



ADMINISTRATIVE AMENDMENT (PD) ADD2003-00160

ADMINISTRATIVE AMENDMENT  
TOWN OF FORT MYERS BEACH, FLORIDA

WHEREAS, Boykin Hotel Properties, L.P. filed an application for administrative approval to amend a Commercial Planned Development ("CPD") on a project known as Pink Shell Bayside Parcel CPD to eliminate 12,000 square feet of commercial uses transferred to the Captiva Villas CPD, on property located at 275 Estero Boulevard, described more particularly as:

LEGAL DESCRIPTION: In Section 24, Township 46 South, Range 23 East, Lee County, Florida:

See attached **Exhibit "B"** and **Exhibit "C"**

WHEREAS, the property was originally rezoned by Lee County zoning resolution Z-95-017, with subsequent amendments through Town Council Resolution 00-07A and 01-26; and

WHEREAS, Town Council Resolution 01-26 included a condition (Condition 5) that required the Pink Shell Bayside Parcel CPD be amended to eliminate the commercial uses and square footage transferred to the Captiva Villas CPD; and

WHEREAS, the Fort Myers Beach Land Development Code provides for certain administrative changes to planned development master concept plans; and

WHEREAS, the subject application and plans have been reviewed by the Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to Commercial Planned Development is **APPROVED**.

**Approval is subject to the following conditions:**

- 1. The Development must be in compliance with the amended Master Concept Plan, dated 02/12/04, stamped RECEIVED at the Zoning Counter FEB 17, 2004. Master Concept Plan for ADD2003-00160 is hereby APPROVED and adopted. A reduced copy is attached hereto as Exhibit "A".**

2. **The terms and conditions of the original zoning resolutions remain in full force and effect except as modified by this Amendment.**

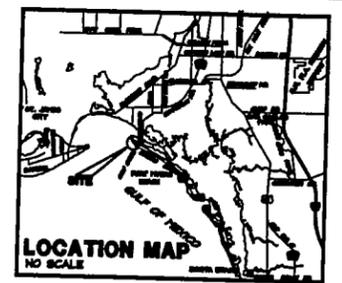
DULY SIGNED this 5<sup>th</sup> day of April, A.D., 2004.

BY: Pam Houck  
Pam Houck, Director  
Division of Zoning  
Department of Community Development

R:\198000198011MPD\_Mixed Use Planned Dev\02-09-04rev to 11-25-03 revisions to MCP-Bayside\Parcel.dwg, 02/16/2004 03:37:53 PM, TerryG, 1:2.23852  
**FLOT SCALE**

**EXHIBIT A**

AREA BOUNDED BY BOLD LINE  
 SUBJECT TO ADMINISTRATIVE  
 AMENDMENT



**C.P.D. NOTES:**  
 ZONING - C.P.D. (COMMERCIAL PLANNED DEVELOPMENT)  
 59 UNITS TRANSFERRED TO CPD (FORMERLY PUD)  
 CASE # 98-01-034.032-03.01  
 TOWN COUNCIL RESOLUTION 00-07 AND 00-07A  
 12,000 SQ. FT. COMMERCIAL TRANSFERRED TO CPD  
 (FORMERLY MPD), CASE # D02000-00071  
 TOWN COUNCIL RESOLUTION 01-28

**PARKING COUNT  
 EXISTING & PROPOSED**  
**EXISTING: PINK SHELL**  
 • ALL PREVIOUS PHASES HAVE INDIVIDUALLY  
 SATISFIED THEIR PARKING REQUIREMENTS  
 • 42 UNIT BUILDING (PREVIOUSLY APPROVED)  
 REQUIRED: 13 SPACES PER UNIT = 546  
 • NEW PROPOSED 48 UNIT BUILDING  
 REQUIRED: 13 SPACES PER UNIT = 624  
 SUB TOTAL PARKING REQUIRED = 1170 SPACES  
**PROVIDED:** BEACHSIDE - 86 SPACES  
 VALET PARKING - 123 SPACES  
 TOTAL PROVIDED = 209 SPACES

Gora  
 McCahey  
 ASSOCIATES IN  
 ARCHITECTURE  
 43 Barkley Circle Suite 202  
 Fort Myers, Florida 33907  
 941-275-0225 Fax 941-275-7123

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

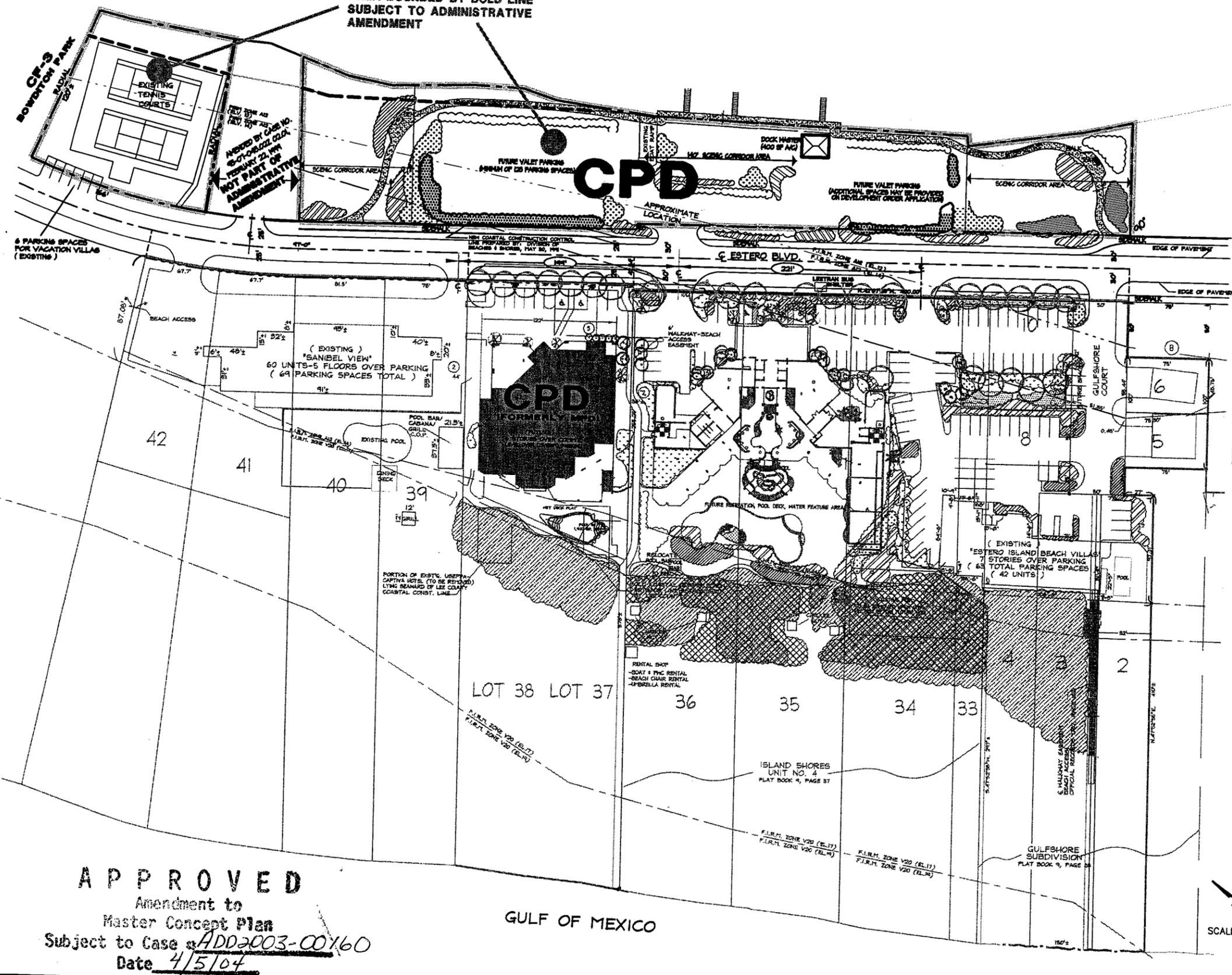
- PREPARED 10/09/00
- REVISED 11/15/00
- REVISED 12/08/00
- REVISED 12/21/00
- REVISED 04/02/01
- REVISED 04/16/01
- REVISED 05/02/01
- REVISED 06/12/01
- REVISED 07/30/01
- REVISED 08/27/03
- REVISED 08/15/03
- REVISED 09/26/03
- REVISED 10/23/03
- REVISED 11/25/03
- REVISED 02/12/04

ADO  
 DATE 2003-00160

FEB 17 2004

ZONING COUNTER

JOB NO. 99011  
**SP-D**



**APPROVED**  
 Amendment to  
 Master Concept Plan  
 Subject to Case # ADD2003-00160  
 Date 4/5/04

SCALE: 1"=40'

# Ink Engineering

A Division of  
**LBFH, Inc.**

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OCTOBER 24, 2003  
JOB NO. 03-7021A  
FILE NO. 03-7021CVSK1RBAY

1 OF 2

LEGAL DESCRIPTION:

A TRACT OR PARCEL OF LAND LYING IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 29 THROUGH 32 OF BLOCK "D" UNIT NO. 4, ISLAND SHORES, A SUBDIVISION AS RECORDED IN PLAT BOOK 9, PAGE 37 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA;

TOGETHER WITH:

THE NORTHWEST 1/2 OF LOT 28 OF SAID BLOCK "D" UNIT NO. 4, ISLAND SHORES MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT COMMON TO LOTS 28 AND 29 OF SAID BLOCK "D" AND LYING ON THE NORTHEASTERLY RIGHT OF WAY OF ESTERO BOULEVARD 30 FEET FROM THE CENTERLINE; THENCE S.42°07'25"E. ALONG SAID RIGHT OF WAY FOR 50.00 FEET; THENCE NORTHEASTERLY ALONG A LINE PERPENDICULAR TO SAID RIGHT OF WAY FOR 101.5 FEET MORE OR LESS TO A FACE OF A SEAWALL; THENCE NORTHWESTERLY ALONG THE FACE OF SAID SEAWALL TO THE NORTHWESTERLY LINE OF SAID LOT 28; THENCE SOUTHWESTERLY ALONG THE NORTHWEST LINE OF SAID LOT 28 PERPENDICULAR TO SAID RIGHT OF WAY FOR 91 FEET MORE OR LESS TO THE POINT OF BEGINNING.

TOGETHER WITH:

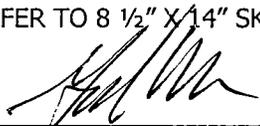
LOTS 33, 34, 35 AND 36, BLOCK "D", ISLAND SHORES CLUB SECTION, A SUBDIVISION, AS RECORDED IN PLAT BOOK 9, PAGE 41 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND LOTS 38 AND 39, BLOCK "D", ISLAND SHORES CLUB SECTION, A SUBDIVISION, AS RECORDED IN PLAT BOOK 9, PAGE 41 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA;

CONTAINING 2.12 ACRES MORE OR LESS.

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

LESS ANY PORTION THEREOF LYING BELOW THE MEAN HIGH WATER LINE OF MANTANZAS PASS.

REFER TO 8 1/2" X 14" SKETCH (SHEET 2 OF 2)

  
GORDON D. MEIERS  
PROFESSIONAL LAND SURVEYOR  
FL. CERT. NO. 2858

**RECEIVED**  
OCT 24 2003

PERMIT COUNTY



ADD 2003-00160



ADMINISTRATIVE AMENDMENT (PD) ADD2003-00086

ADMINISTRATIVE AMENDMENT  
LEE COUNTY, FLORIDA

WHEREAS, Boykin Hotel Properties, L.P. filed an application for administrative approval to amend a Commercial Planned Development (CPD) project known as Captiva Villas CPD to revise the building footprint, allocate 12,000 square feet of commercial area, and precisely define the relocation of a 6 feet wide beach access easement on property located at 275 Estero Blvd, described more particularly as:

LEGAL DESCRIPTION: In Section 24, Township 46 South, Range 23 East, Lee County, Florida:

See **Exhibit "A"** attached.

WHEREAS, the property was originally rezoned in case number 95-01-034.03Z (with subsequent amendments in case numbers DCI2000-00071, Resolution Number 01-26 ); and

WHEREAS, the Fort Myers Beach Land Development Code provides for certain administrative changes to planned development master concept plans; and

WHEREAS, the applicant seeks to revise the allocation of commercial square feet for the approved commercial uses; and

WHEREAS, the applicant seeks to clarify that a guest unit and certain ancillary commercial square footage will not be counted against the maximum total allowable square feet of commercial uses on the first floor over parking which allows commercial uses as approved by Town Council; and

WHEREAS, the subject application and plans have been reviewed by the Division of Zoning in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to Mixed Use Planned Development is **APPROVED**.

**Approval is subject to the following conditions:**

1. The terms and conditions of the original zoning resolutions remain in full force and effect unless specifically modified by this amendment.
2. The Development must be in compliance with the amended Master Concept Plan, dated Revised 12/11/03, stamped "Recived Dec 15, 2003." The Master Concept Plan for ADD2003-00086 is hereby APPROVED and adopted. A reduced copy is attached hereto as Exhibit "B".
3. Condition 2.b. of Resolution 01-26 is amended as follows:  
Maximum Uses  
**43 Hotel Guest Units**  
  
Accessory Commercial Hotel Uses  
~~241 SF Administrative Office~~ ~~1,300 SF Administrative/Offices~~  
~~6,463 SF Restaurant~~ ~~6,000 SF Restaurant/Deli/Retail~~  
~~3,110 SF Personal Services~~ ~~2,500 SF Guest Services~~  
~~747 SF Resort (Conference facilities)~~ ~~2,200 Conference/Meeting/Limited Food & Beverage Service~~
4. Personal Services are limited to Laundry and Fitness as indicated on Exhibit "C".
5. Commercial Accessory Uses are limited by the Area Chart attached as Exhibit "D." Commercial floor area must be in compliance with the allocations indicated thereon.
6. The building must accord with the two (2) page building elevations attached as Exhibit "E."
7. No subsequent or additional changes may be made to this CPD administratively. Any subsequent or additional change will require review and a decision through the planned development public hearing process.

DULY SIGNED this 19<sup>th</sup> day of December, A.D., 2003.

BY: Pam Houck  
 Pam Houck, Director  
 Division of Zoning  
 Department of Community Development

**EXHIBIT "A"**

**ADD2003-00086**

IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA,

**LEGAL DESCRIPTION:**

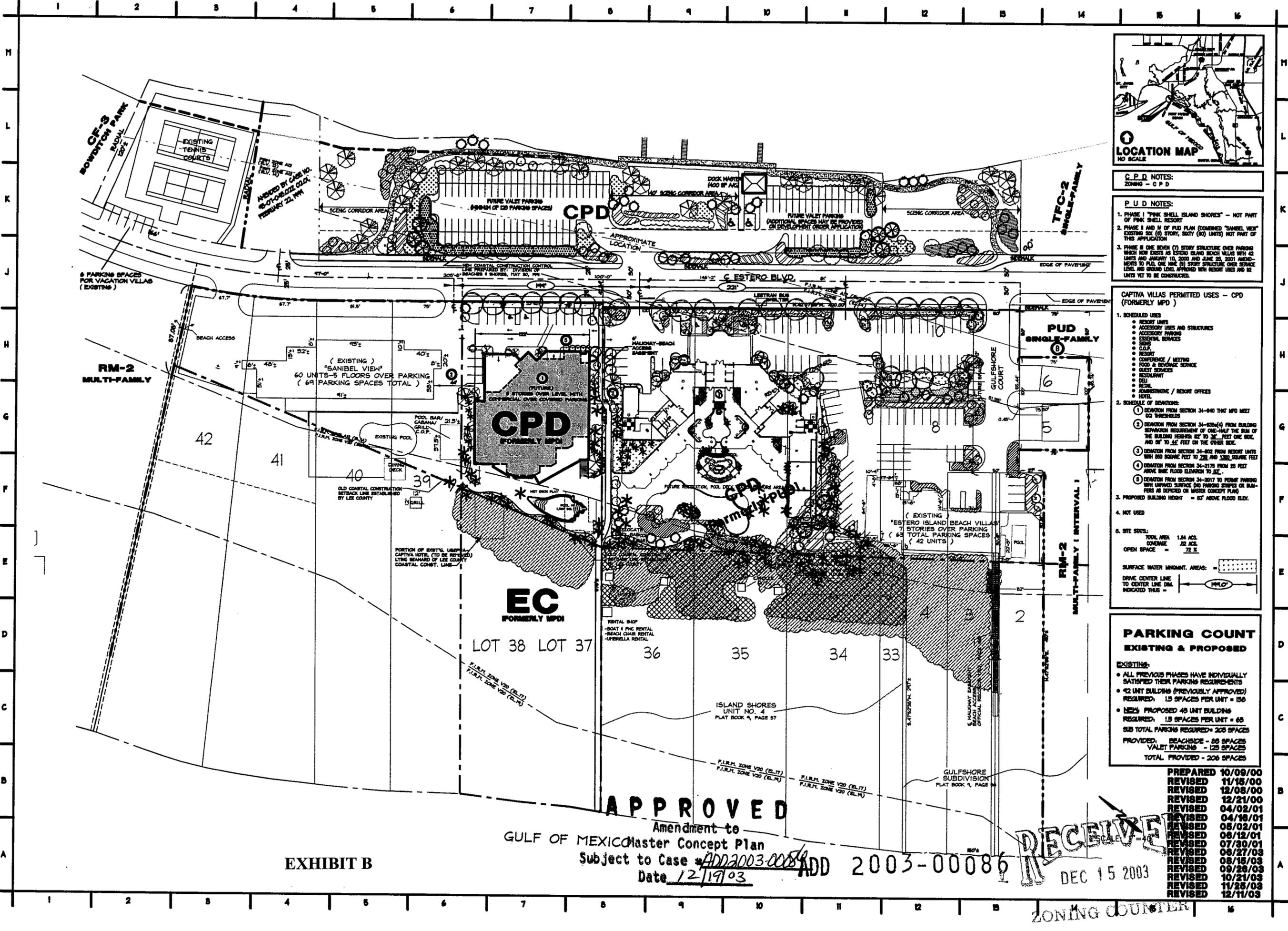
LOTS 37 AND PART OF 38 OF ISLAND SHORES CLUB SECTION, A SUBDIVISION AS RECORDED IN PLAT BOOK 9, PAGE 41 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT A POINT COMMON TO LOTS 37 AND 38 OF SAID ISLAND SHORES CLUB SECTION LYING ON THE SOUTHWESTERLY RIGHT OF WAY OF ESTERO BOULEVARD 25 FEET FROM THE CENTERLINE; THENCE S42° 07' 25"E ALONG THE SAID RIGHT OF WAY FOR 75 FEET; THENCE S47° 52' 35"W ALONG THE SOUTHEASTERLY LINE OF LOT 37 FOR 525 MORE OR LESS TO THE MEAN HIGH TIDE LINE OF THE GULF OF MEXICO; THENCE NORTHWESTERLY ALONG SAID MEAN HIGH TIDE LINE TO THE NORTHWESTERLY LINE OF SAID LOT 38 OF SAID ISLAND SHORES CLUB SECTION; THENCE N47° 52' 35"E ALONG THE NORTHWESTERLY LINE OF SAID LOT 38 AND PERPENDICULAR TO SAID RIGHT OF WAY FOR 412 FEET MORE OR LESS; THENCE S42° 07' 25"E FOR 19.50 FEET; THENCE N47° 52' 35"E FOR 83.68 FEET TO A POINT ON THE SAID SOUTHWESTERLY RIGHT OF WAY; THENCE S42° 07' 25"E ALONG SAID RIGHT OF WAY FOR 55.50 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 1.72 ACRES MORE OR LESS.

**Applicant's Legal Checked**  
by  12/19/03

PLOT 00198011\MPD\_Mixed Use Planned Dev\12-11-03 revisions to MCP-(Formerly MPD).dwg, 12/12/2003 04:09:39 PM, TerryG, 1.2.16232



C.P.D. NOTES:  
ZONING - C P D

P.U.D. NOTES:  
1. PHASE I "PINK SHELL ISLAND SHORES" - NOT PART OF PINK SHELL RESORT  
2. PHASE II AND III OF PUD PLAN COMBINED "SANIBEL VIEW" EXISTING SIX (6) STORY, SIXTY (60) UNITS NOT PART OF THIS APPLICATION  
3. PHASE III ONE SEVEN (7) STORY STRUCTURE OVER PARKING WHICH NOW EXISTS AS EXISTING ISLAND BEACH VILLAGES WITH 42 UNITS AND JANUARY 15, 2003 AND JUNE 25, 2001 APPROVALS TO BUILD ONE (1) STORY STRUCTURE OVER SERVICE LEVEL AND GROUND LEVEL APPROVED WITH RESORT USES AND 82 UNITS YET TO BE CONSTRUCTED.

CAPTIVA VILLAGES PERMITTED USES - CPD (FORMERLY MPD)

- SCHEDULED USES
  - RESORT UNITS
  - ACCESSORY USES AND STRUCTURES
  - ACCESSORY PARKING
  - ESSENTIAL SERVICES
  - RETAIL
  - C.O.P.
  - RESORT
  - CONFERENCE / MEETING
  - FOOD & BEVERAGE SERVICE
  - GUEST SERVICES
  - RESTAURANT
  - RENTAL
  - ADMINISTRATIVE / RESORT OFFICES
- SCHEDULE OF DEVIATIONS:
  - DEVIATION FROM SECTION 34-640 THAT MPD MEET DOI THRESHOLDS
  - DEVIATION FROM SECTION 34-630(4) FROM BUILDING SEPARATION REQUIREMENT OF ONE-HALF THE SUM OF THE BUILDING HEIGHTS: 82' TO 26' FEET ONE SIDE, AND 82' TO 26' FEET ON THE OTHER SIDE.
  - DEVIATION FROM SECTION 34-632 FROM RESORT UNITS WITH 600 SQUARE FEET TO 225 AND 1350 SQUARE FEET
  - DEVIATION FROM SECTION 34-3175 FROM 20 FEET ABOVE BME FLOOD ELEVATION TO 25'
  - DEVIATION FROM SECTION 34-3217 TO PERMIT PARKING WITH UNPAVED SURFACE (NO PARKING STRIPES OR MARKERS AS SHOWN ON MASTER CONCEPT PLAN)
- PROPOSED BUILDING HEIGHT = 85' ABOVE FLOOD ELEV.
- NOT USED
- SITE STATS:
 

TOTAL AREA	1.84 ACS.
COVERAGE	22 ACS.
OPEN SPACE	72.2

**PARKING COUNT EXISTING & PROPOSED**

EXISTING:

- ALL PREVIOUS PHASES HAVE INDIVIDUALLY SATISFIED THEIR PARKING REQUIREMENTS
- 42 UNIT BUILDING (PREVIOUSLY APPROVED) REQUIRED: 15 SPACES PER UNIT = 630
- NEW PROPOSED 48 UNIT BUILDING REQUIRED: 15 SPACES PER UNIT = 720
- SUB TOTAL PARKING REQUIRED = 1350 SPACES
- PROVIDED: BEACHSIDE - 85 SPACES VALET PARKING - 125 SPACES
- TOTAL PROVIDED = 208 SPACES

PREPARED 10/09/00  
 REVISED 11/15/00  
 REVISED 12/08/00  
 REVISED 12/21/00  
 REVISED 04/02/01  
 REVISED 04/16/01  
 REVISED 08/02/01  
 REVISED 08/12/01  
 REVISED 07/30/01  
 REVISED 08/27/03  
 REVISED 08/15/03  
 REVISED 09/28/03  
 REVISED 10/21/03  
 REVISED 11/25/03  
 REVISED 12/11/03

**APPROVED**

Amendment to GULF OF MEXICO Master Concept Plan

Subject to Case #ADD 2003-00086  
Date 12/19/03

RECEIVED  
DEC 15 2003

EXHIBIT B

Gora McGahey Associates in Architecture  
43 Barkley Circle Suite 202  
Fort Myers, Florida 33907  
941-275-0225 Fax 941-275-7123

**PINK SHELL C P D**  
(FORMERLY MPD)  
**MASTER CONCEPT PLAN**

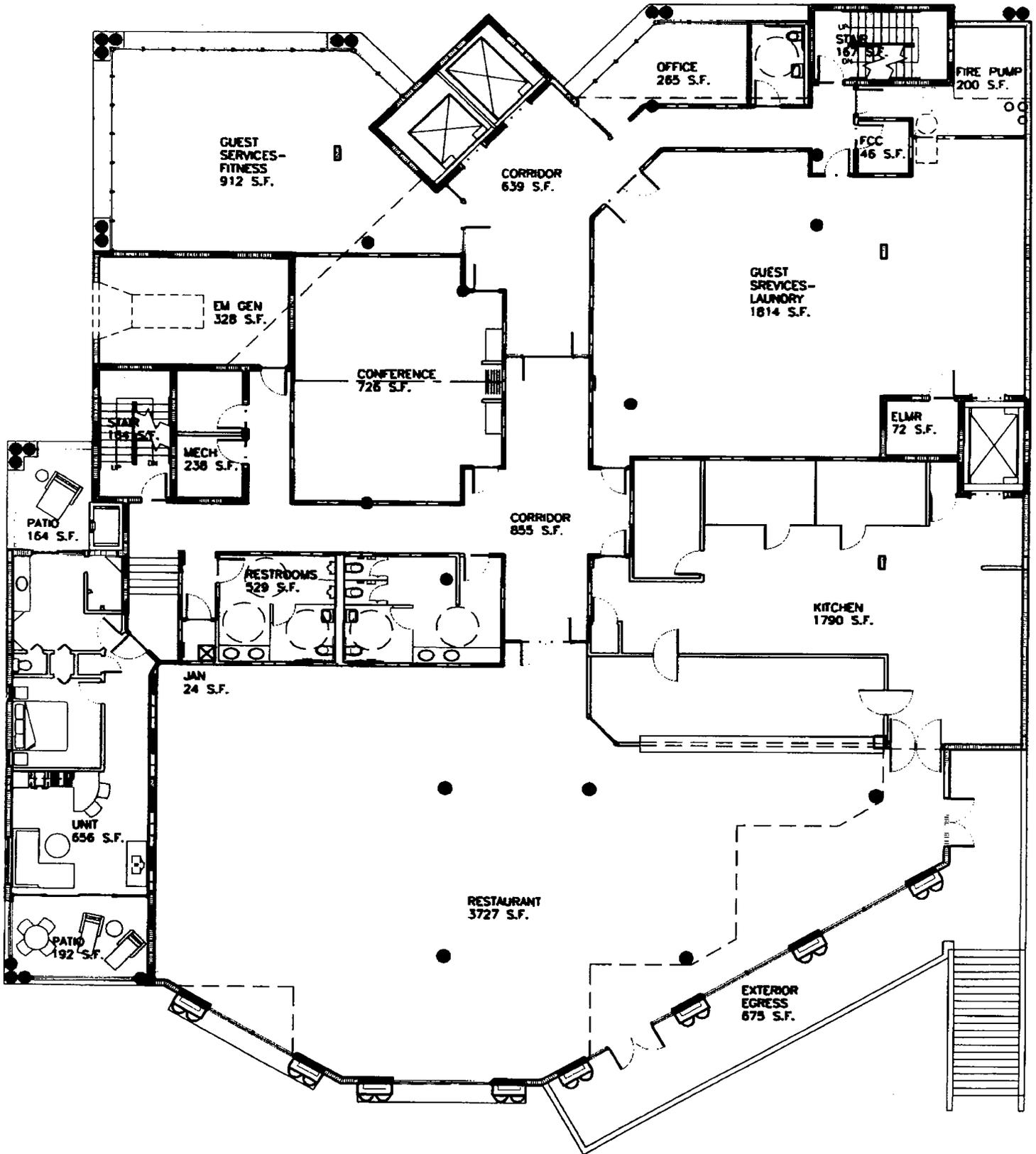
REVISIONS

DATE PREPARED 11-25-03  
DATE REVISION 11/25/03

JOB NO. 98011

**SP-D**

ZONING DEPARTMENT



**EXHIBIT C**

**COMMERCIAL LEVEL**

1/16" = 1'-0"

**HKS**

12.10.03

# AREA CHART HKS Architects, Inc.

PROJECT NAME: CAPTIVA VILLAS  
 PROJECT NUMBER: HKS No. 8556.000  
 DATE: 10-Dec-03

FLOOR	COMMERCIAL AREA	A/C CONDO	EXTERIOR AREA	EXCLUDED FLOOR AREA
	S.F.	S.F.	S.F.	
<b>PARKING</b>				
<b>LEVEL 1</b>				
CORRIDORS	1494			
RESTROOMS	529			
JANITOR				24
RESTAURANT/BAR	3727			
KITCHEN	1790			
GUEST SERVICES / LAUNDRY	1814			
FIRE PUMP ROOM				200
FIRE COMMAND CENTER (FCC)				46
ELEVATOR MACHINE ROOM				72
GUEST SERVICES / FITNESS	912			
CONFERENCE	726			
OFFICE AREA/ TOILET	265			
EMERGENCY GEN.				328
HVAC/MECH				238
EXTERIOR EGRESS				675
ELEVATORS				321
STAIRS				326
CONDO UNIT		656		
CONDO PATIO			356	
<b>TOTAL</b>	<b>11257</b>	<b>656</b>	<b>356</b>	<b>2230</b>

**EXHIBIT D**



**GULF ELEVATION**  
1/16" = 1'-0"

**HKS**

**EXHIBIT E**

**12.10.03**

**PAGE 1 OF 2**



**ESTERO ELEVATION**

1/16" = 1'-0"

**EXHIBIT E**

**PAGE 2 OF 2**

**HKS**

**12.10.03**

Post-it* Fax Issue	7671	Date	12/17	# of pages	5
To	Becky Tatlock	From	Dan		
Co./Dept.	DEO	Co.	FMB		

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 01-26

WHEREAS, Boykin Hotel Properties, L.P. in reference to Captiva Useppa Property has filed a request to rezone from RM-2 to Mixed Planned Development (MPD) to permit a maximum of 43 hotel/time share units, accessory uses and limited consumption on premises, not to exceed 72 feet in height above base flood elevation on 1.84 total acres of land; and,

WHEREAS, this request was amended to request a maximum of 43 hotel units, accessory uses and 12,000, square feet of commercial uses (transferred from the bayside) with consumption on the premises, not to exceed 83 feet in height above base flood elevation; and,

WHEREAS, the subject property is located in Section 24, Township 46 South, Range 23 East, Lee County, Florida, at 275 Estero Blvd., Fort Myers Beach, Florida, and the applicant has indicated the property's current STRAP number is: 24-46-23-W1-00700.0350; and,

WHEREAS, a public hearing was held before the Local Planning Agency who found:

1. The Applicant has proven entitlement to the rezoning by demonstrating compliance with the Town's Comprehensive Plan, the Land Development Code and other applicable codes and regulations.
2. The requested zoning does meet or exceed all performance and locational standards set forth for the potential uses allowed by the request and is consistent with the densities, intensities and general uses set forth in the comprehensive Plan. Further the deviations sought do enhance the objectives of the planned development.

