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Town of Fort Myers Beach
AUG 20 2009
Received Community Devel

August 20, 2009

Frank Shockey
Community Development
Town of Fort Myers Beach
2523 Estero Boulevard
Fort Myers Beach, FL 33931

By e-mail frank@fortmyersbeachfl.gov

Re: Special Exception FMBSEZ2008-0003; Variance FMBVAR2008-0002; Administrative Deviations
Request for continuance of August 25 LPA Hearing to November

Dear Frank:

On Tuesday, August 18, we were notified that the LPA hearing date would be August 25. At the same time we received the staff prepared LPA package on Case No. SEZ2000-0003 and VAR2008-00002.

After reviewing the package of staff information, we believe a continuance would be of value to provide the applicant time to meet with staff to obtain a better understanding of staff proposed conditions and the revisions staff anticipates to the site plan. We believe that obtaining clarification of staff's recommendation before the LPA hearing would be beneficial to the LPA and the applicant.

Very truly yours,

ROETZEL & ANDRESS, LPA

Beverly Grady

Beverly Grady
signed electronically to avoid delay

BG/cl
cc: John Richard

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 2009-18

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF FORT MYERS BEACH, FLORIDA:

WHEREAS, Beverly Grady, agent for John W. Richard, Trustee of the John W. Richard Trust, owner of the subject property ("Applicant") has initiated an application to request:

- (1) a special exception in the DOWNTOWN zoning district to allow development of a shared permanent commercial parking lot; and
- (2) a variance from LDC Section 34-676(b) to allow an off-street parking area to be located beyond the limits of the rear yard; and
- (3) a variance from Land Development Code (LDC) Section 10-416(d) to eliminate required Type D landscape buffers fifteen (15) feet wide between a parking lot and a public street along Old San Carlos Boulevard and along Third Street; and

all as indicated on Applicant's revised site plan attached hereto and incorporated herein by reference as **Exhibit "B"**; and

WHEREAS, the subject property is located at 343 Old San Carlos Boulevard and 940 Third Street, in the "Pedestrian Commercial" Future Land Use Map (FLUM) category of the Comprehensive Plan of the Town of Fort Myers Beach, Lee County, Florida; and

WHEREAS, the Applicant has indicated the property's current STRAP numbers are: 24-46-23-W3-0050A.0010, and 24-46-23-W3-0030B.0010, with the legal description attached hereto and incorporated herein by reference as **Exhibit "A"**; and

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on August 25, 2009; and

WHEREAS, the LPA gave full and complete consideration to the recommendations of staff, the documents in the file, and the testimony of all interested persons.

NOW, THEREFORE BE IT RESOLVED BY THE LPA OF THE TOWN OF FORT MYERS BEACH, FLORIDA as follows:

The LPA recommends that the Town Council

- (1) **APPROVE / DENY** Applicant's request for a special exception in the DOWNTOWN zoning district to allow development of a shared permanent commercial parking lot; and
- (2) **APPROVE / DENY** Applicant's request for a variance from (LDC) Section 10-416(d) to eliminate required Type D landscape buffers fifteen (15) feet wide between a parking lot and a public street along Old San Carlos Boulevard and along Third Street; and
- (3) **APPROVE / DENY** Applicant's request for a variance from LDC Section 34-676(b) to allow an off-street parking area to be located beyond the limits of the rear yard;

subject to **the eight (8) conditions** set forth with specificity below.

