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BY:.....

APPLICATION FOR PUBLIC HEARING FOR FORT MYERS BEACH

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

Project Name: Bayside CPD Amendment

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

24-46-23-W1-00700.0340

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

STAFF USE ONLY

Case Number: FMBDC12060001 Date of Application: _____

Planner in charge: Frank Shockey Date found sufficient: _____

Public Hearing Dates: LPA: _____ Town Council: _____

Current Zoning: CPD

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

Comp Plan Density Range: _____

REQUEST FOR

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

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

Case Number: _____ Name: Bayside CPD Amendment

PART 1 - NATURE OF REQUEST

Action Requested: [check applicable action(s)]

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

PART 2 - CURRENT CLASSIFICATION OF PROPERTY

(Please check all appropriate items):

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

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

B. Platted Overlay? No Yes

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

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

Case Number: _____ Name: Bayside CPD Amendment

PART 3- WAIVERS

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

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

PART 4 - APPLICANT INFORMATION

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

Address: Street : 2320 First Street, Suite 1000

City: Fort Myers State: _____ Zip: 33901

Phone: Area Code: 239 Number: 337-3850 Ext: _____

Fax: Area Code: 239 Number: 337-0970

E-mail address: bgrady@ralaw.com

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

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

Case Number: _____ Name: Bayside CPD Amendment

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

Company Name: Roetzel & Andress

Contact Person: Beverly Grady

Address: Street : 2320 First Street, Suite 1000

City: Fort Myers State: FL Zip: 33901

Phone: Area Code: 239 Number: 337-3850 Ext: _____

Fax: Area Code: 239 Number: 337-0970

E-mail address: bgrady@ralaw.com

PART 5 - OTHER AGENTS

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

A. Company Name: _____

Contact Person: _____

Address: Street : _____

City: _____ State: _____ Zip: _____

Phone: Area Code: _____ Number: _____ Ext: _____

Fax: Area Code: _____ Number: _____

E-mail address: _____

B. Company Name: _____

Contact Person: _____

Address: Street : _____

City: _____ State: _____ Zip: _____

Phone: Area Code: _____ Number: _____ Ext: _____

Fax: Area Code: _____ Number: _____

E-mail address: _____

Case Number: _____ Name: Bayside CPD Amendment

C. Company Name: _____

Contact Person: _____

Address: Street : _____

City: _____ State: _____ Zip: _____

Phone: Area Code: _____ Number: _____ Ext: _____

Fax: Area Code: _____ Number: _____

E-mail address: _____

D. Company Name: _____

Contact Person: _____

Address: Street : _____

City: _____ State: _____ Zip: _____

Phone: Area Code: _____ Number: _____ Ext: _____

Fax: Area Code: _____ Number: _____

E-mail address: _____

PART 6 - PROPERTY OWNERSHIP

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

Name _____

Address: Street : _____

City: _____ State: _____ Zip: _____

Phone: Area Code: 239 Number: _____ Ext: _____

Fax: Area Code: _____ Number: _____

E-mail address: _____

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

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

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

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

Case Number: _____ Name: Bayside CPD Amendment

PART 7 - PROPERTY INFORMATION

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

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

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

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

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

D. Property Dimensions:

Area: _____ square feet or _____ acres

Width along roadway: _____ feet

Depth: _____ feet

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

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

_____ Electronic version of the legal description is attached.

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

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

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

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

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

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

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

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

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

H. Surrounding property owners:

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

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

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

Case Number: _____ Name: Bayside CPD-Amendment

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

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

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

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


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

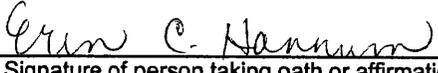
ROBERT W. BOYKIN
(Type or printed name)

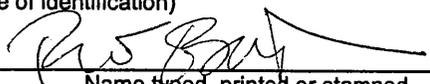
STATE OF OHIO
COUNTY OF CUYAHOGA

The foregoing instrument was sworn to (or affirmed) and subscribed before me this

10-19-06 by ROBERT W. BOYKIN who is personally
(date) (name of person providing oath or affirmation)

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


Signature of person taking oath or affirmation


Name typed, printed or stamped

* Notes:

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

PART 9 - SUBMITTAL REQUIREMENTS

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

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

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

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

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

NEW PINK SHELL LLC

BY: 
(Signature)

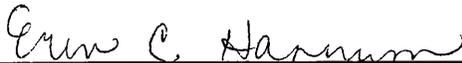
ROBERT W. BOYKIN
Printed Name

Its: Manager

STATE OF FLORIDA
COUNTY OF LEE

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

(SEAL)


Signature of Notary Public

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

(Name typed, printed or stamped)

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

STRAP NO. 24-46-23-W1-00700.0320 **CASE NO.** _____

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

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

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

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

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

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

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

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

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

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

Date of Contract: _____

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

Name and Address

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

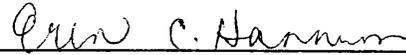
The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Signature: 
(Applicant)

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

STATE OF FLORIDA
COUNTY OF LEE

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


Signature of Notary Public

(SEAL)

Printed Name of Notary Public



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

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

BAYSIDE CPD

DESCRIPTION:

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

TOGETHER WITH:

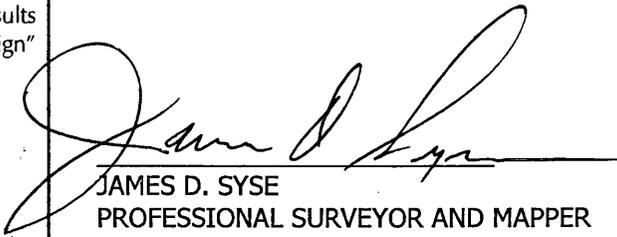
LOTS 33 THROUGH 36 AND LOTS 38 AND 39, ALL IN BLOCK D, ISLAND SHORES CLUB SECTION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 41 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

LESS AND EXCEPT:

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

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

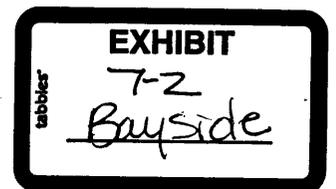
"Partners for Results
 Value by Design"