WHEREAS a hearing was held and the council considered the following criteria, whenever applicable:

- a. Whether there exist changed or changing conditions that make approval of the request appropriate.
- b. The testimony of any applicant.
- c. The recommendation of staff.
- d. The testimony of the public.
- e. Whether the request is consistent with the goals, objectives, policies and intent of the Town Plan.
- f. Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.
- g. Whether the request will protect, conserve or preserve environmentally critical areas and natural resources.
- h. Whether the request will be compatible with existing or planned uses.
- i. Whether the request will cause damage, hazard, nuisance or other detriment to persons or property.

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

NOW THEREFORE BE IT RESOLVED THAT THE APPLICATION IS APPROVED SUBJECT TO THE FOLLOWING conditions and requirements that are necessary for the protection of the health, safety, comfort, convenience and welfare of the general public and that are reasonably related to the request:

Conditions of Approval

1. The development of this project must be consistent with the one page Master Concept Plan entitled "Pink Shell MPD", last revised 7/30/01 and stamped "Received Permit Counter August 9, 2001", except as modified by the conditions below.

2. a. Schedule of Uses

Accessory Uses and Structures

Conference/Meeting Rooms

Guest Services

Administrative Office

Consumption on Premises (see Condition 10)

Essential Services

Food and Beverage Service, limited

Hotel

Parking – Accessory

Resort

Restaurant Groups II & III

Deli

Signs in accordance with LDC Chapter 30

Specialty Retail Group I

b. Maximum Uses

43 Hotel Units

Accessory Commercial Hotel Uses

1,300 SF Administrative/Offices

6,000 SF Restaurant/Deli/Retail

2,500 SF Guest Services

2,200 Conference/Meeting/Limited Food & Beverage Service

- In no case will the total commercial use exceed 12,000 SF
3. A maximum of 43 hotel units are approved, to be constructed within 7 stories over one ground floor of parking only. The first floor is dedicated to the approved commercial uses. Floors 2-7 will accommodate the hotel units only. The total

square footage of the 43 hotel units will not exceed 28,219 square feet of air conditioned living area.

4. This development must comply with all requirements of the Town of Fort Myers Beach LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.
5. Prior to the issuance of a local development order the Pink Shell CPD located on the bayside parcel, amended in Fort Myers Beach Resolution 00-07/07A, must be amended to remove 12,000 SF of commercial uses. The only commercial uses which will remain in the approved schedule are the accessory parking and uses related to the operation of the boat slips and dockage. The building housing the existing commercial uses shall be removed promptly following occupancy. The Master Concept Plan for the bayside CPD must be amended to be consistent with the development plan adopted in Condition #1.
6. Prior to issuance of a local development order the applicant will record an approved document in the Lee County Official Records which grants a 6 foot wide beach access easement to the public, and preserves a 36' foot wide view corridor as depicted on the approved Master Concept Plan. Parking is allowed within the 36' as depicted on the Master Concept Plan, but no structures or facilities may be constructed within the 36' corridor (the spa as shown on the MCP received August 9, 2001 would not be permitted at that location). The document will contain language which ensures the view corridor will be maintained in perpetuity.
7. The corridor will be landscaped with low lying vegetation along the pathway and trees to help define the corridor, but do not obscure the pedestrian view along the pathway. A sign will be placed along Estero Boulevard which identifies the path as "Public Beach Access".
8. Landscaping along Estero Boulevard will mimic the design of the landscaped area required for the Pink Shell PUD by meandering into the right-of-way. The buffer will contain no less than 5 trees and 14 shrubs per 100 linear feet. Shrubs located in the landscaped area, between the parking lot and Estero Boulevard will be maintained at a height of no less than 36 inches. Plant materials used will be indigenous native vegetation.
9. The accessory commercial uses, restaurant, deli, and retail services, are to be clearly provided for the guests and staff of the Pink Shell Resort only. Exterior signage advertising these services to the general public is prohibited.
10. Consumption on Premises is limited to in-room self service wet bars, the outside pool deck area, the accessory hotel restaurant and limited food and beverage service. The consumption on premises is for the guests of the Pink Shell Resort and is permitted in

conjunction with accessory hotel uses only. Consumption on premises in conjunction with outdoor seating is allowed between the hours of 11:00 a.m. and 10:00 p.m. Live music entertainment is prohibited in any outdoor area including the pool and outdoor seating, but recorded music is allowed between the hours of 11:00 a.m. and 10:00 p.m.

11. A dune restoration plan must be approved by the Lee County Division of Planning/Environmental Sciences staff prior to local development order approval and will be subject to the following conditions:

- a. Location of the restoration area will be generally as shown on the MCP.
- b. Plant species will consist of a mix of sea oats, beach panic grass, railroad vine and beach sunflower in lines planted at 1.5 feet on center
- c. To allow the plants to become established, the vegetation will be temporarily fenced with ropes and bollards or a similar fencing. Orange construction fence is prohibited.
- d. No more than one winding pathway will be permitted to provide beach access. The pathway will be delineated with ropes or bollards.
- e. The beach vegetation project will be coordinated with and integrated with the Town's beach restoration project.
- f. The dune plan must identify the general location of a storage area behind the dune line for beach furniture and rental equipment (personal watercraft, chairs etc...) as required by the Town's Beach and Dune Ordinance 00-10.

#### Deviations

1. Deviation from LDC Section 34-940 which requires Mixed Use Planned Developments to have at least 300 or more dwelling units and either 100,000 square feet of commercial floor area or be located on a parcel of 10 or more acres, to allow the requested intensities.
2. Deviation from LDC Section 34-935e(4) which requires buildings be separated a distance of one-half the sum of the building heights, to allow separation of 36 feet instead of 82 feet, and to allow a separation 44 feet instead of 59 feet.
3. Deviation from LDC Section 34-802 which allows a maximum hotel unit size of 550 square feet to allow units with a maximum of 750 square feet and 1300 square feet. At least 14 of the 43 units are limited to a maximum of 750 SF. In no case will the total area of the 43 units exceed 28,219 SF.

4. Deviation from LDC Section 34-2175 which states buildings may not exceed 25 feet in height above base flood elevation to allow a building 83 feet in height above base flood elevation. No more than 7 floors over one ground floor of parking only will be developed.
5. Deviation from Land Development Code 34-2017(a) which requires parking lot aisles and spaces have a paved, dust free, all weather surface, to allow an unpaved surface (no parking stripes or bumpers) on the parking lots with the following conditions:
  1. The alternative parking surface must be a stabilized surface of clean (washed) angular gravel or other similar porous material over a well-drained base. The surface will be continually maintained in a dust free manner. Stabilization may be accomplished by turf blocks or proprietary cellular or modular porous paving systems installed in accordance with manufacturer's specifications.
  2. The disabled parking spaces must be provided with a smooth surface without gaps or holes which would create a danger to the user.
  3. Parking stripes will not be required on the alternative surface, however, parking bumpers must be used to identify the required number of parking spaces.

The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

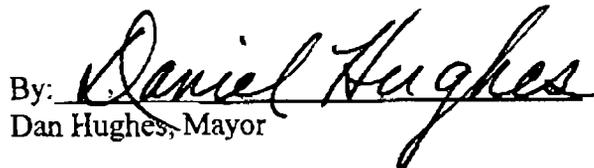
Dan Hughes	aye
Garr Reynolds	aye
Ray Murphy	aye
Terry Cain	aye
Howard Ryncarson	nay

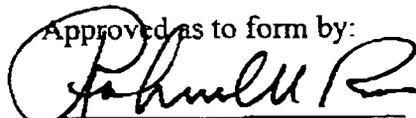
APPLICATION DULY GRANTED/DENIED this 27th day of August, 2001.

ATTEST:

TOWN OF FORT MYERS BEACH

By:   
Marsha Segal George, Town Clerk

By:   
Dan Hughes, Mayor

Approved as to form by:  
  
Richard V.S. Roosa, Town Attorney

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 01-21

WHEREAS, Boykin Hotel Properties, L.P. in reference to White Sand Villas Portion of PUD has filed an amendment to the approved PUD and CPD zoning to; 1] change the orientation of the 9-story building; [2 to revise the size of the project units from the approved 77 units at 1000 square feet each, and from the approved 15 units at 550 square feet each, to allow 46 2-bedroom units at 1246 square feet each and 46 1-bedroom units at 761 square feet each; 3] request a deviation from LDC code 34-2017 (a) which requires parking lot aisles and spaces have a paved, dust free, all weather surface, to allow a shell surface (no parking stripes or bumpers) on the parking lots; and

WHEREAS, the subject property is located in Section 24, Township 46 South, Range 23 East, Lee County, Florida at 275 Estero Blvd., Fort Myers Beach, Florida more particularly described in attachment A; and,

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency who have recommended that the Town Council deny the Applicant's request to allow 46 2-bedroom units with an average of 1246 square feet each and 46 1-bedroom units with an average of 761 square feet each. Further the LPA recommended approval of the applicant's request to amend the approved PUD/CPD zoning to change the orientation of the 9-story building and a deviation from LDC 34-2017 (a) to allow a shell surface on the parking lots with the 9 conditions on Page 2 of the Staff Report dated May 8, 2001, which is incorporated by reference.

WHEREAS a hearing was held and the council considered the following criteria, whenever applicable:

- a. Whether there exist changed or changing conditions that make approval of the request appropriate.
- b. The testimony of any applicant.
- c. The recommendation of staff.
- d. The testimony of the public.
- e. Whether the request is consistent with the goals, objectives, policies and intent of the Town Plan.
- f. Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.
- g. Whether the request will protect, conserve or preserve environmentally critical areas and natural resources.

- h. Whether the request will be compatible with existing or planned uses.
- i. Whether the request will cause damage, hazard, nuisance or other detriment to persons or property.
- j. Whether a requested use will be in compliance with all general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.

NOW THEREFORE BE IT RESOLVED THAT THE APPLICATION IS APPROVED ~~DENIED~~ SUBJECT TO THE FOLLOWING conditions and requirements that are necessary for the protection of the health, safety, comfort, convenience and welfare of the general public and that are reasonably related to the request:

**SEE ATTACHED EXHIBIT B**

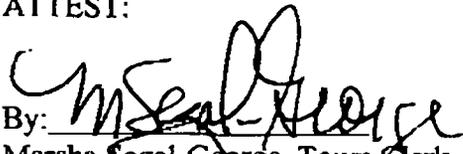
The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

Dan Hughes	Aye
Garr Reynolds	No
Ray Murphy	No
Terry Cain	Aye
Howard Ryncarson	Aye

APPLICATION DULY GRANTED ~~DENIED~~ this 25th day of June, 2001.

ATTEST:

TOWN OF FORT MYERS BEACH

By:   
 Marsha Segal-George, Town Clerk

By:   
 Dan Hughes, Mayor

Approved as to form by:

  
 Richard V.S. Roosa, Town Attorney

**Exhibit "A"**  
**Legal Description**

In Section 24, Township 46 South, Range 23 East, Lee County, Florida:

Lots 2,3,4,5,6,8,9 and 10 of Gulfshore, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court in Plat Book 9, Page 88, Public Records of Lee County, Florida;

Lots 34, 35, and 36 and Northwesterly 25 feet of Lot 33 of Unit No. 4, Island Shores, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court in Plat Book 9, Page 37, Public Records of Lee County, Florida;

Lots 29 through 32 and the Northwest ½ of Lot 28 inclusive, Block "D", Island Shores, Unit No. 4, a subdivision as recorded in Plat Book 9, Page 37 and Lots 33-36, inclusive, Block "D", Island Shores Club Section, a Subdivision lying in Section 24, Township 46 South, Range 23 East, Lee County, Florida, as recorded in Plat Book 9, Page 41 of the Public Records of Lee County, Florida and Lot 29, Block D, Unit No. 4, Island Shores, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court in Plat Book 9, Page 37, Lee County, Florida.

Less and Except the Following:

Tract or parcel of land lying in Section 24, Township 46 South, Range 23 East, Lee County, Florida also being part of Lots 2,3,4,8 and 9 of Gulfshore Subdivision. Plat Book 9, Page 88 also part of Lots 33 and 34 Island Shores Unit No. 4, Plat Book 9, Page 37 of The Public Records of Lee County, Florida which is described as follows:

Beginning at the Northeasterly corner of Lot 2 of said Gulfshore subdivision; thence N 42° 07' 25 " W for 77.00 feet along the Southwesterly right-of-way of Gulfshore Court; thence N 47° 52' 35" E for 76.76 feet along the northwesterly right of way of Gulfshore Court; thence N 42° 07' 25 " W for 24.00 feet; thence S 47° 52' 35" W for 2.50 feet; thence N 42° 07' 25 " W for 43.54 feet; thence N 47° 52' 35" E for 2.50 feet; thence N 42° 07' 25 " W for 50.00 feet; thence N 40° 31' 28" E for 14.49 feet; thence N 50° 19' 25" W for 27.57 feet; thence N 59° 22' 01" W for 20.23 feet; thence S 39° 40' 35" W for 31.50 feet; thence S 59° 17' 28" E for 2.30 ft; thence S 30° 21' 33 " W for 15.24 feet; thence N 58° 42' 37" W for 3.31 feet; thence S 29° 58' 13 " W for 29.45 feet; thence S 48° 42' 33 " W for 77.19 feet; thence S 40° 09 ' 10" E for 31.53 feet ; thence S 07° 36 ' 21" E for 57.08 feet; thence S 47° 52 ' 35 " W for 297 feet more or less to the mean High Water Line of the Gulf of Mexico; thence Southeasterly along said mean high water line for 150 feet more or less to the intersection with a line that bears S 47° 52' 35" W from the Point o Beginning; thence N 47° 52 ' 35 " E for 410 feet more or less along the southeasterly lot line of Lot 2 of said Gulfshore Subdivision to the Point of Beginning.

## Exhibit B

### Conditions for Case # DCI 2001- 00027

1. Compliance with the new Master Concept Plan dated 6/12/01.
2. The size of the units are not limited to a maximum of 1000 square feet and 550 square feet. However, in no case will the total number of units exceed 92 and the total area dedicated to the units may not exceed a total of 85,250 square feet.
3. The alternative parking surface must be a stabilized surface of clean (washed) angular gravel or other similar porous material over a well-drained base. The surface will be continually maintained in a dust free manner. Stabilization may be accomplished by turfblocks or proprietary cellular or modular porous paving systems installed in accordance with manufacturer's specifications.
4. The disabled parking spaces must be provided with a smooth surface without gaps or holes which would create a danger to the user.
5. No parking bumpers are required for the valet parking on the north side of Estero Boulevard, however parking bumpers must be used to designate the parking spaces on the south side of Estero Boulevard. Parking stripes will not be required on the alternative surface.
6. The building may have 9 stories over one ground level and one service level. The service and ground levels are limited to the accessory uses listed in Note #5 of the Master Concept Plan. In no case will dwelling units be permitted in the service level and in no case shall the structure exceed 92' above base flood elevation.
7. Approval of the amendment to the Master Concept Plan does not constitute an approval of the White Sand Villas floor plans submitted in support of the application.
8. All previous approvals and conditions, including those adopted in Resolution Number 00-07/07A, remain in full effect, except as altered by this amendment.
9. This development must comply with all requirements of the Town of Fort Myers Beach LDC at time of local Development Order Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.
10. The 9' x 16' parking spaces are limited to the 8 parking spaces located adjacent to the view corridor, identified as 'E' on the Master Concept Plan.
11. Subject to the approval of the MPD rezoning on the adjacent property (DCI2000-00071), a dedicated 36' view corridor shall be established as depicted on the Master Concept Plan. The eight parking spaces may encroach into the corridor, but no structures are permitted within the 36' view corridor. Use of the corridor within the PUD portion of the Pink Shell Resort must be consistent with all approvals and conditions in Case DCI2000-00071.

0000

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA

RESOLUTION 00-07A  
Amending Resolution 00-07

WHEREAS, Pink Shell Resort has filed a request to correct a scrivener's error in the legal description of the Bayside Parcel (CPD Parcel) in Case Number 95-01-034.03Z 03.01; and

WHEREAS, the subject property is located at 275 Estero Boulevard, Fort Myers Beach, Florida; and

WHEREAS, due to a scrivener's error, Resolution Number 00-07 did not accurately reflect the correct legal description of the Bayside Parcel making it necessary to amend the resolution reflecting the correct legal description described as follows:

LEGAL DESCRIPTION: In Section 24, Township 46 South, Range 23 East, Lee County, Florida:

Lots 2,3,4,5,6,8,9 and 10 of Gulfshore, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court in Plat Book 9, Page 88, Public Records of Lee County, Florida;

Lots 34, 35, and 36 and Northwesterly 25 feet of Lot 33 of Unit No. 4, Island Shores, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court in Plat Book 9, Page 37, Public Records of Lee County, Florida;

Lots 29 through 32 and the Northwest 1/2 of Lot 28 inclusive, Block "D", Island Shores, Unit No. 4, a subdivision as recorded in Plat Book 9, Page 37 and Lots 33-36, inclusive, Block "D", Island Shores Club Section, a Subdivision lying in Section 24, Township 46 South, Range 23 East, Lee County, Florida, as recorded in Plat Book 9, Page 41 of the Public Records of Lee County, Florida and Lot 29, Block D, Unit No. 4, Island Shores, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court in Plat Book 9, Page 37, Lee County, Florida.

Less and Except the Following:

Tract or parcel of land lying in Section 24, Township 46 South, Range 23 East, Lee County, Florida also being part of Lots 2,3,4,8 and 9 of Gulfshore Subdivision, Plat Book 9, Page 88 also part of Lots 33 and 34 Island Shores Unit No. 4, Plat Book 9, Page 37 of The Public Records of Lee County, Florida which is described as follows:

Beginning at the Northeasterly corner of Lot 2 of said Gulfshore subdivision; thence N 42° 07' 25 " W for 77.00 feet along the Southwesterly right-of-way of Gulfshore Court; thence N 47° 52' 35" E for 76.76 feet along the northwesterly right of way of Gulfshore Court; thence N 42° 07' 25 " W for 24.00 feet; thence S 47° 52' 35" W for 2.50 feet; thence N 42° 07' 25 " W for 43.54 feet; thence N 47° 52' 35" E for 2.50 feet; thence N 42° 07' 25 " W for 50.00 feet; thence N 40° 31'

28" E for 14.49 feet; thence N 50° 19' 25" W for 27.57 feet; thence N 59° 22' 01" W for 20.23 feet; thence S 39° 40' 35" W for 31.50 feet; thence S 59° 17' 28" E for 2.30 ft; thence S 30° 21' 33 " W for 15.24 feet; thence N 58° 42' 37" W for 3.31 feet; thence S 29° 58' 13 " W for 29.45 feet; thence S 48° 42' 33 " W for 77.19 feet; thence S 40° 09' 10" E for 31.53 feet ; thence S 07° 36' 21" E for 57.08 feet; thence S 47° 52' 35 " W for 297 feet more or less to the mean High Water Line of the Gulf of Mexico; thence Southeasterly along said mean high water line for 150 feet more or less to the intersection with a line that bears S 47° 52' 35" W from the Point o Beginning; thence N 47° 52' 35 " E for 410 feet more or less along the southeasterly lot line of Lot 2 of said Gulfshore Subdivision to the Point of Beginning.

WHEREAS, the Pink Shell Master Concept Plan correctly depicts the above described property; and

WHEREAS, STRAP Number 24-46-23-W1-0070.0350 correctly identifies the subject property; and

WHEREAS; the mailed notices to the surrounding property owners were accurate.

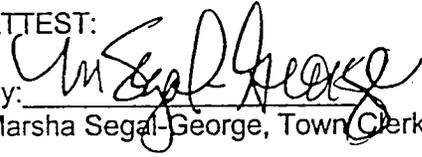
THEREFORE BE IT RESOLVED THAT THE CORRECTION OF LEGAL DESCRIPTION IS APPROVED/DENIED.

The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to vote, the result was as follows:

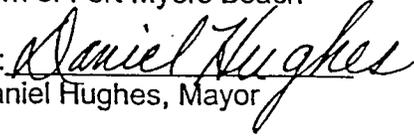
Anita T. Cereceda	Aye
Daniel Hughes	Aye
Terry Cain	Aye
Garr Reynolds	Aye
Ray Murphy	Aye

DULY PASSED AND ADOPTED this 29 day of June, 2000.

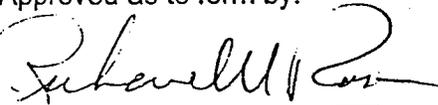
ATTEST:

By:   
Marsha Segal-George, Town Clerk

Town of Fort Myers Beach

By:   
Daniel Hughes, Mayor

Approved as to form by:

  
Richard V.S. Roosa, Town Attorney

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 00-07

WHEREAS, Pink Shell Resort has filed a request to amend the Commercial Planned Development (CPD – Pink Shell Bay Side) to remove 47 units and then amend the Planned Unit Development (Pink Shell Gulf side) to add 47 units to a 45 unit building, increasing the height of the building from 6 stories over parking to 9 stories over recreation area and lobby/administration area.; and,

WHEREAS, the subject property is located at 275 Estero Blvd., Fort Myers Beach, Florida, and is described more particularly as:

LEGAL DESCRIPTION: A tract or parcel of land lying in Section 24, Township 46 South, Range 23 East, Lee County, Florida, more particularly described in Exhibit "A" attached hereto; and,

WHEREAS, the applicant has indicated the property's current STRAP number is: 24-46-23-W1-0070.0350; and,

WHEREAS, at public hearing the LPA gave full and complete consideration to the recommendations of the Staff, the documents in the file, and the testimony of all interested persons; and,

WHEREAS a hearing was held and the council considered the following criteria, whenever applicable:

- a. Whether there exist changed or changing conditions that make approval of the request appropriate.
- b. The testimony of any applicant.
- c. The recommendation of staff.
- d. The testimony of the public.
- e. Whether the request is consistent with the goals, objectives, policies and intent of the Town Plan.
- f. Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.
- g. Whether the request will protect, conserve or preserve environmentally critical areas and natural resources.
- h. Whether the request will be compatible with existing or planned uses.
- i. Whether the request will cause damage, hazard, nuisance or other detriment to persons or property.
- j. Whether a requested use will be in compliance with all general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.

NOW THEREFORE BE IT RESOLVED THAT THE APPLICATION IS APPROVED TO:

- (a) amend the Commercial Planned Development (Pink Shell Bay Side) to remove 47 units; and,
- (b) to amend the Planned Unit Development (Pink Shell gulf Side) to add 47 units to a 45 unit building, increasing the height of the building from 6 stories over parking to 9 stories over a recreation area and lobby/administration area;

SUBJECT TO THE FOLLOWING conditions and requirements that are necessary for the protection of the health, safety, comfort, convenience and welfare of the general public and that are reasonably related to the request:

the conditions numbers 1 though 10 as found on page 2 and page 3 of the staff report dated December 7, 1999 (and attached hereto as Exhibit "B") except that condition #1 on page 2 is amended to change the date from November 30, 1999 to December 22, 1999 and the title is changed from "Conceptual Landscape Plan" a "Master Concept Plan". The Master Concept Plan is attached as Exhibit "C".

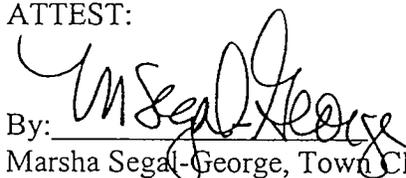
The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

Anita T. Cereceda	aye
Daniel Hughes	absent
John Mulholland	aye
Garr Reynolds	nay
Ray Murphy	aye

APPLICATION DULY GRANTED this 10th day of January, 2000.

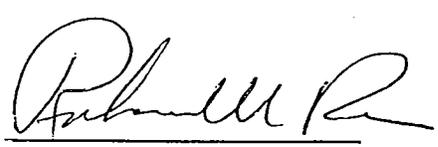
ATTEST:

TOWN OF FORT MYERS BEACH

By:   
Marsha Segal-George, Town Clerk

By:   
John Mulholland, Mayor

Approved as to form by:

  
Richard V.S. Roosa, Town Attorney

**EXHIBIT "A"**  
**PINK SHELL RESORT**  
**95-01-034.03Z 03.01**

Lots 2, 3, 4, 5, 6, 8, 9 and 10 of GULFSHORE, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court in Plat Book 9, Page 88, Public Records of Lee County, Florida;

Lots 34, 35 and 36 and Northwesterly 25 feet of Lot 33 of Unit No. 4, ISLAND SHORES, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court in Plat Book 9, Page 37, Public Records of Lee County, Florida;

Lots 39, 40, 41 and 42, ISLAND SHORES CLUB SECTION, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court in Plat Book 9, Page 41, Public Records of Lee County, Florida;

**LESS AND EXCEPT THE FOLLOWING:**

Tract or parcel of land lying in Section 24, Township 46 South, Range 23 East, Lee County, Florida, also being part of Lots 2, 3, 4, 8 and 9 of GULFSHORE SUBDIVISION, Plat Book 9, Page 88, also part of Lots 33 and 34 of Island Shores Unit No. 4, Plat Book 9, Page 37 of the Public Records of Lee County, Florida which is described as follows:

Beginning at the Northeasterly corner of Lot 2 of said GULFSHORE SUBDIVISION; thence North 42 degrees 07'25" West for 77.00 feet along the Southwesterly right-of-way of Gulfshore Court; thence North 47 degrees 52'35" East for 76.76 feet along the Northwesterly right-of-way of Gulfshore Court; thence North 42 degrees 07'25" West for 24.00 feet; thence South 47 degrees 52'35" West for 2.50 feet; thence North 42 degrees 07'25" West for 43.54 feet; thence North 47 degrees 52'35" East for 2.50 feet; thence North 42 degrees 07'25" West for 50.00 feet; thence North 40 degrees 31'28" East for 14.49 feet; thence North 50 degrees 19'25" West for 27.57 feet; thence North 59 degrees 22'01" West for 20.23 feet; thence South 39 degrees 40'35" West for 31.50 feet; thence South 59 degrees 17'28" East for 2.30 feet; thence South 30 degrees 21'33" West for 15.24 feet; thence North 58 degrees 42'37" West for 3.31 feet; thence South 29 degrees 58'13" West for 29.45 feet; thence South 48 degrees 42'33" West for 77.19 feet; thence South 40 degrees 09'10" East for 31.53 feet; thence South 07 degrees 36'21" East for 57.08 feet; thence South 47 degrees 52'35" West for 297 feet more or less to mean high water line of the Gulf of Mexico; thence Southeasterly along said mean high water line for 150 feet more or less to the intersection with a line that bears South 47 degrees 52'35" West from the Point of Beginning; thence North 47 degrees 52'35" East for 410 feet more or less along the Southeasterly lot line of Lot 2 of said Gulfshore Subdivision to the Point of Beginning.