A. CONDITIONS

1. Approval of the special exception does not give the applicant an undeniable right to develop a shared permanent commercial parking lot on the subject property. Development of the subject property must comply with the Fort Myers Beach Comprehensive Plan and Land Development Code (LDC) at the time of development order approval except where granted variance(s) and/or deviation(s) through appropriate processes. Applicant's site plan, attached hereto as **Exhibit "B"** and incorporated herein by reference, must be further revised to delete all references to deviations, setbacks, "zoning/actual use", "project information," "property development regulations" and "open space" references; variances; remove the label "existing pirate picture amenity," references to valet parking, and other conditions. The site plan must also comply with the LDC and conditions imposed by Town Council, except where variances are granted by Town Council, prior to execution of any resolution to approve the requested special exception and/or variance(s).
2. Development of the parking lot must comply with all applicable requirements for disabled access under the Florida Building Code and the Americans with Disabilities Act.
3. Development, including fences, walls, and placement of vegetation, must comply with LDC Section 34-3131 regarding the visibility triangle.
4. Placement of vegetation and/or structures on public property may be allowed only by separate agreement with the Town, entered into at the sole discretion of the Town Council, and only in compliance with all applicable regulations. Vegetation that may be allowed by the Town Council to be placed on public property does not constitute a buffer under LDC Section 10-416.
5. Surface water management on the subject property must be designed in accordance with LDC Chapter 10, Article III, Division 3. Any feature of the applicant's site plan that is inconsistent therewith must be revised accordingly.
6. Current or future requests for administrative deviations under LDC Section 10-104 regarding the subject property are not addressed by the decision in this hearing, although the staff report addresses the nature of pending administrative deviation requests in order to allow the decision in this hearing to be fully informed.
7. Within the Third Street right-of-way, for the entire length of the subject property's frontage on Third Street, the developer must construct a sidewalk in compliance with LDC Section 10-289, notwithstanding the designation of Third Street as a local street.
8. The approved special exception and the approved variance shall be null and void upon the issuance of a development order and building permit for the construction of a building located either partly or wholly on the subject property. The approved variance shall be of no effect with regard to any application for a development order or a building permit to construct a building partly or wholly located on the subject property.

C. RECOMMENDED FINDINGS AND CONCLUSIONS

Based upon the presentations by the Applicant, staff, and other interested parties at the hearing, and review of the application and the standards for special exception and variance approvals,

the LPA recommends that the Town Council make the following findings and reach the following conclusions:

(1) As to the requested Special Exception:

A. There **exist / do not exist** changed or changing conditions that make approval of the request, as conditioned, appropriate.

A parking lot located midway between Times Square and the bay can help to provide the opportunity to “park once” in the DOWNTOWN zoning district while the Old San Carlos corridor transitions through redevelopment into a pedestrian-oriented commercial area. The gradual redevelopment of the Old San Carlos area is a changing condition that makes approval of the request, as conditioned, appropriate. Recommended condition #8 ensures that when economic conditions are sufficient to encourage the applicant or a successor property owner to develop buildings on the site, the special exception and variance(s) will expire and the new buildings will be required to comply with the form-based zoning and development standards applicable to the site.

B. The requested Special Exception, as conditioned, **is / is not consistent with and complies / does not comply** with all specific requirements, goals objectives, policies and intent and with the densities, intensities and general uses set forth in the Fort Myers Beach Comprehensive Plan, Land Development Code Chapter 34 and all other applicable town ordinances or codes that are relevant to the requested planned development

Neighborhood design elements of the Comprehensive Plan, including **Policy 7-E-3**, encourage placement of buildings along streets with parking areas located beneath or behind the buildings, but **Objective 7-F** and its supporting policies discuss the necessity of providing parking in critical locations in the Town’s commercial areas. Attached conditions will require that parking areas be located in accordance with adopted Comprehensive Plan policies addressing their placement in relation to buildings when the subject property is eventually redeveloped with buildings.

C. The requested Special Exception, as conditioned, **meets / does not meet** all performance and locational standards set forth for the proposed use.

Applicant has concurrently requested one variance to eliminate the required landscaped buffer areas between the proposed use and the public streets adjoining the subject property, and a second variance to allow the parking lot to be situated elsewhere than under or behind a building. This conceptual locational standard generally applies to parking lots that are accessory to principal uses located within buildings. By allowing a shared permanent commercial parking lot to be approved by special exception, and by requiring specific landscaped buffers between parking areas and streets in the DOWNTOWN district, the LDC contemplates the possibility that a shared permanent commercial parking lot might be permitted in some circumstances without having a building located between it and the street. In addition to the public hearing variances from the buffer requirement and the locational requirement, however, applicant has also applied for administrative deviations from LDC Chapter 10, requesting to omit required internal landscaping within the proposed parking lot. Staff has recommended denial of the requested variance from buffer requirements.