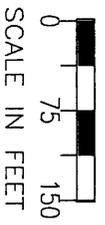


JAMES D. SYSE
 PROFESSIONAL SURVEYOR AND MAPPER
 FL. CERT. NO. 4211

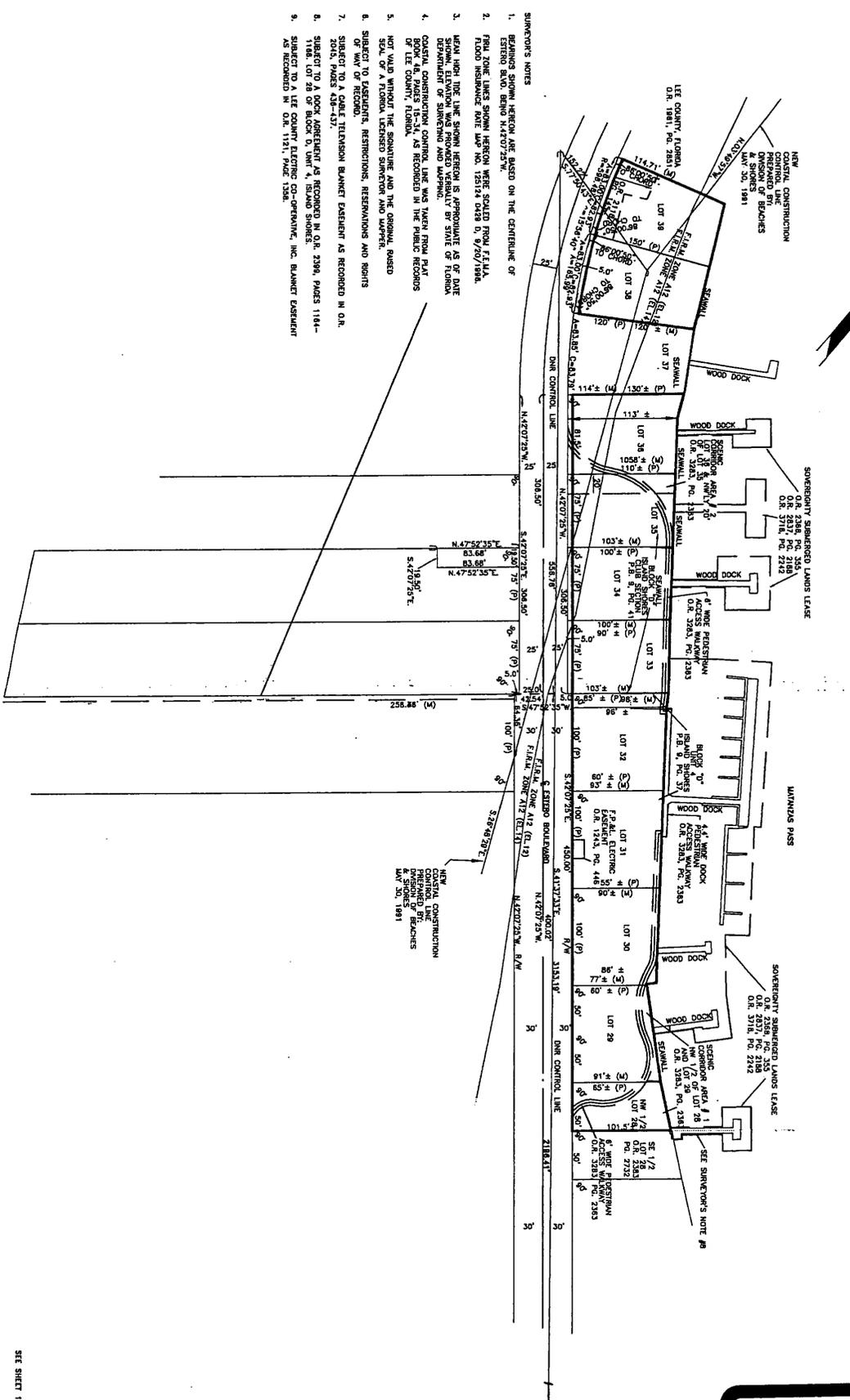
1400 Colonial Blvd., Suite 31
 Fort Myers, FL 33907
 (239) 931-0455
 Fax: (239) 931-0456
 www.lbfh.com

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





- LEGEND
- A. DNR RECORD BOOK
 - B. DEPARTMENT OF NATURAL RESOURCES
 - C. SEMI-ANNUAL SURVEY
 - D. LINE ON LINE TABLE
 - E. DNR RECORD
 - F. PLAT BOOK
 - G. RIGHT OF WAY
 - H. BOUND



- SURVEYOR'S NOTES
1. BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF EIGHTH AVE. BEING N. 47° 52' 29" E.
 2. FRACTIONAL LINES SHOWN HEREON WERE SCALED FROM FIELD NOTES.
 3. FLOOD RESISTANCE RATE MAP NO. 12319A DATED 05/20/1998.
 4. MEAN HIGH TIDE LINE SHOWN HEREON IS APPROXIMATE AS OF DATE SURVEY.
 5. ELEVATION WAS PROVIDED VERBALLY BY STATE OF FLORIDA.
 6. COASTAL CONSTRUCTION CONTROL LINE WAS TAKEN FROM PLAT BOOK 46, PAGES 15-17, AS RECORDED IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
 7. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL, UNDATED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
 8. SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.
 9. SUBJECT TO A CABLE TELEVISION BANNER EASEMENT AS RECORDED IN O.R. 2545, PAGES 138-139.
 10. SUBJECT TO A DOCK AGREEMENT AS RECORDED IN O.R. 2399, PAGES 1164-1165.
 11. SURVEY WAS CONDUCTED BY CHARLES P. BRYAN, SURVEYOR, AS RECORDED IN O.R. 1121, PAGE 120A.

DATE OF MEASUREMENT

SEE SHEET 1 OF 2 FOR TOTAL DESCRIPTION

EXHIBIT
7-4
Bayside
tables

Charles P. Bryan
CHARLES P. BRYAN
PROFESSIONAL LAND SURVEYOR
FLA. CERTIFICATE NO. 4311

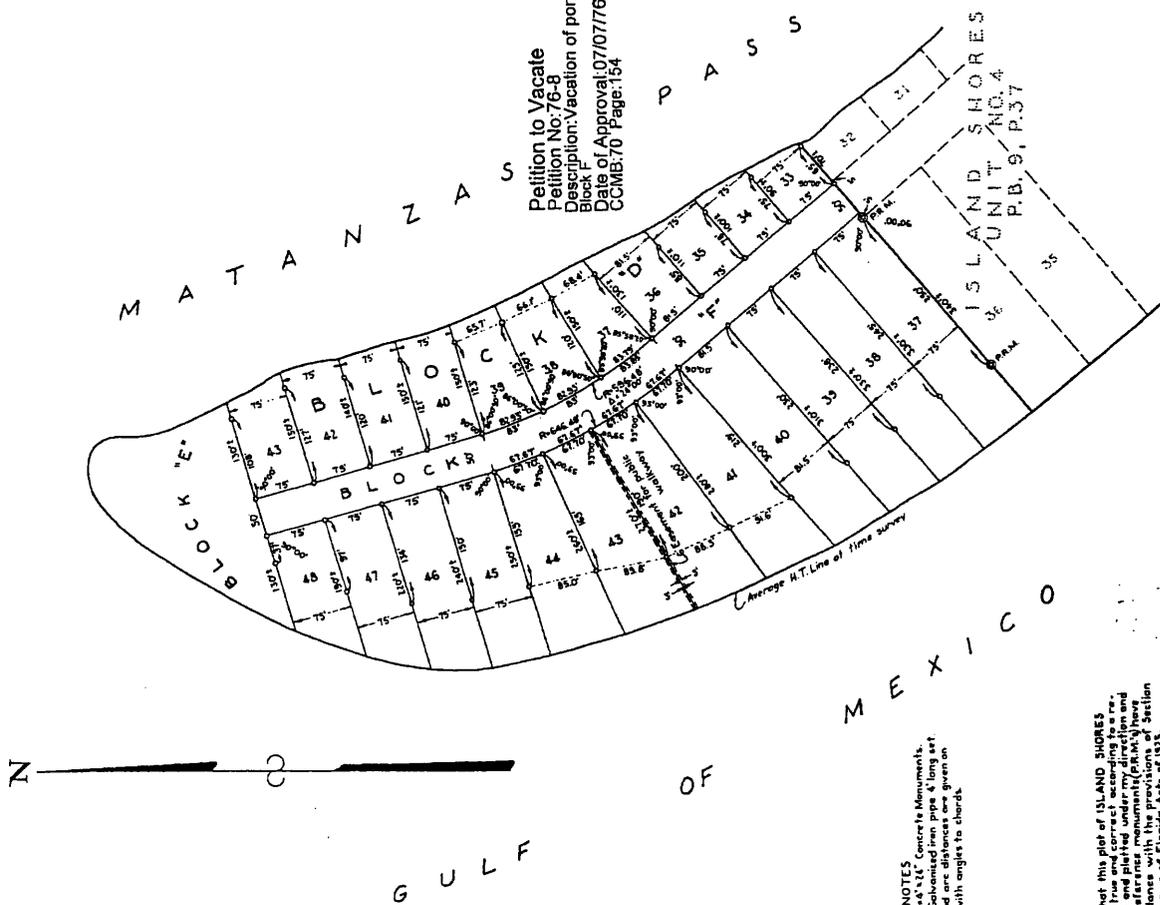
DATE 10/20/06	SCALE AS NOTED	DRAWN CP	CHECK	APPROVED	DATE	REVISION	BY
<p>24-48-23</p>							
<p>06-7021</p>							
<p>SECTION 24, TOWNSHIP 46 S., RANGE 23 E. LEE COUNTY, FLORIDA</p>							
<p>SKETCH (NOT A SURVEY)</p>							
<p>LBFH INC. CONSULTING CIVIL ENGINEERS, SURVEYORS & MAPPERS A BOYLE ENGINEERING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

