
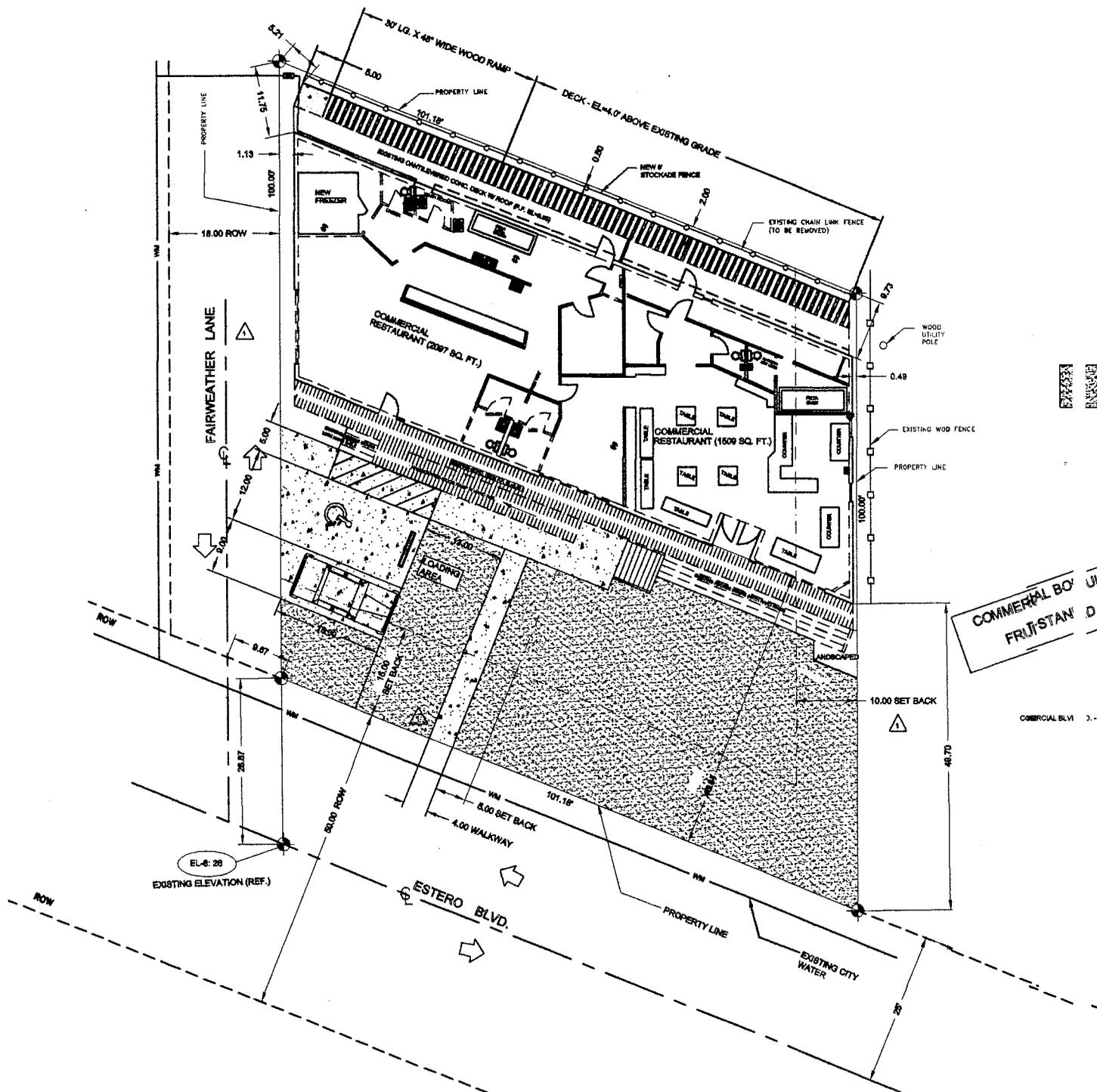
DCI 2005-00112

RECEIVED

NOV 29 2005

COMMUNITY DEVELOPMENT

EXHIBIT B



MASTER CONCEPT PLAN
 SITE ADDRESS: 2301 ESTERO BOULEVARD
 FORT MYERS, FLORIDA 33531

CONCEPT PLAN #1
 SITE DATA:

HEIGHT OF BUILDING = MAXIMUM 18 FT.
 No. STORIES = ONE
 BUILDING AREA = 3607 SQ. FT.
 LOT AREA = 9739 SQ. FT.

= PROPOSED EXCAVATION AREA

APPROVED
 Master Concept Plan

Site Plan # 06-30 Page 1 of 2

Subject to conditions in Resolution EMB-06-030

Case # DCI 2005-00112

TOWN OF FORT MYERS BEACH

RECEIVED
 NOV 14 2006

BY: Jm

EXHIBIT "C" PAGE 1 OF 2

REV #	DATE	BY	DESCRIPTION
1	11/13/06	DK	REV PROP. SET BACK, N, W, & S
BIG JOHN'S BOARD WALK EATERY EXCAVATION PLAN FORT MYERS BEACH, FLORIDA			
BARBON CONSULTING SERVICES FORT MYERS, FLORIDA PHONE: 239 433 6602			
SCALE	DWN. BY	DATE	APPROVED
AS SHOWN	D.K.	10/20/06	B.H.
DRAWING No.		REV. #	
06-201-06		1	



Town of Fort Myers Beach

Community Development
2523 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 Fax: 239-765-0591

February 16, 2011

Alexis Crespo, AICP
Waldrop Engineering
28100 Bonita Grande Drive, Suite 305
Bonita Springs, Florida 34135

**Re: Eagle Equity Capital CPD
FMBDCI2012-0001**

Dear: Ms. Crespo,

The Community Development Department has reviewed the information provided for the above zoning application. The Town of Fort Myers Beach Land Development Code (LDC) required additional information for the application to be found sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various other Town reviewing departments.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the LDC requires that this application be considered withdrawn. Please feel free to contact me if you have any questions or require further clarification.

Sincerely,

Leslee Chapman
Zoning Coordinator
Town of Fort Myers Beach
Community Development

Town of Fort Myers Beach

Community Development
2523 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 Fax: 239-765-0591

ZONING REVIEW – Leslee Chapman

The application and drawings submitted for the referenced project have been reviewed in accordance with the LDC, Florida Statutes as well as other applicable codes and ordinances as adopted by the Town of Fort Myers Beach. Your application requires the following additional information:

Decision Making Compliance

Proposed Uses

Application references 4000 square feet of restaurant uses. Elsewhere in the application different square footage numbers are utilized. Please be consistent with total square footage of restaurant uses, both indoor numbers and outdoor numbers.

LDC Section 34-85(2) lists the considerations necessary for approval of any rezoning application.

Section 34-85(2)(a) Whether there exist an error or ambiguity which must be corrected.

Please provide further information on whether there exists an error or ambiguity which must be corrected through the planned development process.

Section 34-85(2)i Whether urban services are, or will be, available and adequate to serve a proposed land use change.

Please provide additional information on whether urban services are, or will be, available and adequate to serve a proposed land use change.

Section 34-85(2)(f) Whether the request meets or exceeds all performance and location standards set forth for the proposed use.

The application asserts that “the expansion of parking and buffer yards will serve as overall enhancement to immediate area and the Town of Fort Myers Beach in general.” Please provide a more detailed explanation and/or example as to how that will be established.

Section 34-85(2)(h) Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance or other detriment to persons or property.

The applicant mentions the relocation back out parking on Estero Boulevard will positively impact the health safety and welfare. Please provide a more detailed explanation of this statement.

Schedule of Deviations and Justifications

The numbering of the requested deviations is inaccurate. There are two #7 deviations, two #9 deviations and three #10 deviations.

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Please revise the numbering of the requested deviations to reflect one deviation request per numeral.

Deviations are not specific to the location on the subject properties, nor are they labeled on the MCP.

Please revise deviation wording to reflect specific location(s) the subject properties. Please revise the MCP to include deviation locations.

1. *Deviation from the requirements of LDC Section 10-415(f) and 10-416(c) for open space landscaping standards to allow the alternative shallow water exfiltration and alternative buffers and open space as indicated on the MCP.*

Alternative buffers and open space as mentioned in the deviation request are not indicated on the MCP. Please provide details as to how the proposed alternative buffers meet the intent of the code and how the proposed parking plan meets the open space requirements.

2. *Deviation from the requirements of LDC Section 10-416(d)(2) and LDC Table 10-8 for a Type C/F buffer to allow for an eight (8) foot high stockade fence and two (2) foot wide landscape buffer on the rear lot line abutting the restaurant, as conditioned, in addition to a 5-foot wide and 15-foot wide landscape buffer without a wall on the rear lot line abutting the parking area, as indicated on the MCP.*

None of these items are indicated on the MCP, please revised the MCP to reflect the wording of the deviations. A site visit indicated that there existed less than 2 feet between the rear deck of the existing building and the adjacent neighboring property. Please provide clarification on the location for installation of the two feet of landscape material as well as details as to what type of materials will be planted.

Master Concept Plan

Section 34-212(4) Master Concept Plan.

Please review and revise the MCP according to Section 34-212(4). Town Staff has also provided a red line mark up as an attachment to this letter showing additional specific comments.

Deviation locations and label are not included on the MCP.

Please revise the MCP to include deviation locations and labels.

Along the rear lot line is a hatched area labeled 'LANDSCAPE AREA (TYPICAL)'.

Staff is unclear what the intended use of these 'landscape areas' are. Please provide additional details as to what the typical landscape areas include. If these areas are to be considered the require buffer areas, please label the MCP to that effect and provide additional information, including numbers and types

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of plant materials as well percentage of native and non-native plant species. Refer to Section 10-416 for additional information on landscape standards.

Schedule of Uses

Retail – limited

- *Restaurant (limited to two (2) with a total maximum area of 4,000 sf of indoor space with additional outdoor seating as included on the MCP)*

The total indoor building square footage is inconsistent throughout the application. Please revise all portions of the application to reflect the accurate and consistent total square footage of indoor building square footage.

- *On-premises consumption of alcoholic beverages (limited to beer and wine served only in conjunction with meals) including approximately 1,000 sf of outdoor seating in conjunction with the proposed deck*

Review of the MCP does not indicate a proposed deck of approximately 1,000 square feet. An area hatched and label 'Future Outdoor Seating Area (975 SQ FT)' is shown on the MCP. Please revise the application and/or MCP for consistency.

Please make the corrections and resubmit with the necessary information so we can process your application. Please note that these comments represent only those of the reviewer signing below. Other comments may be forthcoming, and a re-submittal shall not occur until all reviewer comments are addressed.

Leslee Chapman
Zoning Coordinator
239-765-0202 ext 105

PLANNING REVIEW – Josh Overmyer

The application and drawings submitted for the referenced project have been reviewed in accordance with the LDC, Florida Statutes as well as other applicable codes and ordinances as adopted by the Town of Fort Myers Beach. Your application requires the following additional information:

In my review of the above-listed rezoning case, I recognized the following Comprehensive Plan Policies that arise for sufficiency of the requested zoning action.

Policy 4-A-3: *The town shall protect residential neighborhoods from intrusive commercial activities (see Policies 4-C-2 and 4-C-3 below).*

Policy 4-C-2: Commercial Intensity: *The maximum intensity of allowable commercial development in any category may be controlled by height regulations (see Policy 4-C-4) or*

Town of Fort Myers Beach

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other provisions of this plan and the Land Development Code. Standards in the Land Development Code will encourage more intense commercial uses only in the "Pedestrian Commercial" category. The Land Development Code shall specify maximum commercial intensities using floor-area-ratios (the total floor area of the building divided by the area of the site in the category allowing commercial uses). The Land Development Code may allow floor-area-ratios in the "Pedestrian Commercial" category as high as 2.5, and in other categories as high as 1.5.