D. The requested Special Exception, as conditioned, **will / will not** protect, conserve, or preserve environmentally critical areas and natural resources.

The subject property is currently unpaved and does not have a stormwater system, though it is used seasonally for parking under a provision in LDC Section 34-2022. Since there is no stormwater system, runoff can pass into the adjacent lagoon, which is connected to Matanzas Pass by a canal, or onto adjoining properties. The improvements required through the development order process will reduce this runoff into the lagoon and onto adjacent properties and provide for its retention and treatment onsite. Lighting will be required to meet environmental regulations applicable at the time of development order and permit approval.

E. The requested Special Exception, as conditioned, **will / will not** be compatible with existing or planned use and **will / will not** cause damage, hazard, nuisance, or other detriment to persons or property.

The proposed special exception use—a shared permanent commercial parking lot—will directly adjoin an existing single-family residence (that is located, however, on property zoned to allow commercial office uses) and will be across a lagoon from other residential uses, but the subject property is located on Old San Carlos Boulevard, which is a central commercial and lodging area that is planned to remain a commercial and lodging area in the future. Ideally an unenclosed surface parking lot would be most compatible with nearby existing and planned uses if it were in a rear yard. However, in the absence of a proposal to construct a building on the subject property, the impacts of the parking lot could be partly mitigated by requiring it to comply with the buffer requirements of LDC Section 10-416 as provided in the regulations of the DOWNTOWN zoning district.

F. The requested Special Exception, as conditioned, **will / will not** be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in LDC Chapter 34.

The parking lot will be required to meet all standards applicable to parking lots and vehicle uses area in LDC Chapter 34 and cross-referenced standards in LDC Chapter 10 through the development order process except where specifically granted variances and/or deviations through appropriate processes. Applicant has concurrently requested a variance from LDC Section 10-416(b) to eliminate required landscape buffers between the proposed parking lot and rights-of-way, but staff recommended denial of that variance. Applicant has also concurrently requested a variance to allow the parking lot to be located outside a rear yard in the DOWNTOWN zoning district. Staff recommended approval of that variance.

G. The requested Special Exception, as conditioned, **complies / does not comply** with the standards of LDC Section 34-88, the Fort Myers Comprehensive Plan, LDC Chapter 34, and any other applicable town ordinances or codes.

H. The requested Special Exception, as conditioned, **is / is not** contrary to the public interest, and the health, safety, comfort, convenience, and welfare of the citizens of the Town; and the attached conditions **are / are not** necessary for the protection of the health, safety, comfort, convenience, or welfare of the general public and **are / are not** reasonably related to the requested special exception.

(2) As to the request Variance from LDC Section 34-676(b) to allow an off-street parking area to be located beyond the limits of the rear yard:

A. There **are / are not** exceptional or extraordinary conditions or circumstances that are inherent to the property in question, **or** the request **is / is not** for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.

Applicant owns adjacent property with which the subject property could be combined to overcome the subject property's unusual shape in a larger redevelopment project, but does not propose to redevelop the abutting property at this time and proposes to use the subject property for a parking lot. The relevant public policy encourages redevelopment which will include buildings that present the required building frontage at the required build-to line. When the subject property is redeveloped with a building these form-based development standards must be met, if the recommended conditions are included, in the interim the parking area will be separated from the streets by vegetated buffers.

B. The conditions justifying the variance **are / are not** the result of actions of the applicant taken after the adoption of the regulation in question.

The building previously located on the subject property was demolished before the applicant acquired the subject property. Buildings on the applicant's adjoining property were constructed before the applicant acquired the subject property. The subject property was rezoned from C-1 to DOWNTOWN in 2003 when the Town adopted Ordinance 03-03 and replaced the transitional (Lee County) zoning districts, before applicant acquired the subject property in 2005. The configuration of buildings on applicant's adjoining property, and the removal of the former building from the subject property, were existing conditions at that time.