ISLAND SHORES CLUB SECTION

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

March 1952

Scale: 1" = 100'



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

DESCRIPTION

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

DEDICATION

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

IN WITNESS WHEREOF, the owners have hereunto set their hands and seal this 15th day of March, A.D. 1952.

WITNESSES: *James H. Wellman*
Doris H. Wellman
 My Commission expires July 22, 1952

ACKNOWLEDGMENT

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

WITNESS my hand and official seal at Fort Myers, said County and State this 15th day of March A.D. 1952.
James H. Wellman
 My Commission expires July 22, 1952

APPROVALS

This plat accepted this 15th day of March, A.D. 1952 in open meeting of the Board of County Commissioners, Lee County, Florida.
James H. Wellman
 Chairman

HEREBY CERTIFY that this plat of ISLAND SHORES CLUB SECTION has been examined by me and from my examination find the said plat complies in form with the requirements of Chapter 101153, Laws of Florida, Acts of 1935. This said plat was filed for record at U.S.A. 14-15, Lee County, Florida, on the 15th day of March, A.D. 1952 and duly recorded in Plat Book 9 at Page 37 of the public records of Lee County, Florida.
James H. Wellman
 Clerk of the Circuit Court in and for Lee County

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

Hereby certify that this plat of ISLAND SHORES CLUB SECTION is true and correct according to a recent survey made and plotted under my direction and that permanent reference monuments (pink) have been set in accordance with the requirements of Chapter 101153, Laws of Florida, Acts of 1935.
James H. Wellman
 Reg. Land Surveyor, License No. 351
 Johnson & Gilbert, Fort Myers, Fla.

138 207

tabbles

EXHIBIT

7-3

VARIANCE REPORT

10/18/2006

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

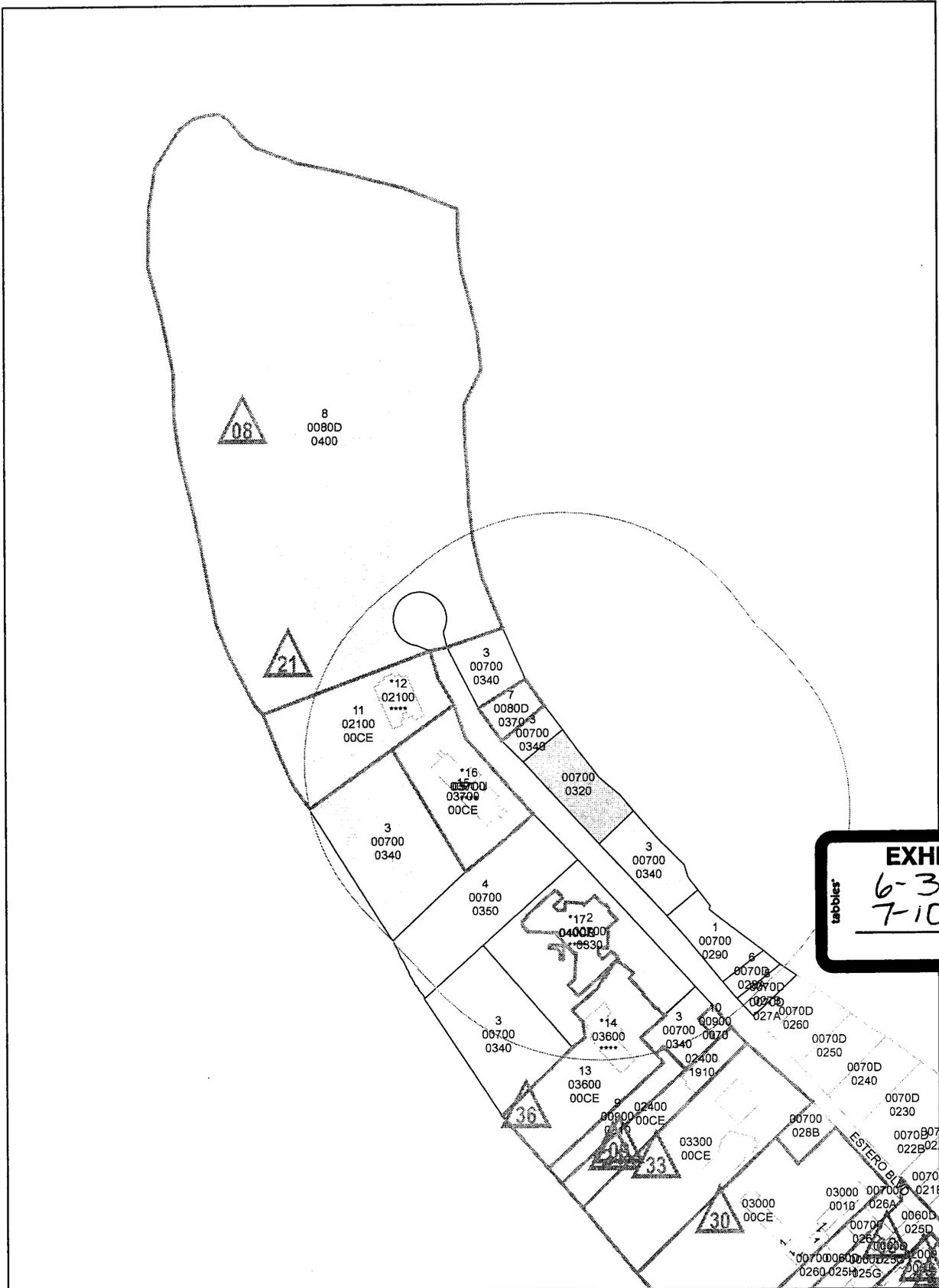
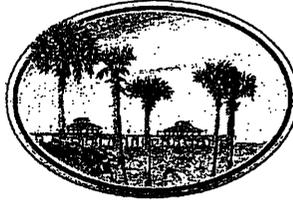


EXHIBIT
6-3
7-10



24-46-23-W1-00700.0320

400 200 0 400 Feet



APPLICATION FOR WAIVER OF SUBMITTAL REQUIREMENTS FORT MYERS BEACH

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

Application for waiver \modification of submittal items required for:

PUBLIC HEARINGS

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

ADMINISTRATIVE ACTION

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

PLEASE PRINT OR TYPE:

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

Name of Project: Bayside CPD Amendment

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

Street Address: 2320 First Street

City: Fort Myers State: FL Zip 33901

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

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

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

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

SCOPE OF PROJECT AND REASON(S) FOR REQUEST

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

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

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

K. Hanna

Signature of Applicant:

10/23/06

Date

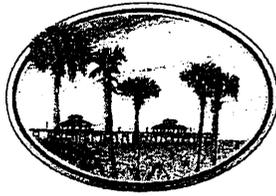
Directors Decision: _____ Request Approved _____ Request Denied

Comments:

Signature: _____

Date: _____

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



SUPPLEMENT PH - D

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

Case Number: _____
Project Name: Bayside CPD Amendment
Authorized applicant: Captiva Villas Development LLC, c/o Beverly Grady, Roetzel & Andress, LPA
STRAP Number(s): 24-46-23-W1-00700.0320

CURRENT STATUS OF PROPERTY

Current Zoning: CPD
Land Use Category: Mixed Residential/Recreation Platted Overlay? _____ Yes x No
Comprehensive Plan Density: _____

REQUESTED ACTION

 DRI (rezoning required)
 X Planned Development
 Rezoning from: _____ to _____
 X Amendment to Master Concept Plan

Supplement PH-D

C-F Narrative

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

Both applications request appropriate revisions to conditions in:

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

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

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

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

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

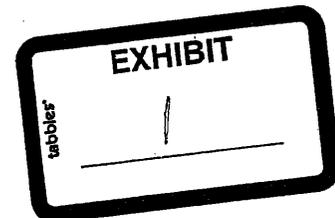
building, or, (2) the walkway construction needs to become a Phase 2 with a time frame that ensures timely construction when a decision has been made on the location of the walkway.

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

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

ROETZEL & ANDRESS
A LEGAL PROFESSIONAL ASSOCIATION

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



September 11, 2006

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

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

Dear Ms. Lambert:

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

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

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

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

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

Rachel Lambert, Town Manager
September 11, 2006
Page 2

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

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

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

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

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

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

Rachel Lambert, Town Manager
September 11, 2006
Page 3

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

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

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

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

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

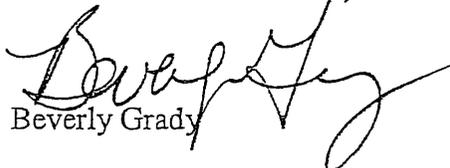
4. (a) A release of easement recorded in Official Records Book 04384 Pages 3212-3222 and acceptance of a new beach access easement located on the north side of Captiva Villas parcel by the Town of Fort Myers Beach

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

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

Very truly yours,

ROETZEL & ANDRESS, LPA


Beverly Grady

BG/umr
Enclosure: Exhibit A - Site Plan

cc: Jack Green, Public Works Director

Rachel Lambert, Town Manager

September 11, 2006

Page 4

Gerald Murphy, Community Development Director

Anne Dalton, Town Attorney

Dennis Boback, Mayor

Don Massucco, Vice Mayor

Garr Reynolds, Councilman

Bill Shenko, Councilman

Charles Meador, Councilman

Robert Boykin

Rich Conti

Gordon Meiers

Andrew Alexander



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

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

LEGAL DESCRIPTION: ADDITIONAL RIGHT OF WAY

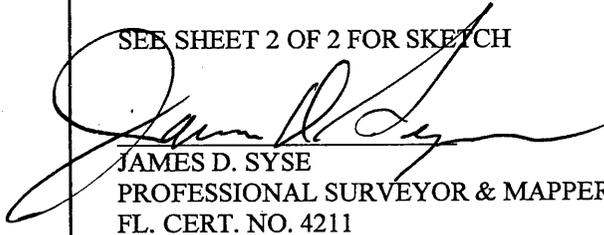
PART OF ISLAND SHORES CLUB SECTION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 41 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

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

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

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

SEE SHEET 2 OF 2 FOR SKETCH

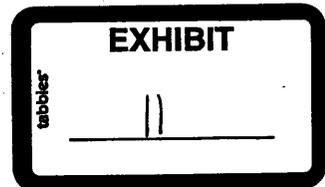


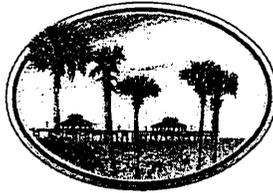
JAMES D. SYSE
PROFESSIONAL SURVEYOR & MAPPER
FL. CERT. NO. 4211

"Partners for Results
Value by Design"

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

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RECEIVED
OCT 23 2006

BY:.....

APPLICATION FOR PUBLIC HEARING FOR FORT MYERS BEACH

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

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

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

24-46-23-W1-00700.0340

24-46-23-W1-00700.0330

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

STAFF USE ONLY

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

Planner in charge: Frank Shockey Date found sufficient: _____

Public Hearing Dates: LPA: _____ Town Council: _____

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

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

Comp Plan Density Range: _____

REQUEST FOR

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

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

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

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

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

CAPTIVA VILLAS DEVELOPMENT, LLC

By: New Pink Shell, LLC
Its: Managing Member

BY: 
(Signature)

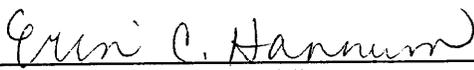
ROBERT W. BOYKIN
Printed Name

Its: MANAGING MEMBER

STATE OF FLORIDA
COUNTY OF LEE

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

(SEAL)


Signature of Notary Public

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

(Name typed, printed or stamped)

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

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

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

NEW PINK SHELL LLC

BY: 
(Signature)

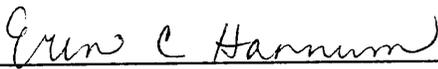
ROBERT W. BOYKIN
Printed Name

Its: Manager

STATE OF FLORIDA
COUNTY OF LEE

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

(SEAL)


Signature of Notary Public

(Name typed, printed or stamped)

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

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

PART 1 - NATURE OF REQUEST

Action Requested: [check applicable action(s)]

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

PART 2 - CURRENT CLASSIFICATION OF PROPERTY

(Please check all appropriate items):