Policy 4-C-3: Commercial Locations: *When evaluating proposals for new or expanded commercial uses in categories where they are permitted, the following principles shall apply:*

- i. No rezonings for commercial uses shall be allowed in the "Low Density" category.*
- ii. Where new or expanded commercial uses are encouraged, as in the "Pedestrian Commercial" category, the Land Development Code shall specify its permitted form and extent and provide a streamlined approval process. Landowners may also use the planned development rezoning process to seek approval of other forms of commercial development in that category.*
- iii. In the "Mixed Residential" category, 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.*
- iv. In the "Boulevard" category, where mixed-use development including some commercial uses may be permissible, landowners may seek commercial rezoning only through the planned development process. Proposals must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code.*
- v. The following principles shall be considered by the town when evaluating requests for new commercial uses:*
 - a. Shopping and services for residents and overnight guests are strongly preferred over shopping and services that will attract additional day visitors during peak-season congestion.*
 - b. Shopping and services that contribute to the pedestrian character of the town are strongly preferred over buildings designed primarily for vehicular access.*
- vi. The neighborhood context of proposed commercial uses is of paramount importance. The sensitivity of a proposed commercial activity to nearby residential areas can be affected by:*
 - a. the type of commercial activities (such as traffic to be generated, hours of operation, and noise);*
 - b. its physical scale (such as the height, and bulk of proposed buildings); and*
 - c. the orientation of buildings and parking.*

Commercial activities that will intrude into residential neighborhoods because of their type, scale, or orientation shall not be approved.

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Please demonstrate compliance with these applicable sections, discussing the commercial intrusion into a residential area, orientation to Mango Street, landscape buffers to shield the use from residential properties, as well as the project's contribution to the public realm and the amendment's complement to adjacent commercial development. Discuss low FAR proposed for this project (1/10th of what might otherwise be approved), and please be consistent regarding the amount of approved square footage of the project (3,607 s.f. on page 1 of Exhibit D-1-C vs. 4,000 s.f. on pages 2 and 3)

Policy 4-B-4: "Mixed Residential": *designed for older subdivisions with mixed housing types on smaller lots, newer high-rise buildings, and mobile homes and RV parks. This category will ensure that Fort Myers Beach retains a variety of neighborhoods and housing types. For new development, the maximum density is 6 dwelling units per acre (except where the Future Land Use Map's "platted overlay" indicates a maximum density of 10 units per acre for legally existing dwelling units). Commercial activities are limited to lower-impact uses such as offices, motels, churches, and public uses, and must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code. 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 requested rezoning of the 2 lots in the "Mixed Residential" category from the Residential Multifamily (RM) zoning district to Commercial Planned Development would convert residential land uses to commercial land use. An analysis of the percentage of the acreage of land within the "Mixed Residential" throughout the town that is used for non-residential uses must be completed to demonstrate compliance with Policy 4-B-4. The remainder of Policy 4-B-4 has been adequately covered by your previously-submitted analysis.

Policy 4-B-5: "Boulevard": *a mixed-use district along portions of Estero Boulevard, including less intense commercial areas, historic cottages, and mixed housing types. This category is not intended to allow commercial uses on all properties; its mixed-use nature is intended to remain permanently. For new residential 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). To obtain approval for new or expanded commercial activities, proposals must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code. These qualities and overall consistency with this comprehensive plan shall be evaluated by the town through the planned development rezoning process. Non-residential uses (including motels and churches) now comprise 46.9% of the land in this category, and this percentage shall not exceed 70%.*

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Unlike in the Mixed Residential category above, the 2 lots located within the Boulevard category are already commercially zoned properties, which are requested to be rezoned to a Commercial Planned Development. Therefore, the analysis is not warranted, since it ends up in a wash. The remainder of this policy, however, is still applicable as it pertains to expansion of a commercial use and the sensitivity toward nearby residential uses. The analysis that you have provided is sufficient to demonstrate compliance with Policy 4-B-5.

Please make the corrections and resubmit with the necessary information so we can process your application. Please note that these comments represent only those of the reviewer signing below. Other comments may be forthcoming, and a re-submittal shall not occur until all reviewer comments are addressed.

Josh Overmyer
Planning Coordinator
239-765-0202 ext 115

PUBLIC WORKS REVIEW – Cathie Lewis

The application and drawings submitted for the referenced project have been reviewed in accordance with the LDC, Florida Statutes as well as other applicable codes and ordinances as adopted by the Town of Fort Myers Beach. Your application requires the following additional information:

Plan Set Overview:

- 1. The "General Construction Notes" are not complete and contain incorrect information. It should be noted that this information will need to be corrected and be complete prior to approval. I am not identifying all the inconsistencies at this time as they are not relative to the zoning process.*
- 2. Should the applicant desire to include all the site improvement detail information on the plans as part of the zoning process they can do so, however modified plans will be necessary that distinguish between current grades and elevations vs. finished grades, stormwater calculations provided, stormwater structures identified, stormwater structures detail, sub-base material detail, method for removing existing asphalt, identify the future outdoor seating surface and surrounding surface material, include a landscape plan.*
- 3. Plan denotes a "drain swale" discharging to an "existing drain". The applicant must provide stormwater retention for the entire property with no off-site discharge.*
- 4. Applicant identifies two access ways from Mango Street, one being two way traffic the other being one-way traffic. The plan shows a separation of approximately 77' between the access ways. This is within the limitations identified in Section 10 of the Town of Fort Myers Beach Land Development Code.*

Town of Fort Myers Beach

Community Development
2523 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 Fax: 239-765-0591

5. *The location of the dumpster is not conducive for pick up based on the traffic flow through the parking lot.*
6. *The plan denotes several areas throughout the project area that are not hatched in anyway, nor identified for material or use. These areas need to be identified.*
7. *The plan identifies a "New Sidewalk Extension" explanation of this addition and a County Right-of-Way permit will be required prior to construction*

Zoning Application Review:

1. *Supplement PH-D Part 1 E. – referring to Exhibit D-1-E*
 - a. *Policy 4-C-1: Commercial Intensity* – the current stormwater management concept that is shown on the plan set, will not necessarily sustain the maximum attainable intensity of the site. Consideration should be given to additional provisions associated with increasing the intensity at the project site.
2. *Supplement PH-D Part 1 G.*

Reference that the applicant is seeking approval of an outdoor seating area where the current site parking is located. Detail associated with elevation changes, buffering, and surface material will need to be brought forward for approval. Applicant should be encouraged to provide some form of pervious material for the outside seating area.
2. *Exhibit 3-1: TIS Waiver*

The applicant indicates that a traffic study is not necessary, stating that no additional traffic will be generated due to the proposal. Applicant should be required to provide an easement along the frontage of the property to accommodate a Lee Tran public transit pull-out.

This application comment memorandum should in no way constitute final comments or approval. As the application process continues, it will be necessary for PW to provide additional review to Community Development.

Please make the corrections and resubmit with the necessary information so we can process your application. Please note that these comments represent only those of the reviewer signing below. Other comments may be forthcoming, and a re-submittal shall not occur until all reviewer comments are addressed.

Cathie Lewis
Public Works Director
239-765-0202 ext 138



WALDROP ENGINEERING

CIVIL ENGINEERING & LAND DEVELOPMENT CONSULTANTS

28100 BONITA GRANDE DR. #305
BONITA SPRINGS, FL 34135
P: 239-405-7777
F: 239-405-7899

February 23, 2012

Ms. Leslee Chapman
Town of Fort Myers Beach
2523 Estero Blvd.
Fort Myers Beach, FL 33931

RE: **Eagle Equity Capital CPD**
FMBDCI2012-0001

Dear Ms. Chapman,

Please find the below information in response to your insufficiency letter dated February 16, 2012. Staff's comments are listed below as ordered in your correspondence with the Applicant's response shown in bold type. To assist in your review, please also find the following items attached:

- 1) Updated Master Concept Plan prepared by Barbon Consulting;
- 2) Updated Schedule of Uses;
- 3) Updated Comprehensive Plan Compliance Narrative
- 4) Updated Schedule of Deviations & Justifications;
- 5) Potable Water Letter of Availability from Beach Water;
- 6) Sanitary Sewer Letter of Availability from Lee County Utilities; and
- 7) Landscape Plan prepared by R.S. Walsh Landscaping, Inc. will be submitted under a separate heading to your attention.

ZONING REVIEW -- Reviewed By: Leslee Chapman

Decision Making Compliance

Proposed Uses

Application references 4,000 square feet of restaurant uses. Elsewhere in the application different square footage numbers are utilized. Please be consistent with total square footage of restaurant uses, both indoor and outdoor numbers.

RESPONSE: The square footage of the proposed restaurant use is 4,000 square feet. The attached Comprehensive Plan Compliance Narrative (Exhibit D-1-C) has been updated to reflect this square footage. Additionally, the Schedule of Uses has been updated to reflect the expanded outdoor seating area (1,859 s.f.) per our meeting with Staff on February 17, 2012.

Please provide further information on whether there exists an error or ambiguity which must be corrected through the planned development process.

RESPONSE: To the Applicant's knowledge there is not an error or ambiguity which must be corrected through the planned development process. The CPD application proposes to expand the parking for a an approved and existing restaurant use in order to better meet the Town of Fort Myers Beach LDC, improve ingress and egress to the Property.

Please provide additional information on whether urban services are, or will be, available and adequate to serve the proposed land use change.

RESPONSE: Please refer to the attached letters of availability from Beach Water and Lee County Utilities.

The application asserts that "the expansion of parking and buffer yards will serve as an overall enhancement to the immediate area and the Town of Fort Myers Beach in general. Please provide a more detailed explanation and/or example as to how that will be established.

RESPONSE: As it currently exists, the site's parking area directly abuts the Estero Blvd. frontage and does not meet the requirements of the Land Development Code. This configuration creates a public safety issue due to vehicles backing out into the Estero Blvd. travel lanes, as well as into the pedestrian walkway.

The proposed parking area to the east of the existing building will provide for safe ingress and egress to the property, as well as a significant increase in available parking to service the currently approved restaurant uses. Upon approval of this application, vehicles will access the parking area via Mango Street, a two-lane local roadway instead of the Town's main arterial thoroughfare. Moreover, the parking area is front-entry and vehicles will not have to back out directly onto public rights-of-way.

In addition to increased safety, the proposed configuration of the parking area in the side yard of the property will allow for a more pedestrian-oriented development pattern, which encourages walkability and accessibility for patrons arriving by foot or bicycle, as well as the general public travelling along the property's Estero Blvd. frontage.

There are currently no perimeter buffers in place to screen the property from adjacent rights-of-way and single family residences. The provision of landscape buffer yards as shown on the MCP will enhance the visual appeal of the property and increase the environmental quality of the site.

For these reasons, the expansion/relocation of the parking area and inclusion of landscape buffer yards will serve as an overall enhancement to the property, adjacent development, and the Town of Fort Myers Beach in general.

The application mentions the relocation back out parking on Estero Boulevard will positively impact the health, safety and welfare. Please provide a more detailed explanation of this statement.

RESPONSE: As it currently exists, the site's parking spaces are located directly on the Estero Blvd. frontage. This configuration requires patrons to back-out directly onto this 2-lane *arterial* roadway. As it currently exists, these back-out parking spaces negatively impact public health, safety and welfare, not only for vehicles travelling along Estero Blvd., but for the bicycle and pedestrian traffic that also use this thoroughfare. In addition to the safety hazard associated with the existing parking

area, the orientation of the parking reduces the overall appearance and visual appeal of the property.

The proposed parking area to the east of the existing building will provide a significant increase in available parking to service the currently approved restaurant uses, and also provides for safe ingress and egress to the property. Upon approval of this application, vehicles will access the parking area via Mango Street, a two-lane local roadway. Moreover, the parking area is front entry and vehicles will not have to back out directly onto public rights-of-way. Lastly, the proposed parking area will be screened from Estero Boulevard and Mango Street via a 5-foot landscape yard, in excess of the LDC requirements. As the site currently exists there are no right-of-way buffers to soften the street view of the property.

For these reasons, the Applicant respectfully submits that the relocation of the back-out parking will positively impact public health, safety and welfare, and will also provide a valuable aesthetic improvement.

Schedule of Deviations and Justifications

The numbering of the requested deviations is inaccurate. There are two #7 deviations, two #9 and three #10 deviations. Please revise the numbering of the requested deviations to reflect one deviation request per numeral.

RESPONSE: Please refer to Exhibit D-1-F. The list of deviations and justifications has been revised to delete previously approved deviations that are no longer applicable. The numbering has been corrected accordingly.

Please revise deviation wording to reflect specific location(s) the subject properties. Please revise the MCP to include deviation locations.