C. The variance granted **is / is not** the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.

Applying LDC Section 34-676(b) in this situation would require the applicant to construct a building in order to create a rear yard in which to place the intended special exception principal use, a shared permanent commercial parking lot. Throughout the DOWNTOWN district, redeveloped sites are envisioned to include buildings near streets, with parking areas located under elevated buildings or in the rear yards. **The LPA believes it is unreasonable to require applicant to construct a building in order to develop a parking lot when the parking lot—for now—is the principal use currently requested for the property.**

D. The granting of the variance **will / will not** be injurious to the neighborhood or otherwise detrimental to the public welfare.

As conditioned, when the subject property is redeveloped with a building or buildings, the neighborhood vision for the Old San Carlos Boulevard area will be required to be addressed through the application of the appropriate zoning and development standards. In the mean time, granting the requested variance will allow the applicant to replace a largely unimproved seasonal parking lot with an improved shared permanent

commercial parking lot, although this change might tend to encourage the applicant to maintain the parking lot use of the subject property without redeveloping the property with buildings.

E. The conditions or circumstances on the specific piece of property for which the variance is sought **are / are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

The history of relatively high land values in the Town's commercial core area suggests that there will be few locations where a surface parking lot, without buildings, would be the property owner's preferred land use. The narrowness and shape of the subject property, combined with the applicant's preference (at present) for a parking lot rather than a building, are circumstances that are not of a general or recurrent nature.

3. As to the request Variance from LDC Section 10-416(b) to eliminate the required Type D landscape buffers fifteen (15) feet wide between a parking lot and a public street along Old San Carlos Boulevard and along Third Street:

A. There **are / are not** exceptional or extraordinary conditions or circumstances that are inherent to the property in question **or** the request **is / is not** for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.

The subject property is a relatively narrow L-shaped site, situated between the inside of a corner of two streets and the outside of a corner of a seawalled water body. Aside from practical limitations that ensure that parking spaces are large enough for automobile access, LDC Section 10-416 requires a Type D (15-foot-wide) buffer between a parking area and right-of-way. The applicant contends that the narrowness and the L-shaped configuration of the subject property are exceptional conditions that justify the variance, but reducing the number of parking spaces proposed to be located in the parking lot could allow the applicant to meet these buffer requirements.

Applicant's desire to fit additional parking spaces on the site does not transform the site's dimensions into an extraordinary condition justifying the requested variance. A shared permanent commercial parking lot is a special exception use that may not be appropriate in all locations, particularly where performance and locational standards will not be met. .

B. The conditions justifying the variance **are / are not** the result of actions of the applicant taken after the adoption of the regulation in question.

The applicant acquired the subject property after the adoption of landscape buffer requirements and parking space and aisle dimension requirements, and now proposes to develop a shared permanent commercial parking lot on a vacant site that abuts additional property applicant also owns. Applicant's decision to develop a parking lot, and Applicant's judgment that additional parking spaces ought to fit on the site in spite of preexisting landscape buffer requirements, are actions taken after the adoption of these regulations. Applicant owns the adjacent Lots 3 through 12 in Block A, Island Shores Unit 2 Subdivision, immediately to the southwest, with which the subject property could be combined for redevelopment. Far from being constrained by site characteristics, applicant has an unusually large parcel within which to redevelop in accordance with,

rather than at variance from, the applicable land development regulations and the Town's comprehensive plan.

C. The variance granted **is / is not** the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.

Applicant has the option to redevelop the subject property alone or in combination with adjacent property under common ownership in compliance with relevant policies of the comprehensive plan and regulations of the LDC, which encourage parking areas in the DOWNTOWN district to be located in the rear yards, with building frontages complying with the applicable build-to lines along streets. Furthermore, applicant has a vacant site within which to construct a compliant parking lot if granted a special exception by Town Council. The Town's comprehensive plan and LDC provide generous incentives for other forms of development on the subject property largely in recognition of the property's prime location. The absence of a similar relaxation of buffer requirements for parking areas (to allow more parking spaces to fit into unenclosed surface parking lots) is evidence that the regulations of the DOWNTOWN zoning district are intended to encourage property owners to redevelop in accord with the community design element and other relevant policies of the comprehensive plan.

D. The granting of the variance **will / will not** be injurious to the neighborhood or otherwise detrimental to the public welfare.