In Section 24, Township 46 South, Range 23 East, Lee County, Florida:

Lots 30 through 32, inclusive, Block "D", ISLAND SHORES, Unit 4, a subdivision as recorded in Plat Book 9, Page 37, and Lots 33, 34, 36, 38 and 39, inclusive, Block "D", ISLAND SHORES CLUB SECTION, a subdivision lying in Section 24, Township 46 South, Range 23 East, Lee County, Florida, as recorded in Plat book 9, Page 41 of the Public Records of Lee County, Florida and Lot 29, Block D, Unit No. 4, ISLAND SHORES, according to the map or plat thereof on file on recorded in the Office of the Clerk of the Circuit Court in Plat Book 9, Page 37, excepting therefrom begin at a corner common to Lots 28 and 29, Block D, of that certain subdivision known as Unit No. 4, ISLAND SHORES, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 9, Page 37 on the Northeasterly side of Estero Boulevard, run Northwesterly along the Northeasterly side of Estero Boulevard for 50 feet; thence Northeasterly and perpendicular to the Northeasterly side of Estero Boulevard to the waters of the Mantanzas Pass, thence Southeasterly along the waters of the Mantanzas Pass to an intersection with the line common to said Lots 28 and 29; thence Southwesterly with the line common to said Lots 28 and 29; thence Southwesterly with the line common to said Lots 28 and 29 thence Southwesterly along said common line to the Point of Beginning.

## II. RECOMMENDATION:

Staff recommends **APPROVAL** of the Applicant's request a) to amend the Commercial Planned Development (Pink Shell Bay Side) to remove 47 units and request b) to amend the Planned Unit Development (Pink Shell Gulf Side) to add 47 units to a 45 unit building, increasing the height of the building from 6 stories over parking to 9 stories over recreation area and lobby/administration area with the following conditions:

### Conditions

1. The development of this project must be consistent with the one page Master Concept Plan entitled "Pink Shell PUD and CPD Conceptual Landscape Plan" stamped received November 30, 1999, except as modified by the conditions below.
2. This development must comply with all requirements of the Town of Fort Myers Beach LDC at time of local development order approval, except as may be granted by deviation as part of this planned development.
3. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.
4. Within 90 days of the approval of the requested amendment, the applicant must have approved and recorded a document that assures binding permanent restrictions are placed on the 3.2 acre bay-side property to assure all development rights of hotel/motel units and dwelling units have been transferred to the gulf-side parcel, to guarantee the permanence of the transfer. The document will contain language that assures the view corridor will be maintained in perpetuity with a visual, ecological and educational interpretive walk way.
5. Treatment of the surface water run-off from the parking lots located on the bay-side parcel, will be in a natural system created as a flow-way detention system located in the areas shown to be planted with sod on the MCP. This system will be planted with indigenous native plant materials sufficient to mimic a natural system. The system design and type of plantings will be approved at the time of local development order.
6. A landscaped buffer that is no less than 10 feet wide will be located on the south property line of the bay-side parcel and will be incorporated into the park. The buffer will contain no less than 5 trees and 14 shrubs per 100 linear feet. Plant materials used will be indigenous native vegetation.
7. To improve environmental conditions along the shoreline of the Estero Bay Aquatic Preserve the applicant will place rip-rap rock along the shoreline of the bay-side parcel.
8. Landscaping for the gulf-side parcel, along Estero Boulevard, will mimic the design of the landscaped area on the bay-side of Estero Boulevard by meandering into the right-of-way. Shrubs located in the landscaped area, between the parking lot and Estero Boulevard, will be maintained at a height of no less than 36 inches. Trees will be increased to no less than 5 per 100 linear feet.

9. Landscaping located between the parking lots and Estero Boulevard on the bay-side parcel, will be maintained at a height of no less than 36 inches.
10. The dune restoration plan will be approved at the time of local development order and will be subject to the following conditions:
  - a. Location of the restoration area will be generally as shown on the MCP.
  - b. Plant species will consist of a mix of sea oats, beach panic grass, railroad vine and beach sunflower in lines planted at 1.5 feet on center.
  - c. The existing pool will be demolished after the new pool is completed.
  - d. To allow the plants to become established, the vegetation will be temporarily fenced with ropes and bollards or a similar fencing. Orange construction fence is prohibited.
  - e. No more than two winding pathways will be permitted to provide beach access. One may be at the northern end of the property and a second adjacent to the existing pool bar. The pathways will be delineated with ropes or bollards.
  - f. The beach vegetation project will be coordinated with and integrated with the Town's beach restoration project.

Findings and Conclusions:

Based upon an analysis of the application and the standards for review of planned development rezonings, staff makes the following findings and conclusions:

1. The applicant has proven entitlement to the amendment by demonstrating compliance with the Town of Fort Myers Beach Comprehensive Plan, the Land Development Code, and other applicable codes and regulations.
2. With the recommended conditions the requested amendment:
  - a) meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
  - b) is consistent with the densities, intensities and general uses set forth in the Town of Fort Myers Beach Comprehensive Plan;
  - c) is compatible with existing or planned uses in the surrounding area; and
  - d) will not adversely affect environmentally critical areas or natural resources.
3. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.

4. Urban services as defined by the Lee Plan, are or will be, available and adequate to serve the proposed land use.
5. The proposed use or mix of uses is appropriate at the subject location.
6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.
7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

III. **BACKGROUND INFORMATION AND ANALYSIS:**

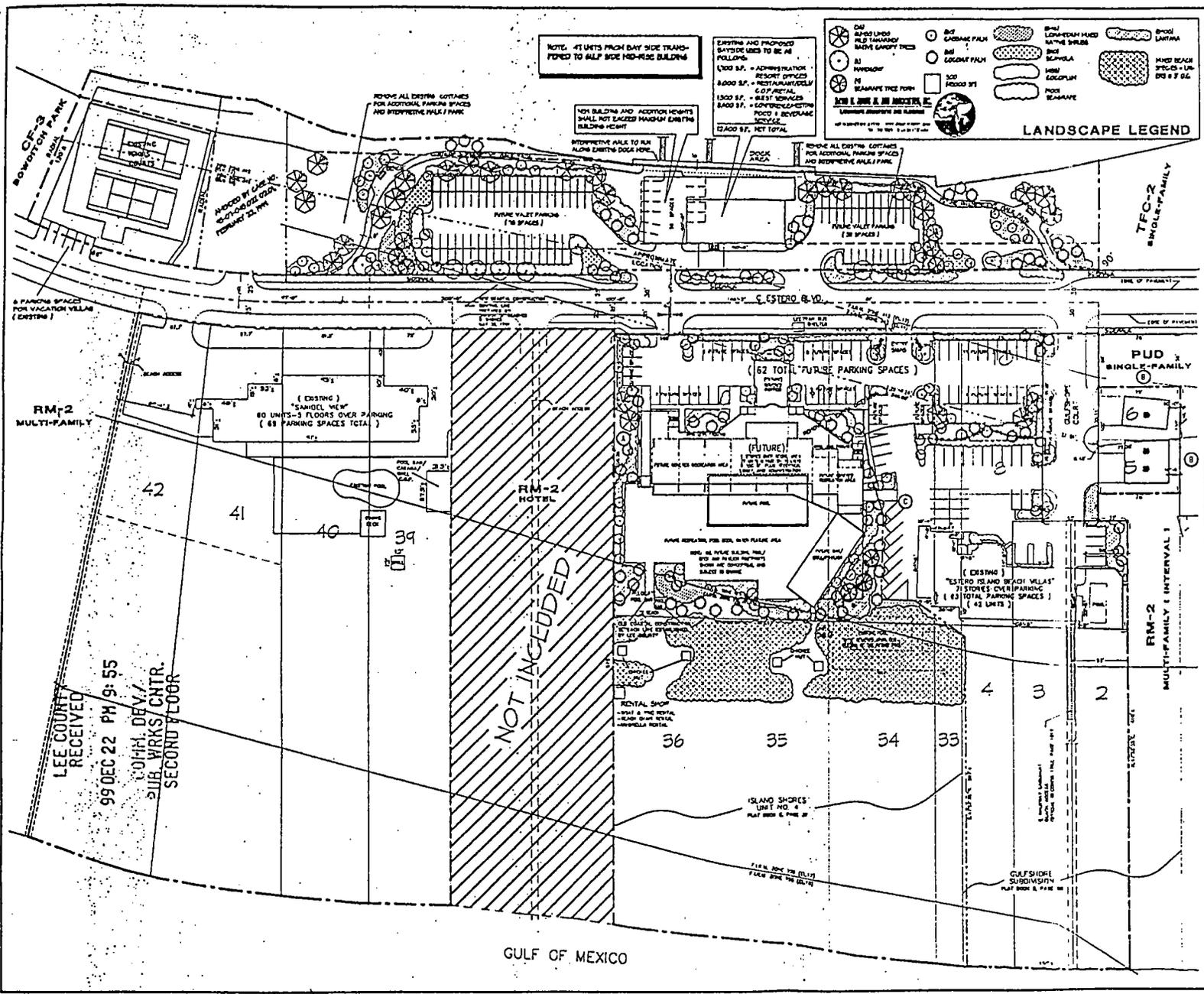
Introduction/Synopsis

Requested is an amendment to the Pink Shell Resort Planned Unit Development (PUD)/Commercial Planned Development (CPD). The amendment proposes to transfer 47 units from the bay-side CPD to a 45 unit 6-story building on the gulf-side PUD; increasing the height of the building to 9 stories over recreation area and lobby/administration area. The units eliminated in the CPD would be replaced by a valet parking lot and an interpretive park with a walkway. The specific issue raised by this amendment are consistent with the Town of Fort Myers Beach Comprehensive Plan which will be discussed in detail in this report.

Pink Shell Resort has a complicated zoning history. A codification and summary of all approvals thru 1998 is attached as Attachment B in Administrative Amendment PUD-98-029. The rezoning to PUD was granted in 1982 when the Lee County Board of County Commissioners approved development of 182 new units in buildings not to exceed 6 stories over parking and recognized 7 existing motel units located on the bay side. Since this approval the Pink Shell Resort has benefitted from numerous PUD amendments and administrative amendments including the rezoning in 1995 of the bay-side parcel to CPD. This rezoning approved two new efficiency hotel/motel buildings, one with 42 units in a 6-story building (over parking) and the other owned by Peter Lisich for 12 units in a 4-story building (over parking). Also approved in the CPD was a 5,000 square foot building for meeting space to be used for conferences. The CPD also recognized existing development to remain which included 3 single-family cottages, 1 duplex cottage, and an existing 2-story building that houses the welcome center of the "entire" Pink Shell Resort. This building includes administrative offices, a small convenience store and a restaurant. The commercial uses are limited to use by the guests of the hotel and the following square footage of each:

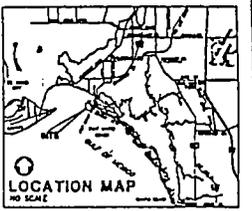
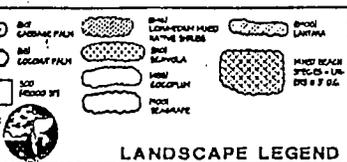
Administrative Office Space	3,500 sq. ft.
Restaurant/Retail area	2,500 sq. ft.
Outdoor Deli Deck	1,050 sq. ft.
Conference Center	5,000 sq. ft.
Bait and Tackle Shop	<u>150 sq. ft.</u>
	12,200 sq. ft. total

The CPD was last amended in February of this year by eliminating 7 units proposed in the Lisich building.



NOTE: AT UNITS FROM BAY SIDE TRANSFERRED TO GOLF SIDE MID-RISE BUILDING

EXISTING AND PROPOSED OUTSIDE USES TO BE AS FOLLOWS:  
 1700 SF. - ADMINISTRATION / RESORT OFFICES  
 8000 SF. - RESTAURANT/LOBBY  
 1300 SF. - REST SERVICES  
 8000 SF. - CONFERENCE/LECTURE HALL / RECREATION FACILITY  
 12000 SF. NET TOTAL



- C.P.D. NOTES:**
1. FINISH - C.P.D.
  2. MINIMUM SIZE OF 1/2" x 1/2" IS APPROXIMATELY 1/2" UNITS
  3. SPECIAL BRACING MUST BE PROVIDED FOR ALL STRUCTURES SHALL NOT BE LESS THAN 1/2" UNITS
  4. FINISHES SHALL BE APPROVED BY THE ARCHITECT. FINISHES SHALL BE APPROVED BY THE ARCHITECT. FINISHES SHALL BE APPROVED BY THE ARCHITECT.
  5. ALL OF THIS SPACE WILL BE AVAILABLE IN RESORT DEVELOPMENT WITH ALL THE OTHER DEVELOPMENT PHASES.
  6. ALL OTHER DEVELOPMENT SHALL BE AS SHOWN ON THE MAP.
  7. BUILDING SHALL BE 107' HIGH SHALL NOT EXCEED 107'.
  8. MINIMUM OVERSIGHT SHALL BE 30' - 100' AND 100' FEET MINIMUM UNITS (MINIMUM 21'-0" BY 11'-0" UNITS) BY THE ARCHITECT.

- P.U.D. NOTES:**
1. FINISHES SHALL BE APPROVED BY THE ARCHITECT.
  2. FINISHES SHALL BE APPROVED BY THE ARCHITECT.
  3. FINISHES SHALL BE APPROVED BY THE ARCHITECT.
  4. FINISHES SHALL BE APPROVED BY THE ARCHITECT.
  5. FINISHES SHALL BE APPROVED BY THE ARCHITECT.
  6. FINISHES SHALL BE APPROVED BY THE ARCHITECT.
  7. FINISHES SHALL BE APPROVED BY THE ARCHITECT.
  8. FINISHES SHALL BE APPROVED BY THE ARCHITECT.
  9. FINISHES SHALL BE APPROVED BY THE ARCHITECT.
  10. FINISHES SHALL BE APPROVED BY THE ARCHITECT.

**PARKING COUNT EXISTING & PROPOSED**

EXISTING:

- ALL PREVIOUS PHASES HAVE INDIVIDUALLY SATISFIED THEIR PARKING REQUIREMENTS

NEW:

- 42 UNIT BUILDING
- REQUIRED: 15 SPACES PER UNIT = 630 PROVIDED: BEACHSIDE = 82 SPACES VALET PARKING = 83 SPACES
- TOTAL PROVIDED = 713 SPACES
- NEW AND EXISTING RESORT SERVICES (DAYSIDE) PROVIDED = 10 SPACES

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

**Core McCahey**  
 ARCHITECTS IN ASSOCIATION

**PINK SHELL PUD & CPD**  
 MASTER CONCEPT PLAN

DATE: 12/15/99

SCALE: 1"=40'

REVISION 12/15/99

SP-C

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA RESOLUTION NUMBER 99-7

WHEREAS, Peter and Susan Lisich in reference to Pink Shell Resort filed a request to amend the Commercial Planned Development (CPD) to reduce the number of permitted hotel units for the proposed 12 unit building. The reduction will result in the elimination of 7 hotel units and the construction of the proposed 12 unit building. The existing 5 unit building remains; and

WHEREAS, the subject property is located at 131 Estero Blvd., Fort Myers Beach, Florida, and is described more particularly as:

LEGAL DESCRIPTION: In Section 24, Township 46 South, Range 23 East, Lee County, Florida:

Lot 37, Block D, ISLAND SHORES CLUB SECTION SUBDIVISION, as recorded in Plat Book 9, Page 41, of the Public Records of Lee County, Florida, lying in Section 24, Township 46 South, Range 23 East, Lee County, Florida.

WHEREAS, the applicant has indicated the property's current STRAP number is: 24-46-23-W1-0080D.0370; and

WHEREAS a hearing was held and the council considered the following criteria, whenever applicable:

- a. Whether there exist changed or changing conditions that make approval of the request appropriate.
b. The testimony of any applicant.
c. The recommendation of staff.
d. The testimony of the public.
e. Whether the request is consistent with the goals, objectives, policies and intent of the Town Plan.
f. Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.
g. Whether the request will protect, conserve or preserve environmentally critical areas and natural resources.
h. Whether the request will be compatible with existing or planned uses.
i. Whether the request will cause damage, hazard, nuisance or other detriment to persons or property.
j. Whether a requested use will be in compliance with all general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.

NOW THEREFORE BE IT RESOLVED THAT THE APPLICATION IS APPROVED SUBJECT TO THE FOLLOWING conditions and requirements that are necessary for the protection of the health, safety, comfort, convenience and welfare of the general public and that are reasonably related to the request:

- 1. The use of Lot 37, Block D must be consistent with the 1 page Master Concept Plan entitled "Pink Shell CPD", stamped received September 14, 1998, last revised September 7, 1998, except as modified below. This development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned

95-01-034.032 02.0

development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

2. The following limits apply to the Lot 37, Block D of Island Shores Club Section;

- a. Schedule of uses  
Accessory uses, buildings and structures: Docks, seawalls, fences, walls, non roofed accessory structures, residential accessory structures, signs in compliance with Chapter 30 dwelling unit, existing Sunit multiple-family building
- b. Site Development Regulations  
Street – 25 feet, Side Yard – 20 feet, Waterbody – 25 feet

3. The conditions of approval of resolution Z-95-017 remain in full force and effect except as amended herein:

- a. SECTION A. CONDITIONS, subsection 2. Is amended from 59 units to 52 units.
- b. SECTION B.DEVIATIONS: #2 and #8 are hereby rescinded in their application to Lot 37, Block D of Island Shores Club Section.

4. The Development Order originally issued for a 12 unit building must be amended to allow only 5 units.

The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

Anita T. Cereceda	nay
Daniel Hughes	aye
John Mulholland	aye
Garr Reynolds	nay
Ray Murphy	aye

APPLICATION DULY GRANTED this 22nd day of February, 1999.

ATTEST:

TOWN OF FORT MYERS BEACH

By: Marsha Segal-George  
Marsha Segal-George, Town Clerk

By: Ray C. Murphy  
Ray Murphy, Mayor

Approved as to form by:

Richard V.S. Roosa  
Richard V.S. Roosa, Town Attorney

Acco

ADMINISTRATIVE AMENDMENT PUD-98-029

ADMINISTRATIVE AMENDMENT  
LEE COUNTY, FLORIDA

WHEREAS, Boykin Lodging Company, the general partner of Boykin Hotel Properties, L.P., filed an application for administrative approval of an amendment to a Planned Unit Development on a project known as Pink Shell on property located at 275 Estero Boulevard, Fort Myers Beach, described more particularly as:

LEGAL DESCRIPTION: In Section 24, Township 46 South, Range 23 East, Lee County, Florida:

Lots 2, 3, 4, 5, 6, 8, 9 and 10 of GULFSHORE, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court in Plat Book 9, Page 88, Public Records of Lee County, Florida;

Lots 34, 35 and 36 and Northwesterly 25 feet of Lot 33 of Unit No. 4, ISLAND SHORES, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court in Plat Book 9, Page 37, Public Records of Lee County, Florida;

Lots 39, 40, 41 and 42, ISLAND SHORES CLUB SECTION, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court in Plat Book 9, Page 41, Public Records of Lee County, Florida;

LESS AND EXCEPT THE FOLLOWING:

Tract or parcel of land lying in Section 24, Township 46 South, Range 23 East, Lee County, Florida, also being part of Lots 2, 3, 4, 8 and 9 of GULFSHORE SUBDIVISION, Plat Book 9, Page 88, also part of Lots 33 and 34 of ISLAND SHORES UNIT NO. 4, Plat Book 9, Page 37 of the Public Records of Lee County, Florida which is described as follows:

Beginning at the Northeasterly corner of Lot 2 of said GULFSHORE SUBDIVISION;  
THENCE N42°07'25"W for 77.00 feet along the Southwesterly right-of-way of Golfshore Court;  
THENCE N47°52'35"E for 76.76 feet along the Northwesterly right-of-way of Golfshore Court;  
THENCE N42°07'25"W for 24.00 feet;  
THENCE S47°52'35"W for 2.50 feet;  
THENCE N42°07'25"W for 43.54 feet;  
THENCE N47°52'35"E for 2.50 feet;  
THENCE N42°07'25"W for 50.00 feet;  
THENCE N40°31'28"E for 14.49 feet;  
THENCE N50°19'25"W for 27.57 feet;  
THENCE N59°22'01"W for 20.23 feet;

THENCE S39°40'35"W for 31.50 feet;  
 THENCE S59°17'28"E for 2.30 feet;  
 THENCE S30°21'33"W for 15.24 feet;  
 THENCE N58°42'37"W for 3.31 feet;  
 THENCE S29°58'13"W for 29.45 feet;  
 THENCE S48°42'33"W for 77.19 feet;  
 THENCE S40°09'10"E for 31.53 feet;  
 THENCE S07°36'21"E for 57.08 feet;  
 THENCE S47°52'35"W for 297 feet more or less to mean high water line of  
 the Gulf of Mexico;  
 THENCE Southeasterly along said mean high water line for 150 feet more or  
 less to the intersection with a line that bears S47°52'35"W from the POINT  
 OF BEGINNING;  
 THENCE N47°52'35"E for 410 feet more or less along the Southeasterly lot  
 line of Lot 2 of said GULFSHORE SUBDIVISION to the POINT OF  
 BEGINNING.

WHEREAS, the Pink Shell PUD was originally approved via Resolution Z-82-170 on June 21, 1982 by the Lee County Board of County Commissioners; and

WHEREAS, the Pink Shell PUD has benefitted from numerous PUD amendments and Administrative Amendments since its original approval; and

WHEREAS, Boykin Lodging Company, the general partner of Boykin Hotel Properties, L.P. recently acquired part of the Pink Shell PUD located on Fort Myers Beach, Florida and has requested an Administrative Amendment to summarize and clarify the current status of the development; and

WHEREAS, it is in the best interest of the Boykin Lodging Company and the Town of Fort Myers Beach to clarify the current status of the Pink Shell PUD development so as to avoid possible misunderstanding in the future; and

WHEREAS, the Director of the Department of Community Development has determined that:

1. The Pink Shell PUD, was originally approved with conditions, pursuant to Resolution Z-82-170 on June 21, 1982 by the Lee County Board Of County Commissioners. The PUD included a site plan showing a five phase development (indicated below) and limiting development to 182 new units in buildings not to exceed six stories over parking.

Phase I	42 units
Phase II	20 units
Phase III	90 units
Phase IV	20 units
Phase V	10 units

TOTAL	182 units
-------	-----------

2. Resolution Z-82-170 and the amending resolutions and administrative amendments adopted thereafter appear to contain some minor inconsistencies in the legal description. Based on approved site plans, STRAP numbers, and common descriptions, the intent of the resolutions and administrative amendments was to rezone the following parcels, all in Section 24, Township 46 South, Range 23 East, Lee County, Florida, to PUD District:

Lots 29 and 30, and the westerly 25 feet of Lot 33, and all of lots 34 through 36, of Island Shores Unit 4 as recorded in Plat Book 9 at page 37, Public Records of Lee County, Florida, together with,

Lots 2 through 4 and Lots 8 through 10, Gulf Shore, Plat Book 9 at page 88, together with,

Lots 39 through 42 Island Shores Club Section, Plat Book 9 at Page 41; together with,

Lots 38 and 39, Block "D", Island Shores Club Section, together with,

The West Half (W½) of Lot 29 and all of lots 30 through 32 Block "D", Island Shores Unit 4, together with,

Lots 33 and 34 Block "D", Island Shores Club Section.

3. Phase I received FINAL PUD approval pursuant to Resolution ZAB-83-353, Case No. 83-9-12-DCI for 42 units. Phase I is located on Lots 29 and 30 of Island Shores Unit 4 as recorded in Plat Book 9, at Page 37, Public Records of Lee County, Florida.
4. Phases II through V received Final PUD site plan approval with conditions, on November 19, 1984, pursuant to Resolution ZAB-84-196 and ZAB-84-196A. A Phasing Plan dated March 1984, with a "Revision to comply with regulations" notation dated 9/6/84 and stamped "For Review and Approval Use Only" SP-84-196 and 83-9-12-DCI shows the following:

Phase II	1 20 unit, 4 story building
Phase III	2 24 unit, 6 story buildings
	1 20 unit, 5 story buildings
	1 22 unit, 5 story buildings
Phase IV	1 20 unit, 4 story building
Phase V	1 10 unit, 3 story building (in addition to existing 7 motel units in office building)

TOTAL 140 units plus existing 7 motel units = 147 units.

5. On May 11, 1987 the Board of County Commissioners adopted Resolution ZAB-87-076 concerning Consumption on Premises in Phase V.

6. Between 1987 and 1991 several Administrative amendments were approved which did not increase the over-all density but did allow for transferring density between Phases II, III and IV as well as permitting:
  - a. development of a 60 unit, six-story over parking structure;
  - b. constructing a sandwich/beer-wine Chickee stand near the beach by reducing, by an equal amount, the square footage of the restaurant/lounge in Phase V;
  - c. combining two buildings at the north end into one building; and
  - d. transfer of rental office from Phase V.
7. On November 15, 1991 the Director of the Department of Community Development approved Administrative Approval #PUD-91-010 (corrected by Administrative Approval #PUD-91-010A on January 29, 1992), with conditions which:
  - a. approved the general location of a proposed building in Phase III and allowed 42 units within this building;
  - b. allowed 30% of the parking to have 8X16 foot parking spaces with the remaining spaces to be 9X18 foot spaces;
  - c. extended the consumption on the premises (COP) for Phase V approved pursuant to a 1987 Resolution to May 11, 1995.

The Administrative Approval restated that the total number of units permitted in Phases II through V was 147;

8. On June 30, 1993 the Director of Community Development approved an Administrative Approval #PUD-93-014 authorizing the relocation of the pool and spa from Phases II and IV to Phase III. The approval also confirmed 1.5 parking spaces per unit were required, the setback between the proposed building in Phase III and any other building is 25 feet, and a 5 foot buffer at the south end of the property in Phase III is required.
9. On October 4, 1993 the Board of County Commissioners adopted Resolution Z-93-057 [Case #83-09-12-DCI(d)] to amend a portion of the final PUD plan in Phase III to allow the 42 unit - six story building which was the subject of Administrative Approval dated July 12, 1989, PUD-91-010 and PUD-91-010A, to have a height of seven stories with a 42 foot setback from Gulfshore Court subject to the following requirements:
  - a. Conversion of the remaining six motel units to administrative office as set forth in Resolution PUD-91-010;
  - b. Converting quadraplex number 112-115 to a duplex pursuant to Resolution PUD-91-010;
  - c. Removing cottages 106 through 109 and 118 through 120 (superseding a condition in Resolution PUD-91-010); and

- d. Providing a bike-path bond. Note: Obligation was satisfied and bond was released in October 1996.
10. On November 6, 1995 the Board of County Commissioners adopted Resolution Z-95-017 (Case 95-01-034.03Z) which rezoned that portion of the original PUD located on the Bay side and some additional land zoned RM-2 to Commercial Planned Development (CPD).
11. On December 22, 1995 the Director of Community Development approved Administrative Amendment PUD-95-041 which officially removed the PUD portion of Pink Shell located on the Bay side of the development from the PUD subject to conditions that all existing development must be in compliance with the Master Concept Plan dated November 17, 1995. This site plan indicated a total of 139 units in Phases II, III and IV. There appears to be ample evidence historically that the 139 units should read 147 units.

**WHEREAS, THE PURPOSE OF THIS REQUEST IS TO CODIFY ALL PRIOR APPROVALS INTO ONE APPROVAL, SUMMARIZE WHAT DEVELOPMENT CURRENTLY EXISTS, AND ESTABLISH WHAT ADDITIONAL DEVELOPMENT MAY BE PERMITTED;**

**NOW THEREFORE,** the Director of Community Development has determined that:

1. The original Pink Shell Resort was approved for 189 (182 new plus 7 existing) units to be developed on property described as:
  - Lots 29 and 30, and the westerly 25 feet of Lot 33, and all of lots 34 through 36, of Island Shores Unit 4 as recorded in Plat Book 9 at page 37, Public Records of Lee County, Florida, together with,
  - Lots 2 through 4 and Lots 8 through 10, Gulf Shore, Plat Book 9 at page 88, together with,
  - Lots 39 through 42 Island Shores Club Section, Plat Book 9 at Page 41; together with,
  - Lots 38 and 39, Block "D", Island Shores Club Section, together with,
  - The West Half (W $\frac{1}{2}$ ) of Lot 29 and all of lots 30 through 32 Block "D", Island Shores Unit 4, together with,
  - Lots 33 and 34 Block "D", Island Shores Club Section.
2. Lots 38 and 39, Block "D", Island Shores Club Section, together with the West Half (W $\frac{1}{2}$ ) of Lot 29 and all of lots 30 through 32 Block "D", Island Shores Unit 4, together with Lots 33 and 34 Block "D", Island Shores Club Section were rezoned to CPD pursuant to Resolution Z-98-017.