RESPONSE: Please refer to the revised Master Concept Plan (MCP). The locations of deviations are shown and numbered in accordance with the Schedule of Deviations and Justifications (attached as Exhibit D-1-F).

1. *Deviation from the requirements of LDC Section 10-415(f) and 10-416(c) for open space landscaping standards to allow the alternative shallow water exfiltration and alternative buffers and open space as indicated on the MCP.*

Alternative buffers and open space as mentioned in the deviation request are not indicated on the MCP. Please provide details as to how the proposed alternative buffers meet the intent of the code and how the proposed parking plan meets the open space requirements.

RESPONSE: Please refer to the revised Schedule of Deviations and Justifications, and the updated MCP. As noted above, the site is developed with an existing building and contains no vegetated buffers. The Applicant has constructed an 8-foot tall stockade fence to the rear of the existing building to effectively screen the adjacent single family residence, thereby meeting the intent of the LDC.

A Type "C" buffer ranging in width from 14 feet to 15 feet has been provided along the rest of the northern property line to screen the other adjacent residence. The Applicant respectfully submits that the proposed vegetation will provide an attractive and effective buffer yard to screen the proposed parking area, where no buffer currently exists. As previously discussed with Staff, the provision of a wall along this property line creates potential maintenance issues and the proposed vegetated buffer will meet the intent of the LDC for buffering commercial uses from residential areas.

2. *Deviation from the requirements of LDC Section 10-416(d)(2) and LDC Table 10-8 for a Type C/F buffer to allow for an eight (8) foot high solid stockade fence and two (2)-foot wide landscape buffer on the rear lot line abutting the restaurant, as conditioned, in addition to a 5-foot wide and 15-foot wide landscape buffer without a wall on the rear lot line abutting the parking area, as indicated on the MCP.*

None of these items are indicated on the MCP; please revise the MCP to reflect the wording of the deviations. A site visit indicated that there existed less than 2 feet between the rear deck of the existing building and the adjacent neighboring property. Please provide clarification on the location for installation of the two feet of landscape material as well as details as to what type of materials will be planted.

RESPONSE: Please refer to the attached MCP, which has been updated per Staff's comments and red line mark-up. Per discussions with Staff, the proposal to provide a 2-foot buffer between the rear of the deck and the stockade fence is not necessary to meet the intent of the LDC. The stockade fence, which was recently constructed by the Applicant, will effectively screen the rear of the existing building from the adjacent single family residence. Therefore, the intent Section 10-416 of the LDC will be met via this existing, opaque fence.

Master Concept Plan

Please review and revise the MCP according to Section 34-212(4). Town Staff has also provided a red line mark up as an attachment to this letter showing additional specific comments.

RESPONSE: Please refer to the attached MCP, which has been updated per Staff's comments and red line mark-up.

Please revise the MCP to include deviation locations and labels.

RESPONSE: Please refer to the attached MCP, which has been updated per Staff's comments and red line mark-up.

Along the rear lot line is a hatched area labeled 'LANDSCAPE AREA (TYPICAL)' Staff is unclear what the intended use of these 'landscape areas' are. Please provide additional details as to what the typical landscape areas include. If these areas are to be considered the required buffer areas, please label the MCP to that effect and provide additional information, including numbers and types of plant materials as well as percentage of native and non-native plant species. Refer to Section 10-416 for additional information on landscape standards.

RESPONSE: Please refer to the attached MCP, which has been updated per Staff's comments and red line mark-up.

PLANNING REVIEW -- Reviewed By: Josh Overmyer

In my review of the above-listed rezoning case, I recognized the following Comprehensive Plan Policies that arise for sufficiency of the requested zoning action.

Policy 4-A-3: The Town shall protect residential neighborhoods from intrusive commercial activities (see Policies 4-C-2 and 4-C-3 below).

Please demonstrate compliance with the applicable sections, discussing the commercial intrusion into a residential area, orientation to Mango Street, landscape buffers to shield the use from residential properties, as well as the project's contribution to the public realm and the amendment's complement to adjacent commercial development. Discuss low FAR proposed for this project (1/10th of what might otherwise be approved), and please be consistent regarding the amount of approved square footage of the project (3,607 s.f. on page 1 of Exhibit D-1-C vs. 4,000 s.f. on pages 2 and 3).

RESPONSE: Please refer to the revised Comprehensive Plan Compliance Narrative (attached as Exhibit D-1-C), which has been revised to address Staff's comments. Additional language to address Staff's comment is underlined for ease of review.

The requested rezoning of the 2 lots in the "Mixed Residential" category from the Residential Multifamily (RM) zoning district to Commercial Planned Development would convert residential land uses to commercial land use. An analysis of the percentage of the acreage of land within the "Mixed Residential" throughout the town that is used for non-residential land uses must be completed to demonstrate compliance with Policy 4-B-4. The remainder of Policy 4-B-4 has been adequately covered by your previously submitted analysis.

RESPONSE: The following is an analysis of acreage within the Mixed Residential Future Land Use Category that is approved for non-residential land uses.

The baseline for this analysis is the Town of Fort Myers Beach Comprehensive Plan, Table 4-9. Per this table, there were 46.5 acres of non-residential land uses in Mixed Residential (MR) as of November 1999, which equated to a percentage of 7.9% of the total land area in the MR Future Land Use Category. The cap was set at 12% and allowed for an additional 24.2 acres of MR lands to be used for non-residential uses.

Per review of Lee County Property Appraiser data, the Town Future Land Use Map, and Resolution 04-16, the following properties were converted to non-residential uses since the baseline year of 1999:

PROJECT NAME	ADDRESS	USEAGE	ACREAGE
Santos Bed and Breakfast	1321 Santos Road	Bed and Breakfast	0.12 acres
Fire Control Administration Building	100 Voorhis St.	Office	0.28 acres
Pink Porpoise CPD Amendment	815 Estero Blvd.	Parking Lots	0.29 acres
Casa Bahia RPD	855 Lagoon St.	Mixed Commercial	0.20 acres
Mango Street Inn	126 Mango St.	Bed and Breakfast	0.25 acres
TOTAL NON-RESIDENTIAL ACREAGE ADDED SINCE 11/2009			1.14 acres

Based on this analysis, there are currently 48+/- acres of non-residential land uses within the Mixed Residential Future Land Use Category, leaving approximately 23 acres of land available for non-residential development. The proposed CPD amendment proposes to add 11,000 s.f./0.25 acres of non-residential lands within the Mixed Residential Future Land Use Category. Therefore, this petition is consistent with Policy 4-B-4, and will not exceed the established limits on non-residential land uses in the Mixed Residential Future Land Use District.

Unlike in the Mixed Residential category above, the 2 lots located within the Boulevard Category are already commercially zoned properties, which are requested to be rezoned to a Commercial Planned Development. Therefore, the analysis is not warranted, since it ends up in a wash. The remainder of this policy however is still applicable as it pertains to expansion of a commercial use and the sensitivity toward nearby residential uses. The analysis that you provided is sufficient to demonstrate compliance with Policy 4-B-5.

RESPONSE: So noted.

PUBLIC WORKS REVIEW – Reviewed By: Cathie Lewis

The application and drawings submitted for the reference project have been reviewed in accordance with the LDC, Florida Statutes as well as other applicable codes and ordinances adopted by the Town of Fort Myers Beach. Your application requires the following additional information:

Plan Set Overview:

1. The “General Construction Notes” are not complete and contain incorrect information. It should be noted that this information will need to be corrected and be complete prior to approval. I am not identifying inconsistencies at this time as they are not relative to the zoning process.

RESPONSE: Please refer to the attached MCP. The notes have been updated to relate specifically to the rezoning process. Incorrect and incomplete construction notes have been removed and will be deferred to the review of the forthcoming Limited Review Development Order (LDO) application.

2. Should the applicant desire to include all the site improvement detail information on the plans as part of the zoning process they can do so, however modified plans will be necessary that distinguish between current grades and elevations vs. finished grades, stormwater calculations provided, stormwater structures identified, stormwater structures detail, sub-base material detail, method for removing existing asphalt, identify the future outdoor seating surface and surrounding surface material, include a landscape plan.

RESPONSE: Please refer to the attached MCP. Details have been removed to comply with the typical standards for zoning MCPs. Site improvement detail information will be provided at the time of Limited Review Development Order application.

3. Plan denotes a “drain swale” discharging to an “existing drain”. The applicant must provide stormwater retention for the entire property with no off-site discharge.

RESPONSE: Please refer to the revised MCP attached.

4. Applicant identifies two access ways from Mango Street, one being two way traffic the other being one-way traffic. The plan shows a separation of approximately 77' between the access ways. This is within the limitations identified in Section 10 of the Town of Fort Myers Beach Land Development Code.

RESPONSE: Please refer to the revised Schedule of Deviations and Justifications, attached as Exhibit D-1-F.

5. The location of the dumpster is not conducive for pick up based on traffic flow through the parking lot.

RESPONSE: So noted.

6. The plan denotes several areas throughout the project area that are not hatched in anyway, nor identified for material or use. These areas need to be identified.

RESPONSE: Areas that are not hatched as landscaped areas, parking area, or outside seating are common open space areas. Per our review of previously approved MCPs, it does not appear that hatching all areas on-site are a requirement for approval.

7. The plan identifies a "New Sidewalk Extension". Explanation of this addition and a County Right-of-Way permit will be required prior to construction

RESPONSE: So noted.

Zoning Application Review

1. Supplement PH-D Part 1 E. – referring to Exhibit D-1-E
 - a. Policy 4-C-1: Commercial Intensity – the current stormwater management concept that is shown on the plan set, will not necessarily sustain the maximum attainable intensity of the site. Consideration should be given to additional provisions associated with increasing the intensity at the project site.

RESPONSE: The proposed CPD rezoning request is strictly limited to 4,000 s.f. of restaurant uses, as well as 1,859 s.f. of outdoor seating area. Therefore, in order to redevelop the site with increased intensity, a new rezoning application will require review by Staff and approval by the Town Council.

2. Supplement PH-D Part 1 G.
Reference that the applicant is seeking approval of an outdoor seating area where the current site parking located. Detail associated with elevation changes, buffering, and surface material will need to be brought forward for approval. Applicant should be encouraged to provide some form of pervious material for the outside seating area.

RESPONSE: Details regarding surface materials and elevation changes will be provided at the time of Limited Review Development Order approval. Buffers are shown on the revised MCP as requested.

3. Exhibit 3-1: TIS Waiver

The applicant indicates that a traffic study is not necessary, stating that no additional traffic will be generated due to the proposal. Applicant should be required to provide an easement along the frontage of the property to accommodate a Lee Tran public transit pull-out.

RESPONSE: The Applicant has investigated the ability to accommodate a Lee Tran pull-out along the Property's Estero Blvd. frontage, and due to the dimensions required by Lee Tran, there is not sufficient space to accommodate the pull-out. A trolley stop will be provided as shown on the MCP.

If you have any further questions, please do not hesitate to contact me directly at (239) 405-7777 ext. 207, or alexisc@waldropengineering.com.

Sincerely,

WALDROP ENGINEERING, P.A.



Alexis V. Crespo, AICP, LEED AP
Principal Planner

Enclosures

cc: Peter Bell, Eagle Equity Capital, LLC
Barry Hull, Barbon Consulting

Eagle Equity Capital CPD Amendment

Exhibit D-2-3 Schedule of Uses

REVISED 02/23/2012

Residential – Open

Lodging – Limited

Office – Limited

- Offices, general or medical
- Personal services

Retail – Limited

- Restaurant (limited to two (2) with a total maximum area of 4,000 s.f. of indoor space with additional outdoor seating as included on the MCP)
- On-premises consumption of alcoholic beverages (limited to beer and wine served only in conjunction with meals) including approximately 1,859 s.f. of outdoor seating in conjunction with the proposed deck.

Civic – Open

Essential Services

Accessory Uses

Temporary Uses

Eagle Equity Capital CPD Amendment

Exhibit D-1-C: Comprehensive Plan Compliance Narrative

REVISED 02/23/12

The subject property is comprised of four (4) parcels per the Lee County Property Appraiser. The two (2) parcels fronting on Estero Blvd. are designated within the Boulevard Future Land Use Category, while the two (2) parcels fronting on Mango St. are designated within the Mixed Residential Future Land Use Category. The parcels designated Mixed Residential are also located within the Platted Overlay.