The specific inclusion of this buffer requirement in the regulations of the DOWNTOWN zoning district is a clear expression of intent that these buffer requirements were necessary to the public welfare in any situation where a parking lot might otherwise be allowed to abut a sidewalk and roadway. The DOWNTOWN district is intended "to create the desired quality and character for the center of pedestrian-oriented commercial activities within the town." (LDC Section 34-671). Pedestrian areas should be buffered from parking areas by buildings that provide building frontages meeting the applicable build-to lines, or, where surface parking areas are allowed to be developed adjacent to public streets, by landscaped buffer areas in compliance with LDC Section 10-416.

E. The conditions or circumstances on the specific piece of property for which the variance is sought **are / are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

LDC Section 10-416 applies generally to all developments other than those that are exempt from review under LDC Chapter 10. Any new or expanded surface parking area abutting a public street would be required to provide a Type D buffer (minimum width of 15 feet). If the Town Council determines that the public health, safety, and welfare would be better served by a lesser buffer requirement, amending the buffer requirements in LDC Section 10-416 would be more practical than considering whether to grant a variance for each new parking lot that is proposed to be developed.

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

Rochelle Kay _____
Carlton Ryffel _____
Bill Van Duzer _____

Alan Mandel _____
Joanne Shamp _____
Dennis Weimer _____

DULY PASSED AND ADOPTED THIS 25th day of August, 2009.

LOCAL PLANNING AGENCY OF THE TOWN OF FORT MYERS BEACH

By: _____
Dennis Weimer, LPA Chair

Approved as to legal sufficiency:

ATTEST:

By: _____
Anne Dalton, Esquire
LPA Attorney

By: _____
Michelle D. Mayher, Town Clerk

**FORT MYERS BEACH, FLORIDA
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING STAFF REPORT**

TYPE OF CASE: Special Exception (LDC Section 34-88); and
Variance (LDC Section 34-87)

CASE NUMBERS: FMBSEZ2008-0003
FMBVAR2008-0002

**LOCAL PLANNING
AGENCY (LPA) HEARING
DATE:**

August 25, 2009

I. APPLICATION SUMMARY

Applicant: Beverly Grady, agent for John W. Richard, Trustee of the John W. Richard Trust, owner of the subject property.

Requests: Applicant requests:

- (1) a **special exception** in the DOWNTOWN zoning district to allow a shared permanent commercial parking lot; and
- (2) a **variance** from Land Development Code (LDC) Section 10-416(d) to allow landscape buffers of zero (0) feet (along Third Street) and zero (0) feet (along Old San Carlos Boulevard), where this section requires a Type D (15-foot) buffer between a parking lot and right-of-way; and
- (3) a **variance** from LDC Section 34-676(b) which requires off-street parking lots to be placed in rear yards or under buildings, to allow a shared permanent commercial parking lot that is not located under a building or in a rear yard.

Administrative deviations from the standards of LDC Chapter 10 have concurrently been requested under LDC Section 10-104, but are not within the purview of the current public hearing.

Subject

Property:

343 Old San Carlos Boulevard and 940 Third Street, legally described in the attached **Exhibit A**. From the base of the Sky Bridge, turn right immediately on Estero Boulevard, then turn right immediately on Old San Carlos Boulevard. The subject property is on the left at the southwest corner of Old San Carlos Boulevard and Third Street.

Parcel Number(s): 24-46-23-W3-0050A.0010
24-46-23-W3-0030B.0010

Future Land

Use Designation: Pedestrian Commercial

Zoning: DOWNTOWN

Current Uses: Vacant, used as seasonal (temporary) parking lot under LDC Section 34-2022

Adjacent Zoning and Land Uses:

North: Across Third Street, mixed use residential/commercial building and seasonal parking lot (zoning: DOWNTOWN, FLUM: Pedestrian Commercial).

South: Shipwreck Motel and Shop (Zoning: Commercial Planned Development, FLUM: Pedestrian Commercial).

West: Single-family residence (Zoning: CO (Commercial Office), FLUM: Pedestrian Commercial) then a multi-family complex known as “Manatee Bay Inn” (Zoning: RC (Residential Conservation), FLUM: Mixed Residential with platted overlay).