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

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

B. Platted Overlay? No Yes

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

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

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

PART 3- WAIVERS

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

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

PART 4 - APPLICANT INFORMATION

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

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

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

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

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

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

4. **Town** Enter the date the action was authorized: _____

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

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

Company Name: Roetzel & Andress

Contact Person: Beverly Grady

Address: Street : 2320 First Street, Suite 1000

City: Fort Myers State: FL Zip: 33901

Phone: Area Code: 239 Number: 337-3850 Ext: _____

Fax: Area Code: 239 Number: 337-0970

E-mail address: bgrady@ralaw.com

PART 5 - OTHER AGENTS

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

A. Company Name: _____

Contact Person: _____

Address: Street : _____

City: _____ State: _____ Zip: _____

Phone: Area Code: _____ Number: _____ Ext: _____

Fax: Area Code: _____ Number: _____

E-mail address: _____

B. Company Name: _____

Contact Person: _____

Address: Street : _____

City: _____ State: _____ Zip: _____

Phone: Area Code: _____ Number: _____ Ext: _____

Fax: Area Code: _____ Number: _____

E-mail address: _____

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

C. Company Name: _____

Contact Person: _____

Address: Street : _____

City: _____ State: _____ Zip: _____

Phone: Area Code: _____ Number: _____ Ext: _____

Fax: Area Code: _____ Number: _____

E-mail address: _____

D. Company Name: _____

Contact Person: _____

Address: Street : _____

City: _____ State: _____ Zip: _____

Phone: Area Code: _____ Number: _____ Ext: _____

Fax: Area Code: _____ Number: _____

E-mail address: _____

PART 6 - PROPERTY OWNERSHIP

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

Name _____

Address: Street : _____

City: _____ State: _____ Zip: _____

Phone: Area Code: _____ Number: _____ Ext: _____

Fax: Area Code: _____ Number: _____

E-mail address: _____

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

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

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

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

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

PART 7 - PROPERTY INFORMATION

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

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

Street Address: _____

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

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

D. Property Dimensions:

Area: _____ square feet or _____ acres

Width along roadway: _____ feet

Depth: _____ feet

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

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

_____ Electronic version of the legal description is attached.

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

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

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

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

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

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

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

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

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

H. Surrounding property owners:

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

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

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

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

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

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

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

NEW PINK SHELL, LLC, ITS MANAGING MEMBER
*Name of Entity (corporation, partnership, LLP, LC, etc)
[Signature] ROBERT W. BOYKIN
Signature (Type or printed name)
MANAGING MEMBER
(title of signatory)

STATE OF OHIO
COUNTY OF CUYAHOGA

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

[Signature] ERIN C. HANNUM.
Signature of person taking oath or affirmation Name typed, printed or stamped

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

PART 9 - SUBMITTAL REQUIREMENTS

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

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

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

STRAP NO. 24-46-23-W1-00700.0350 **CASE NO.** _____

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

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

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

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

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

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

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

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

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

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

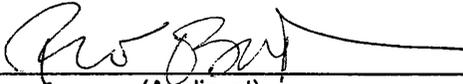
Date of Contract: _____

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

Name and Address

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

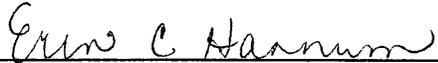
The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Signature: 
(Applicant)

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

STATE OF FLORIDA
COUNTY OF LEE

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


Signature of Notary Public

(SEAL)

Printed Name of Notary Public

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

Case Number: _____

Name: Captiva Villas CPD & White Sand Villas CPD-Walkway Esmt.

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

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

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

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


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

ROBERT W. BOYKIN
(Type or printed name)

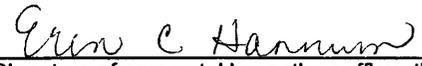
STATE OF OHIO

COUNTY OF CUYAHOGA

The foregoing instrument was sworn to (or affirmed) and subscribed before me this

10-19-06 by ROBERT W. BOYKIN who is personally
(date) (name of person providing oath or affirmation)

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


Signature of person taking oath or affirmation

Name typed, printed or stamped

* Notes:

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

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

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

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

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

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

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

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

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

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

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

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

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

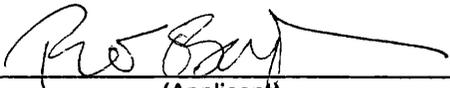
Date of Contract: _____

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

Name and Address

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

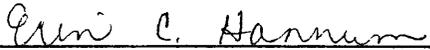
The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Signature: 
(Applicant)

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

STATE OF FLORIDA
COUNTY OF LEE

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


Signature of Notary Public

(SEAL)

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

Printed Name of Notary Public



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

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

CAPTIVA VILLAS CPD

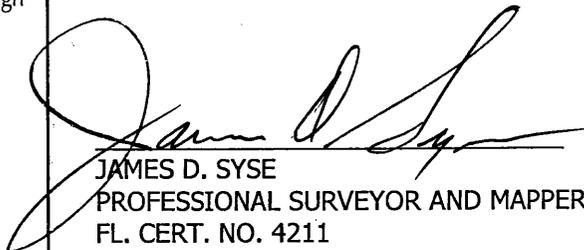
DESCRIPTION:

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

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

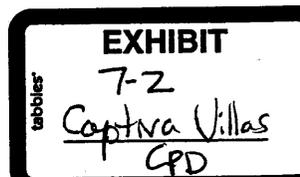
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

"Partners for Results
 Value by Design"


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

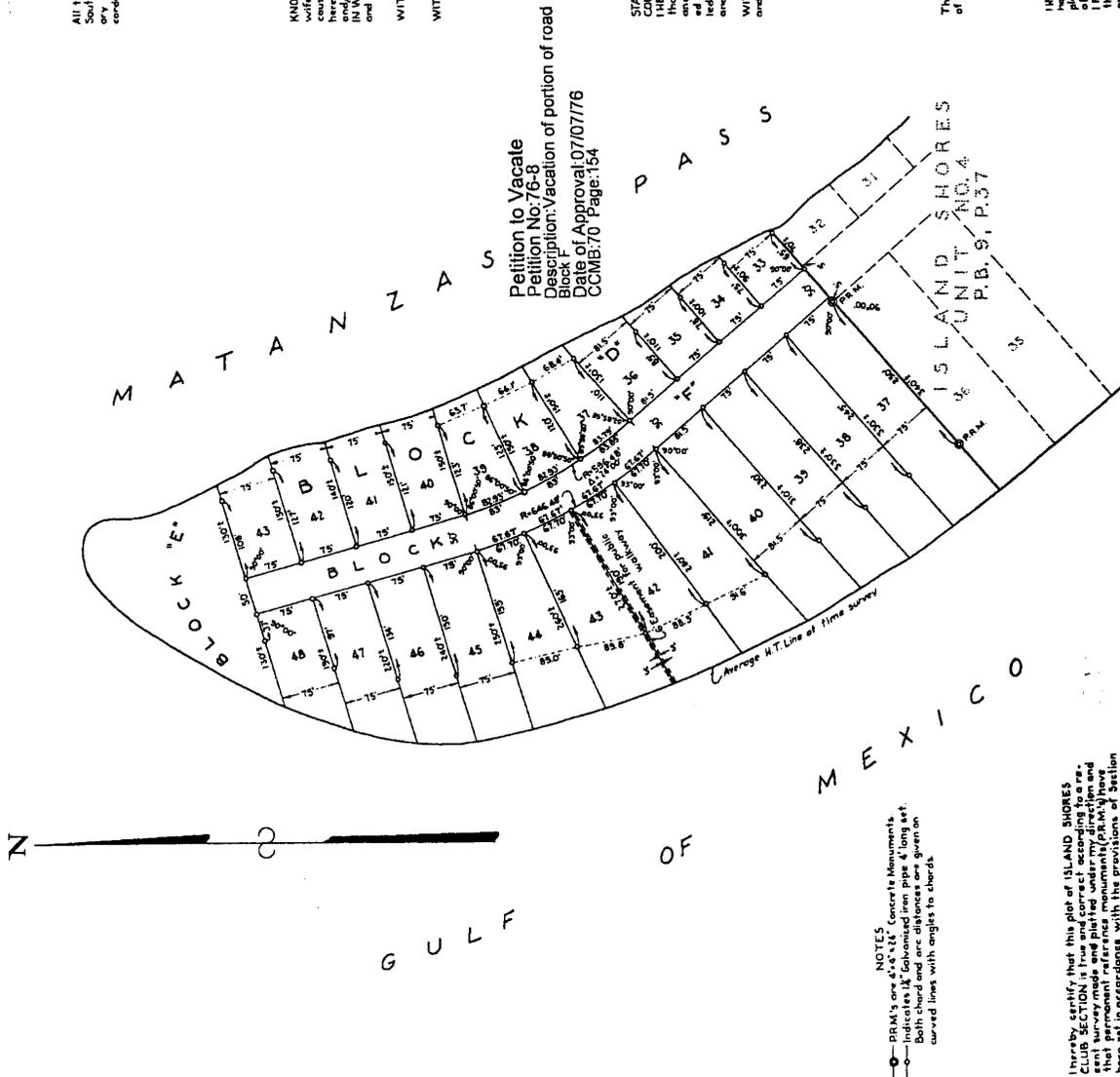
1400 Colonial Blvd., Suite 31
 Fort Myers, FL 33907
 (239) 931-0455
 Fax: (239) 931-0456
 www.lbfh.com

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



ISLAND SHORES CLUB SECTION

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



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

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

WITNESS: *James J. Myers*
 WITNESS: *James H. Myers*

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

WITNESS my hand and official seal at Fort Myers, said County and State this 7th day of March, A. D. 1952.