3. 42 units were developed on Lots 29 and 30 of Island Shores Unit 4 as recorded in Plat Book 9, at Page 37, Public Records of Lee County, Florida, and are known as "Island Shores Condominium";
4. 60 units were developed in a five-story (over parking) building on Lots 39 through 42 Island Shores Club Section, Plat Book 9 at Page 41, and are known as "Sanibel View";
5. 42 units were developed in a seven-story (over parking) building on Lots 2 through 4 and Lots 8 through 10, Gulf Shore, Plat Book 9 at page 88, together with a portion of the westerly 25 feet of Lot 33 and part of lot 34 of Island Shores Unit 4 as recorded in Plat Book 9 at page 37, and are known as "Estero Island Beach Villas".
6. Based upon the site plan submitted for PUD-95-041, there are 30 existing cottage units located on the remaining portion of lots 34-36 and the westerly 25 feet of Lot 33 of Island Shores Unit 4 and two duplexes (4 units total) on lots 9 & 10 Gulf Shore.
7. A single cottage and a duplex cottage located on lots 5 & 6 Gulf Shore are part of the Pink Shell Resort but are not part of the PUD.
8. Of the 189 units originally approved, 144 new units have been constructed as indicated above and there are 30 existing cottages. This leaves 15 units left to be constructed.
9. The original PUD plan provided for two six-story buildings and two five-story buildings. One of the six-story buildings was constructed as a seven-story (over parking) building pursuant to Resolution Z-93-057. The applicant has submitted a revised site plan deleting the two five-story buildings, and showing the proposed general location of the remaining six-story (over parking) building, an existing and a proposed swimming pool, 63 parking spaces, four existing chickee huts and an existing jet ski stand, all to be located on the remaining portion of lots 34-36, the westerly 25 feet of Lot 33 of Island Shores Unit 4, and lots 9 & 10 Gulf Shore as indicated on the site plan labeled "Master Concept Plan", dated July 22, 1998, and stamped received July 30, 1998.
10. The proposed six-story building may contain a maximum of 45 units as follows: The first 15 units represent the number of units left from the original approval. Any units proposed in addition to the first fifteen units may be permitted only if the existing cottages are removed, on a one for one basis, for each unit in the proposed building.
11. This Administrative Approval and attached revised PUD plan includes all prior approvals and supersedes all prior approvals.

DULY SIGNED this 4<sup>th</sup> day of August, A.D., 1998.

BY: Mary Gibbs  
 Mary Gibbs, Director  
 Department of Community Development



ADMINISTRATIVE AMENDMENT PUD-95-041

ADMINISTRATIVE AMENDMENT  
LEE COUNTY, FLORIDA

WHEREAS, Florida Income Fund III filed an application for administrative approval of an amendment to a Planned Unit Development on a project known as Pink Shell for request on property located at 275 Estero Boulevard, Fort Myers Beach, described more particularly as:

LEGAL DESCRIPTION: In Section 24, Township 46 South, Range 23 East, Lee County, Florida:

SUBJECT PROPERTY:

Section 24, Township 46 South, Range 25 East, Lee County, Florida.  
Lots 29 & 30 of ISLAND SHORES UNIT 4 as recorded in Plat Book 9 at Page 37, Public Records of Lee County, Florida.

TOGETHER WITH:

The Westerly 25 feet of Lot 33 and all of Lots 34 through 36, ISLAND SHORES UNIT 4, Plat Book 9 at Page 37, together with Lots 2 through 4 and Lots 8 through 10, GULF SHORE, Plat Book 9 at Page 88.

TOGETHER WITH:

Lot 40, less the Northwesterly 6.5 feet and all of Lot 39, ISLAND SHORES CLUB SECTION, Plat Book 9 at Page 41.

TOGETHER WITH:

The Northwesterly 6.5 feet and all of Lot 39, ISLAND SHORES CLUB SECTION, Plat Book 9 at Page 41.

TOGETHER WITH:

The Northwesterly 6.5 feet of Lot 40 and Lots 41 and 42 and Lots 38 and 39, Block 'D', ISLAND SHORES CLUB SECTION.

TOGETHER WITH:

The West Half (W ½) of Lot 29 and all of Lots 30 through 32, Block 'D', ISLAND SHORES UNIT 4.

Continued ...

ADMINISTRATIVE AMENDMENT PUD-95-041

Page 1 of 3

TOGETHER WITH:  
Lots 33 and 34, Block 'D', ISLAND SHORES CLUB SECTION.

TOGETHER WITH:  
Lots 5 and 6, GULF SHORE SUBDIVISION, Plat Book 9 at Page 88.  
All in Section 24, Township 46 South, Range 23 East, Lee County,  
Florida.

LESS:  
The Northwest Half (NW½) of Lots 29 through 32, inclusive, Block 'D',  
ISLAND SHORES UNIT 4, a subdivision as recorded in Plat Book 9,  
Page 37, and Lots 33 through 36, inclusive, and Lots 37 through 39,  
inclusive, Block 'D', ISLAND SHORES CLUB SECTION, a subdivision  
lying in Section 24, Township 46 South, Range 23 East, Lee County,  
Florida, as recorded in Plat Book 9, Page 41 of the Public Records of  
Lee County, Florida.

WHEREAS, the property was originally rezoned in case number 83-09-12-DCI [with subsequent amendments in case numbers 83-09-12-DCI, 83-09-12-DCI(a), 83-09-12-DCI(b), 83-09-12-DCI(c), 83-09-12-DCI(d), and 95-01-034.03Z]; and

WHEREAS, case number 95-01-034.03Z rezoned that portion of the Pink Shell Resort PUD located on the bay side of Estero Boulevard to CPD; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans eliminate that portion of the Pink Shell Resort located on the Bay side of Estero Boulevard; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

ADMINISTRATIVE AMENDMENT PUD-95-041  
Page 2 of 3

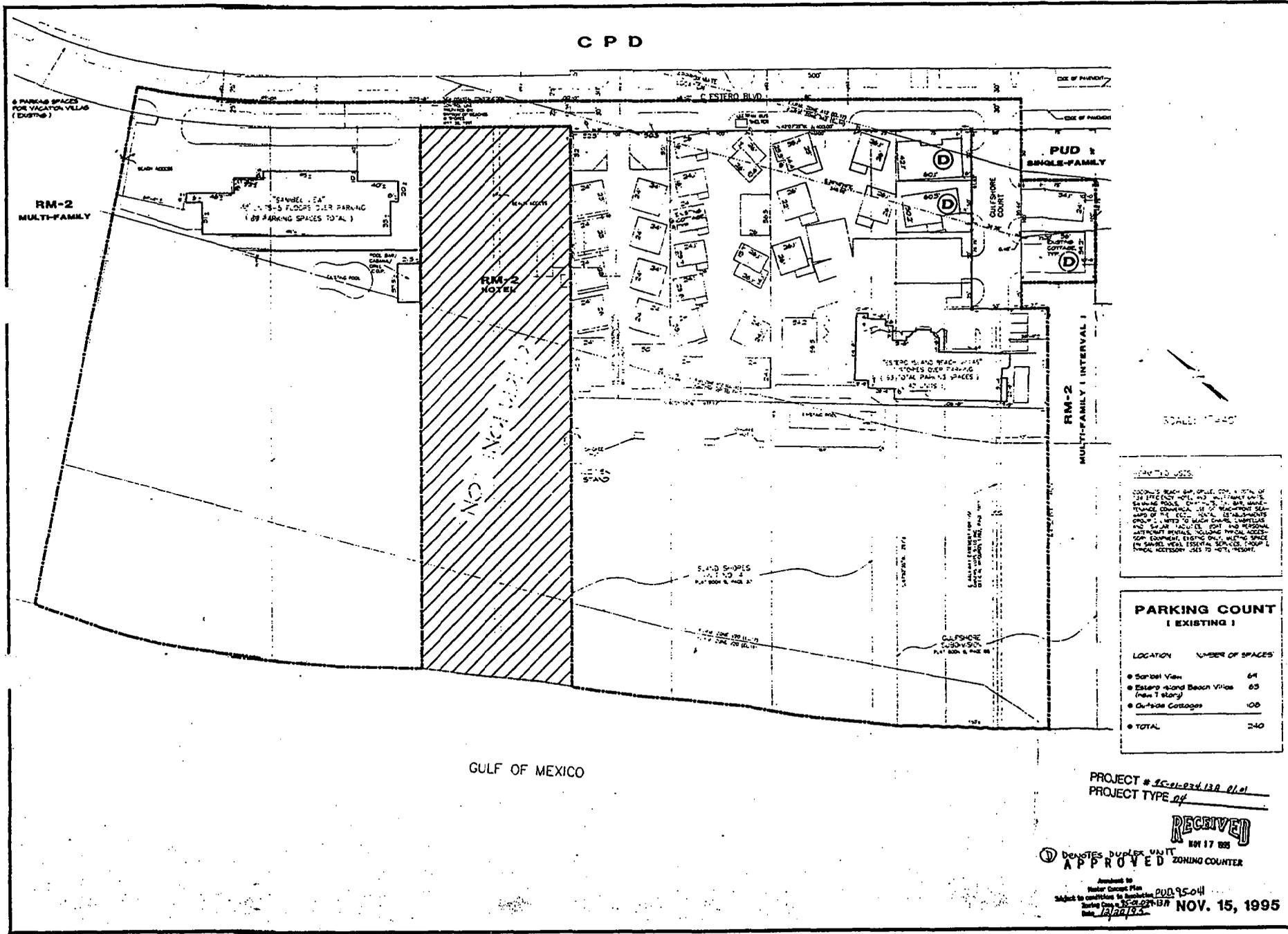
NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to Planned Unit Development is **APPROVED** to eliminate that portion of the Pink Shell development located on the Bay side of Estero Boulevard.

Approval is subject to the following conditions:

1. The Development must be in compliance with the amended Master Concept Plan, dated received November 17, 1995.
2. The terms and conditions of the original zoning resolutions remain in full force and effect.
3. Site Plan PUD-95-041 is hereby APPROVED and adopted. A reduced copy is attached hereto.
4. This approval will be null and void if the approval in Case 95-01-034.03Z is rescinded.

DULY SIGNED this 22nd day of December, A.D., 1995.

BY: Mary Gibbs  
Mary Gibbs, Director  
Department of Community Development



EXISTING USES  
 1. SHELTER BEACH RES. UNIT, 100' x 100' x 100'  
 2. ESTERO BEACH RES. UNIT, 100' x 100' x 100'  
 3. ESTERO BEACH RES. UNIT, 100' x 100' x 100'  
 4. ESTERO BEACH RES. UNIT, 100' x 100' x 100'  
 5. ESTERO BEACH RES. UNIT, 100' x 100' x 100'  
 6. ESTERO BEACH RES. UNIT, 100' x 100' x 100'  
 7. ESTERO BEACH RES. UNIT, 100' x 100' x 100'  
 8. ESTERO BEACH RES. UNIT, 100' x 100' x 100'  
 9. ESTERO BEACH RES. UNIT, 100' x 100' x 100'  
 10. ESTERO BEACH RES. UNIT, 100' x 100' x 100'

**PARKING COUNT (EXISTING)**

LOCATION	NUMBER OF SPACES
• Sabel View	64
• Estero Island Beach View (non 1 story)	63
• Outside Cottages	100
<b>• TOTAL</b>	<b>240</b>

PROJECT # 9C-01-024 138 01.01  
 PROJECT TYPE of

**RECEIVED**  
 NOV 17 1995  
 DENOTES DUPLIC UNIT APPROVED ZONING COUNTER

Approved by  
 Subject to conditions of Resolution 2001 95-04  
 Passed by 11-15-95  
 Date 11/15/95  
**NOV. 15, 1995**

43 Bartley Circle Suite 202  
 Fort Myers, Florida 33907  
 813-275-0225

**Clara McCalvey ASSOCIATES IN ARCHITECTURE**

**PINK SHELL PUD**  
 10.92 ± ACRES  
**MASTER CONCEPT PLAN**

NOV 17 1995

NOV 17 1995

NOV 17 1995

**S1**

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

WHEREAS, Florida Income Fund III, et al, filed an application for a rezoning from RM-2 (Residential Multiple Family) and PUD (Planned Unit Development) to Commercial Planned Development, in reference to Pink Shell Resort; and

WHEREAS, the subject property is located at 275 Estero Boulevard, Fort Myers Beach, and is described more particularly as:

LEGAL DESCRIPTION: In Section 24, Township 46 South, Range 23 East, Lee County, Florida:

The Northwest Half (NW½) of Lots 29 through 32, inclusive, Block "D", ISLAND SHORES, Unit 4, a subdivision as recorded in Plat Book 9, Page 37, and Lots 33 through 36, inclusive, and Lots 37 through 39, inclusive, Block "D", ISLAND SHORES CLUB SECTION, a subdivision lying in Section 24, Township 46 South, Range 23 East, Lee County, Florida, as recorded in Plat Book 9, Page 41 of the Public Records of Lee County, Florida.

WHEREAS, the applicant has indicated the property's current STRAP numbers are: 24-46-23-07-00000.0350 (a portion of), and 24-46-23-08-0000D.0370; and

WHEREAS, Florida Income Fund III and Peter & Susan Lisich, fee simple owners of the subject parcels, authorized Carleton Ryffel to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was properly advertised and held on October 3, 1995 before the Lee County Hearing Examiner, who gave full consideration of the evidence available; and

WHEREAS, a public hearing was properly advertised and held on November 6, 1995, before the Lee County Board of County Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board APPROVES with conditions the Applicants' request for a rezoning from RM-2 and PUD to Commercial Planned Development.

11/16/95

SECTION A. CONDITIONS:

The rezoning and Master Concept Plan are subject to the following conditions:

1. The development of this project must be in accordance with the one-page Master Concept Plan entitled "Pink Shell CPD," stamped received August 15, 1995, except as modified herein. This approval supersedes all previous zoning actions taken on the subject properties. The development of the parcel must comply with all state and county development regulations, except as specifically modified by this approval.
2. Permitted uses are limited to the following:
  - Efficiency Hotel/Motel Rental Units - maximum total of 59 units
  - Administrative Offices
  - Conference Center (meeting rooms)
  - Commercial Recreation, Groups II and III, limited to coin operated amusements, pools, tennis courts and similar uses
  - Bar and Cocktail Lounge, in conjunction with restaurant use only
  - Bait and Tackle Shop
  - Consumption on Premises
  - Restaurants, Groups II and III
  - Rental Establishments, Groups I and II, limited to movies, video tapes, bicycles, beach chairs, umbrellas and similar facilities
  - Boat Rentals, including typical accessory equipment, existing only
  - Boat Ramp and Dockage, existing only
  - Essential Services, Group I
  - Specialty Retail Shops, Group I
  - Signs, in accordance with LDC Chapter 30
  - Transportation Services, Group I, existing only
3. The existing and proposed development must be in accordance with the building setbacks, dimensions and heights shown on the Master Concept Plan, except as modified herein.
4. All new development and redevelopment must have a minimum building separation of ten feet.
5. Parking must be in accordance with the "Parking Count" table on the Master Concept Plan and must include a minimum of 1.5 spaces per rental unit.
6. The commercial uses must be limited to use by the guests of the Hotel and must be limited to the following maximum square footages:

Administrative Office Space	3,700 sq.ft.
Restaurant/Retail area	2,500 sq.ft.
Outdoor Deli Deck	1,050 sq.ft.
Conference Center	5,000 sq.ft.
Bait and Tackle Shop	150 sq.ft.

7. The permitted commercial uses are limited as follows:
  - a. Signage must be prominently displayed indicating that the commercial uses are for hotel/motel guests only.
  - b. Advertising of the commercial uses is prohibited except in connection with advertising for the hotel/motel operation.
  - c. Outdoor entertainment must be limited to the existing deck and to the hours between 7:00 a.m. and 11:00 p.m.
  - d. The restaurant may not exceed 150 seats.
8. This zoning approval does not address the mitigation of the project's pedestrian or traffic impacts. Additional conditions may be required at the time of local Development Order approval in accordance with the LDC or other Lee County Ordinance.
9. Approval of this rezoning does nothing more than change the zoning district wherein the property lies. It does not grant or vest the developer with present or future development rights that may exceed the Lee Plan use restrictions set forth in the 2010 (Roberts) Overlay or any other Lee Plan provision.

SECTION B. DEVIATIONS:

The Master Concept Plan deviates from several Lee County development standards. The proposed deviations are granted or denied as set forth below:

1. Deviation (1) requests relief from LDC Section 34-2194(b) regarding waterbody setbacks, to allow a 25-foot setback for the proposed 42-unit building, and a 5-foot setback for the proposed conference building, as depicted on the Master Concept Plan. This deviation is APPROVED with the condition that riprap must be installed along the seawalled shoreline and adjacent to both the existing deck and proposed "Conference Center" building.
2. Deviation (2) requests relief from LDC Section 34-2175(3) from the permitted maximum structure height of 35 feet above grade to allow 60 feet and 45 feet above minimum flood elevation for new construction only. This deviation is APPROVED.

3. Deviation (3) requests relief from LDC Section 34-1802(1)c which requires a minimum 100-foot lot depth for efficiency hotel units, to allow a minimum lot depth of 75 feet. This deviation is APPROVED.
4. Deviation (4) requests relief from LDC Section 34-1802(6) which requires a maximum floor area of 550 square feet for new efficiency rooms, to allow 750 square feet. This deviation is DENIED.
5. Deviation (5) requests relief from LDC Section 34-935(c)(2) which requires a minimum 25-foot perimeter pavement setback for parking or internal drives, to allow ten feet. This deviation is APPROVED.
6. Deviation (6) requests relief from LDC Section 10-285(a) which requires a 330-foot connection separation, to allow all driveway connections as shown on the Master Concept Plan. This deviation is APPROVED.
7. Deviation (7) requests relief from LDC Section 10-414 which requires buffering of adjacent properties, to allow existing vegetation for existing structures only. This deviation is APPROVED with the condition that the deviation applies only to the existing development.
8. Deviation (8) requests relief from LDC Section 34-2174(a)(1) which requires street setbacks of 38 feet and 35 feet (due to building height measurement from minimum flood elevation), to allow 26 feet and 25 feet, respectively, for new construction only. This deviation is APPROVED with the condition that the setbacks apply as depicted on the Master Concept Plan.

SECTION C. MASTER CONCEPT PLAN:

A reduced copy of the one-page Master Concept Plan entitled "Pink Shell CPD," stamped received August 15, 1995, is attached and incorporated into this Resolution by reference.

SECTION D. FINDINGS AND CONCLUSIONS:

The following findings and conclusions were made in conjunction with the approval of the requested CPD rezoning:

1. The predominant uses of the surrounding property makes approval of the CPD, as conditioned, appropriate.
2. The CPD, as conditioned:

- (a) will not have an adverse impact on the intent of the Land Development Code.
  - (b) is consistent with the goals, objectives, policies, and intent of the Lee Plan, and with the densities, intensities, and general uses set forth for the proposed use.
  - (c) meets or exceeds all performance and locational standards set forth for the proposed use.
  - (d) will protect, conserve, preserve all protected and endangered species, natural habitat and vegetation, in accordance with the Lee Plan and other Lee County development regulations.
  - (e) will be compatible with existing or planned uses and will not cause damage, hazard, nuisance, or other detriment to persons or property.
  - (f) will not place an undue burden upon existing transportation or other services and facilities, and will be served by streets with the capacity to carry traffic generated by the development.
3. The Hotel/Motel uses, as conditioned, are in compliance with all applicable general zoning provisions and supplemental regulations pertaining to the use, as set forth in the Land Development Code.
  4. The proposed use is appropriate on the subject property and in the vicinity of the subject property.
  5. The conditions are reasonably related to the impacts expected from or created by the proposed development.
  6. The conditions and other Lee County development regulations provide sufficient safeguards to the public health, safety and welfare.
  7. The deviations, as conditioned, enhance the achievement of the objectives of the CPD and preserve and promote the protection of the public health, safety and welfare.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner St. Cerny, and seconded by Commissioner Coy and, upon being put to a vote, the result was as follows:

John E. Manning	ABSENT
Douglas R. St. Cerny	AYE
Ray Judah	AYE
Andrew W. Coy	AYE
John E. Albion	AYE

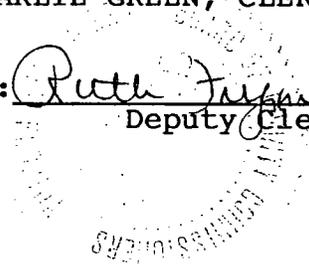
DULY PASSED AND ADOPTED this 6th day of November, A.D., 1995.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: *Ruth Frazier*  
Deputy Clerk

BY: *John E. Albion*  
Chairman



Approved as to form by:

*Ann Marie Calhoun*  
County Attorney's Office

FILED

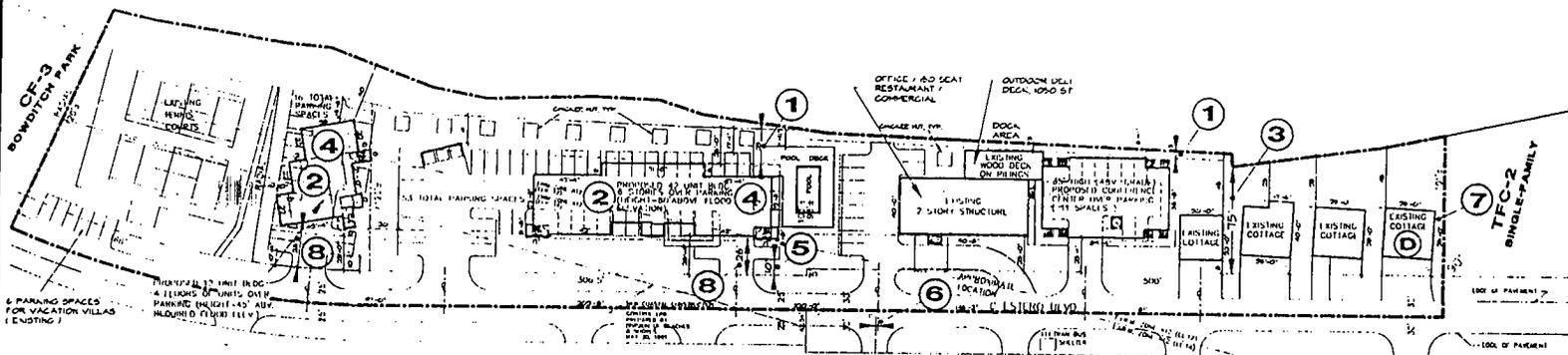
NOV 7 1995

CLERK CIRCUIT COURT  
BY *Ruth F.* D.C.

CASE NUMBER 95-01-034.03Z  
ZON4769

RESOLUTION NUMBER Z-95-017  
Page 6 of 6

MAIANZAS PASS



**SCHEDULE OF DEVIATIONS**

- ① Deviation from LDC Section 24-214(A), setbacks from open body of water from 35' to 25', and from 25' to 5' (Setbacks based on building heights dev. required flood elevations)
- ② Deviation from LDC Section 275(3), from maximum structure height of 35' above grade to 60' and 55' above required flood elevations for new construction only.
- ③ Deviation from LDC Section 24-1B(2)(b), lot depth minimum of 100 feet for efficiency units to a minimum of 75 feet.
- ④ Deviation from LDC Section 24-1B(2)(b), from the maximum square footage of new efficiency rooms of 350 square feet to 750 square feet.
- ⑤ Deviation from LDC Section 24-1B(2)(c), from the maximum setback for parking or island drives of 25' to 10'.
- ⑥ Deviation from LDC Section 10-225(a), from the required intersection separation of 350 feet to allow all driveway intersections as shown on the MCP.
- ⑦ Deviation from LDC Section 10-114, which requires buffering of adjacent properties to allow existing vegetation for existing structures only.
- ⑧ Deviation from LDC Section 24-214(A)(1), from the required street setback of 50 feet and 35 feet (due to building height as measured above required flood elevation) to 20' and 25' respectively.

**PARKING COUNT**

EXISTING	PROPOSED
● Meeting Building (new)	11
● Bayfront Cottages #171-181	17
● Bayfront Building New (LUSH)	16
● New 42 Unit Building (Bayshore)	52
● TOTAL	97
● PARKING REQUIRED	24

APPROVED  
 Master Concept Plan  
 Site Plan # 95-01034, PER L. OLL  
 Subject to conditions in Resolution 7-55-017  
 Zoning Code # 12-06-01, 032

**MASTER CONCEPT PLAN**  
 3.20 ACRES  
 SCALE: 1" = 40'

PROJECT # 95-01034, 032, 01, 01  
 PROJECT TYPE 12

RECEIVED  
 AUG 15 1995  
 ZONING COUNTER

EXHIBIT IV-F  
 JULY 29, 1994  
 REVISED 10-10-94 |  
 REVISED 12-12-94 |  
 REVISED 02-07-95 |  
 REVISED 02-16-95 |  
 REVISED 07-13-95 |  
 REVISED 08-16-95 |

43 Barbary Circle Suite 202  
 Fort Myers, Florida 33907  
 813-937-0225  
 Cora McGahey  
 ASSOCIATES IN  
 ARCHITECTURE

PINK SHELL C P D  
 MASTER CONCEPT PLAN

RECEIVED  
 AUG 15 1995  
 ZONING COUNTER

**FIGURES 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100**

- 1 Zoning Report: Review from RM-2 and PUD (shown)
- 2 Parcel Size: Approximately 3.2 Acres
- 3 Maximum Building Height: Approximately 60' above required flood elevation (120' at Florida DCP) for new construction only. All existing building heights are shown on the MCP.
- 4 Permitted Uses: Hotel and all customary uses such as, but not limited to: Commercial recreation, Group II (from special circumstances only), Motorized boating, CUP, Amusement, Drive-in, HI, Adventure store, office, Franch, Boat/boatable store, Boat establishments, Group I and II (except rental, Myrtle), Boat ramp/boatage ramp only, Boat canal, General services, Group I, Public pier, Specialty retail store, Group I, Club private (meeting space), Medical use, duplex units, Signs in accordance with Chapter 10, 11 transportation services, Group I.
- 5 The meeting room building will contain a maximum of 3000 square feet of space within a building of a maximum of 2 stories and include building parking. All of this space will be available to resort guests along with all the facilities shown.
- 6 All existing developments shall be as shown on the MCP.
- 7 Buildings shown on the MCP are per records, and surveyed.
- 8 This is a report to show 19 units or 15 6 roomers.
- 9 Building containing two units are indicated D. All other buildings are either one unit or as marked.
- 10 The maximum will include 100 units.
- 11 Required Open Space @ 20% = 6.40 Ac  
 Provided Open Space = 0.41 Acres to vegetation  
 0.23 Acres to beach  
 0.16 Total open space @ 33% of required open space  
 (including proposed paved open space is 0.21 Ac)

TOTAL OPEN SPACE 7.44 Acres

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

WHEREAS, Florida Income Fund III, in reference to Pink Shell Resort, has properly filed an application for an amendment to the Final PUD Site Plan; and

WHEREAS, the subject property is located at 275 Estero Boulevard, Fort Myers Beach, described more particularly as:

LEGAL DESCRIPTION: In Section 24, Township 46 South, Range 23 East, Lee County, Florida:

All of Lots 2, 3, 4 and 8 of GULF SHORE, Plat Book 9, Page 88, and Lot 33;

LESS the Easterly 100 feet thereof and Lot 34;

LESS the Northerly 50 feet thereof and the Easterly 100 feet thereof, ISLAND SHORES, Unit 4, Plat Book 9, Page 37, all in Lee County, Florida.

WHEREAS, the applicant has indicated the property's current STRAP number is 24-46-23-07-00000.0350; and

WHEREAS, proper authorization has been given to Carleton Ryffel, by Mariner Capital Management, Inc., the owner of the subject parcel, to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Hearing Examiner, with full consideration of all the evidence available; and the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on Tuesday, August 24, 1993 and continued to August 30, 1993; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE WITH CONDITIONS an amendment to the PUD Site Plan.