East: Across Old San Carlos Boulevard, Smokin’ Oyster Brewery (SOB) (Zoning: Downtown, FLU: Pedestrian Commercial).

II. BACKGROUND AND ANALYSIS

Introduction and Background

Beverly Grady, on behalf of John W. Richard, Trustee of the John W. Richard Trust, owner of the subject property (“applicant”), has requested: **(1)** a special exception in the DOWNTOWN zoning district to allow development and use of a shared permanent commercial parking lot on the subject property; and **(2)** a variance from Land Development Code (LDC) Section 10-416(d) eliminate required Type D landscape buffers of fifteen (15) feet along Third Street and Old San Carlos Boulevard between a parking lot and a public street; and **(3)** a variance from LDC Section 34-676(b) to allow an off-street parking area to be located outside of a rear yard.

Applicant requested two additional variances that are unnecessary for the parking area proposed on the applicant’s site plan. Applicant requested a variance to reduce the required buffer under LDC Section 10-416(d) between the subject property and the adjacent property to the northwest (Lot 2, Block B, Matanzas View) which is developed with a single-family home. This variance is unnecessary because the subject property is

exempt from this buffer requirement by virtue of its location in the DOWNTOWN zoning district, as provided in LDC Section 34-677(b). Applicant also requested a variance from LDC Section 34-2015(8), which requires walkways to be provided to accommodate safe and convenient pedestrian movement from vehicles to building entrances and other walking destinations. Applicant proposes to provide the three-foot walkway shown on the site plan. This walkway as shown on the proposed site plan, together with public sidewalks along Third Street and Old San Carlos Boulevard, would accommodate pedestrian movement to building entrances and other walking destinations, so this requested variance is also unnecessary.

Though largely unimproved, the property has been used periodically as a seasonal parking lot under LDC Section 34-2022 for several years. Tax records show that the property was the physical business location of an occupational license for a parking lot at least as early as 2002. A building on the subject property that had been used as a coin laundry, dating to about 1959, was demolished around 2003. The site is currently unpaved and has no engineered stormwater system, parking lot striping, landscaped buffers, or other improvements associated with a shared permanent commercial parking lot. The proposed parking lot would be paved and required to meet development standards such as water management requirements and disability access requirements, but applicant requests a variance to reduce the landscape buffer requirements in order to fit additional parking spaces on the site. Since no building exists on the subject property and the applicant does not propose to construct one, a variance to allow the off-street parking area to be located outside of a rear yard has also been requested.

Analysis

Parking lot, shared permanent is a special exception use in the DOWNTOWN zoning district. The Comprehensive Plan identifies the Old San Carlos Boulevard area as one of the Town's commercial areas and encourages appropriately designed parking areas to be located in this vicinity, even providing for the possibility of two parking garages in specific locations along Old San Carlos Boulevard, albeit separated from the street by liner buildings. To ensure that such parking areas are properly located in relation to buildings and other elements of this commercial area, however, a special exception is required for a shared permanent commercial parking lot, and a parking garage can only be allowed through planned development rezoning. At the same time the regulations of the DOWNTOWN zoning district provide generous incentives to construct hotel rooms on the upper floors of buildings along Old San Carlos Boulevard to maximize the number of guest units that can be built. Other applicants have proposed to remove existing shared permanent commercial parking areas and *not* replace them with shared parking, leading to an overall reduction in the number of spaces available to the public.

If developed as a shared permanent commercial parking lot, the site will be required to be improved according to the requirements of LDC Chapter 10 except where variances or deviations are granted through appropriate processes. This will include the installation of an appropriate parking surface and stormwater management improvements. If staff recommendations are followed and one of the requested variances is denied, the parking

area will include internal landscaping and landscaped buffers. Lighting will be required to meet the requirements for artificial lighting in LDC Chapter 34 as well as sea turtle lighting standards of LDC Chapter 14. All of these changes will tend to conserve natural resources, including the water quality of the canal and the sea turtle habitat of the nearby beach.