James H. Myers
 Notary Public, State of Florida at large
 My Commission expires July 28, 1952

APPROVALS
 This plat accepted this 7th day of March, A. D. 1952 in open meeting of the Board of County Commissioners, Lee County, Florida.

Approved: *[Signature]*
 Chairman

[Signature]
 Clerk

I HEREBY CERTIFY that this plat of ISLAND SHORES CLUB SECTION has been examined by me and from my examination I find that it conforms with the requirements of Chapter 10213, Laws of Florida, Acts of 1935.

I FURTHER CERTIFY that said plat was filed for record at 11:41 A.M. this 23rd day of March, A. D. 1952 and duly recorded in Plat Book 9, Page 37 of the public records of Lee County, Florida.

[Signature]
 Clerk of the Circuit Court in and for Lee County

NOTES
 - DRAM's are 4"x6"x12" Concrete Monuments.
 - Indicates 1/2" Galvanized Iron pipe 4' long set.
 - Both chord and arc distances are given on curved lines with angles to chords.

I hereby certify that this plat of ISLAND SHORES CLUB SECTION is true and correct according to a plat survey made and plotted under my direction and that permanent reference monuments (shown on this plat) have been set in accordance with the provisions of Section 7, Chapter 10213, Laws of Florida, Acts of 1935.

[Signature]
 Reg. Land Surveyor, Fla. Cert. No. 551
 Johnson & Gilman, Fort Myers, Fla.

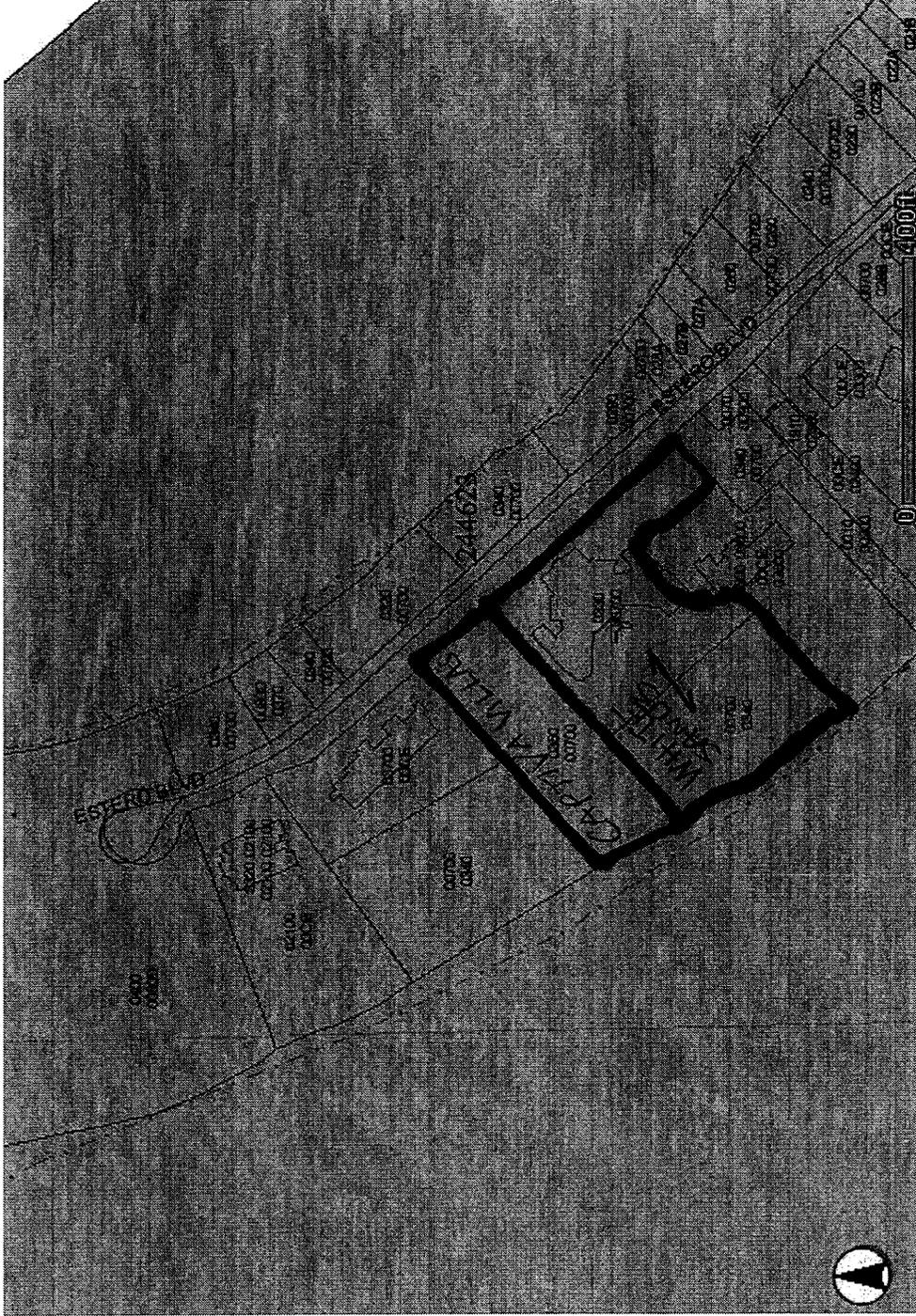
158 287

tabbies®

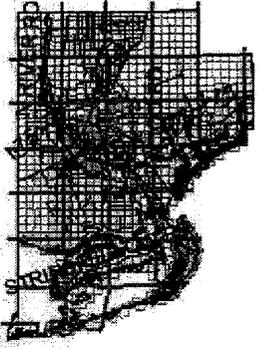
EXHIBIT

7-3

Lee County Map

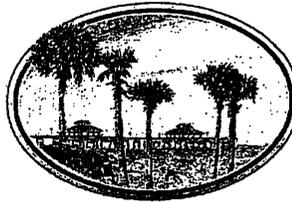


LOCATION MAP
 CAPTIVA VILLAS + WHITE SANDS



EXHIBIT

71



APPLICATION FOR WAIVER OF SUBMITTAL REQUIREMENTS FORT MYERS BEACH

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

Application for waiver \modification of submittal items required for:

PUBLIC HEARINGS	ADMINISTRATIVE ACTION
<input type="checkbox"/> General Requirements	<input type="checkbox"/> Amendment to PD.
<input checked="" type="checkbox"/> Additional requirements for:	<input type="checkbox"/> Commercial antennas
<input type="checkbox"/> Dev. of Regional Impact	<input type="checkbox"/> Consumption-on-premises
<input checked="" type="checkbox"/> Planned Developments	<input type="checkbox"/> Forced relocation of business
<input type="checkbox"/> Rezoning (Not PD)	<input type="checkbox"/> Interpretation of Land Development Code
<input type="checkbox"/> Special Exception	<input type="checkbox"/> Minimum Use Determination
<input type="checkbox"/> Variances	<input type="checkbox"/> Setback Variance
<input type="checkbox"/> Other	<input type="checkbox"/> Tall structures
	<input type="checkbox"/> Other

PLEASE PRINT OR TYPE:

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

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

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

Street Address: 2320 First Street

City: Fort Myers State: FL Zip 33901

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

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

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

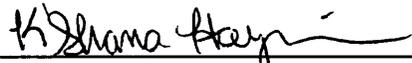
Section Number	Requirement
#1 <u>34-212(6) FMB</u>	<u>Traffic Impact Analysis</u>
#2 _____	_____
#3 _____	_____
#4 _____	_____
#5 _____	_____

SCOPE OF PROJECT AND REASON(S) FOR REQUEST

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

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

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


Signature of Applicant: _____

10/23/06
Date

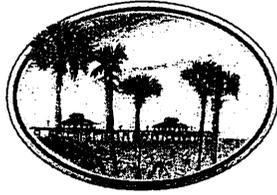
Directors Decision: _____ Request Approved _____ Request Denied

Comments:

Signature: _____

Date: _____

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



SUPPLEMENT PH - D

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

Case Number: _____

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

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

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

24-46-23-W1-00700.0340 _____

24-46-23-W1-00700.0330 _____

CURRENT STATUS OF PROPERTY

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

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

Comprehensive Plan Density: _____

REQUESTED ACTION

 DRI (rezoning required)

 X Planned Development

_____ Rezoning from: _____ to _____

 X Amendment to Master Concept Plan

Case Number: _____

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

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

N/A

PART 2 - SUBMITTAL REQUIREMENTS

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

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

* includes 1 original

Supplement PH-D

C-F Narrative

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

Both applications request appropriate revisions to conditions in:

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

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

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

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

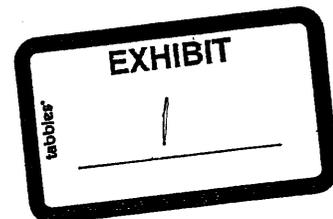
The view corridor on the Captiva Villas/White Sands CPD remains unchanged as to width and type of planting.

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

ROETZEL & ADDRESS

A LEGAL PROFESSIONAL ASSOCIATION

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



September 11, 2006

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

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

Dear Ms. Lambert:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

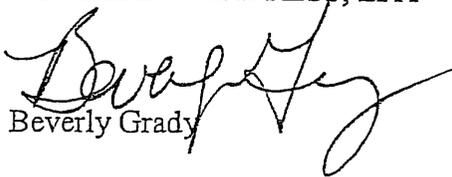
4. (a) A release of easement recorded in Official Records Book 04384 Pages 3212-3222 and acceptance of a new beach access easement located on the north side of Captiva Villas parcel by the Town of Fort Myers Beach

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

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

Very truly yours,

ROETZEL & ANDRESS, LPA


Beverly Grady

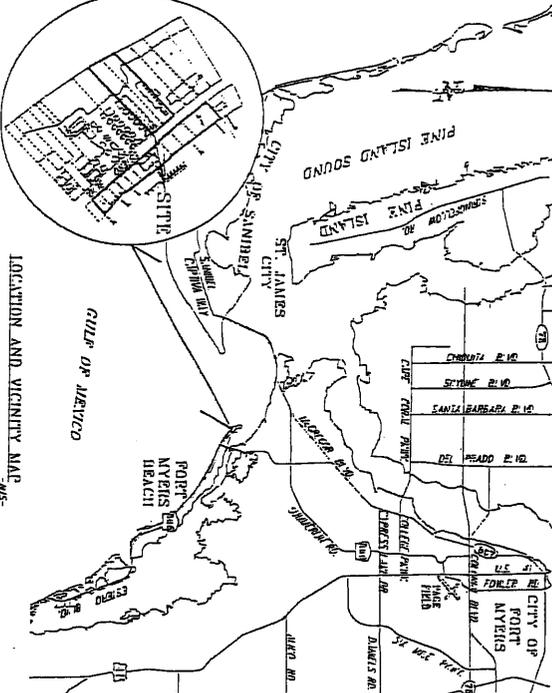
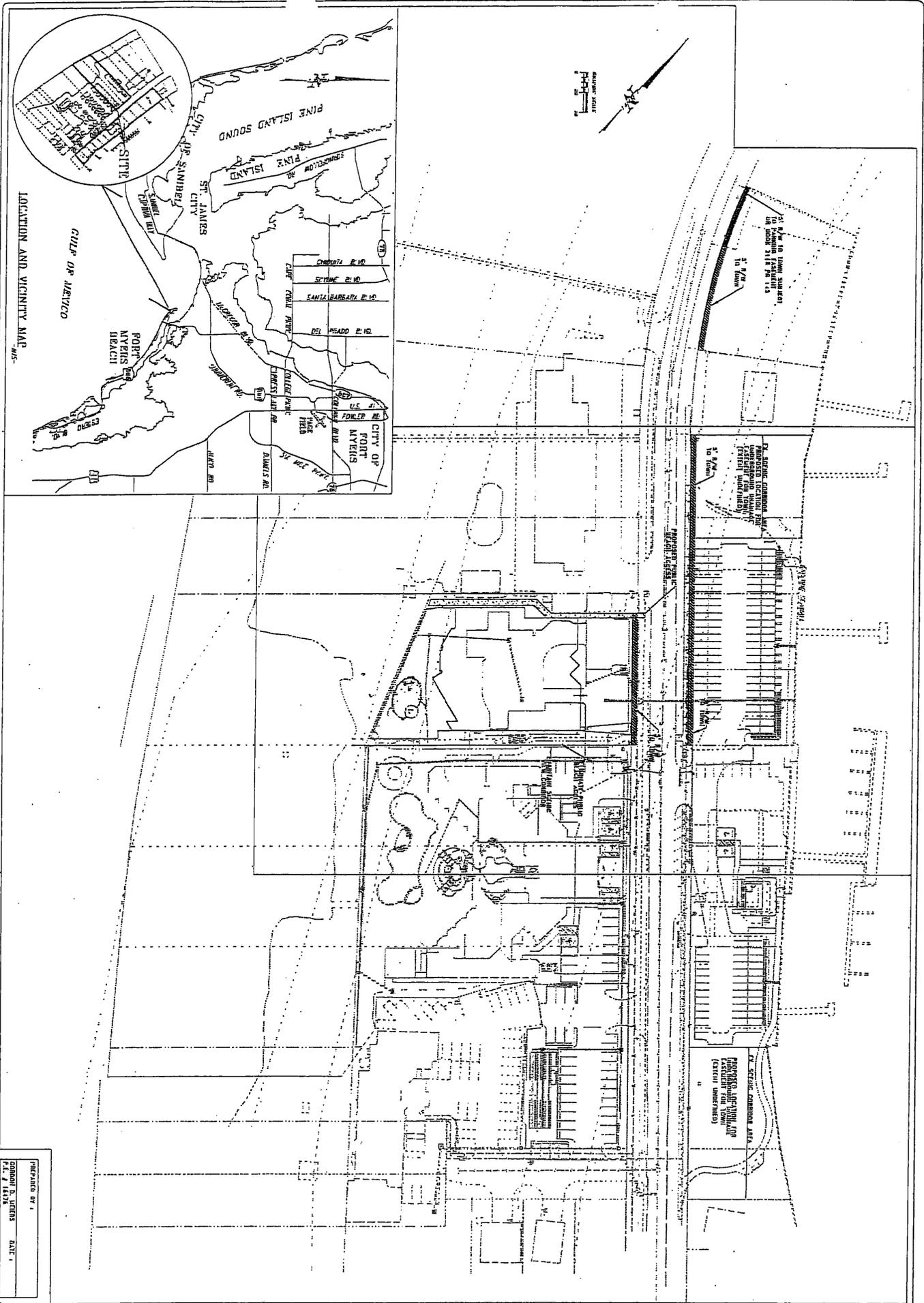
BG/umr