The intent of the Eagle Equity Capital CPD amendment is to combine all four (4) parcels into a unified CPD with restaurant uses, outdoor seating, supportive parking, water management, and landscape buffers. Per Exhibit C, Page 2 of 2, in Resolution 06-30, the CPD currently permits 4,000 s.f. of restaurant uses, in addition to 1,000 s.f. of outdoor seating area. Per the proposed MCP and Schedule of Uses, the Applicant is seeking an increase to the outdoor seating area to 1,859 s.f. to ensure appropriate implementation/enforcement of this use. This amendment does not include a request to increase the indoor restaurant square footage beyond what is currently approved. The general purpose of this amendment is to add additional acreage into the CPD to provide the requisite parking spaces, stormwater management, and landscape buffers to support the approved restaurant uses.

The following is an analysis of how the proposed CPD amendment is consistent with relevant goals, objectives and policies of the Town of Fort Myers Beach Comprehensive Plan (Plan).

Policy 4-B-5: Boulevard Category

The Boulevard Future Land Use Category is intended for a mix of uses, including low intensity commercial uses and a variety of residential unit types. Policy 4-B-5 requires that the expansion of existing commercial uses within this Category be evaluated via the Planned Development rezoning process.

The proposed CPD is in direct compliance with the intent of the Boulevard Category, as previously demonstrated through Resolution No. 06-30. The commercial restaurant uses are currently approved at an intensity of 4,000 s.f., and were deemed consistent with the acceptable range of uses intended for the Boulevard Category. Buffers between the existing restaurant building and the residential uses to the north were approved as part of this CPD to ensure compatibility and mitigate any impacts of the proposed uses.

The proposed expansion of the CPD will allow for the requisite parking area to support the approved restaurant uses, and is requested via the Commercial Planned Development process, which is in direct compliance with this policy. Additionally, no outdoor entertainment is requested as part of this application and it is understood that the forthcoming resolution will condition approval accordingly. Per the proposed buffers and site layout, the proposed CPD amendment will continue to ensure compatibility with the adjacent residential uses.

Policy 4-B-4: Mixed Residential Category

The Mixed Residential (MR) Future Land Use Category is designated in areas with mixed housing types on smaller lots, newer high-rise buildings, mobile homes and RV parks. This Category is intended to ensure that Fort Myers Beach retains a variety of neighborhoods and housing types. Commercial uses within this Category are limited to lower impact uses that complement surrounding commercial development, and must be ensure compatibility with adjacent residential uses.

The proposed CPD amendment will allow for a low impact crushed shell parking area to support the restaurant uses approved per Resolution No. 06-30. The proposed Master Concept Plan (MCP) provides for substantial landscape

buffers to screen the proposed parking area from adjacent residential lots. Upon development, the proposed landscaping will not only buffer the residential community to the north from the proposed parking area, but will also screen views and noise generated from Estero Blvd. Additionally, a lighting plan will be provided prior to site development activities and will mitigate light trespass onto adjacent properties.

Therefore, approval of the proposed amendment will serve as an enhancement to the neighboring residential community and is in substantial compliance with Policy 4-B-4 of the Comprehensive Plan.

Policy 4-A-3: Commercial Intrusion

Commercial intrusion into the established residential neighborhood to the north will be adequately mitigated via the Type "C" buffers proposed along with the northern property line, along with the 8-foot tall opaque stockade fence that currently exists. Additionally, the Applicant is proposing a very low commercial intensity/Floor Area Ratio of 0.2, including the proposed outdoor seating area. Therefore, the proposed amendment will enhance the existing low-intensity commercial use in a manner that improves compatibility with the adjacent residential uses.

Additionally, the proposed amendment will greatly improve viewsheds of the development from surrounding streets and properties. As it currently exists, the building is not pedestrian-oriented, nor is it visually appealing. The proposed orientation of outdoor seating along the Estero Boulevard frontage, relocation of the parking lot to the property's side yard, and the inclusion of vegetated landscape buffers will significantly benefit the public realm, and will truly serve as exemplary case of infill redevelopment.

Policy 4-B-11: Platted Overlay

The two (2) parcels fronting along Mango St. are designated within the Platted Overlay per the Town's Future Land Use Map. This overlay has no effect on the proposed CPD amendment, as the policy specifically states that the Overlay does not impact the uses permitted per the underlying Mixed Residential Category.

Policy 4-C-1: Commercial Intensity

This policy limits Floor Area Ratio (FAR) to 1.5 for properties not within the Pedestrian Commercial Category. Based upon the property's acreage of 0.65+/- acres (or 28,700+/- s.f.), the maximum attainable intensity is 43,050 s.f. As stated above, the Applicant is proposing the same 4,000 s.f. of restaurant uses as approved, with an increase to the outdoor seating area to 1,859 s.f. Therefore the total FAR proposed is 0.2, well below the maximum permitted per Policy 4-C-1.

Policy 4-C-2: Commercial Locations

This policy reiterates that commercial expansions within the Boulevard and Mixed Residential Categories must undergo the PD rezoning process, and also prescribes the following principles for evaluating requests:

- a. Shopping and services for residents and overnight guests are strongly preferred over shopping and services that will attract additional day visitors during peak-season congestion.***

The Applicant owns the Neptune Inn and is seeking this amendment to provide ancillary dining for patrons of the hotel. The subject property is located in close proximity to the central hotel district and is anticipated to service guests from several other establishments as well. Therefore, the proposed amendment will provide for services to support overnight guests, and is unlikely to attract additional day visitors during peak season.

- b. Shopping and services that contribute to the pedestrian character of the town are strongly preferred over buildings designed primarily for vehicular access.***

The proposed amendment will have a substantial, positive impact on the pedestrian character of the subject property, as the MCP proposes to remove the existing back-out parking that directly abuts Estero Boulevard and relocate it to the eastern portion of the site. Landscaped buffers are proposed to screen the parking area from adjacent residences, Mango St. and Estero Blvd. The existing parking area will be redeveloped with outdoor seating and a 5-foot landscape buffer, which will significantly enhance the pedestrian environment along Estero Boulevard.

vi. The neighborhood context of proposed commercial uses is of paramount importance. The sensitivity of a proposed commercial activity to nearby residential areas can be affected by:

- a. The type of commercial activities (such as traffic to be generated, hours of operation, and noise);***
- b. Its physical scale (such as the height, and bulk of proposed buildings); and***
- c. The orientation of buildings and parking). Commercial activities that will intrude into residential neighborhoods because of their type, scale, or orientation shall not be approved.***

The proposed amendment will ensure sensitivity to the nearby residential areas. Firstly, the proposed commercial usage and intensity is virtually the same as previously approved per the underlying CPD. Therefore, this request will not result in increased traffic generation or noise, and the hours of operation will remain the same as originally conditioned.

The existing building has been significantly refurbished by the Applicant and is constructed at an appropriate height and scale to complement the existing commercial development pattern, and more importantly, to mitigate impacts to the residential neighborhood to the north. The building is one (1) story and is only 4,000 s.f. in size. This compact development form will be further enhanced via the proposed landscape buffers as proposed.

Lastly, the relocated parking area is sensitively designed and screened to buffer impacts to the neighboring residential uses. The existing parking area is a hazard to pedestrian and vehicular traffic flow along Estero Blvd., therefore, approval of this amendment will result in an increase to public health, safety and welfare.

In summary, this CPD amendment is requested solely to allow for the requisite parking to operate the approved restaurant uses and outdoor seating area. The requested use is appropriate within the underlying Future Land Use Categories, will ensure compatibility with the adjacent residential neighborhood, and will serve as a significant enhancement when compared to the existing/approved development program. Therefore, this application is consistent with the intent of the Fort Myers Beach Comprehensive Plan.

Eagle Equity Capital CPD Amendment

Exhibit D-1-F Schedule of Deviations & Justifications

REVISED 02/23/2012

1. **Deviation from the requirements of LDC Section 10-416(d)(2) and LDC Table 10-8, which requires a Type C/F buffer where proposed commercial uses abut single family residential uses, to allow for an eight (8) foot high solid stockade fence and 14 to 15-foot Type "C" buffers without a wall, as indicated on the MCP and landscape plan.**

Justification: The deviation to provide an eight (8)-foot tall stockade fence along the rear of the existing building was previously approved per Resolution No. 06-30, and is required to screen for the existing, non-conforming building, which was constructed in 1961 prior to adoption of the Land Development Code. As of the date of this submittal, the fence has been constructed and effectively screens the adjacent single family use from the existing building as intended by the LDC. Therefore, the Applicant respectfully requests continuation of this deviation approval.

The 14- to 15-foot Type "C" buffer proposed where the parking area abut single family residential uses will also provide appropriate screening where no buffer currently exists. The proposed buffer yards will result in an enhancement to surrounding residential properties and will visually screen the proposed restaurant and parking uses as prescribed on the proposed MCP. Also, as discussed with Staff, provision of a wall along the property line may result in maintenance issues that can be avoided through the appropriate provision of vegetative screening, as proposed.

2. **Deviation from the requirements of LDC Section 10-416(d)(2) and LDC Table 10-8, which requires a 15-foot Type "D" buffer between parking areas and rights-of-way, to allow for a 5-foot Type "D" buffer between parking areas and rights-of-way.**

Justification: Due to the compact, infill nature of the site, the Applicant respectfully requests reduced buffer widths along Mango Street and Estero Boulevard to screen the proposed parking area. In order to accommodate the requisite parking, stormwater management, and other upgraded site features, there is insufficient space to provide a 15-foot wide buffer where the parking area abuts public rights-of-way. The proposed 5-foot buffer will contain the requisite Type "D" plantings and will therefore meet the intent of the LDC for screening parking areas, while recognizing the regulatory relief needed to allow for compact, infill redevelopment.

3. **Deviation from the requirement of LDC Section 34-704(a), which requires buildings to be constructed between five (5) to ten (10) feet from Estero Boulevard, to allow a front setback of 46 feet to accommodate the existing building.**

Justification: This deviation was previously approved per Resolution No. 06-30 and is required to allow for the existing, non-conforming building, which was constructed in 1961 prior to adoption of the Land

Development Code. This deviation from the LDC has been in effect for several decades and has not resulted in any negative impact to health, safety or welfare. Therefore, the Applicant respectfully requests continuation of this deviation approval.

- 4. Deviation from the requirement of LDC Section 34-704(b)(1)a., which requires a minimum 10-foot street setback, to allow for a 2.39 street setback from Fairweather Lane to accommodate the existing building.**

Justification: This deviation was previously approved per Resolution No. 06-30 and is required to allow for the existing, non-conforming building, which was constructed in 1961 prior to adoption of the Land Development Code. This deviation from the LDC has been in effect for several decades and has not resulted in any negative impact to health, safety or welfare. Therefore, the Applicant respectfully requests continuation of this deviation approval.

- 5. Deviation from the requirement of LDC Section 34-704(b)(1)b., which requires a minimum 20-foot rear setback, to allow for a two-foot a rear setback to accommodate the existing building.**

Justification: This deviation was previously approved per Resolution No. 06-30 and is required to allow for the existing, non-conforming building, which was constructed in 1961 prior to adoption of the Land Development Code. This deviation from the LDC has been in effect for several decades and has not resulted in any negative impact to health, safety or welfare. Therefore, the Applicant respectfully requests continuation of this deviation approval.

- 6. Deviation from the requirement of LDC Section 34-995(a)(3), which prohibits a principal façade facing a primary street from having blank walls greater than 10 feet in length, to allow for one (1) section of the principal façade to be 16 feet in length.**

Justification: This deviation was previously approved per Resolution No. 06-30 and is required to allow for the existing, non-conforming building, which was constructed in 1961 prior to adoption of the Land Development Code. The building has undergone a substantial renovation that dramatically improved the appearance of the building, which meets the overall intent of the LDC's commercial design standards.