The amendment and Master Concept Plan, which deviate from certain Lee County Standards, are subject to the following conditions:

1. The development of the subject property shall be in accordance with the three-page PUD Development Plan Amendment entitled "Pink Shell Resort Final PUD Development Plan (Phases II through V)"; "Exhibit 1, Amendment to Final PUD Plan, Pink Shell"; "Exhibit 2, Cottages to be Removed for new 42-unit Building"; stamped received July 22, 1993, except as modified herein. This approval does not relieve this development from compliance with all other applicable federal, state or local regulations.
2. The proposed 42 unit, seven-story building in Phase III shall comply with the following development regulations:
  - maximum height - 7 stories
  - minimum street setback from Gulf Shore Court - 42 feet
  - maximum number of units within new building - 42
3. Parking shall be in accordance with Section 202.16 of the Zoning Ordinance and as modified in Administrative Approval PUD-91-010.
4. The following commitments currently applicable to the Pink Shell Resort through the original development approval and subsequent amendments shall be completed prior to a Certificate of Compliance for the proposed 42 unit building:
  - Conversion of the remaining 6 motel units to Administrative Office use, per Resolution PUD-91-010
  - The existing quadraplex numbered 112, 113, 114 and 115 shall be converted into a duplex, per Resolution PUD-91-010
  - The removal of cottages/units 106 through 109 and 118 through 120 (supersedes condition #5.b. per Resolution PUD-91-010)
5. Prior to issuance of a Certificate of Compliance for the 42 unit, seven story building in Phase III, the developer shall bond, in its entirety, the required bike path along the project's frontage on Estero Boulevard.

The developer of Pink Shell Resort PUD will cooperate with the Lee County Community Redevelopment Agency on the timing and design of the bike path and landscaping along Estero Boulevard, but both the bike path and landscaping shall be fully constructed/planted and certified as complete no later than twelve months after a Certificate of Compliance is approved for the 42 unit, seven story building in Phase III.

6. All other conditions of approval/commitments shall be completed in accordance with the specific time frames given.
7. Prior to Certificate of Occupancy, the developer shall provide signage at the building clearly marking the eight-foot public beach access located under the 42 unit, seven story building in Phase III.
8. A deviation is APPROVED to allow a 42-foot setback from Gulf Shore Court instead of the 47 feet required by the Zoning Ordinance.

Site Plan 93-057 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings of fact were made in conjunction with this approval of an amendment to the PUD Site Plan:

- A. That the proposed residential development within the project, along with the preservation of additional open space by building horizontally rather than vertically on the site, makes approval of the amendment to the Planned Unit Development (PUD) zoning, as conditioned, appropriate.

- B. That the amended PUD, as conditioned, will not have an adverse impact on the intent of the Zoning Ordinance.
- C. That the PUD, as conditioned, is consistent with the goals, objectives, policies, and intent of the Lee Plan, and with the densities, intensities, and general uses set forth for the proposed use.
- D. That the PUD, as conditioned, meets or exceeds all performance and locational standards set forth for the proposed use.
- E. That the PUD, as conditioned, will be compatible with existing or planned uses and will not cause damage, hazard, nuisance, or other detriment to persons or property.
- F. That the PUD, as conditioned, will not place an undue burden upon existing transportation or other services and facilities, and will be served by streets with the capacity to carry traffic generated by the development.
- H. That the residential uses, as conditioned in this recommendation, will be in compliance with all applicable general zoning provisions and supplemental regulations pertaining to the use, as set forth elsewhere in the Zoning Ordinance.
- I. That the proposed use is appropriate on the subject property and in the vicinity of the subject property.
- J. That the recommended conditions are reasonably related to the impacts expected from or created by the proposed development.
- K. That the recommended conditions and other Lee County development regulations provide sufficient safeguards to the public, health, safety and welfare.
- L. That the deviation, as conditioned, enhances the achievement of the objectives of the PUD and preserve and promote the protection of the public's health, safety and welfare.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Ray Judah, and seconded by Commissioner Franklin Mann and, upon being put to a vote, the result was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Franklin B. Mann	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 4th day of October, A.D., 1993.

ATTEST:  
CHARLIE GREEN, CLERK

BY: Charlie Green  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: John E. Manning  
Chairman

Approved as to form by:

Ann Marie Collins  
County Attorney's Office

FILED

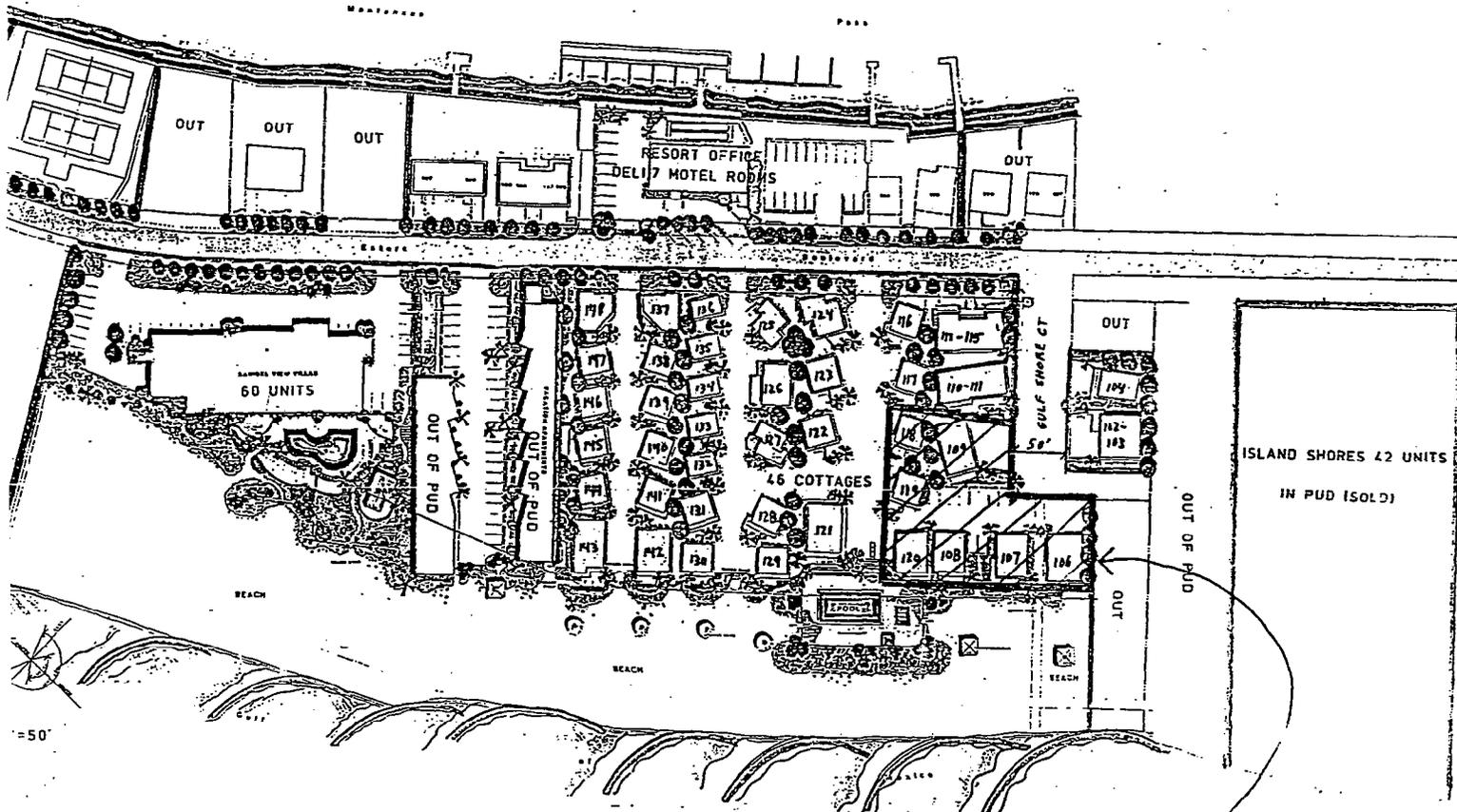
OCT 13 1993

CLERK CIRCUIT COURT  
BY efw D.C.



# EXHIBIT 2

## COTTAGES TO BE REMOVED FOR NEW 42 UNIT BUILDING



NOTE: THIS PLAN IS DESIGNED TO BE A GENERAL LOCATION OF USES. IT IS NOT A SURVEY.

COTTAGES TO BE REMOVED SHOWN IN CROSS-HATCH

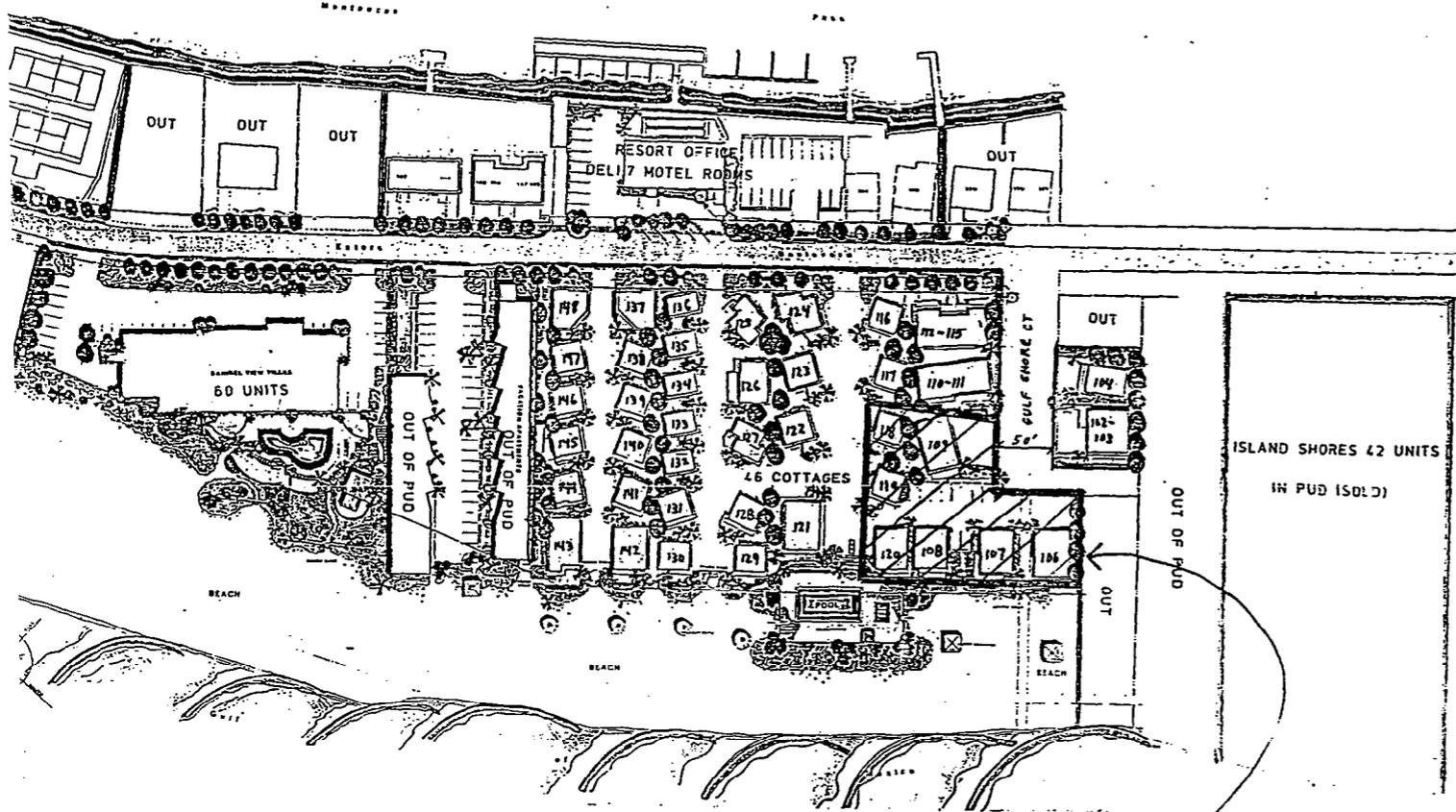
#s 106-109, 118-120

APPROVED  
Master Concept Plan  
Site Plan # 2165/Prop. 2 M. 2  
Subject to conditions in Resolution 2022-037  
Zoning Code # 9.2.02.12.DC.1(d)

REC'D  
JUL 22

# EXHIBIT 2

## COTTAGES TO BE REMOVED FOR NEW 42 UNIT BUILDING



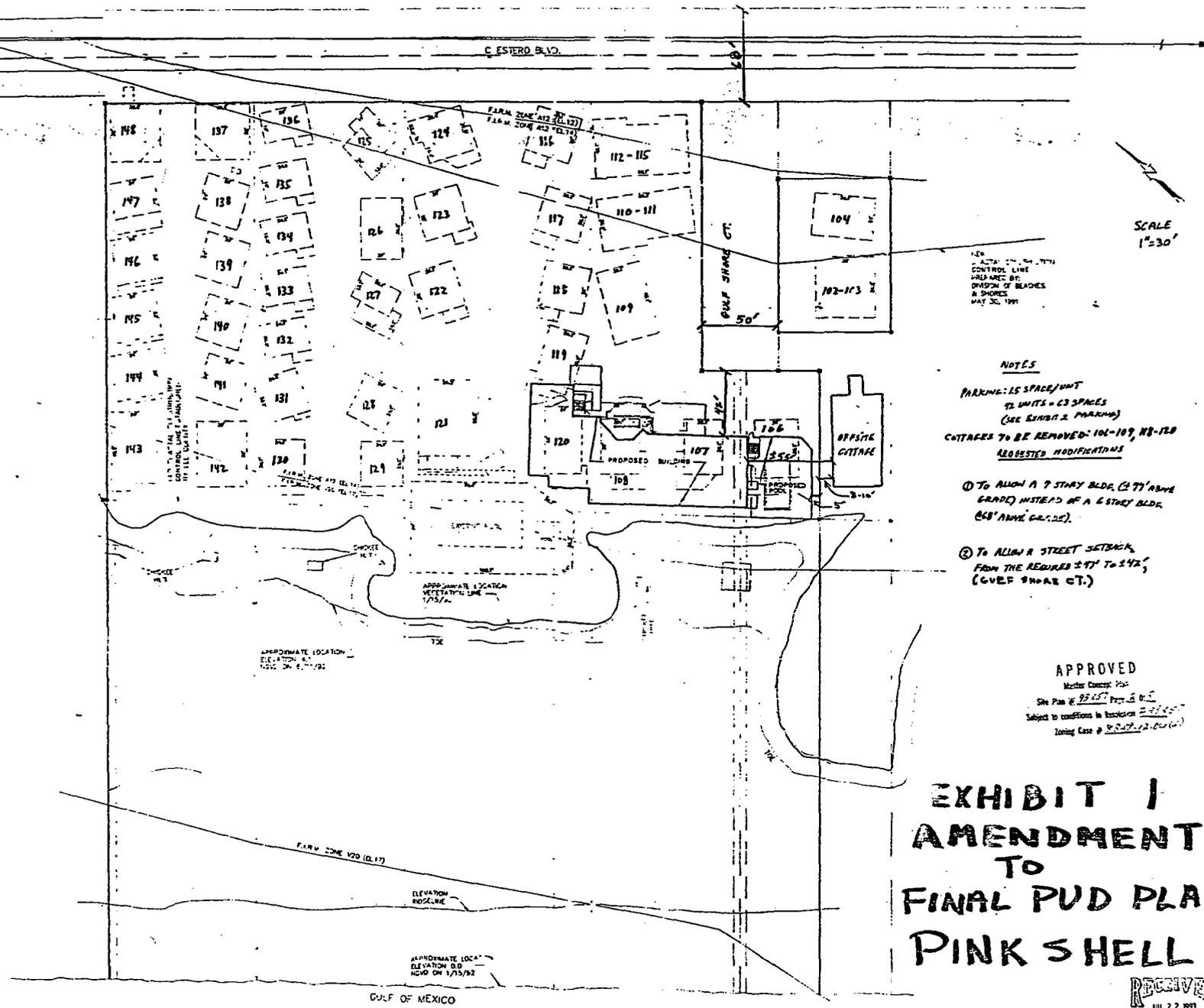
NOTE: THIS PLAN IS DESIGNED TO BE A GENERAL LOCATION OF USES, IT IS NOT A SURVEY.

COTTAGES TO BE REMOVED SHOWN IN CROSS-HATCH

#3 106-109, 118-120

APPROVED  
Master Concept Plan  
Site Plan # 21467 Page 2 of 3  
Subject to conditions of Resolution 2002-007  
Issued Date: 07/22/02, 02:00:00 (J)

RECEIVED  
JUL 22 093



AS SHOWN ON THE CONTROL LINE PREPARED BY DIVISION OF MAPS & SURVEY MAY 30, 1991

SCALE  
1"=30'

**NOTES**

PARKING: 15 SPACE/UNIT  
12 UNITS = 18 SPACES  
(SEE SHEET 2 PARKING)  
COTTAGES TO BE REMOVED: 104-109, 110-118  
REQUESTED MODIFICATIONS

- ① TO ALLOW A 9 STORY BLDG. (277' ABOVE GRADE) INSTEAD OF A 6 STORY BLDG. (168' ABOVE GRADE).
- ② TO ALLOW A STREET SETBACK FROM THE REQUIRED 247' TO 242', (GULF SHORE CT.)

APPROVED

Mayor County: [unclear]  
Site Plan # 95-157 Page 3 of 3  
Subject to conditions in Resolution 95-157  
Zoning Case # 95-227-12-0016

**EXHIBIT I  
AMENDMENT  
TO  
FINAL PUD PLAN  
PINK SHELL**

RECEIVED  
JUL 22 1991

ADMINISTRATIVE APPROVAL AMENDMENT NUMBER PUD-93-014A

ADMINISTRATIVE APPROVAL

AMENDMENT

LEE COUNTY, FLORIDA

(Correcting and clarifying Resolution AAA-PUD-93-014)

WHEREAS, Lee County Zoning & Development Review Division has properly filed for a correction of Resolution AAA-PUD-93-014 to correct scrivener's error in condition 1; and

WHEREAS, Florida Income Fund III has filed an application for administrative approval of an amendment to a Planned Unit Development on a project known as Pink Shell Resort for the following:

- a) Relocate a swimming pool and spa, previously approved to be located in Phases II and IV, to Phase III;
- b) To allow the Director of the Department of Community Development to have the option of requiring a lesser level of detail than required for administrative changes and amendments to an approved Final PUD as set forth in Section 484.H., for Changes and Amendments. At minimum, the administrative request for a change or amendment shall be on the official Application for an Administrative Amendment as provided by the Department and shall include a clearly legible Master Concept Plan as described in Section 804.03.C.b.1. of the Lee County Zoning Ordinance #86-17, as amended.
- c) Confirmation of the following:
  - 1) The parking requirement for the residential/hotel/motel units is a minimum of 1.5 spaces per unit.
  - 2) The setback between the proposed building in Phase III and any other building is 25 feet.
  - 3) The 5 foot buffer at the south end of the property in Phase III is required.

The subject property is located at 275 Estero Boulevard, described more particularly as:

LEGAL DESCRIPTION: In Section 24, Township 46 South, Range 23 East, Lee County, Florida:

The Westerly 25 feet of Lot 33 and all of Lots 34 through 36, ISLAND SHORES Unit 4, Plat Book 9 at Page 37, together with Lots 2 through 4 and Lots 8 through 10, GULF SHORE, Plat Book 9 at Page 88.

TOGETHER WITH,

Lot 40 less Northwesterly 6.5 feet and all of Lot 39, ISLAND SHORES CLUB SECTION, Plat Book 9 at Page 41.

TOGETHER WITH,

The Northwesterly 6.5 feet and all of Lot 39, ISLAND SHORES CLUB SECTION, Plat Book 9 at Page 41.

TOGETHER WITH,

The Northwesterly 6.5 feet of Lot 40 and Lots 41 & 42 and Lots 38 & 39, Block D, ISLAND SHORES CLUB SECTION.

TOGETHER WITH,

The West Half (W½) of Lot 29 and all of Lots 30 through 32, Block D, ISLAND SHORES Unit 4, together with Lots 33 & 34, Block D, ISLAND SHORES CLUB SECTION.

TOGETHER WITH,  
Lots 5 & 6, GULF SHORE SUBDIVISION, Plat Book 9 at Page 88.

All in Section 24, Township 46 South, Range 23 East, Lee County, Florida.

WHEREAS, the property was granted PUD zoning in Hearing number 82-03-28-DCI [Resolution Z-82-170], and Final PUD Site Plan Approval for Phase I in Hearing number 83-09-12-DCI [(Resolution ZAB-83-353 and Resolution ZAB-84-196) (with subsequent amendments in Resolution numbers Z-87-076, PUD-91-010 and PUD-91-010A)]; and

WHEREAS, Lee County Ordinance 89-04 amends the Zoning Ordinance (Ordinance No. 86-17) to provide for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to Planned Unit Development in reference to requests b) and c) is APPROVED.

APPROVAL for request a) is subject to the following conditions:

1. The relocation of the swimming pool with spa shall be permitted per the site plan #PUD-93-014 attached hereto and incorporated herein by reference as a reduced copy of the Final PUD Plan for the purposes of reflecting the location of the swimming pool. The swimming pool with spa shall be located no closer than 20 feet to the side (east) property line. The swimming pool deck shall not encroach into the required 5 foot buffer. The buffer shall, at minimum include 5 trees and 18 shrubs per 100 linear feet. The buffer shall consist of native, coastal dune plants.
2. The terms and conditions of the original zoning resolution(s) remain in full force and effect.

DULY SIGNED this 9<sup>th</sup> day of July, A.D., 1993.

BY: Mary Gibbs  
Mary Gibbs, Director  
Department of Community Development

ADMINISTRATIVE APPROVAL AMENDMENT NUMBER PUD-93-014

ADMINISTRATIVE APPROVAL

AMENDMENT

LEE COUNTY, FLORIDA

WHEREAS, Florida Income Fund III has filed an application for administrative approval of an amendment to a Planned Unit Development on a project known as Pink Shell Resort for the following:

- a) Relocate a swimming pool and spa, previously approved to be located in Phases II and IV, to Phase III;
- b) To allow the Director of the Department of Community Development to have the option of requiring a lesser level of detail than required for administrative changes and amendments to an approved Final PUD as set forth in Section 484.H., for Changes and Amendments. At minimum, the administrative request for a change or amendment shall be on the official Application for an Administrative Amendment as provided by the Department and shall include a clearly legible Master Concept Plan as described in Section 804.03.C.b.1. of the Lee County Zoning Ordinance #86-17, as amended.
- c) Confirmation of the following:
  - 1) The parking requirement for the residential/hotel/motel units is a minimum of 1.5 spaces per unit.
  - 2) The setback between the proposed building in Phase III and any other building is 25 feet.
  - 3) The 5 foot buffer at the south end of the property in Phase III is required.

The subject property is located at 275 Estero Boulevard, described more particularly as:

LEGAL DESCRIPTION: In Section 24, Township 46 South, Range 23 East, Lee County, Florida:

The Westerly 25 feet of Lot 33 and all of Lots 34 through 36, ISLAND SHORES Unit 4, Plat Book 9 at Page 37, together with Lots 2 through 4 and Lots 8 through 10, GULF SHORE, Plat Book 9 at Page 88.

TOGETHER WITH,

Lot 40 less Northwesterly 6.5 feet and all of Lot 39, ISLAND SHORES CLUB SECTION, Plat Book 9 at Page 41.

TOGETHER WITH

Lots 5 & 6, GULF SHORE SUBDIVISION, Plat Book 9 at Page 88.

All in Section 24, Township 46 South, Range 23 East, Lee County, Florida.

WHEREAS, the property was granted PUD zoning in Hearing number 82-03-28-DCI [Resolution Z-82-170], and Final PUD Site Plan Approval for Phase I in Hearing number 83-09-12-DCI [(Resolution ZAB-83-353 and Resolution ZAB-84-196) (with subsequent amendments in Resolution numbers Z-87-076, PUD-91-010 and PUD-91-010A)]; and

WHEREAS, Lee County Ordinance 89-04 amends the Zoning Ordinance (Ordinance No. 86-17) to provide for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

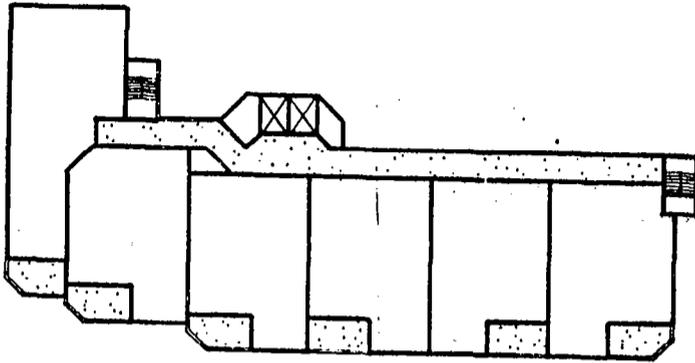
WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to Planned Unit Development in reference to requests b) and c) is APPROVED.

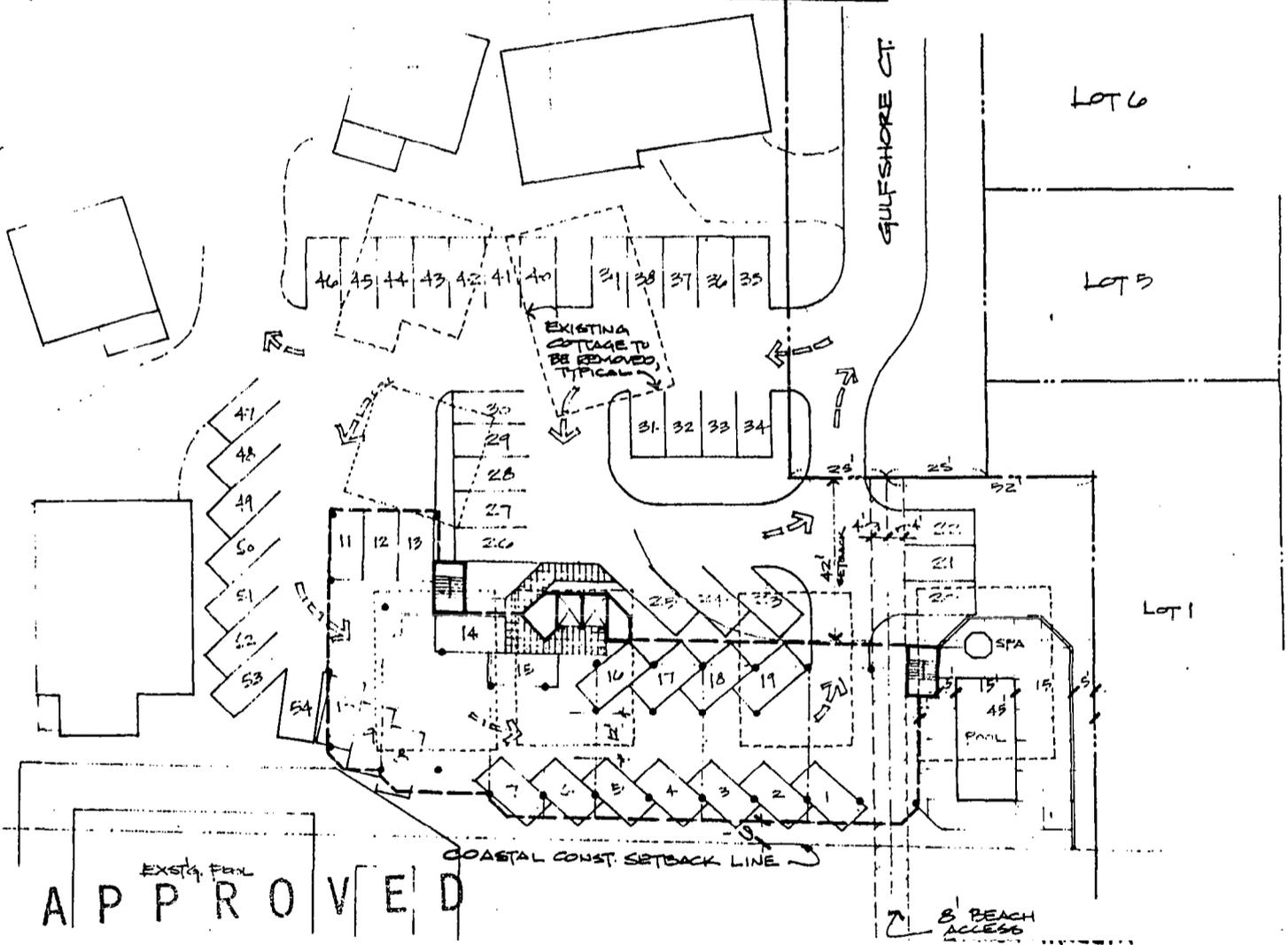
APPROVAL for request a) is subject to the following conditions:

1. The relocation of the swimming pool with spa shall be permitted per the site plan #PUD-93-014 attached hereto and incorporated herein by reference as a reduced copy of the Final PUD Plan for the purposes of reflecting the location of the swimming pool. The swimming pool with spa shall be located no closer than 20 feet to the side (east) property line. The swimming pool deck shall not encroach into the required 5 foot buffer. Th 18 shrubs per 100 linear feet. The buffer shall consist of native, coastal dune plants.
2. The terms and conditions of the original zoning resolution(s) remain in full force and effect.

DULY SIGNED this 30th day of June, A.D., 1993.