Enclosure: Exhibit A - Site Plan

cc: Jack Green, Public Works Director

Rachel Lambert, Town Manager
September 11, 2006
Page 4

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



PREPARED BY:
 CONRAD D. JENSEN
 DATE: 7/1/2015

DATE PLOTTED: 03-7021
 SHEET
 CDD1

PINK SHELL
 MASTER CONCEPT PLAN
 SEC. 24, TWP. 46 S., RGE. 23 E.

CLIENT: ROBERT BOYKIN
 NAME: BOYKIN HOTEL PROPERTIES, L.P.
 ADDRESS: 45 W. PROSPECT AVE., SUITE 1515
 CITY: CLEVELAND, OH 44115

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 A Division of LPR Inc. "Fidèle By Design"
 12300 21st St., Suite 200, Littleton, CO 80120
 (303) 831-0458 Fax (303) 831-0458

Scale:	1/2"=10'
Drawn By:	ML
Check By:	ML
Sheet No.:	01



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

DESCRIPTION:

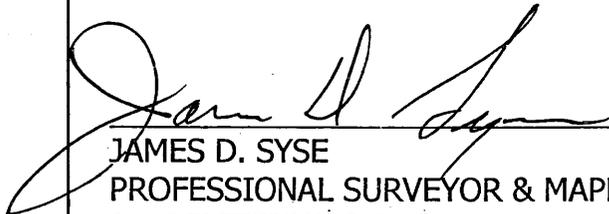
A WALKWAY EASEMENT LYING IN LOT 38, ISLAND SHORES CLUB SECTION AS RECORDED IN PLAT BOOK 9, PAGE 41 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA IN SECTION 24, TOWNSHIP 45 SOUTH, RANGE 23 EAST DESCRIBED AS FOLLOWS:

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

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

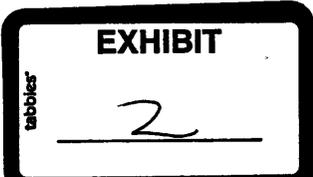
CONTAINING 1123 SQUARE FEET MORE OR LESS

SEE SHEET 2 OF 2 FOR SKETCH.


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

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 Fort Myers, FL 33907
 (239) 931-0455
 Fax: (239) 931-0456
 www.lbfh.com

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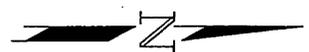
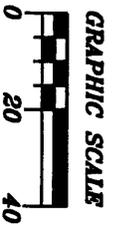
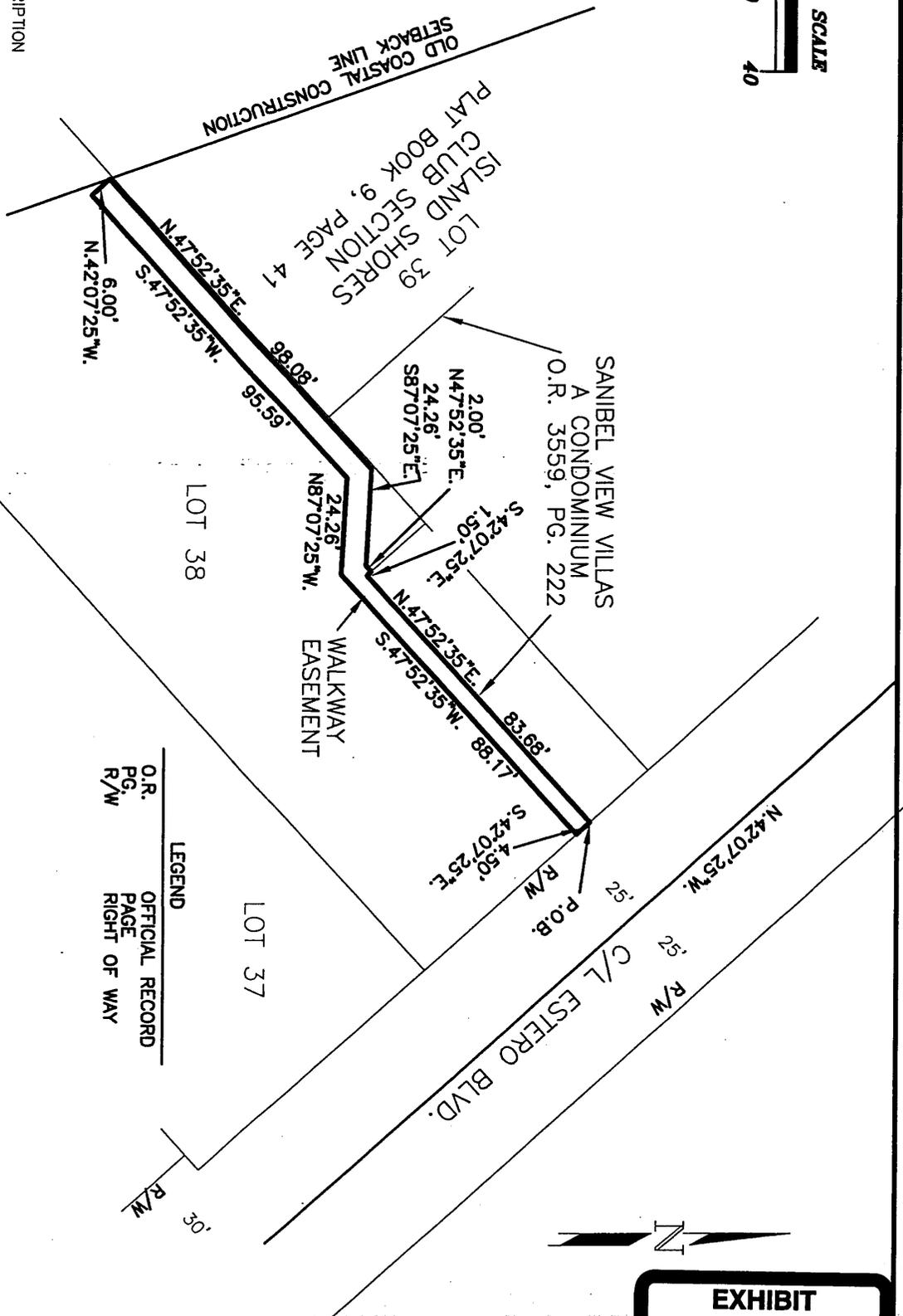


EXHIBIT
2



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

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

SHEET 2 OF 2

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

SKETCH (NOT A SURVEY)

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

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

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04-7019SK02WALK
 JOB NO.:
04-7019



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GIS

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

LEGAL DESCRIPTION: ADDITIONAL RIGHT OF WAY

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

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

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

SEE SHEET 2 OF 2 FOR SKETCH

JAMES D. SYSE
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FL. CERT. NO. 4211

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