- 7. Deviation from the requirement of LDC Section 34-995(d), which requires corner buildings to be located no more than 20 feet from the intersection of right-of-way lines, to allow the existing corner building to be located a distance of 48.5 feet from the intersection of Estero Boulevard and Fairweather Lane.**

Justification: This deviation was previously approved per Resolution No. 06-30 and is required to allow for the existing, non-conforming building, which was constructed in 1961 prior to adoption of the Land Development Code. This deviation from the LDC has been in effect for several decades and has not resulted in any negative impact to health, safety or welfare. Therefore, the Applicant respectfully requests continuation of this deviation approval.

- 8. Deviation from LDC Section 34-2020(d)(2)h., which requires 8 parking spaces per 1,000 square feet of total floor area, including any outdoor seating area (for a total of 47 required spaces) to allow for a 30% reduction from the LDC requirement (for a total of 34 provided spaces).**

Justification: Due to the infill nature of the site, the Applicant is requesting a reduction to the number of parking spaces required to support the outdoor seating area. The required parking for indoor restaurant uses is provided in accordance with the Section 34-2020 of the LDC.

The subject property consists of a pedestrian-oriented restaurant use within walking distance of numerous hotels within the central business district of Fort Myers Beach. Moreover the property is owned by the owner of the Neptune Inn and intended as an ancillary restaurant to service hotel guests. Therefore, a significant number of patrons are expected to walk or bicycle to the property.

Moreover, the proposed CPD exponentially increases the parking and loading areas from one (1) handicap and one (1) standard parking space shown on the approved MCP, to thirty-two (32) standard parking spaces and two (2) handicap parking spaces, as shown on the proposed MCP. Upon approval of this petition the parking spaces will no longer back out onto public rights-of-way, thereby mitigating potential hazard to pedestrians and vehicles.

For these reasons, the Applicant respectfully submits that approval of this request will recognize the pedestrian nature of the project, and that the deviation will not negatively impact public, health, safety or welfare.

- 9. Deviation from LDC Section 34-2017, which requires high turnover parking lots to have a paved surface, to allow for a crushed shell or limerock surface.**

Justification: The proposed crushed shell or limerock surface will complement the overall character of the Town of Fort Myers Beach, while ensuring public health, safety and welfare. The proposed impervious surface will also result in environmental benefits, including reduction of heat island effect due to higher reflectivity when compared to asphalt, and will help to filter and reduce runoff from the site. Moreover, the engineered MCP is designed to prevent the flow of sediment-laden runoff from the parking area via strategically located stormwater management features. Lastly, the handicap parking spaces will be paved to further ensure the safety of restaurant patrons.

- 10. Deviation from LDC Section 10-285 and Table 10-1, which requires 125 feet of connection separation along local roads, to allow for 96+/- feet of connection separation along Mango Street.**

Justification: The reduced connection separation along Mango Street is required to accommodate the parking area shown on the MCP. The two (2) points of connection to Mango Street will significantly enhance public safety for vehicles entering and exiting the site, as well as for pedestrians and bicyclists travelling along the Estero Boulevard frontage. Moreover, the reduced connection separation is minor in nature and represents only a 25% reduction from the required separation distance. Due to low traffic speeds along Mango Street, the minor nature of the request, and the enhanced safety provided via the proposed layout, the Applicant respectfully requests approval of this deviation.



Beach Water

Fort Myers Beach Public Works
2801-C Estero Boulevard
Fort Myers Beach, FL. 33931

239-463-9914 • Fax 239-463-9984

Town of Fort Myers Beach Water Availability Letter

Date: 2/17/2012

Beach Water
2801-C Estero Blvd.
Fort Myers Beach, FL 33931

RE: 2307 Estero Blvd.

Water Service is present and active at 2307 Estero Blvd.. Currently the water service has a commercial 5/8" meter with a 6" PVC water main located on the north-east side of Fairweather. Static water pressure in the main exceeds 20 PSI at the point where service is provided. Beach Water has sufficient capacity at it's Green Meadow/Corkscrew Water Plant to provide 250 gallons per day to this property.

Necessary Tap Connection Fees Have Been Paid As Required



LEE COUNTY
SOUTHWEST FLORIDA
BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 533-8532

John E. Manning
District One

February 22, 2012

Brian Bigelow
District Two

Alexis Crespo
Waldrop Engineering
28100 Bonita Grande Dr., # 305
Bonita Springs, FL 34135

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Karen B. Hawes
County Manager

Diana M. Parker
County Hearing
Examiner

RE: Wastewater Availability
EAGLE EQUITY CAPITAL CPD, 2301 & 2311 ESTERO BLVD
STRAP #:19-46-24-W3-0120E.0010 & 19-46-24-W3-0110D.0010

Dear Ms. Crespo:

Wastewater lines are in operation in the vicinity of the proposed project mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of 1 commercial unit with an estimated flow demand of approximately 3,140 gallons per day. Lee County Utilities presently has sufficient capacity to provide sanitary sewer service as estimated above.

Prior to beginning design work on this project, please schedule a meeting with Thom Osterhout to determine the best point of connection and discuss requirements for construction.

Sanitary sewer service will be provided by our Fort Myers Beach Wastewater Treatment Plant. The Lee County Utilities' Design Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

This is only a letter of availability of service and not a commitment to serve. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

Further, this letter of availability of Wastewater service is for re-zoning for this project only. Individual letters of availability will be required for obtaining building permits.

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic
Technician Senior
UTILITIES ENGINEERING

VIA EMAIL
Original Mailed



LEE COUNTY
SOUTHWEST FLORIDA

LEE COUNTY UTILITIES
REQUEST FOR LETTERS OF AVAILABILITY

DATE: FEBRUARY 20, 2012

TO: Mary McCormic
Utilities' Senior Engineering Technician

FROM: ALEXIS CRESPO

FIRM: WALDROP ENGINEERING

ADDRESS: 28100 BONITA GRANDE DR., #305

ADDRESS: BONITA SPRINGS, FL 34135 -

PHONE#: (239)405-7777 FAX: (239)405-7899

E-MAIL ADDRESS:

ALEXISC@WALDROPENGINEERING.COM

PROJECT NAME: EAGLE EQUITY CAPITAL CPD

PROJECT ID (IF APPLICABLE): N/A

STRAP #: 19-46-24-W3-0120E.0010; 19-46-24-W3-0110D.0010

LOCATION/SITE ADDRESS: 2301 & 2311 ESTERO BLVD., FORT MYERS BEACH, FL

PURPOSE OF LETTER:

- DEVELOPMENT ORDER SUBMITTAL FINANCING EFFLUENT REUSE
 PERMITTING OF SURFACE WATER MANAGEMENT (SOUTH FLORIDA WATER MANAGEMENT DISTRICT)
 OTHER: (PLEASE SPECIFY) CPD REZONING

PLANNED USE:

- COMMERCIAL INDUSTRIAL RESIDENTIAL - (SINGLE-FAMILY MULTI-FAMILY)
 OTHER: (PLEASE SPECIFY) _____

PLANNED # OF UNITS/BUILDINGS: 1

TOTAL SQUARE FOOTAGE (COMMERCIAL/INDUSTRIAL) 4,000

AVERAGE ESTIMATED DAILY FLOW (GPD): 3,160 (WATER WASTE-WATER REUSE)

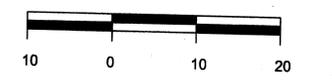
PLEASE SHOW CALCULATION USED TO DETERMINE AVERAGE ESTIMATED DAILY FLOW (GPD) PER CRITERIA SET FORTH IN LEE COUNTY UTILITIES OPERATIONS MANUAL, SECTION 5.2: _____

40 GPD/SEAT

79 Seats * 40 Gpd = 3,160 Gpd

Please e-mail the completed form at mccormmm@leegov.com . If you are unable to e-mail the completed form, please fax to (239) 485-8311. If you should have any questions or require assistance, please feel free to call our office at (239) 533-8532.

PARKING SCHEDULE FOR SITE			
AREA DESCRIPTION	SQ. FT.	PERCENTAGE	
TOTAL SITE AREA	28,212 SQ. FT.	100%	
EXISTING BUILDING AREA	4,000 SQ. FT.	14%	
RESTAURANT	4,000 SQ. FT.	14%	
OUTDOOR SEATING	1,859 SQ. FT.	7%	
TOTAL REQUIRED PARKING			47
HANDICAP SPACES REQUIRED			2
REGULAR PARKING SPACES PROVIDED			45
REGULAR PARKING SPACES PROVIDED (LDC-34-2020)			32
TOTAL H. C. PARKING SPACES PROVIDED (INCLUDING H.C.)			34



SITE DEVELOPMENT NOTES

- 1-Site area: 28,212 sq. ft. / 0.65 acres
- 2-Future land use-boulevard and mixed residential
- 3-Current zoning, cpd, cb, rm.
- 4-Proposed zoning cpd
- 5-Maximum proposed intensity is 4,000 sq. ft. of restaurant uses and 1,859 sq. ft. of outdoor seating/
- 6-Potable water to be provided by town of fort myers beach.
- 7-Sanitary sewer to be provided by Lee county utilities.
- 8-Solid waste pickup to be provided by town of fort myers beach.
- 9-Buffer yards to be provided in accordance with ldc section 10-416, unless subject to deviation request as shown on mcp and landscape plan.
- 10-Site located in firm zone ae.
- 11-Base flood elevation +13.00' navd 88.

SITE DATA

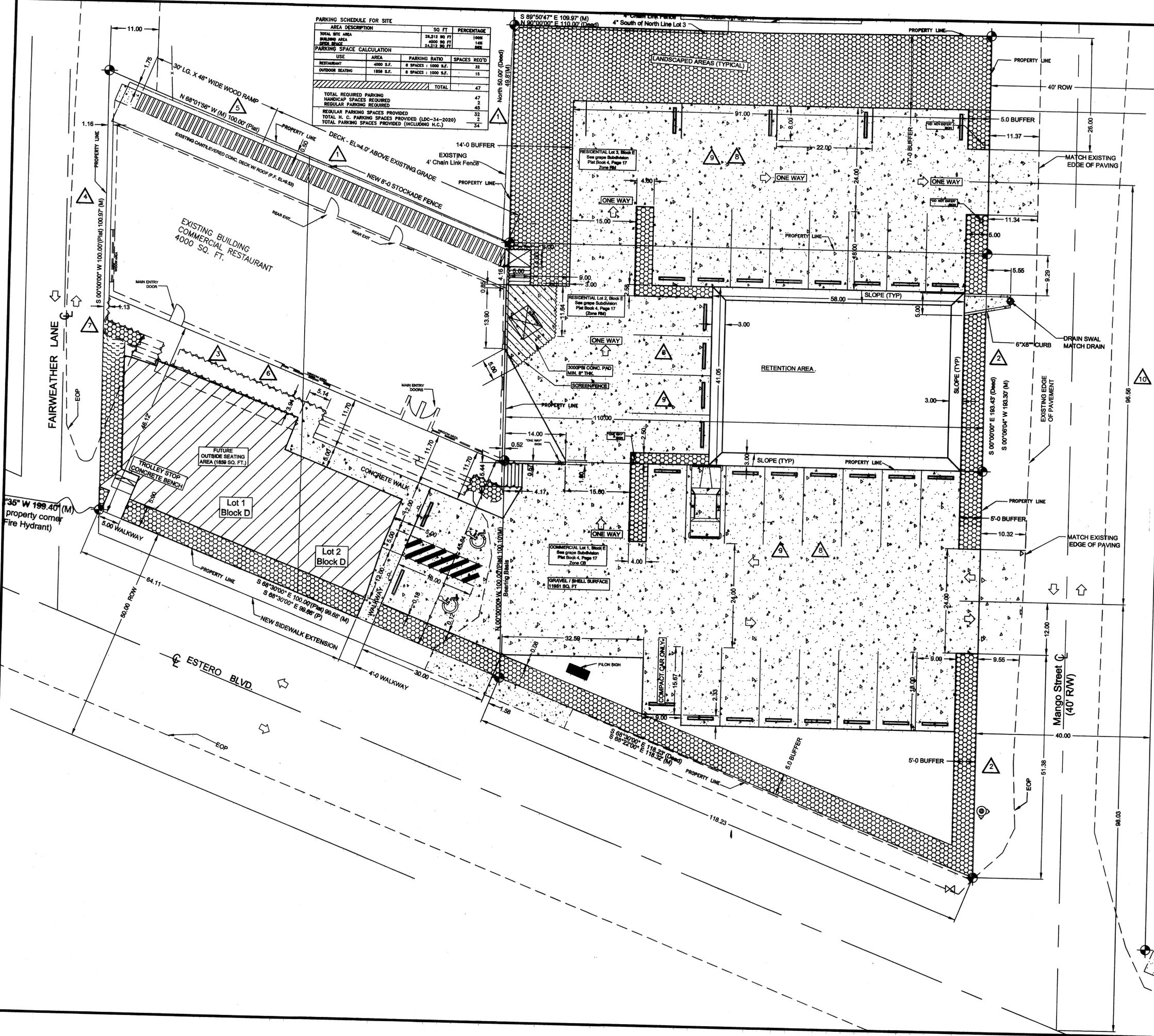
SITE AREA: 28,212 sq. ft.
 BUILDING SQUARE FOOTAGE: 4,000 sq. ft.
 OUTDOOR SEATING SQUARE FOOTAGE: 1,859 sq. ft.
 MAXIMUM BUILDING HEIGHT: 18 ft. (F.F. 8.53+/-)
 MINIMUM BUILDING SETBACKS:
 ESTERO BOULEVARD: 45 ft.
 FAIRWEATHER LANE: 2.30 ft.
 MANGO STREET: 110.5 ft.
 REAR: 2 ft.