TYPICAL FLOOR PLAN (6 UNITS @ 1000 SQ. FT.)



ADMINISTRATIVE APPROVAL AMENDMENT NUMBER PUD-91-010A

ADMINISTRATIVE APPROVAL

AMENDMENT

LEE COUNTY, FLORIDA

AMENDING & CORRECTING RESOLUTION AAA-PUD-91-010

WHEREAS, Florida Income Fund III has filed an application for administrative approval of an amendment to a Planned Unit Development on a project known as Pink Shell Resort and has been granted approval pursuant to Resolution AAA-PUD-91-010; and

WHEREAS, a scrivener's error in Condition #2 is corrected as follows:

2. The maximum number of dwelling units within the proposed building shall not exceed ~~35~~ 42.

This project is located at 275 Estero Boulevard, Fort Myers Beach, described more particularly as:

LEGAL DESCRIPTION: In Section 24, Township 46 South, Range 23 East, Lee County, Florida:

Lots 29 & 30 of ISLAND SHORES Unit 4 as recorded in Plat Book 9 at Page 37, Public Records of Lee County, Florida, lying in Section 24, Township 46 South, Range 23 East, Lee County, Florida;

TOGETHER WITH,  
The Westerly 25 feet of Lot 33 and all of Lots 34 through 36, ISLAND SHORES Unit 4, Plat Book 9 at Page 37;

TOGETHER WITH,  
Lots 2 through 4 and Lots 8 through 10, GULF SHORE, Plat Book 9 at Page 88;

TOGETHER WITH,  
Lot 40 LESS Northwesterly 6.5 feet and all of Lot 39, ISLAND SHORES CLUB SECTION, Plat Book 9 at Page 41;

TOGETHER WITH,  
The Northwesterly 6.5 feet and all of Lot 39, ISLAND SHORES CLUB SECTION, Plat Book 9 at Page 41;

TOGETHER WITH,  
The Northwesterly 6.5 feet of Lot 40 and Lots 41 and 42 and Lots 38 and 39, Block "D", ISLAND SHORES CLUB SECTION;

TOGETHER WITH,  
The West Half ( $W\frac{1}{2}$ ) of Lot 29 and all of Lots 30 through 32, Block "D", ISLAND SHORES Unit 4;

TOGETHER WITH,  
Lots 33 and 34, Block "D", ISLAND SHORES CLUB SECTION;

TOGETHER WITH,  
Lots 5 & 6, GULF SHORE SUBDIVISION, Plat Book 9 at Page 88.

All in Section 24, Township 46 South, Range 23 East, Lee County, Florida.

WHEREAS, Condition No. 2 was incorrectly restricted to a maximum of 35 dwelling units in the new proposed building in Phase III per Resolution Number AAA-PUD-91-010.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to a Planned Unit Development is APPROVED for a maximum of 42 dwelling units in the proposed building per Resolution Number AAA-PUD-91-010 subject to the following condition:

1. The terms and conditions of the original zoning resolution and of the subsequent administrative approvals as modified previously and herein shall remain in full force and effect.

DULY SIGNED this 29<sup>th</sup> day of January, A.D., 1992

BY: Mary Gibbs  
Mary Gibbs  
Acting Director  
Department of Community Development

ADMINISTRATIVE APPROVAL AMENDMENT NUMBER PUD-91-010

ADMINISTRATIVE APPROVAL

AMENDMENT

LEE COUNTY, FLORIDA

WHEREAS, Florida Income Fund III has filed an application for administrative approval of an amendment to a Planned Unit Development on a project known as Pink Shell Resort for the following requests: to approve the general location of the new proposed building in Phase III and to allow a maximum of 35 units within this building to be transferred from Phase III and Phase V. Also requested, is to allow the required parking for this building to include a parking area to be located northeast of this building, replacing two existing cottages as shown on Exhibit 2, and to allow 30% of the required parking for this building only to be long term, compact spaces of 8 feet by 16 feet, with the remainder of the spaces to be 9 feet by 18 feet and also to allow the extension of the Consumption on Premises approved per Resolution Z-87-076 for three years beyond the May 11, 1992 expiration date. Also requested is a correction to the legal description of Resolution Z-82-170 to include lots 5 & 6 of the Gulf Shore Subdivision, Plat Book 9 at Page 88. This project is located at 275 Estero Boulevard, Fort Myers Beach, described more particularly as:

LEGAL DESCRIPTION: In Section 24, Township 46 South, Range 23 East, Lee County, Florida:

SUBJECT PROPERTY: Sec. 24, Twp. 46S, Rge. 25E, Lee County, Florida. Lots 29 & 30 of Island Shores Unit 4 as recorded in Plat Book 9 at Page 37, Public Records of Lee County, Florida.

TOGETHER WITH,

The Westerly 25 feet of Lot 33 and all of Lots 34 through 36, Island Shores Unit 4, Plat Book 9 at Page 37, together with Lots 2 through 4 and Lots 8 through 10, Gulf Shore, Plat Book 9 at Page 88.

TOGETHER WITH,

Lot 40 less Northwesterly 6.5 feet and all of Lot 39, Island Shores Club Section, Plat Book 9 at Page 41.

TOGETHER WITH,

The Northwesterly 6.5 feet and all of Lot 39, Island Shores Club Section, Plat Book 9 at Page 41.

TOGETHER WITH,

The Northwesterly 6.5 feet of Lot 40 and Lots 41 and 42 and Lots 38 and 39, Block "D", Island Shores Club Section.

TOGETHER WITH,

The West Half (W $\frac{1}{2}$ ) of Lot 29 and all of Lots 30 through 32, Block "D", Island Shores Unit 4, together with Lots 33 and 34, Block "D", Island Shores Club Section.

TOGETHER WITH,

Lots 5 & 6 Gulf Shore Subdivision, Plat Book 9 at Page 88.

All in Section 24, Township 46 South, Range 23 East, Lee County, Florida.

WHEREAS, the property was originally rezoned to Planned Unit Development, in hearing number 82-3-28-DCI, Resolution number Z-82-170; with the following eight (8) conditions:

1. Reduction of density for a total of 182 units;
2. PUD will be phased over a minimum of 10 years;
3. No building will exceed 6 stories over parking;
4. Construct a bike path the length of the development;
5. Must provide 3 beach access points;
6. Must provide contribution in the amount of \$8,100.00 toward improvements to Estero Boulevard;
7. Must provide a street-scaping plan; and
8. Must provide 6 additional parking spaces for condominium owners at end of the resort.

WHEREAS, the property was granted Final PUD Site Plan Approval for Phase I in hearing number 83-9-12-DCI, Resolution number ZAB-83-353.

WHEREAS, the property was granted Final PUD Site Plan Approval for Phases II thru V in hearing number 83-9-12-DCI, Resolution number ZAB-84-196; with the following four (4) conditions:

1. Prior to issuance of a final development order, landscape plans shall be submitted to fulfill condition #7 of the preliminary approval, which is to landscape both sides of Estero Boulevard.
2. The 6 parking spaces are for the exclusive use of the Pink Shell Vacation Villas, to fulfill condition #8 of the preliminary approval.
3. Existing buildings shown on these plans are not part of the PUD approval and any nonconforming buildings are not modified by this approval.
4. Prior to issuance of a preliminary development order, the beach access agreements, as amended, shall be executed and recorded into the Official Records.

WHEREAS, the property was granted approval for an amendment to Final PUD approval for a consumption on premises in Phase V for a temporary lounge in hearing number 83-9-12(a)-DCI, Resolution number Z-87-076; with the following three (3) conditions:

1. The COP use shall be limited to the 350 square foot recreation room of the existing office and model center building located in Phase V until the restaurant and minimarket are constructed, at which time the COP may be transferred to that structure if reviewed and approved by the Board of County Commissioners and state regulations.
2. The temporary lounge and COP shall be restricted to the residents and guests of Pink Shell.
3. This approval is limited to 5 years unless the COP is transferred to the restaurant and the minimarket. After 5 years, if the restaurant has not been constructed, this approval shall expire and the applicant shall resubmit a new application, the lounge shall cease operation, and this approval shall be suspended.

WHEREAS, the property was granted administrative changes to the Final PUD Site Plan governed by Resolutions Z-82-170, ZAB-83-353, ZAB-84-196 and

Z-87-076 on July 12, 1989 by the Zoning Director. The following eight (8) changes were granted administrative approval:

1. Changing the order of Phases I, II and III;
2. Transfer of density (20 units) from the existing cottages in Phase III to the proposed 4-story buildings in Phases II and IV provided the applicant has Unified Control;
3. Parking for individual buildings is not required at specific locations, provided they are located in reasonable proximity and total parking for the entire PUD is met within its boundaries;
4. Changing interval ownership buildings to motels;
5. The two buildings at the north end of the property may be combined into one building;
6. Changing the 4-story buildings on the north end of Phases II and IV to a 6-story building;
7. Reduce the square footage of the restaurant and lounge in Phase V and construct a chicki hut in the amount of square footage reduced; and
8. Transfer the rental offices in Phase V to the cottage across the street in Phase III.

WHEREAS, the property was granted approval for use of the Consumption on Premises for the Chicki huts on the Sanibel View site per administrative approval dated June 19, 1989.

WHEREAS, the Consumption on Premises still applies to the proposed restaurant and minimarket in Phase V per Resolution Z-87-076.

WHEREAS, Phase I of the PUD known as Island Shores, which has 42 dwelling units, has been sold and is no longer part of the Pink Shell Resort. Therefore, any future development shall not include that portion of the PUD.

WHEREAS, the remaining Phases II, III, IV and V shall not exceed a total of 147 dwelling units.

WHEREAS, the transfer of dwelling units to the new building shall be as described in the attached letter dated received October 8, 1991 and as shown on the correlating Exhibit 3 and as conditioned below.

WHEREAS, Lee County Ordinance 89-04 amends the Zoning Ordinance (Ordinance No. 86-17) to provide for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for Administrative Approval for an amendment to a Planned Unit Development is APPROVED for a maximum of 35 dwelling units in the proposed building, to allow 30% of the required parking for the proposed building to have 8 feet by 16 feet spaces with the remainder having 9 feet by 18 feet spaces, to allow the required parking for the proposed building to include the proposed parking area adjacent to the building site, and to allow the transfer of 35 dwelling units from Phase III and Phase V to the proposed building. Also recommended for approval is a three year extension for the consumption on premises to May 11, 1995 and finally, to approve the correction of the legal description of Resolution Z-82-170 to include Lots 5 & 6 of the Gulf Shore Subdivision, Plat Book 9 at Page 88.

Approval is subject to the following conditions:

1. The maximum number of dwelling units within the PUD project (excluding Phase I with 42 units and including the 7 motel units in Phase V) shall not exceed 147.
2. The maximum number of dwelling units within the proposed building shall not exceed 35. (See Exhibit 2)
3. The height of the proposed building shall not exceed six stories over parking.
4. The requested deviation from parking requirements shall apply to the proposed building and proposed adjacent parking area only. (See Exhibit 2)
5. The applicant will be required to complete the following prior to issuance of a Certificate of Compliance by the Division of Development Review:
  - a) As shown on Exhibit 4 in Phase III, the existing quadraplex numbered 112, 113, 114 and 115 shall be converted into a duplex allowing two units to be transferred to the new building.
  - b) Also, units numbered 102, 103, 104, 106, 107 and 108 will be razed allowing six units to be transferred to the new building.
6. Transferring the existing (7) motel units in Phase V shall be permitted with the condition that conversion of that floor area shall be for administrative offices only as defined in the Zoning Ordinance.
7. Approval of the three year extension of the Consumption on Premises shall be conditioned per Resolution Z-87-076.
8. The applicant shall comply with the Lee County Sea Turtle Protection Ordinance #89-09 lighting limitations for new construction. The applicant shall indicate techniques to be used in lighting compliance for the Division of Environmental Sciences staff review and approval prior to the Lee County Final Development Order approval.

9. The applicant shall be required to provide a beach/dune vegetation planting plan to mitigate beach system impacts. The planting plan shall include plant quantity by species, plant size, planting success criteria and a minimum 3 year monitoring plan. The planting plan shall be submitted, and is subject to approval by, the Division of Environmental Sciences prior to Final Development Order approval.
10. The applicant shall obtain a permit for activities seaward of the Coastal Construction Control Line from the Florida Department of Natural Resources, Division of Beaches & Shores, Bureau of Coastal Engineering & Regulation prior to Lee County building permit approval.
11. The terms and conditions of the original zoning resolutions and subsequent administrative approval as modified previously and herein, remain in full force and effect.
12. The following Site Plans stamped received on October 25 , 1991, are attached hereto and incorporated herein by reference:

Exhibit 1: "Approved Resort Plan"

Exhibit 2: "New Building Footprint/General Location"

Exhibit 3: "Location of Planned or Existing Units"

Exhibit 4: "As Built Plan"

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to Planned Unit Development is APPROVED as conditioned.

DULY SIGNED this 15<sup>th</sup> day of November, A.D., 1991.

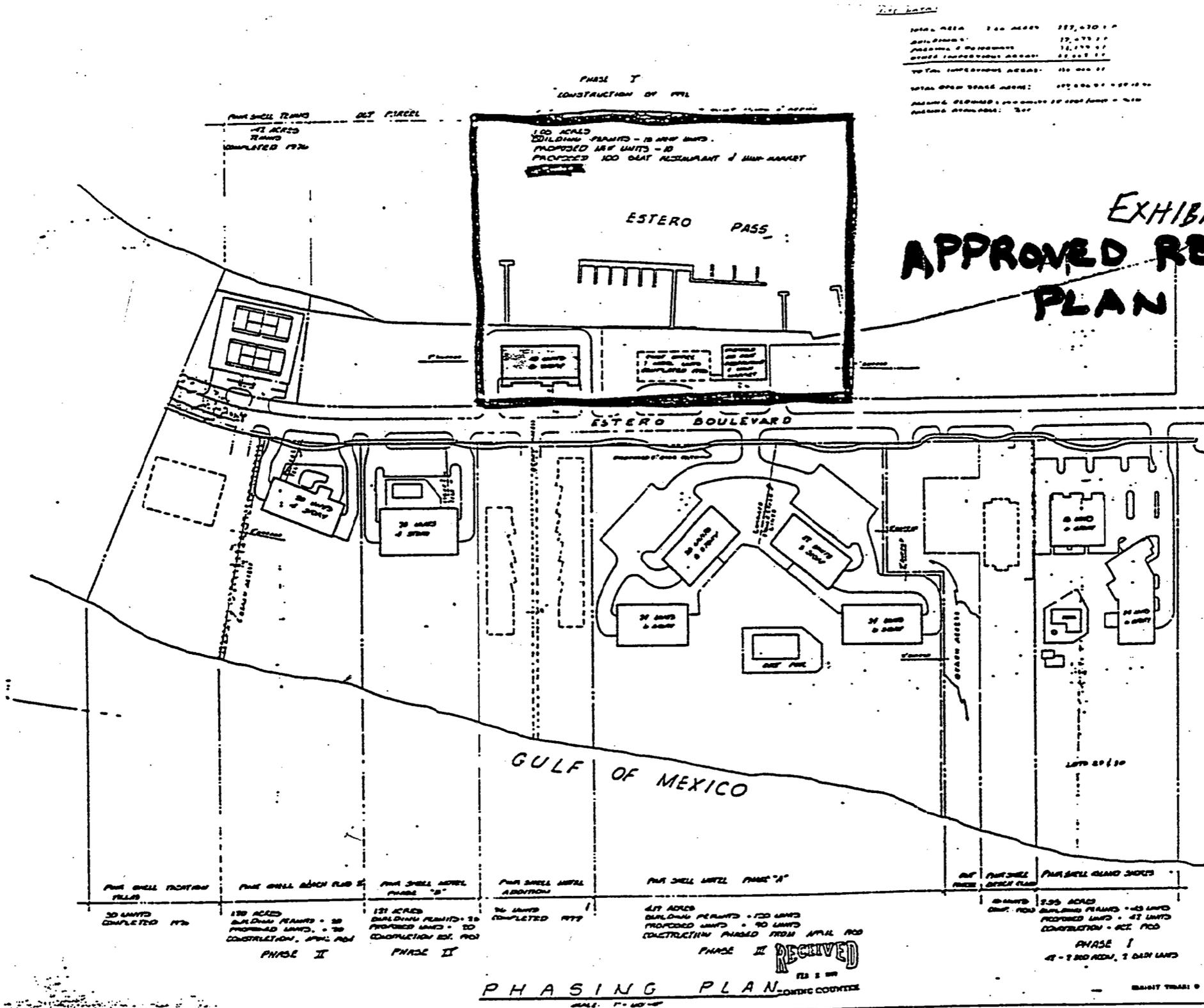
BY: Mary Gibbs  
Mary Gibbs  
Acting Director  
Department of Community Development

REC'D JUN 17 3 19 PM '87

PLANNING DEPARTMENT

CLERK SUZUIT PUNY  
LEL COUNTY I.A.

JUN 17 3 19 PM '87



# EXHIBIT I APPROVED RESORT PLAN



PHASE I

TOTAL AREA	100 ACRES	100,000 S.F.
BUILDING PERMITS	10 UNIT UNITS	10,000 S.F.
PROPOSED UNITS	100 UNITS	100,000 S.F.
TOTAL IMPROVEMENT AREA	100 ACRES	100,000 S.F.
TOTAL OPEN SPACE AREA	100 ACRES	100,000 S.F.
PERMITS OBTAINED	10 UNIT UNITS	10,000 S.F.
PERMITS AVAILABLE	100 UNITS	100,000 S.F.

SCALE: 1" = 100'

**RECEIVED**  
PLANNING DEPARTMENT  
ZONING COUNCIL

NOTICE: THIS PLAN IS SUBJECT TO THE ZONING ORDINANCES AND REGULATIONS OF THE COUNTY OF SAN DIEGO, CALIFORNIA. THE ZONING COUNCIL HAS REVIEWED THIS PLAN AND HAS DETERMINED THAT IT IS IN CONFORMANCE WITH THE ZONING ORDINANCES AND REGULATIONS OF THE COUNTY OF SAN DIEGO, CALIFORNIA.

SITE PLAN: 3-87-076

PRINTED ON  
JUN 29 1987

DEVELOPER:  
PFL  
100 ACRES  
100,000 S.F.

## PHASING PLAN

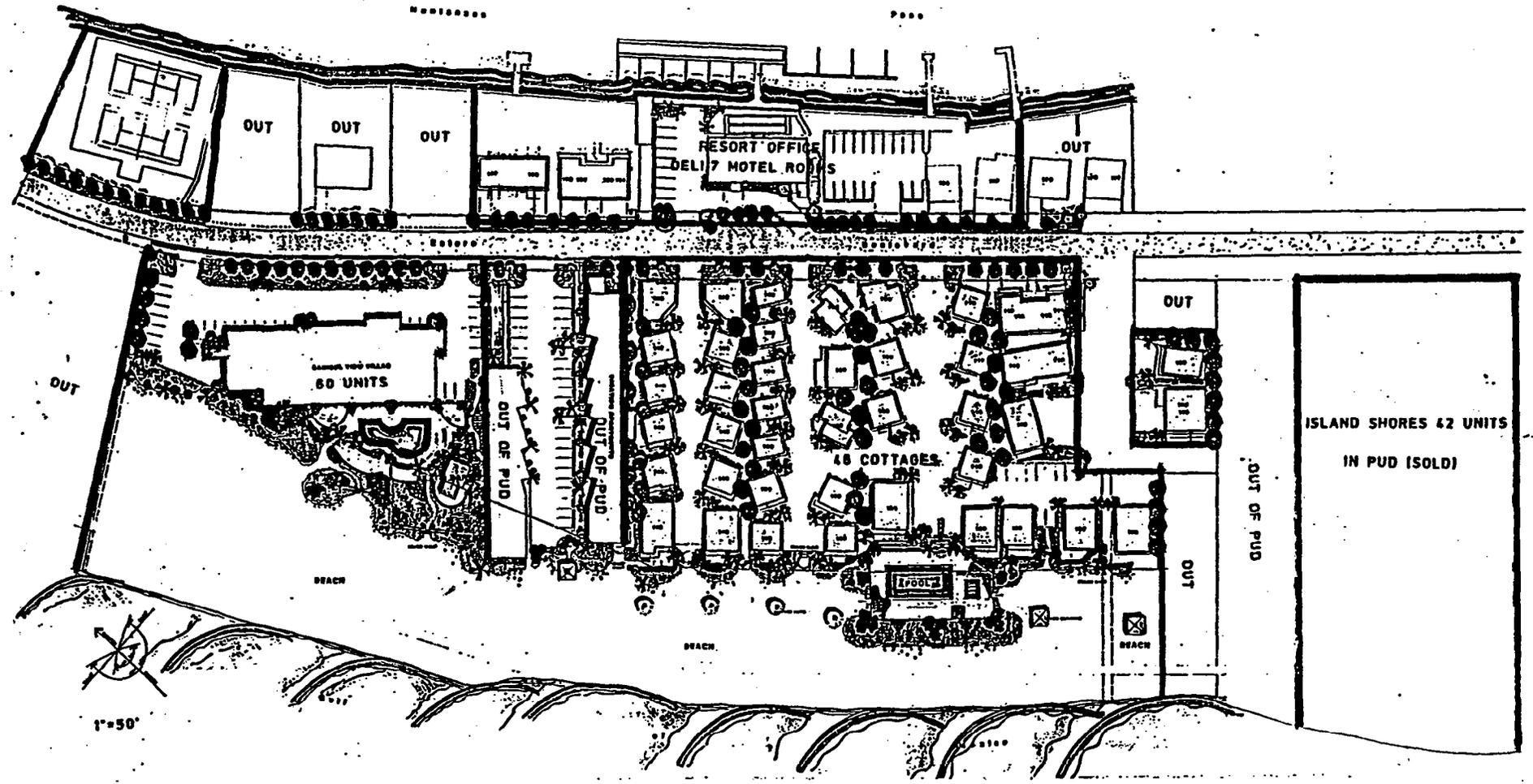
NO. OF UNITS	100
TOTAL AREA	100 ACRES
BUILDING PERMITS	10 UNIT UNITS
PROPOSED UNITS	100 UNITS
TOTAL IMPROVEMENT AREA	100 ACRES
TOTAL OPEN SPACE AREA	100 ACRES
PERMITS OBTAINED	10 UNIT UNITS
PERMITS AVAILABLE	100 UNITS

PHASING PLAN  
PFL  
100 ACRES  
100,000 S.F.

NO. 8403

APPROVED

Approved by  
Planning Commission  
on 11/15/10  
at 7:30 PM  
11/15/10



NOTE: THIS PLAN IS DESIGNED TO BE A GENERAL LOCATION OF USES, IT IS NOT A SURVEY.

EXHIBIT 4  
AS BUILT PLAN

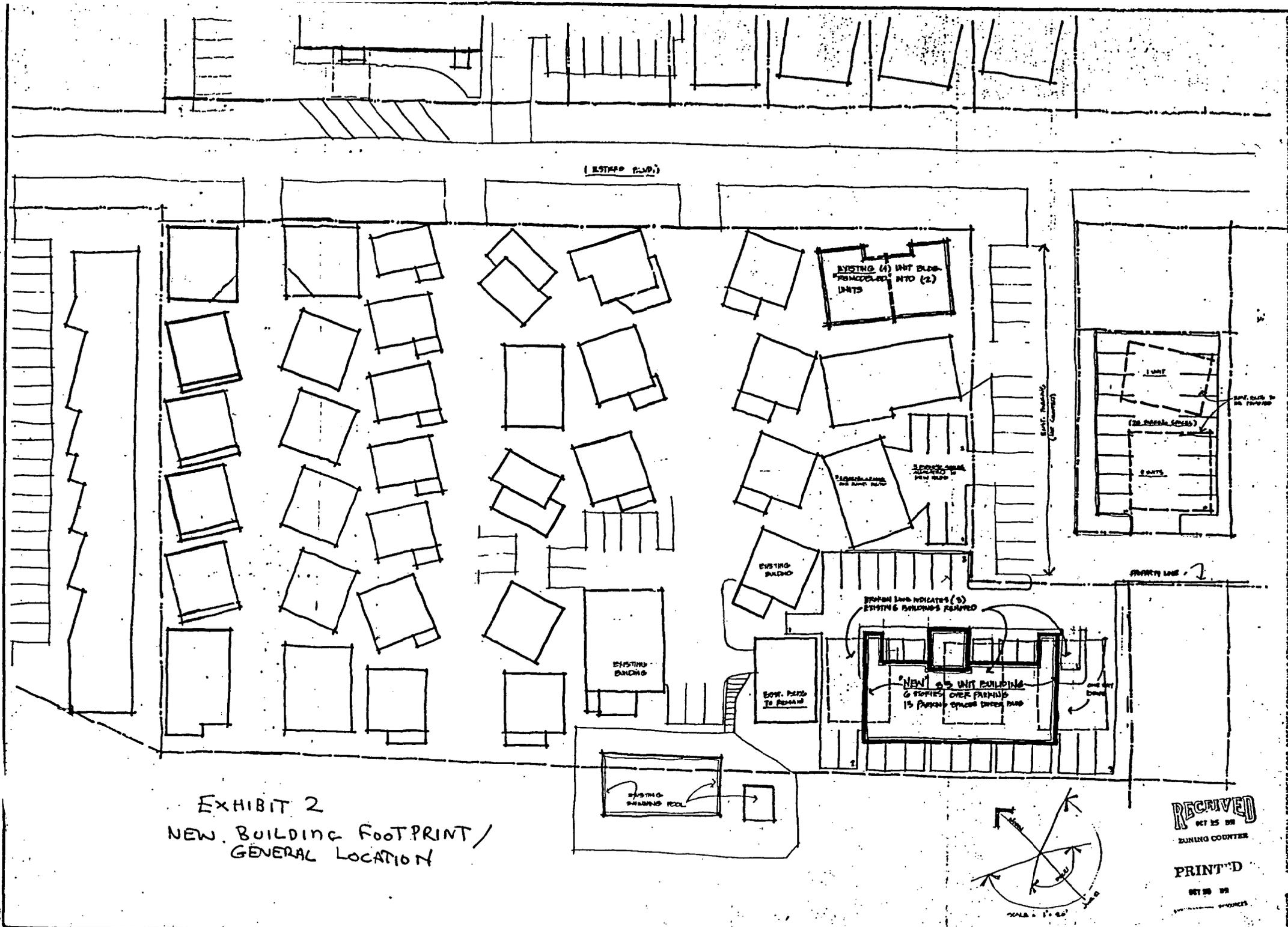
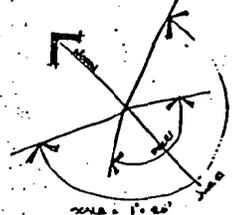


EXHIBIT 2  
NEW BUILDING FOOTPRINT /  
GENERAL LOCATION



RECEIVED  
OCT 25 09  
ZUNING COUNTER  
PRINT'D  
OCT 26 09

JULY 17 1971  
AUG 18 1971  
AUG 14 1971  
OCT 15 1971

Architectural Resources Corporation  
1550 Royal Palm Square Blvd. Suite 300  
Fort Myers Beach, Florida 33919  
Tel: 813-278-9338

BEACH FRONT SITE PLAN "STUDY"  
PINK SHELL RESORT  
FORT MYERS BEACH, FLORIDA

ARCHITECTURAL RESOURCES CORPORATION

ARCHITECTURAL RESOURCES CORPORATION 1550 ROYAL PALM SQUARE BLVD. SUITE 300 FORT MYERS BEACH, FLORIDA 33919 TEL: 813-278-9338

CONTRACT NO. ARCHITECTURAL RESOURCES CORP. RESERVES COPYRIGHT & OTHER RIGHTS RESTRICTING THESE DOCUMENTS TO THE ORIGINAL SITE OR PURPOSE FOR WHICH THEY WERE PREPARED. UNAUTHORIZED CHANGES OR ALTERATIONS ARE PROHIBITED.