SITE ADDRESS: 2301 ESTERO BOULEVARD
 FORT MYERS BEACH, FL.

SITE DEVIATION NOTES

Exhibit D-1-F Schedule of Deviations & Justification

- 1-Deviation from the requirements of LDC Section 10-416(d)(2) and LDC Table 10-8, which requires a Type C/F buffer where proposed commercial uses abut single family residential uses, to allow for an (8) foot high solid stockade fence and 15-foot Type "C" buffers without a wall, as indicated on the MCP and landscape plan.
- 2-Deviation from the requirements of LDC Section 10-416(d)(2) and LDC Table 10-8, which requires a 15-foot Type "D" buffer between parking areas and rights-of-way, to allow for a 5-foot type "D" buffer between parking areas and rights-of-way.
- 3-Deviation from the requirement of LDC Section 34-704(a) which requires buildings to be constructed between five (5) to ten (10) feet from Estero Boulevard, to allow a front setback of 46 feet to accommodate the existing building.
- 4-Deviation from the requirement of LDC Section 34-704(b)(1)a., which requires a minimum 10-foot street setback, to allow for a 2.39 street setback from Fairweather Lane to accommodate the existing building.
- 5-Deviation from the requirement of LDC Section 34-704(b)(1)b., which requires a minimum 20-foot rear setback, to allow for a two-foot rear setback to accommodate the existing building.
- 6-Deviation from the requirement of LDC Section 34-995(a)(3), which prohibits a principal facade facing a primary street from having blank walls greater than 10 feet in length, to allow for one (1) section of the principal facade to be 16 feet in length.
- 7-Deviation from the requirement of LDC Section 34-995(d), which requires corner buildings to be located no more than 20 feet from the intersection of right-of-way lines, to allow the existing corner building to be located a distance of 48.5 feet from the intersection of Estero Boulevard and Fairweather Lane.
- 8-Deviation from LDC Section 34-2020(d)(2)h., which requires 8 parking spaces per 1,000 square feet of total floor area, including any outdoor seating area, or 47 required spaces, to allow for a 30% reduction from the LDC requirement, for a total of 34 spaces.
- 9-Deviation from LDC Section 34-2017, which requires high turnover parking lots to have a paved surface, to allow for a crushed shell or limerock surface.
- 10-Deviation from LDC Section 10-285 and Table 10-1, which requires 125 feet of connection separation along local roads, to allow for 96+/- feet of connection separation along Mango Street.



REV#	DATE	BY	DESCRIPTION
EAGLE EQUITY CAPITAL LLC			
MASTER CONCEPT PLAN			
FORT MYERS BEACH, FLORIDA			
BARBON CONSULTING SERVICES			
FORT MYERS, FLORIDA			
239-433-5602			
SCALE	DWN. BY	DATE	APPROVED
AS SHOWN	D.K.	2/20/12	BH
DRAWING No.	REV #		
11-301-03	0		



Town of Fort Myers Beach

Community Development
2523 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 Fax: 239-765-0591

March 8, 2011

Alexis Crespo, AICP
Waldrop Engineering
28100 Bonita Grande Drive, Suite 305
Bonita Springs, Florida 34135

**Re: Eagle Equity Capital CPD
FMBDCI2012-0001**

Dear: Ms. Crespo,

The Community Development Department has reviewed the information provided for the above zoning application. The Town of Fort Myers Beach Land Development Code (LDC) required additional information for the application to be found sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various other Town reviewing departments.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the LDC requires that this application be considered withdrawn. Please feel free to contact me if you have any questions or require further clarification.

Sincerely,

Leslee Chapman
Zoning Coordinator
Town of Fort Myers Beach
Community Development

Town of Fort Myers Beach

Community Development
2523 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 Fax: 239-765-0591

ZONING REVIEW – Leslee Chapman

The application and drawings submitted for the referenced project have been reviewed in accordance with the LDC, Florida Statutes as well as other applicable codes and ordinances as adopted by the Town of Fort Myers Beach. Your application requires the following additional information:

Master Concept Plan

Section 34-212(4) Master Concept Plan.

Please remove all unnecessary dimensions, notes, survey information, lot lines, and other un-related notations on the Master Concept Plan (MCP). Please review and revise the MCP according to Section 34-212(4). Town Staff has also provided a second red line mark up as an attachment to this letter showing additional specific comments.

Along the rear lot line is a hatched area labeled 'LANDSCAPE AREA (TYPICAL)'.

Staff is unclear what the intended use of these 'landscape areas' are. Please provide additional details as to what the typical landscape areas include. If these areas are to be considered the required buffer, please label the MCP with a notation identifying it as a required buffer. Please also include the type (Type C or D, etc) of required buffer as well as total number of trees and shrubs provided and total number of native and non-native species provided. Refer to Section 10-416 for additional information on landscape standards.

Buffers along the Fairweather Lane, Estero Boulevard and Mango Street right-of-ways are labeled as 5'-0" buffer.

If these areas are to be considered the required buffer, please label the MCP with a notation identifying it as a required buffer. Please also include the type (Type C or D, etc) of required buffer as well as total number of trees and shrubs provided and total number of native and non-native species provided. Refer to Section 10-416 for additional information on landscape standards.

Along the portion of subject property fronting Estero Boulevard, a label indicates NEW SIDEWALK EXTENSION. At this same location there is a section that is enclosed with a solid line, a section that is hatched and a section that is enclosed with a dashed line.

Please revise the MCP to clearly indicate the entire area, including the width, which is to be sidewalk.

Section 10-289(d)(2)b requires that all new sidewalks in Future Land Use Categories other than Pedestrian Commercial must be 8 feet when they immediately abut a travel lane.

Town of Fort Myers Beach

Community Development

2523 Estero Blvd Fort Myers Beach, Florida 33931

Phone: 239-765-0202 Fax: 239-765-0591

Please revise the MCP to reflect this requirement or include an additional deviation request on the Schedule of Deviations to request a lesser sidewalk width.

The portion of subject property fronting Estero Boulevard should be included in the request for Deviation 2.

Please revise the MCP to reflect this deviation request.

Trolley Stop

A Trolley stop is shown on the MCP at the corner of Fairweather Land and Estero Boulevard. Currently a Trolley stop bench is provided at the opposite end of the subject property at the corner of Mango Street and Estero Boulevard. Please explain the rationale behind the relocation of the stop.

Also please be advised that Staff is looking into the dimensional requirements for a LeeTran transit pull-out.

Schedule of Uses

Retail – limited

- *Restaurant (limited to two (2) with a total maximum area of 4,000 sf of indoor space with additional outdoor seating as included on the MCP)*
- *On-premises consumption of alcoholic beverages (limited to beer and wine served only in conjunction with meals) including approximately 1,859 sf of outdoor seating in conjunction with the proposed deck*

Review of the MCP does not indicate a proposed **deck** of approximately 1,859 square feet. An area hatched and label 'Future Outdoor Seating Area (1859 SQ FT)' is shown on the MCP. Please indicate whether the request is for a level paved type surface for the outdoor seating area or a deck and revise the MCP accordingly.

The arrangement of the uses requested under the Retail heading should be more clear. Please revise the listing to itemize each individual use.

Please make the corrections and resubmit with the necessary information so we can process your application. Please note that these comments represent only those of the reviewer signing below. Other comments may be forthcoming, and a re-submittal shall not occur until all reviewer comments are addressed.

Leslee Chapman
Zoning Coordinator
239-765-0202 ext 105



WALDROP ENGINEERING

CIVIL ENGINEERING & LAND DEVELOPMENT CONSULTANTS

28100 BONITA GRANDE DR. #305
BONITA SPRINGS, FL 34135
P: 239-405-7777
F: 239-405-7899

March 15, 2012

Ms. Leslee Chapman
Town of Fort Myers Beach
2523 Estero Blvd.
Fort Myers Beach, FL 33931

ORIGINAL

RE: **Eagle Equity Capital CPD – 2nd Resubmittal**
FMBDCI2012-0001

Dear Ms. Chapman,

Please find the below information in response to your insufficiency letter dated March 9, 2012. Staff's comments are listed below as ordered in your correspondence with the Applicant's response shown in bold type. To assist in your review, please also find the following items attached:

- 1) Updated Master Concept Plan prepared by Barbon Consulting;
- 2) Updated Schedule of Uses; and
- 3) Updated Schedule of Deviations & Justifications.

ZONING REVIEW -- Reviewed By: Leslee Chapman

The application and drawings submitted for the referenced project have been reviewed in accordance with the LDC, Florida Statutes as well as other applicable codes and ordinances as adopted by the Town of Fort Myers Beach. Your application requires the following additional information:

Master Concept Plan

Section 34-212(4) Master Concept Plan.

Please remove all unnecessary dimensions, notes, survey information, lot lines, and other un-related notations on the Master Concept Plan (MCP). Please review and revise the MCP according to Section 34-212(4). Town Staff has also provided a second red line mark up as an attachment to this letter showing additional specific comments.

RESPONSE: Please refer to the revised MCP attached, which has been revised per Staff's comment.

Along the rear lot line is a hatched area labeled 'LANDSCAPE AREA {TYPICAL}'. Staff is unclear what the intended use of these (landscape areas) are. Please provide additional details as to what the typical landscape areas include. If these areas are to be considered the required buffer, please label the MCP with a notation identifying it as a required buffer. Please also include the type (Type C or D, etc) of required buffer as well as total number of trees and shrubs provided and total number of native and non-native species provided. Refer to Section 10-416 for additional information on landscape standards.

RESPONSE: Please refer to the revised MCP attached, which has been revised to include the type of buffer yards proposed per Section 10-416 of the LDC. Additionally, a table has been included which outlines the number of plantings per buffer, as well as percentage of native and non-native species.

Buffers along the Fairweather Lane, Estero Boulevard and Mango Street rights-of-way are labeled as 5'-0" buffer. If these areas are to be considered the required buffer, please label the MCP with a notation identifying it as a required buffer. Please also include the type (Type C or D, etc) of required buffer as well as total number of trees and shrubs provided and total number of native and non-native species provided. Refer to Section 10-416 for additional information on landscape standards.

RESPONSE: Please refer to the attached MCP, which has been revised to include the type of buffer proposed per Section 10-416 of the LDC. The buffer adjacent to the Mango Street right-of-way has been revised to reflect five foot (5') Type "D" buffers. Fairweather Lane abuts commercial uses, not parking lot; therefore the Applicant is proposing a 36" hedgerow to screen/contain the outdoor seating area that abuts the right-of-way. Additionally, a table has been included on the MCP that outlines the number of plantings per buffer, as well as percentage of native and non-native species.

Along the portion of subject property fronting Estero Boulevard, a label indicates NEW SIDEWALK EXTENSION. At this same location there is a section that is enclosed with a solid line, a section that is hatched and a section that is enclosed with a dashed line. Please revise the MCP to clearly indicate the entire area, including the width, which is to be sidewalk.

RESPONSE: Please refer to the revised MCP attached. The proposed 5'-wide sidewalk extension has been clearly labeled.