10.50  
Billed

**2451870**

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

(Correcting and clarifying Resolution ZAB-84-196)

WHEREAS, Lee County Division of Zoning and Development Review properly filed for a correction of Resolution ZAB-84-196, Pink Shell, Inc., to correct scrivener's error in the summary of the Board's vote; and

WHEREAS, the subject property is located on the north end of Estero Island, in Section 24, Township 46 South, Range 23 East, Lee County, Florida:

WHEREAS, a public hearing was duly noticed and held before the Lee County Zoning Board, and the Lee County Board of County Commissioners; and

WHEREAS, the Board of County Commissioners promptly and succinctly acted on the petition on November 19, 1984, and an official Resolution was prepared and filed entitled Resolution Number ZAB-84-196, which reflected the correct zoning however, the summary of the Board vote was incorrect; and

WHEREAS, due to scrivener's and staff error, the resolution did not accurately reflect the summary of the vote of the Board. It became necessary to prepare and file an amendment to the resolution reflecting the correct Board vote of Hearing Number 83-9-12 DCI; and

WHEREAS, this correction was brought before the Lee County Board of County Commissioners at a public hearing and the correction was approved.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, LEE COUNTY FLORIDA, that Resolution ZAB-84-196 is hereby amended and corrected to provide as follows:

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a vote by Commissioner Roland Q. Roberts, and seconded by Commissioner Melvin Morgan, and upon being put to a vote, was as follows:

Porter J. Goss	Aye
Roland Eastwood	Aye
Roland Roberts	Aye
Bill Fussell	Aye
Melvin Morgan	Aye

REC 1988 PG 1298

4-35

RECORD VERIFIED - CHARJIE GREEN, CLERK  
BY: H. FERSTROM, D.C.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Mary Ann Wallace, and seconded by Commissioner Donald D. Slisher and, upon being put to a vote, the result was as follows:

John E. Manning	AYE
Charles L. Bigelow, Jr.	AYE
Mary Ann Wallace	AYE
Bill Fussell	AYE
Donald D. Slisher	AYE

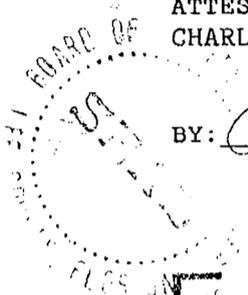
DULY PASSED AND ADOPTED this 25th day of April, A.D., 1988.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: Clara J. Wauck  
Deputy Clerk

BY: Bill Fussell  
Chairman



**FILED**

MAY 9 1988

CLERK CIRCUIT COURT  
BY Clara Wauck, D.C.

Approved as to form by:  
[Signature]  
County Attorney's Office

REC 988 PG 1 299

RECORDED & REPROD VERIFIED  
Charlie Green  
CLERK CIRCUIT COURT  
LEE COUNTY, FL

MAY 11 8 24 AM '88

45.0J  
BILLED

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

2114865

WHEREAS, Pink Shell, Inc., has properly filed an application for a Final PUD Development Plan Approval of Phase II thru Phase V, pursuant to Section 606.F.2, on a piece of property located on the north end of Estero Island, described more particularly as:

LEGAL DESCRIPTION: In Section 24, Township 46 South, Range 23 East, Lee County, Florida:

The westerly 25 feet of Lot 33 and all of Lots 34 through 36, Island Shores Unit 4, Plat Book 9 at page 37, together with Lots 2 through 4 & Lots 8 through 10, Gulf Shore, Plat Book 9 at page 88. (Phase III)

together with,

Lot 40 less Northwesterly 6.5 feet and all of Lot 39, Island Shores Club section, Plat Book 9 at page 41. (Phase IV)

together with,

The northwesterly 6.5 feet of Lot 40 and Lots 41 & 42 Island Shores Club Section and Lots 38 & 39, Block "D", Island Shores Club Section (Phase II)

together with,

The west 1/2 of Lot 29 and all of Lots 30 through 32, Block "D", Island Shores Unit 4, together with Lots 33 & 34 Block "D", Island Shores Club Section. (Phase V)

All in Section 24, Township 46 South, Range 23 East, Lee County, Florida.

WHEREAS, proper authorization has been given to Kenneth A. Jones, of Humphrey, Jones & Myers PA, by Pink Shell, Inc., the owner of the subject parcel, to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Zoning Board, with full consideration of all the evidence available to the Zoning Board; and

WHEREAS, the Lee County Zoning Board fully reviewed the matter and recommended approval of the Final PUD plans for Pink Shell, Phases 2 thru 5, subject to conditions outlined in the Staff report dated September 19, 1984, except deleting conditions #1, #3, and #6; deleting the last 8 words of #4, and deleting the first 12 words of #7; and

RECORDS VERIFIED - CHRYSTAL... BY H. FERNSTROM, D.C.

REC 1853 PG 1 232

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and

WHEREAS, in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the Staff, the Local Planning Agency, the Zoning Board, the documents on file with the County, and the testimony of all interested persons:

LEGISLATIVE HISTORY:

The Local Planning Agency found the request to be inconsistent with the Comprehensive Plan due to Conservation and Coastal Zone, Objective 6 and Housing Policy 9.h, but with the proviso that Staff consideration was that the preliminary approval has already been granted for this PUD and that this request was for Final PUD (on Phase II through V only). The Final PUD approval was granted for Phase I in November 1983 and this specific request was for the remainder of the project. The Zoning Board recommended approval of the Final PUD plans for Pink Shell, Phases 2 thru 5, subject to conditions, and found that the Final PUD plans, including revisions dated September 21 and 24, 1984, were in substantial conformance with the approved preliminary PUD plan, except for certain issues which were addressed in the conditions adopted as part of the Zoning Board motion. The Zoning Appeals Board heard this request on November 13 and November 19, 1984, and approved the Final PUD plans subject to certain conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS AS THE ZONING APPEALS BOARD, that the Zoning Appeals Board does hereby APPROVE the complete set of plans for Final PUD, Phases II through V, which consists of the eight pages submitted for a preliminary development order on September 7th with revisions to Pages 2, 5 and 6 dated September 21st and revisions to Page 3 dated September 24, 1984, which are in substantial compliance with the approved Preliminary PUD, and which are approved subject to the following conditions:

1. Prior to issuance of a final development order, landscape plans shall be included in the submission which are in substantial conformance with the "Streetscape Study" prepared by A. Gail Boorman & Associates dated April 6, 1981, to fulfill condition #7 of the preliminary approval, a commitment to landscape both sides of Estero Boulevard;
2. The 6 parking spaces shown on page 6 are for the exclusive use of the Pink Shell Vacation Villas, to fulfill condition #8 of the preliminary approval;
3. Existing buildings are shown on these plans which are not a part of this P.U.D. approval. Any non-conforming status of such buildings is not modified by this approval; and
4. Prior to issuance of a preliminary development order, the proposed beach access agreements, amended to include allowance for county maintenance of those easements, shall be executed and recorded into the Official Records of Lee County.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Roberts, and seconded by Commissioner Morgan and, upon being put to a vote, was as follows:

Porter J. Goss	Aye
Roland Eastwood	Aye
Mary Ann Wallace	Aye
Bill Fussell	Aye
Donald D. Slisher	Aye

DULY PASSED AND ADOPTED this 19th day of November, A.D., 1984.

ATTEST:  
CHARLIE GREEN, CLERK

BY: Mary Armentrout  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: [Signature]  
Chairman

Approved as to form by:

[Signature]  
County Attorney's Office

FILED

JUN 19 1986

CLERK CIRCUIT COURT  
BY Cindy Proia D.C.

REC 103305230

# CONSTRUCTION PLANS

# PINK SHELL

SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST

FORT MYERS BEACH, LEE COUNTY, FLORIDA

INDEX:

- 1. COVER SHEET
- 2. PHASING PLAN
- 2A. PHASING PLAN W/ALT. S.T.P.
- 3-6. SITE DEVELOPMENT PLANS
- 7. SEWER, WATER & PAVING DETAILS



LOCATION MAP

DEVELOPER:

PINK SHELL, INC.  
 326 ESTERO BOULEVARD  
 FORT MYERS, BEACH, FLORIDA 33931  
 (813) 463-5764

FOR REVIEW AND APPROVAL USE ONLY  
 NOT FOR CONSTRUCTION

INK ENGINEERING, INC.  
 260 PROFESSIONAL PLACE  
 N. FORT MYERS, FLORIDA 33903  
 (813) 998-8500

GORDON D. MEIERS  
 FL. REG. PE. No. 16478

83-9-12 DCI  
 SP-84-196

RECEIVED  
 SEP 07 1984

MARCH 1984

JOB NO. 8403

PHASE I  
 CONSTRUCTION BY PML  
 100 ACRES  
 BUILDING REMAINS - 10 NEW UNITS  
 PROPOSED NEW UNITS - 10  
 PROPOSED 100 SEAT RESTAURANT & BUILT MARKET

EST. COST \$1,000,000  
 TOTAL AREA 710 ACRES 110,000 S.F.  
 BUILDING 100,000 S.F.  
 RESTAURANT 10,000 S.F.  
 MARKET 10,000 S.F.  
 TOTAL INVESTMENT \$1,000,000  
 TOTAL OTHER STATE AID \$1,000,000  
 TOTAL \$2,000,000  
 FINANCING \$1,000,000  
 PROPOSED \$1,000,000

PHASE II  
 120 ACRES  
 BUILDING REMAINS - 10  
 PROPOSED NEW UNITS - 20  
 CONSTRUCTION BY PML

PHASE III  
 417 ACRES  
 BUILDING REMAINS - 120 UNITS  
 PROPOSED NEW UNITS - 10 UNITS  
 CONSTRUCTION BY PML

PHASE IV  
 21 ACRES  
 BUILDING REMAINS - 20  
 PROPOSED NEW UNITS - 10  
 CONSTRUCTION BY PML

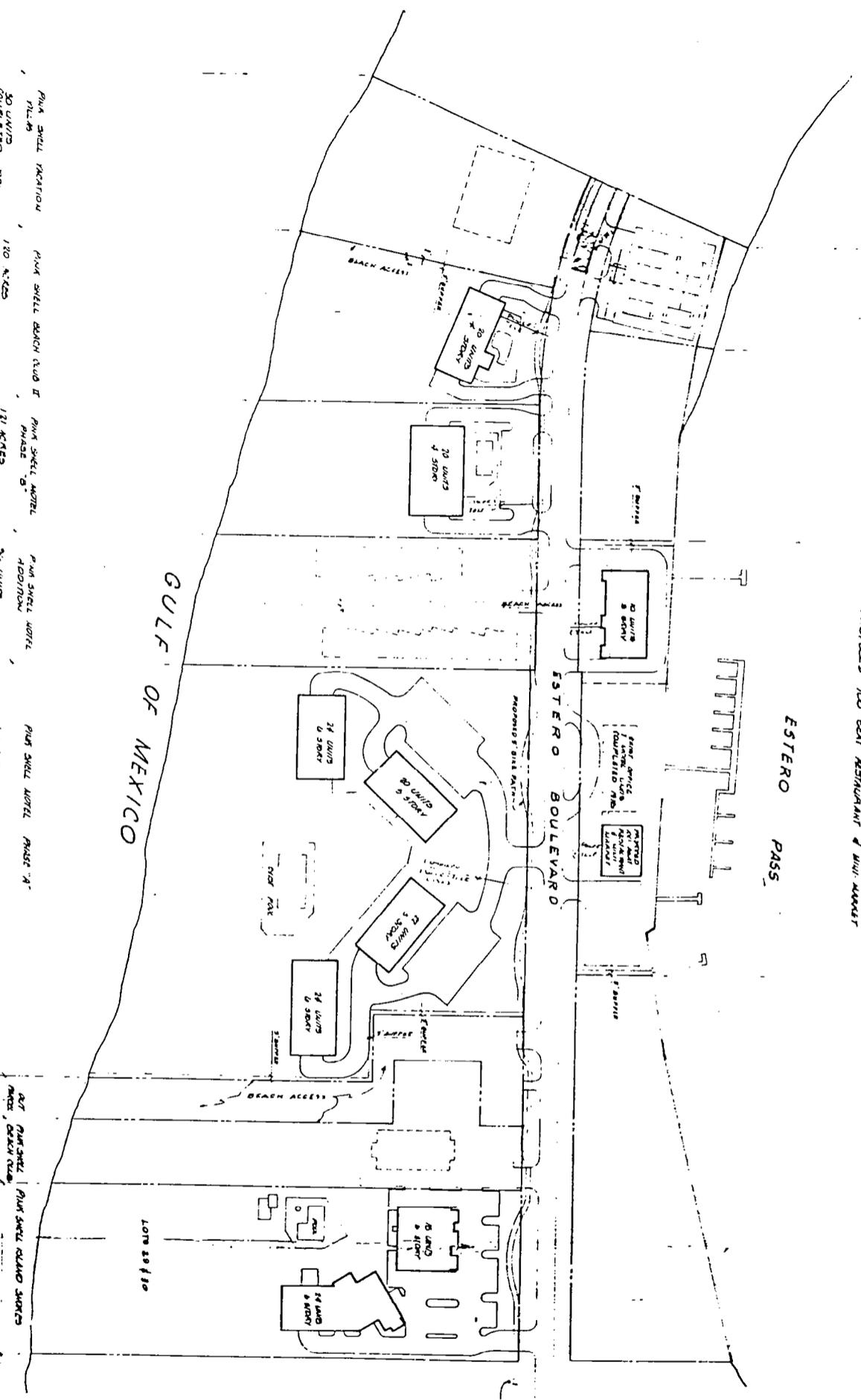
PHASE V  
 50 ACRES  
 BUILDING REMAINS - 20  
 PROPOSED NEW UNITS - 10  
 CONSTRUCTION BY PML

PHASE VI  
 50 ACRES  
 BUILDING REMAINS - 20  
 PROPOSED NEW UNITS - 10  
 CONSTRUCTION BY PML

GULF OF MEXICO

ESTERO BOULEVARD

ESTERO PASS



PHASING PLAN

NOTE:  
 1. TRANSFERRING TO BLAT  
 2. SHOWN PER PLAN BY  
 3. ALL DIMENSIONS ARE  
 4. AS SHOWN ON THIS PLAN  
 5. UNLESS OTHERWISE  
 6. NOTED

FOR REVIEW AND APPROVAL USE ONLY  
 DATE: 5.3.97  
 BY: SP. 84.196

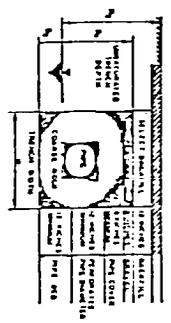
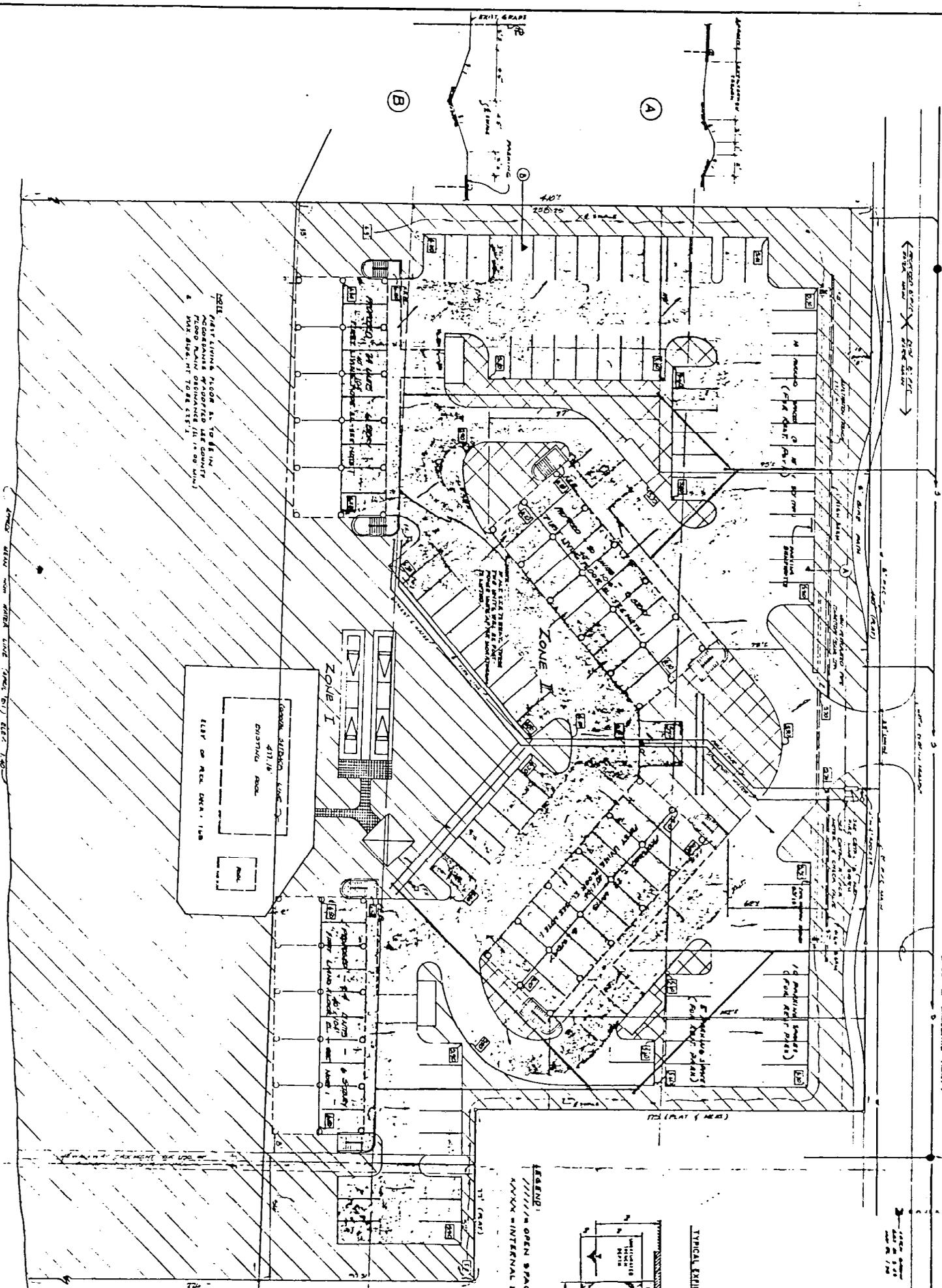
INK ENGINEERING INC.  
 200 PROFESSIONAL PLACE  
 NORTH FORT MYERS, FLORIDA 33901  
 (813) 938-1100

DATE	11/00	REVISION	1
SCALE	AS SHOWN	DESIGNED BY	SP. 84.196
DRAWN BY	SP. 84.196	CHECKED BY	SP. 84.196
DATE	11/00	APPROVED BY	SP. 84.196

PHASING PLAN  
 PINK SHELL DEVELOPMENT  
 SECTION 24 TOWNSHIP 46 SOUTH, RANGE 25 EAST  
 FORT MYERS BEACH, LEE COUNTY, FLORIDA



TYPICAL  
 10' x 10' GRASS  
 AND 5' x 5' GRASS  
 CONCRETE AND ASPHALT  
 DRIVE & SIDEWALK  
 CURB & GUTTER  
 CURB & SIDEWALK  
 CURB & SIDEWALK



TYPICAL EXPIRATION TRENCH

LEGEND:  
 // // // // INTERNAL OPEN SPACE  
 - - - - - INTERNAL LANDSCAPE AREA

NOTE:  
 1. ALL EXISTING ROOMS SHALL BE RE-CONCRETE/RE-PAINTED BY THE CONTRACTOR.  
 2. ALL EXISTING ROOMS SHALL BE RE-PAINTED BY THE CONTRACTOR.  
 3. ALL EXISTING ROOMS SHALL BE RE-PAINTED BY THE CONTRACTOR.

FOUND:  
 1. 10' x 10'  
 2. 5' x 5'  
 3. 5' x 5'

RECEIVED  
 8/28/83  
 SPBWA.196  
 63-5-12004

DEVELOPER:  
 PINK SHELL MOTEL  
 7001 WILSON AVENUE, PUNTA GORDA, FLORIDA 33951  
 8403  
 5 of 7

PRELIMINARY SITE DEVELOPMENT  
 PINK SHELL MOTEL - PHASE III  
 SECTION 24 TOWNSHIP 26 SOUTH RANGE 23 EAST  
 FORT MYERS BEACH, LEE COUNTY, FLORIDA

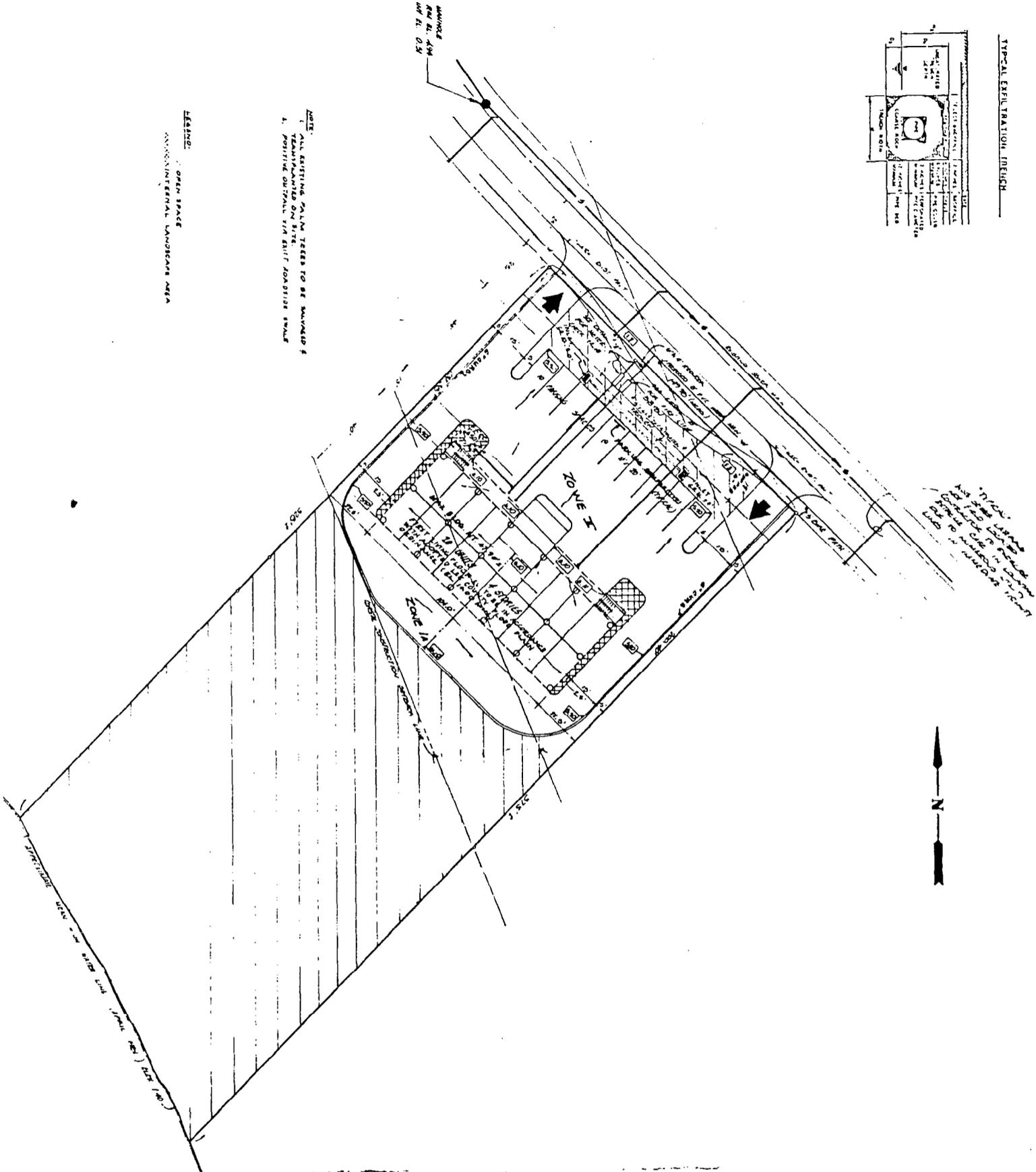
DATE	REVISION	BY	CHKD
8/1/83	REVISED PER 10	CM	
7/1/83	ADDED CURB & SIDEWALK	CM	
6/1/83	REVISED PER 10	CM	
5/1/83	REVISED PER 10	CM	
4/1/83	REVISED PER 10	CM	
3/1/83	REVISED PER 10	CM	
2/1/83	REVISED PER 10	CM	
1/1/83	REVISED PER 10	CM	

HWK ENGINEERING INC  
 200 PROFESSIONAL PLAZA  
 NORTH FORT MYERS, FLORIDA  
 [Signature]



TYPICAL EXPLANATION SHEET

1. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN FEET AND INCHES.	1/4"
2. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN FEET AND INCHES.	1/8"
3. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN FEET AND INCHES.	1/16"
4. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN FEET AND INCHES.	1/32"
5. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN FEET AND INCHES.	1/64"
6. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN FEET AND INCHES.	1/128"
7. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN FEET AND INCHES.	1/256"
8. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN FEET AND INCHES.	1/512"
9. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN FEET AND INCHES.	1/1024"
10. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN FEET AND INCHES.	1/2048"



FOR REVIEW AND APPROVAL USE ONLY  
NOT FOR CONSTRUCTION

SP. 84-196

DEVELOPER:  
PINK SHELL, INC.  
1000 W. WASHINGTON ST., TAMPA, FL 33601  
(813) 281-2700

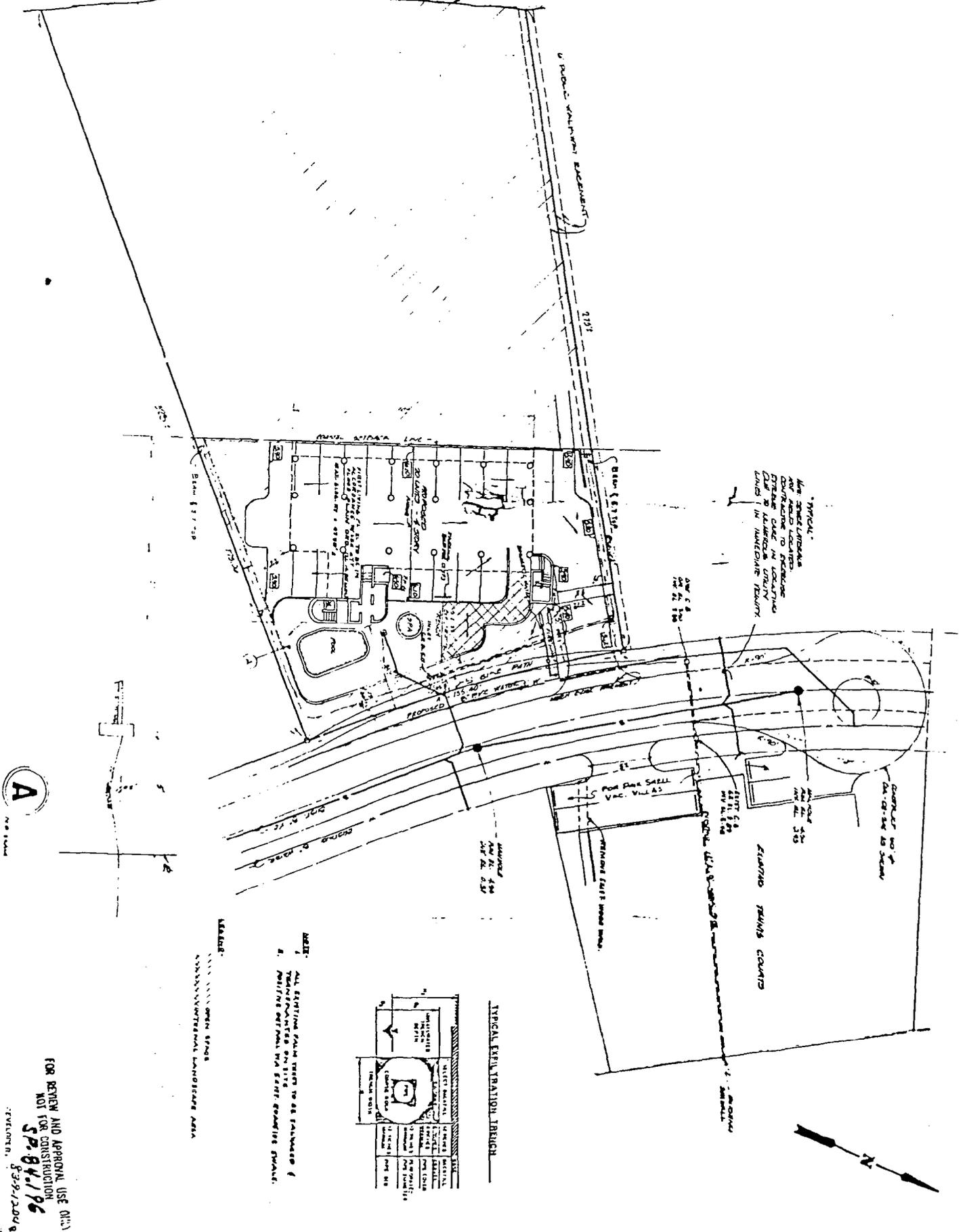
DATE	REV	DESCRIPTION
7-81	1	PRELIMINARY SITE PLAN
7-81	2	REVISIONS TO PRELIMINARY SITE PLAN
7-81	3	REVISED DRAINAGE
7-81	4	
7-81	5	
7-81	6	
7-81	7	
7-81	8	
7-81	9	
7-81	10	

INK ENGINEERING INC  
200 PROFESSIONAL PLAZA  
NORTH FORT MYERS, FLORIDA

PRELIMINARY SITE DEVELOPMENT  
PINK SHELL MOTEL - PHASE IV  
SECTION 24 TOWNSHIP 16 SOUTH, RANGE 25 EAST  
FOOT WINDY BEACH, LEE COUNTY, FLORIDA

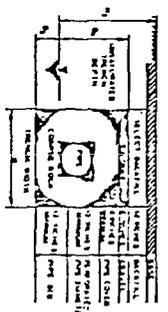
GULF OF MEXICO

APPROX. MEAN HIGH WATER LINE APRIL 1950 P.L. 140



ALL STRUCTURES AND AREAS LOCATED OUTSIDE THE PROPERTY LINES IN INDICATED TRENCH

- NOTE: ALL EXISTING PALM TREES TO BE PRESERVED & TRANSPLANTED ON SITE.
- NOTE: ALL EXISTING PALM TREES TO BE PRESERVED & TRANSPLANTED ON SITE.