Section 10-289(d)(2)b requires that all new sidewalks in Future Land Use Categories other than Pedestrian Commercial must be 8 feet when they immediately abut a travel lane. Please revise the MCP to reflect this requirement or include an additional deviation request on the Schedule of Deviations to request a lesser sidewalk width.

RESPONSE: Please refer to the revised Schedule of Deviations and Justifications. Deviation 11 has been added for the proposed 5-foot wide sidewalk along the Estero Blvd. frontage.

The portion of subject property fronting Estero Boulevard should be included in the request for Deviation 2. Please revise the MCP to reflect this deviation request.

RESPONSE: Please refer to the revised MCP attached. Deviation 2 is shown along the Estero Blvd. frontage.

A Trolley stop is shown on the MCP at the corner of Fairweather Lane and Estero Boulevard. Currently, a Trolley stop bench is provided at the opposite end of the subject property at the corner of Mango Street and Estero Boulevard. Please explain the rationale behind the relocation of the stop.

Also please be advised that Staff is looking into the dimensional requirements for a LeeTran transit pull-out.

RESPONSE: The Applicant is proposing to relocate the existing trolley stop from the Mango Street/Estero Blvd. intersection to the Fairweather Lane/Estero Blvd. intersection to provide better access to the entry point of the proposed restaurant uses, as well as provide an uninterrupted buffer to effectively screen the parking area from the Estero Blvd. viewshed.

Per the email to Staff on March 12th, the Applicant has coordinated with Mitch Riley at Lee Tran regarding the trolley pull-off. Per this conversation, the trollies vary in length from 35' to 40', and would therefore require a minimum of 140' linear feet to accommodate the pull-off. Based on the property's frontage of approximately 218 ft., the pull-off would take up about 65% of the frontage and significantly reduce parking and/or the outdoor seating area. Based on these findings, the Applicant proposes to maintain a trolley stop at the Fairweather Lane corner as shown on the MCP.

Schedule of Uses

Review of the MCP does not indicate a proposed deck of approximately 1,859 square feet. An area hatched and label (Future Outdoor Seating Area (1859 SQ FT)' is shown on the MCP. Please indicate whether the request is for a level paved type surface for the outdoor seating area or a deck and revise the MCP accordingly.

The arrangement of the uses requested under the Retail heading should be clearer. Please revise the listing to itemize each individual use.

RESPONSE: Please refer to the revised Schedule of Uses attached, which has been revised per Staff's comment. Deck has been removed from the list of uses, as the Applicant intends to develop the outdoor seating area with a level paved surface.

Please note the Applicant has added Deviation 12 to the MCP and Schedule of Deviations and Justifications to allow for an 8' tall monument sign along the Estero Blvd. frontage. Thank you in advance for your consideration of this additional information. If you have any further questions, please do not hesitate to contact me directly at (239) 405-7777 ext. 207, or alexisc@waldropengineering.com.

Sincerely,

WALDROP ENGINEERING, P.A.



Alexis V. Crespo, AICP, LEED AP
Principal Planner

Enclosures

cc: Peter Bell, Eagle Equity Capital, LLC
Barry Hull, Barbon Consulting
Eric Thornton, RS Walsh Landscaping

Eagle Equity Capital CPD Amendment

Exhibit D-2-3 Schedule of Uses

REVISED 03/15/2012

ORIGINAL

Residential – Open

Lodging – Limited

Office – Limited

- Offices, general or medical
- Personal services

Retail – Limited

- Restaurant (limited to two (2) restaurants with a total maximum area of 4,000 s.f. of indoor space and 1,859 s.f. of outdoor seating)
- Indoor and outdoor consumption of alcoholic beverages (limited to beer and wine served only in conjunction with meals)

Civic – Open

Essential Services

Accessory Uses

Temporary Uses

Eagle Equity Capital CPD Amendment

Exhibit D-1-F Schedule of Deviations & Justifications

ORIGINAL

REVISED 03/15/2012

1. **Deviation from the requirements of LDC Section 10-416(d)(2) and LDC Table 10-8, which requires a Type C/F buffer where proposed commercial uses abut single family residential uses, to allow for an eight (8) foot high solid stockade fence and 14 to 15-foot Type "C" buffers without a wall, as indicated on the MCP and landscape plan.**

Justification: The deviation to provide an eight (8)-foot tall stockade fence along the rear of the existing building was previously approved per Resolution No. 06-30, and is required to screen for the existing, non-conforming building, which was constructed in 1961 prior to adoption of the Land Development Code. As of the date of this submittal, the fence has been constructed and effectively screens the adjacent single family use from the existing building as intended by the LDC. Therefore, the Applicant respectfully requests continuation of this deviation approval.

The 14- to 15-foot Type "C" buffer proposed where the parking area abut single family residential uses will also provide appropriate screening where no buffer currently exists. The proposed buffer yards will result in an enhancement to surrounding residential properties and will visually screen the proposed restaurant and parking uses as prescribed on the proposed MCP. Also, as discussed with Staff, provision of a wall along the property line may result in maintenance issues that can be avoided through the appropriate provision of vegetative screening, as proposed.

2. **Deviation from the requirements of LDC Section 10-416(d)(2) and LDC Table 10-8, which requires a 15-foot Type "D" buffer between parking areas and rights-of-way, to allow for a 5-foot Type "D" buffer between parking areas and rights-of-way.**

Justification: Due to the compact, infill nature of the site, the Applicant respectfully requests reduced buffer widths along Mango Street and Estero Boulevard to screen the proposed parking area. In order to accommodate the requisite parking, stormwater management, and other upgraded site features, there is insufficient space to provide a 15-foot wide buffer where the parking area abuts public rights-of-way. The proposed 5-foot buffer will contain the requisite Type "D" plantings and will therefore meet the intent of the LDC for screening parking areas, while recognizing the regulatory relief needed to allow for compact, infill redevelopment.

3. **Deviation from the requirement of LDC Section 34-704(a), which requires buildings to be constructed between five (5) to ten (10) feet from Estero Boulevard, to allow a front setback of 46 feet to accommodate the existing building.**

Justification: This deviation was previously approved per Resolution No. 06-30 and is required to allow for the existing, non-conforming building, which was constructed in 1961 prior to adoption of the Land

Development Code. This deviation from the LDC has been in effect for several decades and has not resulted in any negative impact to health, safety or welfare. Therefore, the Applicant respectfully requests continuation of this deviation approval.

- 4. Deviation from the requirement of LDC Section 34-704(b)(1)a., which requires a minimum 10-foot street setback, to allow for a 2.39 street setback from Fairweather Lane to accommodate the existing building.**

Justification: This deviation was previously approved per Resolution No. 06-30 and is required to allow for the existing, non-conforming building, which was constructed in 1961 prior to adoption of the Land Development Code. This deviation from the LDC has been in effect for several decades and has not resulted in any negative impact to health, safety or welfare. Therefore, the Applicant respectfully requests continuation of this deviation approval.

- 5. Deviation from the requirement of LDC Section 34-704(b)(1)b., which requires a minimum 20-foot rear setback, to allow for a two-foot a rear setback to accommodate the existing building.**

Justification: This deviation was previously approved per Resolution No. 06-30 and is required to allow for the existing, non-conforming building, which was constructed in 1961 prior to adoption of the Land Development Code. This deviation from the LDC has been in effect for several decades and has not resulted in any negative impact to health, safety or welfare. Therefore, the Applicant respectfully requests continuation of this deviation approval.

- 6. Deviation from the requirement of LDC Section 34-995(a)(3), which prohibits a principal façade facing a primary street from having blank walls greater than 10 feet in length, to allow for one (1) section of the principal façade to be 16 feet in length.**

Justification: This deviation was previously approved per Resolution No. 06-30 and is required to allow for the existing, non-conforming building, which was constructed in 1961 prior to adoption of the Land Development Code. The building has undergone a substantial renovation that dramatically improved the appearance of the building, which meets the overall intent of the LDC's commercial design standards.

- 7. Deviation from the requirement of LDC Section 34-995(d), which requires corner buildings to be located no more than 20 feet from the intersection of right-of-way lines, to allow the existing corner building to be located a distance of 48.5 feet from the intersection of Estero Boulevard and Fairweather Lane.**

Justification: This deviation was previously approved per Resolution No. 06-30 and is required to allow for the existing, non-conforming building, which was constructed in 1961 prior to adoption of the Land Development Code. This deviation from the LDC has been in effect for several decades and has not resulted in any negative impact to health, safety or welfare. Therefore, the Applicant respectfully requests continuation of this deviation approval.

8. **Deviation from LDC Section 34-2020(d)(2)h., which requires 8 parking spaces per 1,000 square feet of total floor area, including any outdoor seating area (for a total of 47 required spaces) to allow for a 30% reduction from the LDC requirement (for a total of 34 provided spaces).**

Justification: Due to the infill nature of the site, the Applicant is requesting a reduction to the number of parking spaces required to support the outdoor seating area. The required parking for indoor restaurant uses is provided in accordance with the Section 34-2020 of the LDC.

The subject property consists of a pedestrian-oriented restaurant use within walking distance of numerous hotels within the central business district of Fort Myers Beach. Moreover the property is owned by the owner of the Neptune Inn and intended as an ancillary restaurant to service hotel guests. Therefore, a significant number of patrons are expected to walk or bicycle to the property.

Moreover, the proposed CPD exponentially increases the parking and loading areas from one (1) handicap and one (1) standard parking space shown on the approved MCP, to thirty-two (32) standard parking spaces and two (2) handicap parking spaces, as shown on the proposed MCP. Upon approval of this petition the parking spaces will no longer back out onto public rights-of-way, thereby mitigating potential hazard to pedestrians and vehicles.

For these reasons, the Applicant respectfully submits that approval of this request will recognize the pedestrian nature of the project, and that the deviation will not negatively impact public, health, safety or welfare.

9. **Deviation from LDC Section 34-2017, which requires high turnover parking lots to have a paved surface, to allow for a crushed shell or limerock surface.**

Justification: The proposed crushed shell or limerock surface will complement the overall character of the Town of Fort Myers Beach, while ensuring public health, safety and welfare. The proposed impervious surface will also result in environmental benefits, including reduction of heat island effect due to higher reflectivity when compared to asphalt, and will help to filter and reduce runoff from the site. Moreover, the engineered MCP is designed to prevent the flow of sediment-laden runoff from the parking area via strategically located stormwater management features. Lastly, the handicap parking spaces will be paved to further ensure the safety of restaurant patrons.

10. **Deviation from LDC Section 10-285 and Table 10-1, which requires 125 feet of connection separation along local roads, to allow for 96+/- feet of connection separation along Mango Street.**

Justification: The reduced connection separation along Mango Street is required to accommodate the parking area shown on the MCP. The two (2) points of connection to Mango Street will significantly enhance public safety for vehicles entering and exiting the site, as well as for pedestrians and bicyclists travelling along the Estero Boulevard frontage. Moreover, the reduced connection separation is minor in nature and represents only a 25% reduction from the required separation distance. Due to low traffic speeds along Mango Street, the minor nature of the request, and the enhanced safety provided via the proposed layout, the Applicant respectfully requests approval of this deviation.

11. Deviation from LDC Section 10-289(d) which requires an 8-foot wide sidewalk along the Property's Estero Boulevard frontage, to allow for a 5-foot wide sidewalk.

Justification: The Applicant is proposing to significantly improve the pedestrian environment within the property and along Estero Blvd., which adequately justifies the proposed deviation for a slightly reduced sidewalk width.

A 5-foot sidewalk is proposed along the Estero Blvd. frontage, where no sidewalk exists today. Additionally, the existing parking lot, which requires vehicles to back out directly onto Estero Blvd., will be relocated to the side of the building to restrict vehicular ingress/ingress to Mango Street. This will significantly improve bicycle and pedestrian safety along the roadway. Also, there is proposed sidewalk connection between the restaurant uses and the Estero Blvd. sidewalk, which will provide a safe pedestrian connection to the building, and mitigate the need to traverse the parking lot.

When these various design components are combined, the proposed CPD will have a dramatic positive impact upon the Estero Blvd. pedestrian environment, and will meet the intent of the LDC for the provision of pedestrian and bicycle facilities; thereby protecting public health, safety and welfare.