TYPICAL EXPIRATION TRENCH

A

FOR REVIEW AND APPROVAL USE ONLY  
NOT FOR CONSTRUCTION

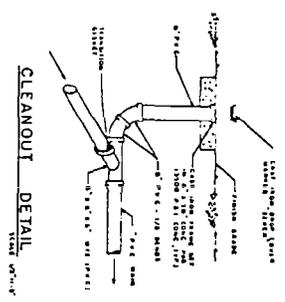
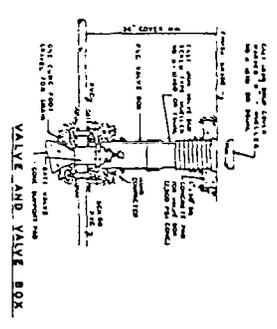
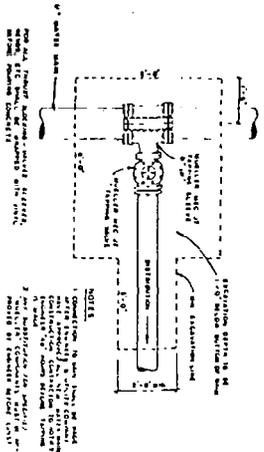
SP. 841/96

DATE: 8-3-72  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
APPROVED BY: [Name]

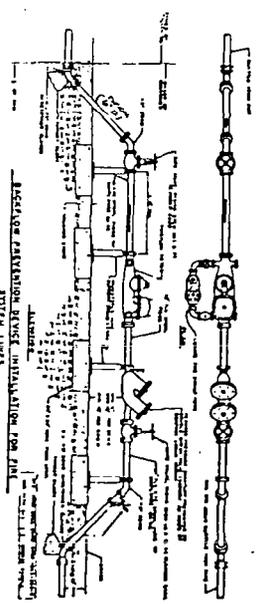
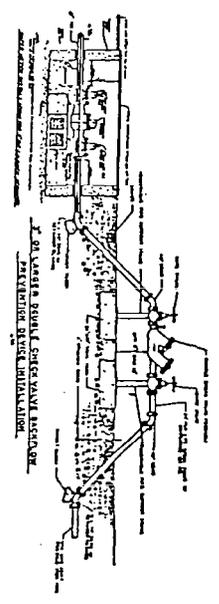
PRELIMINARY SITE DEVELOPMENT  
SHELL BEACH CLUB II (PHASE II)  
SECTION 24 TOWNSHIP 46 SOUTH, RANGE 23 EAST  
FORT MYERS BEACH, LEE COUNTY, FLORIDA

DATE	BY	REVISION
8/3/72	[Name]	PRELIMINARY
8/3/72	[Name]	REVISED
8/3/72	[Name]	REVISED
8/3/72	[Name]	REVISED

THE ENGINEERING INC.  
200 PROFESSIONAL PLACE  
FORT MYERS, FLORIDA 33901



NOTE: CONTRACTOR SHALL INSTALL ALL WATER DEVICES & SERVICES IN ACCORDANCE WITH FLORIDA CITIES WATER COMPANY REGULATIONS & SPECIFICATIONS. CONTRACTOR SHALL INSTALL ALL SEWER LINES, SEWER CONNECTIONS, ETC. IN ACCORDANCE WITH LEE COUNTY UTILITIES REGULATIONS & SPECIFICATIONS.



FOR REVIEW AND APPROVAL USE ONLY  
NOT FOR CONSTRUCTION

83-9-12  
SP-84-196

NO.	DATE	REVISIONS
1	8/1/67	ISSUED FOR CONSTRUCTION
2	8/1/67	REVISED
3	8/1/67	REVISED
4	8/1/67	REVISED
5	8/1/67	REVISED
6	8/1/67	REVISED
7	8/1/67	REVISED

RECORDED AND RECORD VERIFIED  
CLERK CIRCUIT COURT  
LEE COUNTY FLA  
98 AM 85 1 97 NJF

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS

OF LEE COUNTY, FLORIDA

WHEREAS, Pink Shell Development Corporation, has properly filed an application for: In the P.U.D. District, a Final P.U.D. Site Plan Approval for Phase I on a piece of property located at 394 Estero Boulevard, Fort Myers Beach, Florida, described more particularly as;

Section 24, Township 46S, Range 23E, Lee County, Florida.

Lots 29 and 30 in that certain subdivision known as Unit No. 4, Island Shores, according to the map or plat thereof recorded in Plat Book 9, Page 37, Public Records of Lee County, Florida.

WHEREAS, Genevieve Davis, Roxanna Smith, and Robert C. Davis, Jr., the owners of the subject parcel have given proper authorization to Beverly Myers Grady to act as their agent, and have given her the authority to pursue this zoning action; and,

WHEREAS, a public hearing was legally and properly held before the Lee County Zoning Board, with full consideration of all the evidence available to the Zoning Board; and,

WHEREAS, the Lee County Zoning Board fully reviewed the matter and recommended approval of the submitted Final Site Plan for Phase I, with the stipulation that the following four conditions be rectified prior to the Zoning Appeals Board Hearing: 1) plan fails to indicate a positive outfall from surface water retention; 2) plans do not contain service agreements for potable water and waste water; 3) plans do not indicate type and location treated waste-water disposal; and 4) location of WWTP, which is not in compliance

with regulations, should be brought into compliance or appropriate variance should be sought with evidence that requirements cannot be met.

WHEREAS, an appeal was timely filed by an aggrieved person/the Division of Community Development; and,

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and,

WHEREAS, the Board of County Commissioners considered the recommendations of the Staff, the Local Planning Authority, the Zoning Board, the documents on file with the County, and the testimony of all interested persons,

The Board of County Commissioners after full and complete consideration of the matter does hereby make the following findings of fact:

LEGISLATIVE HISTORY: This is a development of county impact and the staff comments are on an individual departmental basis. The Current Planning Department recommended approval of the final site plan for Phase I and commented that any differences between the preliminary plan and the final plan were not substantial. Current Planning also recommended approval following a concurrent review under the Development Standards Ordinance since the initial four exceptions concerning surface water retention, potable water and wastewater, wastewater disposal and wastewater treatment had been rectified prior to November 14, 1983, hearing. Since this was a final P.U.D. review, Long Range Planning deferred to the Current Planning Department for technical recommendations. The Department of Transportation recommended denial until the final site plan had been approved by the Staff Committee. The Division of Environmental Protection Services noted that the plan showed the parcel would tie into the Florida Cities Water Service, that due to a moratorium in the Fort Myers Beach Sewer System an alternative sewage disposal method would be necessary. Disaster Preparedness Agency had no objection to the approval, but noted that the minor impact on hurricane evacuation on this development would be compounded by the addition of other developments in this area. The Local Planning Agency found that the density would not be consistent with the Comprehensive Plan unless this was a "special innovative project". The Zoning Board recommended approval

of the final plan if the four exceptions noted by the Current Planning Department were corrected. The applicant represented that the Phase I density would be a total of 42 units and that the final total density would be 182 units. The Board of County Commissioners found that there was substantial compliance with the preliminary plan, but expressed reservations that the density, as approved, was appropriate. However, due to the litigation involved in this case and the binding court order which is in effect, they felt that they had no alternative but to approve the site plan for Phase I.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS AS THE ZONING APPEALS BOARD, that the Zoning Appeals Board does hereby grant a final P.U.D. site plan approval for Phase I.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon motion by Commissioner Roberts, and seconded by Commissioner Fussell, and upon being put to a vote, was as follows:

Roland Eastwood	Aye
Melvin Morgan	Aye
Bill Fussell	Aye
Porter Goss	Aye
Roland Roberts	Aye

DULY PASSED AND ADOPTED this 14th day of November, A.D., 1983.

ATTEST:  
SAL GERACI, CLERK

BY: *Sally Geraci*  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: *R. Eastwood*  
Chairman

Approved as to form by:

*James C. [Signature]*  
County Attorney

RESOLUTION NUMBER Z-82 170

The following resolution was adopted by the Lee County Zoning Board upon motion by Zoning Board Member Taylor, and seconded by Zoning Board Member Terrell, and upon poll of the members present the vote was as follows:

William Spikowski	No	Robert Terrell	Aye
Chuck Ross	Aye	Truman A. Morris	Absent
Thad Taylor	Aye	Monty Bishop	Aye
Thomas C. Smith	No		

WHEREAS Kenneth A. Jones, Esq., on behalf of Pink Shell Resorts has requested a change in zoning from RM-2 to PUD.

SUBJECT PROPERTY: Sec. 24, Twp. 46S, Rge. 23E, Lee County, Florida.

Lots 29 & 30 of Island Shores Unit 4 as recorded in Plat Book 9 at Page 37; Public Records of Lee County, Florida.

together with,

The westerly 25 feet of Lot 33 and all of Lots 34 through 36, Island Shores Unit 4, Plat Book 9 at Page 37, together with Lots 2 through 4 & Lots 8 through 10, Gulf Shore, Plat Book 9 at Page 88.

together with,

Lot 40 less Northwesterly 6.5 feet and all of Lot 39, Island Shores Club Section, Plat Book 9 at Page 41.

together with,

The Northwesterly 6.5 feet and all of Lot 39, Island Shores Club Section, Plat Book 9 at Page 41.

together with,

The Northwesterly 6.5 feet of Lot 40 and Lots 41 & 42 and Lots 38 & 39, Block "D", Island Shores Club Section.

together with,

The West 1/2 of Lot 29 and all of Lots 30 through 32, Block "D", Island Shores Unit 4, together with Lots 33 & 34 Block "D", Island Shores Club Section.

All in Section 24, Township 46 South, Range 23 East, Lee County, Florida.

WHEREAS, A Public Hearing of the Lee County Zoning Board was duly advertised and held, as required by law, and after hearing interested parties, and upon due and proper consideration having been given to the matter,

NOW THEREFORE BE IT RESOLVED by the Lee County Zoning Board, Lee County, Florida, that the Zoning Board hereby recommends that the change in zoning from RM-2 to PUD be approved per the plan as submitted with the removal of the

cul-de-sac and parking area and to continue the bike path with the money from those two portions.

UPON APPEAL, the following resolution was offered by Commissioner Roberts, and seconded by Commissioner Rodda, and upon poll of the members present the vote as as follows:

Mike Roeder	Absent
Harry Rodda	Aye
Roland Q. Roberts	Aye
Wade H. Scaffa	Aye
Ernie Averill	Aye

WHEREAS, an appeal was filed by The Division of Community Development and a Public Hearing of the Lee County Commissioners was duly advertised and held, as required by law, this Board after reviewing the records and the recommendation made by the Zoning Board and having given an opportunity to interested persons to be heard, and upon due and proper consideration having been given to this matter,

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Lee County, Florida, that the recommendation of the Zoning Board be set aside and the Board of County Commissioners hereby grants approval of the PUD plan as submitted with the removal of the cul-de-sac and parking area and to continue the bike path with the money from those two portions for a total of \$6,000.00 donation towards that construction and to include 8 points agreed to by Pink Shell as follows:

- 1) A reduction in density of 20%, from 21.2 units per acre to 17.1 units per acre or a total reduction in the number of units from 225 to 182.
- 2) The construction of the PUD will be phased over a minimum of 10 years.
- 3) No building at the resort will exceed 6 stories over parking.
- 4) Construction of a bike path the length of the development which is approximately one-quarter ( $\frac{1}{4}$ ) of a mile or 1,350 feet.
- 5) Three (3) beach access points, public and semi-public.

6) Contribution toward improvements to Estero Boulevard, either curbing or widening in the amount of \$8,100.00.

7) A street-scaping plan which provides for vegetation and aesthetic considerations in the development of Estero Boulevard at that location.

8) Six (6) additional parking spaces for the condominium owners at the end of the resort property.

Site Plan #SP-82-170 is attached hereto and incorporated herein by reference

PASSED AND ADOPTED THIS 27th DAY OF APRIL, 1982 by the Lee County Zoning Board.

PASSED AND ADOPTED THIS 21st DAY OF JUNE, 1982 by the Lee County Commissioners.

RESOLUTION NUMBER Z-82-170 HEARING NUMBER 82-3-28 (DCI)

ATTEST:

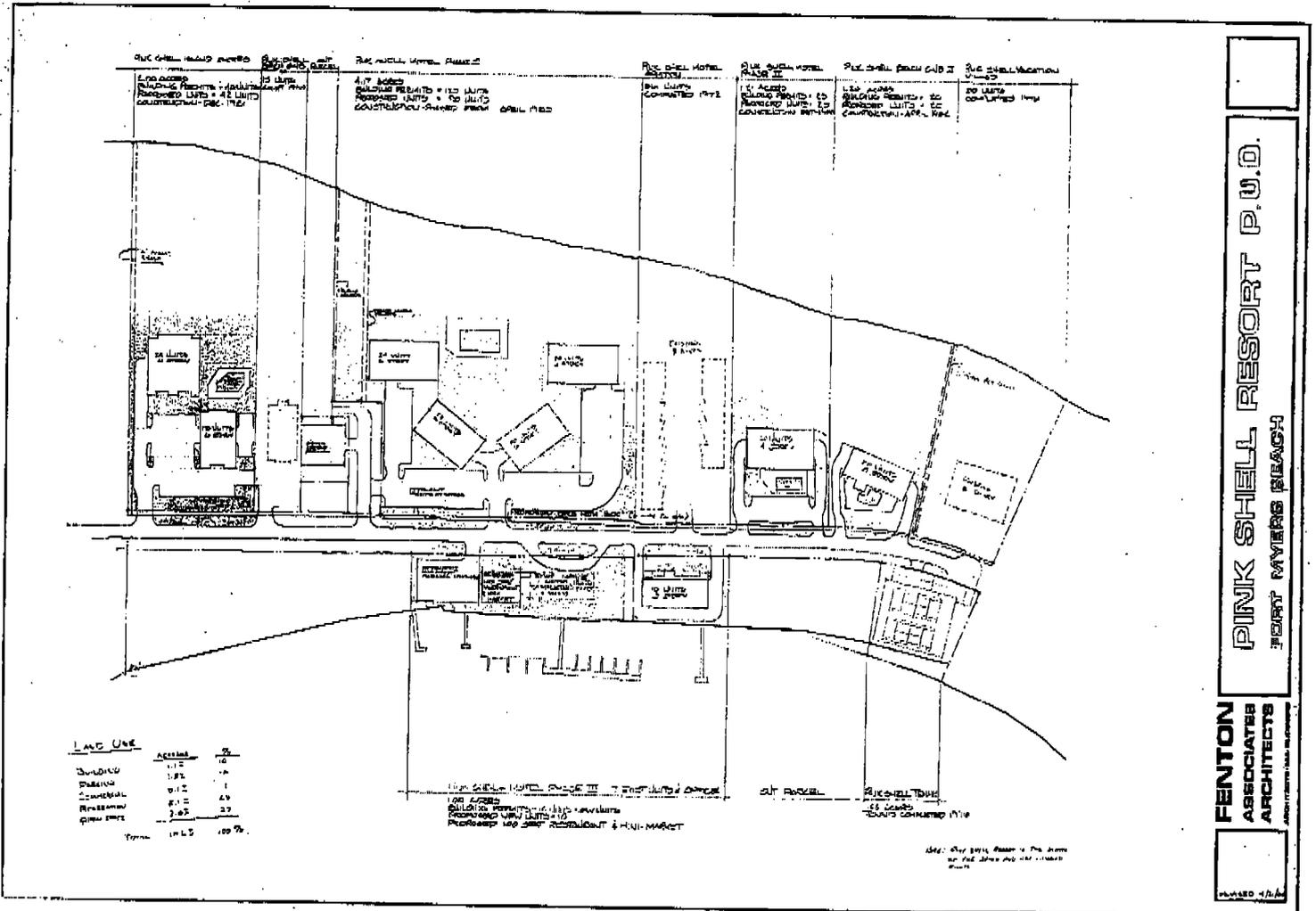
SAL GERACI, CLERK

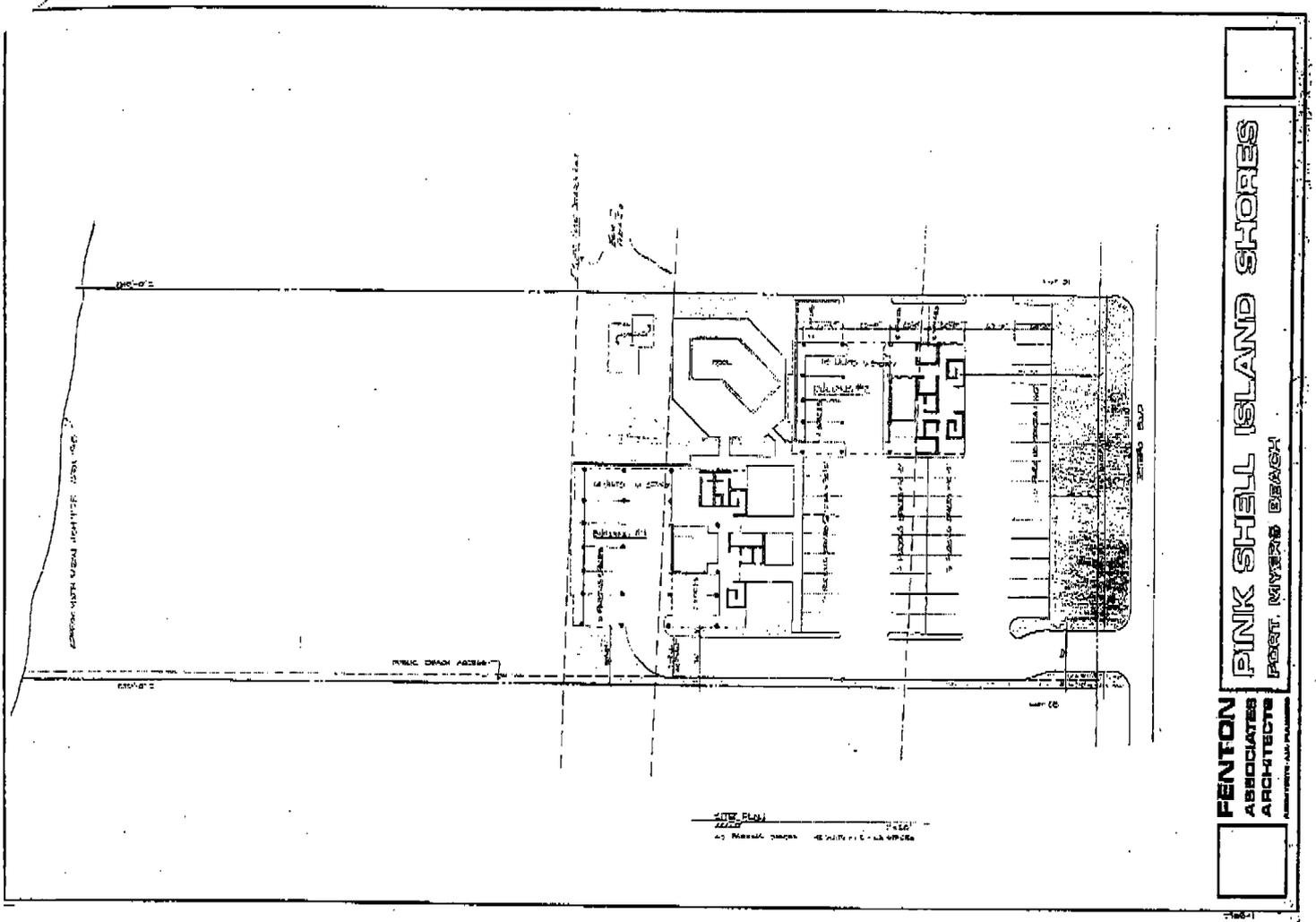
BY: *Sally Geraci*  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

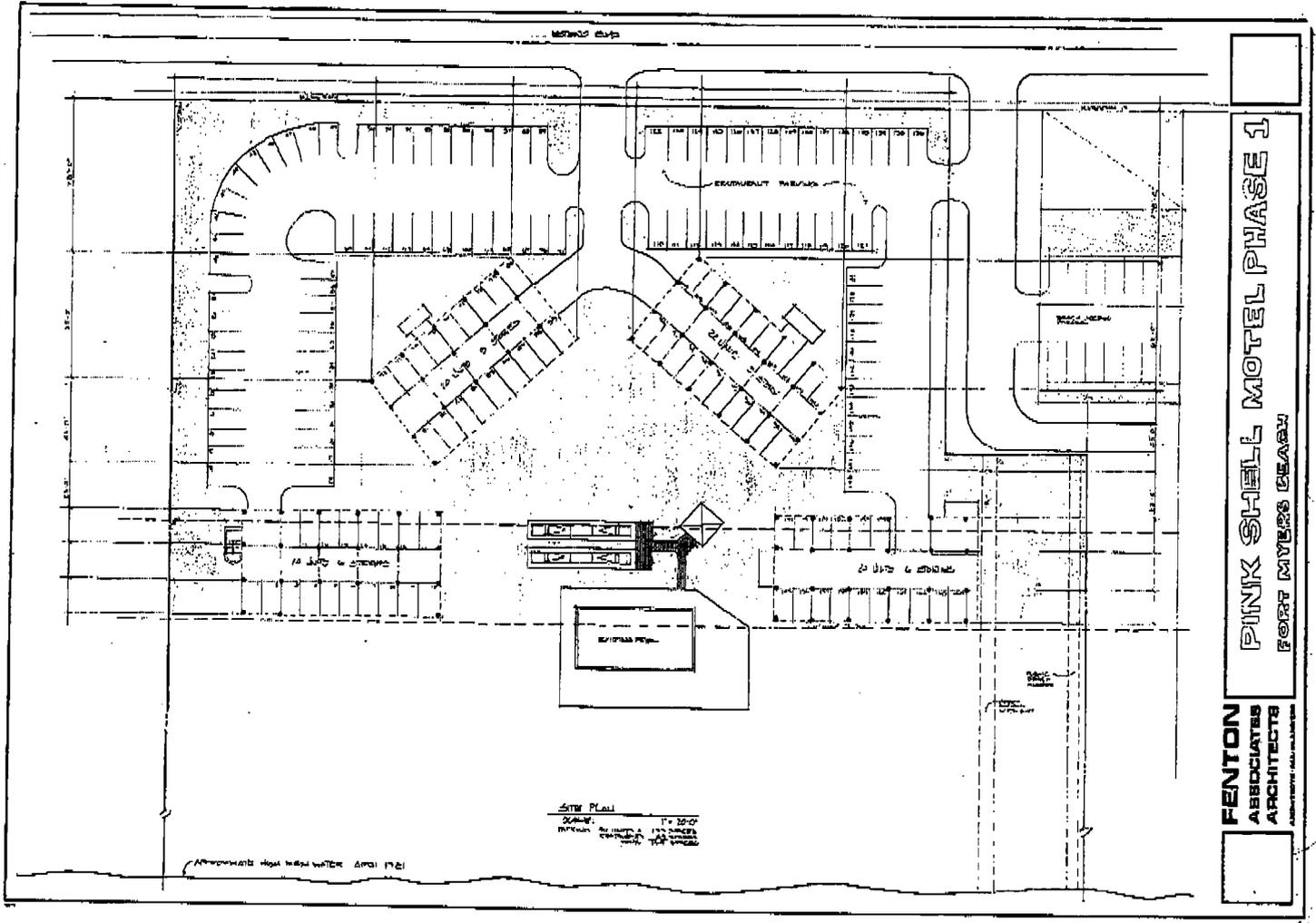
BY: *Ernest Orvell*  
Chairman

APPROVED AS  
TO BE  
BY: *Michael J. ...*  
COUNTY CLERK





**FENTON ASSOCIATES ARCHITECTS**  
 ARCHITECTS & PLANNERS  
**PINK SHELL ISLAND SHORES**  
 FORT MYERS BEACH

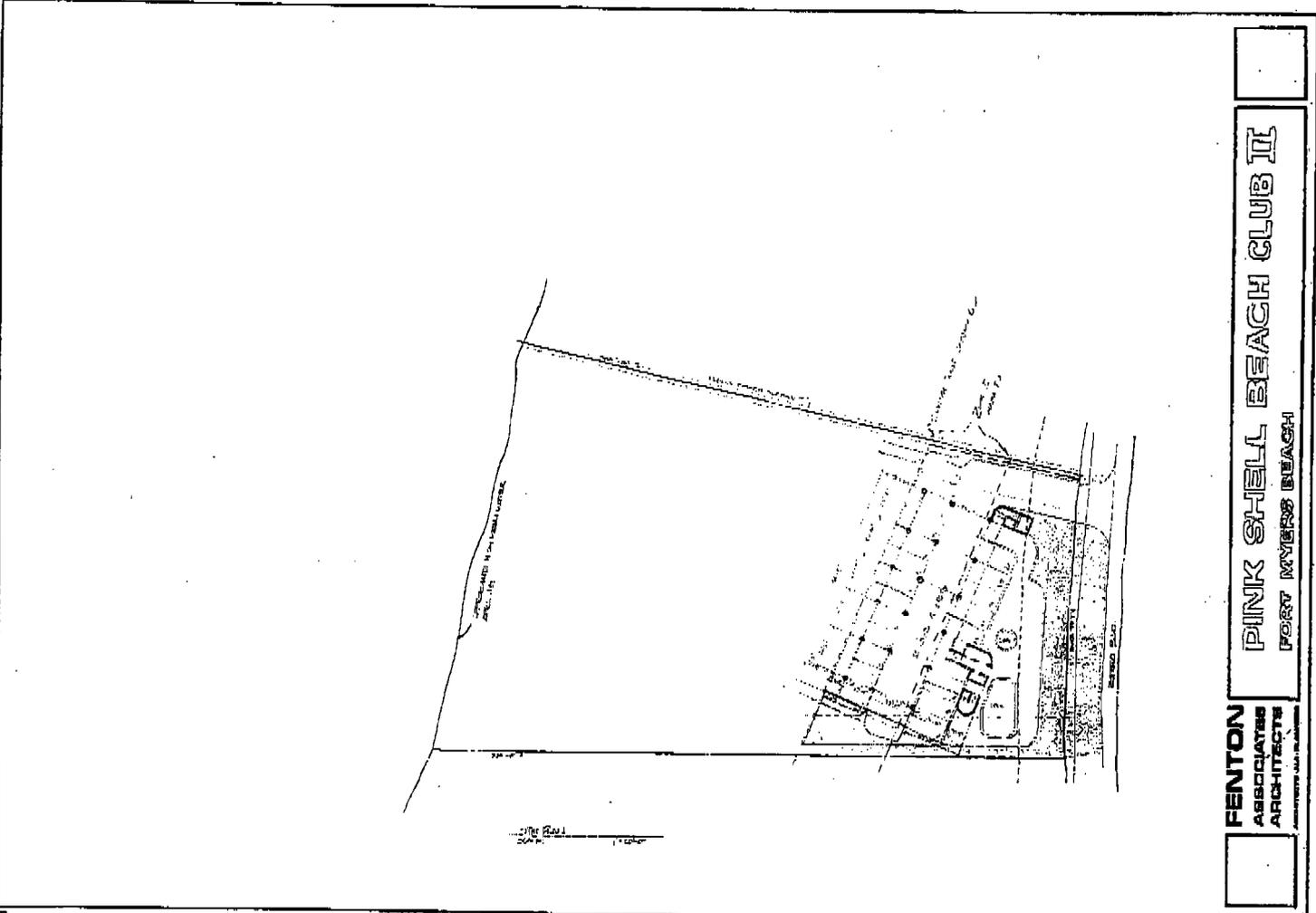


**SITE PLAN**  
 SCALE: AS SHOWN  
 PROJECT: PINK SHELL MOTEL  
 DATE: 09/22/06

**PINK SHELL MOTEL PHASE 1**  
 FORT MYERS BEACH

**FENTON ASSOCIATES ARCHITECTS**  
 ARCHITECTS





<b>PINK SHELL BEACH CLUB II</b> FORT MYERS BEACH
<b>FENTON ASSOCIATES ARCHITECTS</b> ARCHITECTS AND PLANNERS