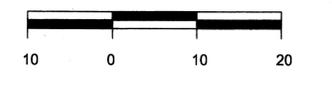
12. Deviation from LDC Section 30-154(c) which permits monument signs to be a maximum height of 5 feet, to allow for a maximum height of 8 feet.

Justification: The Applicant is proposing a slight increase to allowable signage height for the proposed monument sign shown on the MCP. The proposed monument sign is setback from the right-of-way in accordance with the LDC and does not exceed the permissible sign face area. The proposed Type "D" buffer will effectively screen the parking area and enhance the appearance of the Property from the Estero Blvd. viewshed, but will adversely affect signage visibility. As such, the deviation is justified based upon the proposed right-of-way buffer and setback, and will not negatively impact public health, safety and welfare.

PARKING SCHEDULE FOR SITE

AREA DESCRIPTION	SQ FT	PERCENTAGE
TOTAL SITE AREA	28,212 SQ FT	100%
BUILDING AREA	4,000 SQ FT	14%
OPEN SPACE	24,212 SQ FT	86%

USE	AREA	PARKING RATIO	SPACES REQ'D
RESTAURANT	4,000 S.F.	8 SPACES : 1,000 S.F.	32
OUTDOOR SEATING	1,859 S.F.	8 SPACES : 1,000 S.F.	15
TOTAL			47
TOTAL REQUIRED PARKING			47
HANDICAP SPACES REQUIRED			2
REGULAR PARKING REQUIRED			45
REGULAR PARKING SPACES PROVIDED			32
TOTAL H. C. PARKING SPACES PROVIDED (LDC-34-2020)			2
TOTAL PARKING SPACES PROVIDED (INCLUDING H.C.)			34



SITE DEVELOPMENT NOTES

- 1-Site area: 28,212 sq. ft. / 0.65 acres
- 2-Future land use-boulevard and mixed residential
- 3-Current zoning, cpd, cb, rm.
- 4-Proposed zoning cpd
- 5-Maximum proposed intensity is 4,000 sq. ft. of restaurant uses and 1,859 sq. ft. of outdoor seating/
- 6-Potable water to be provided by town of fort Myers beach.
- 7-Sanitary sewer to be provided by lee county utilities.
- 8-Solid waste pickup to be provided by town of fort Myers beach.
- 9-Buffer yards to be provided in accordance with LDC section 10-416, unless subject to deviation request as shown on MCP and landscape plan.
- 10-Site located in firm zone ae.
- 11-Base flood elevation +13.00' NAVD 88.

SITE DATA

SITE AREA: 28,212 sq. ft.
 BUILDING SQUARE FOOTAGE: 4,000 sq. ft.
 OUTDOOR SEATING SQUARE FOOTAGE: 1,859 sq. ft.
 MAXIMUM BUILDING HEIGHT: 18 ft. (F.F. 9.53+/-)
 MINIMUM BUILDING SETBACKS:
 ESTERO BOULEVARD: 45 ft.
 FAIRWEATHER LANE: 2.39 ft.
 MANGO STREET: 110.5 ft.
 REAR: 2 ft.

SITE ADDRESS: 2301 ESTERO BOULEVARD
 FORT MYERS BEACH, FL.

SITE DEVIATION NOTES (B)

- Exhibit D-1-F Schedule of Deviations & Justification
- 1-Deviation from the requirements of LDC Section 10-416(d)(2) and LDC Table 10-8, which requires a Type C/F buffer where proposed commercial uses abut single family residential uses, to allow for an (B) foot high solid stockade fence and 15-foot Type "C" buffers without a wall, as indicated on the MCP and landscape plan.
 - 2-Deviation from the requirements of LDC Section 10-416(d)(2) and LDC Table 10-8, which requires a 15-foot Type "D" buffer between parking areas and rights-of-way, to allow for a 5-foot type "D" buffer between parking areas and rights-of-way
 - 3-Deviation from the requirement of LDC Section 34-704(a) which requires buildings to be constructed between five (5) to ten (10) feet from Estero Boulevard, to allow a front setback of 46 feet to accommodate the existing building.
 - 4-Deviation from the requirement of LDC Section 34-704(b)(1)a., which requires a minimum 10-foot street setback, to allow for a 2.39 street setback from Fairweather Lane to accommodate the existing building.
 - 5-Deviation from the requirement of LDC Section 34-704(b)(1)b., which requires a minimum 20-foot rear setback, to allow for a two-foot rear setback to accommodate the existing building.
 - 6-Deviation from the requirement of LDC Section 34-995(a)(3), which prohibits a principal facade facing a primary street from having blank walls greater than 10 feet in length, to allow for one (1) section of the principal facade to be 16 feet in length.
 - 7-Deviation from the requirement of LDC Section 34-995(d), which requires corner buildings to be located no more than 20 feet from the intersection of right-of-way lines, to allow the existing corner building to be located a distance of 48.5 feet from the intersection of Estero Boulevard and Fair-weather Lane.
 - 8-Deviation from LDC Section 34-2020(d)(2)h., which requires 8 parking spaces per 1,000 square feet of total floor area, including any outdoor seating area, or 47 required spaces, to allow for a 30% reduction from the LDC requirement, for a total of 34 spaces.
 - 9-Deviation from LDC Section 34-2017, which requires high turnover parking lots to have a paved surface, to allow for a crushed shell or limestone surface.
 - 10-Deviation from LDC Section 10-285 and Table 10-1, which requires 125 feet of connection separation along local roads, to allow for 96+/- feet of connection separation along Mango Street.
 - 11-Deviation from LDC 10-289(d) which requires an 8 foot wide sidewalk along the Property's Estero Blvd. frontage to allow a 5'-0" sidewalk.
 - 12-Deviation from LDC 30-154(c) which permits monument signs to be a maximum height of 5 feet, to allow for a maximum height of 8 feet.

LOCATION	BUFFER TYPE	# TREES (1)	# SHRUBS (1)	BUFFER WIDTH (2)
NORTH	C	110 LF/100 LF X 5 = 6 TREES	110 LF/100 LF X 18 = 20 SHRUBS	15'
NORTHWEST	C	40 LF/100 LF X 5 = 2 TREES	40 LF/100 LF X 18 = 7 SHRUBS	14'
SOUTH (ESTERO BLVD.)	D	218 LF/100 LF X 5 = 11 TREES	36" HEDGEROW	5'
EAST (MANGO ST.)	D	193 LF/100 LF X 5 = 10 TREES	36" HEDGEROW	5'
WEST (FAIRWEATHER LN)	NO BUFFER REQUIRED	N/A	36" HEDGEROW	5'

- (1) PER 100 LINEAR FEET
- (2) SEE DEVIATIONS
- (3) AT LEAST 75% OF TREES AND 50% OF SHRUBS MUST BE NATIVE FLORIDA SPECIES.

REV #	DATE	BY	DESCRIPTION
(B)	3/13/12	DK	REVISED PER ZONE SUBMITTAL COMMENTS
(A)	3/6/12	DK	REMOVE S. STAIRWAY & E. SWAL

**EAGLE EQUITY CAPITAL LLC
 MASTER CONCEPT PLAN
 FORT MYERS BEACH, FLORIDA**

BARBON CONSULTING SERVICES
 FORT MYERS, FLORIDA
 239-433-5602

SCALE	DWN. BY	DATE	APPROVED	DRAWING No.	REV #
AS SHOWN	D.K.	2/20/12	B.H.	11-301-03	B

Eagle Equity Capital CPD Amendment

Exhibit D-1-F Schedule of Deviations & Justifications

ORIGINAL

REVISED 03/28/2012

1. **Deviation from the requirements of LDC Section 10-416(d)(2) and LDC Table 10-8, which requires a Type C/F buffer where proposed commercial uses abut single family residential uses, to allow for an eight (8) foot high solid stockade fence and 14 to 15-foot Type "C" buffers without a wall, as indicated on the MCP and landscape plan.**

Justification: The deviation to provide an eight (8)-foot tall stockade fence along the rear of the existing building was previously approved per Resolution No. 06-30, and is required to screen for the existing, non-conforming building, which was constructed in 1961 prior to adoption of the Land Development Code. As of the date of this submittal, the fence has been constructed and effectively screens the adjacent single family use from the existing building as intended by the LDC. Therefore, the Applicant respectfully requests continuation of this deviation approval.

The 14- to 15-foot Type "C" buffer proposed where the parking area abut single family residential uses will also provide appropriate screening where no buffer currently exists. The proposed buffer yards will result in an enhancement to surrounding residential properties and will visually screen the proposed restaurant and parking uses as prescribed on the proposed MCP. Also, as discussed with Staff, provision of a wall along the property line may result in maintenance issues that can be avoided through the appropriate provision of vegetative screening, as proposed.

2. **Deviation from the requirements of LDC Section 10-416(d)(2) and LDC Table 10-8, which requires a 15-foot Type "D" buffer between parking areas and rights-of-way, to allow for a 5-foot Type "D" buffer between parking areas and rights-of-way.**

Justification: Due to the compact, infill nature of the site, the Applicant respectfully requests reduced buffer widths along Mango Street and Estero Boulevard to screen the proposed parking area. In order to accommodate the requisite parking, stormwater management, and other upgraded site features, there is insufficient space to provide a 15-foot wide buffer where the parking area abuts public rights-of-way. The proposed 5-foot buffer will contain the requisite Type "D" plantings and will therefore meet the intent of the LDC for screening parking areas, while recognizing the regulatory relief needed to allow for compact, infill redevelopment.

3. **Deviation from the requirement of LDC Section 34-704(a), which requires buildings to be constructed between five (5) to ten (10) feet from Estero Boulevard, to allow a front setback of 46 feet to accommodate the existing building.**

Justification: This deviation was previously approved per Resolution No. 06-30 and is required to allow for the existing, non-conforming building, which was constructed in 1961 prior to adoption of the Land

Development Code. This deviation from the LDC has been in effect for several decades and has not resulted in any negative impact to health, safety or welfare. Therefore, the Applicant respectfully requests continuation of this deviation approval.

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The subject property consists of a pedestrian-oriented restaurant use within walking distance of numerous hotels within the central business district of Fort Myers Beach. Moreover the property is owned by the owner of the Neptune Inn and intended as an ancillary restaurant to service hotel guests. Therefore, a significant number of patrons are expected to walk or bicycle to the property.

Moreover, the proposed CPD exponentially increases the parking and loading areas from one (1) handicap and one (1) standard parking space shown on the approved MCP, to thirty-two (32) standard parking spaces and two (2) handicap parking spaces, as shown on the proposed MCP. Upon approval of this petition the parking spaces will no longer back out onto public rights-of-way, thereby mitigating potential hazard to pedestrians and vehicles.

For these reasons, the Applicant respectfully submits that approval of this request will recognize the pedestrian nature of the project, and that the deviation will not negatively impact public, health, safety or welfare.

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Justification: The proposed crushed shell or limerock surface will complement the overall character of the Town of Fort Myers Beach, while ensuring public health, safety and welfare. The proposed impervious surface will also result in environmental benefits, including reduction of heat island effect due to higher reflectivity when compared to asphalt, and will help to filter and reduce runoff from the site. Moreover, the engineered MCP is designed to prevent the flow of sediment-laden runoff from the parking area via strategically located stormwater management features. Lastly, the handicap parking spaces will be paved to further ensure the safety of restaurant patrons.

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Justification: The Applicant is proposing to significantly improve the pedestrian environment within the property and along Estero Blvd., which adequately justifies the proposed deviation for a slightly reduced sidewalk width.

A 5-foot sidewalk is proposed along the Estero Blvd. frontage, where no sidewalk exists today. Additionally, the existing parking lot, which requires vehicles to back out directly onto Estero Blvd., will be relocated to the side of the building to restrict vehicular ingress/ingress to Mango Street. This will significantly improve bicycle and pedestrian safety along the roadway. Also, there is proposed sidewalk connection between the restaurant uses and the Estero Blvd. sidewalk, which will provide a safe pedestrian connection to the building, and mitigate the need to traverse the parking lot.

When these various design components are combined, the proposed CPD will have a dramatic positive impact upon the Estero Blvd. pedestrian environment, and will meet the intent of the LDC for the provision of pedestrian and bicycle facilities; thereby protecting public health, safety and welfare.