LDC standards addressing the location of parking lots in the DOWNTOWN zoning district generally refer to parking lots that are accessory to permitted principal uses. According to LDC Section 34-676(b), parking areas must be located in rear yards, except that they may be in side yards along the Gulf of Mexico if this configuration would result in an improved view of the ocean. Where a parking lot is allowed as a principal use of land by special exception approved by Town Council, LDC Section 34-676(b) still appears to require that it be placed in a rear yard, or along the Gulf of Mexico, in a side yard. The subject property is on a corner of two streets, and therefore would have two front yards if it contained a building, which it does not. The applicant's requested variance addresses the application of this requirement of LDC Section 34-676(b) where the site does not have a rear yard.

Although not ideally configured, Applicant's proposed use of this vacant site for a shared permanent commercial parking lot makes sense during a time when much of the rest of the Old San Carlos Boulevard area is in transition toward redevelopment. Staff's recommended condition #8 will ensure that the special exception and variances expire when the site is redeveloped with buildings. Most of the Town's form-based zoning regulations, which apply in the DOWNTOWN district, and along Estero Boulevard to the vicinity of Town Hall, rely at least in part on the presumption that property owners will voluntarily redevelop commercial or mixed-use buildings in order to attain the highest and best (or at least higher and better) uses of valuable land. Applicant anticipates a need for more shared parking in the Old San Carlos Boulevard area while surrounding properties are redeveloped. The Town's land development regulations do not require the applicant or anyone else to be the first to redevelop; nor do they require the applicant or anyone else to choose one use because it is higher and better than another. To the contrary, each request for a special exception use, and each request for a variance, must be evaluated according to its merits in relation to the required considerations under LDC Section 34-88 and LDC Section 34-87, respectively. Since the Town's form-based standards already presume that the high land value and the potential for higher and better uses will be sufficient to spur redevelopment that will be required to meet these standards, it seems fair to presume that these factors will continue to affect the subject property even if staff's recommendations are followed and the special exception (request #1) and the variance from LDC Section 34-676(b) (request #3) are granted. Staff's recommended condition #8 is sufficient to ensure that when the economics of site and situation are such as to spur the applicant or a successor to redevelop the site with buildings, the site will be developed in accordance with the applicable form-based standards, including placement of the parking area in the rear yard.

The subject property is zoned DOWNTOWN and is within the Pedestrian Commercial Future Land Use Map (FLUM) category. The purpose of the DOWNTOWN zoning

district expressed in LDC Section 34-671 is “to provide the desired character and quality for the center of pedestrian-oriented commercial activities within the town.” The requested variance (request #2) from LDC Section 10-416 would reduce the effectiveness of existing standards for the DOWNTOWN zoning district that were designed to ensure that future development will enhance, rather than detract from, that desired character and quality. Where a parking area might otherwise be allowed to abut a public street (such as a side yard along the Gulf of Mexico), the DOWNTOWN district regulations specifically require the placement of the landscape buffers required by LDC Section 10-416(b) between parking areas and public streets. Applicant’s variance request would eliminate this required landscaping completely.

In addition to the variances, applicant has also applied for administrative deviations from LDC Chapter 10 provisions requiring internal landscaping of parking areas. These additional requests are not before the LPA or Council for decision in this application because the applicant chose to apply under the administrative deviation process provided in LDC Section 10-104 instead of the variance process and the staff determined to handle these as administrative rather than quasi-judicial issues as a courtesy to the applicant. However, in connection with the variances currently under consideration, these additional requests illustrate the extent to which applicant wishes to depart from generally applicable development standards. Specifically, the requested administrative deviations would (1) allow more than 10 parking spaces to occur in an uninterrupted row without using divider medians, (2) would omit all trees required to be planted within the parking area in landscaped islands, peninsulas, or medians, and (3) would allow landscaped areas within the parking area to be less than 10% of the total paved surface area. Between the variance from LDC Section 10-416 (request #2) and the requested administrative deviations, applicant proposes to eliminate nearly all landscaping requirements for the site. The landscaping and open space requirements for parking and vehicle use areas in LDC Chapter 10 are generally applicable to all development projects in the Town. Eliminating these requirements completely in order to provide a handful of additional parking spaces is not appropriate. Staff has not addressed the administrative deviation requests in this report because the use of a shared permanent commercial parking lot is not currently allowed on the site and can only be allowed if a special exception is granted through the current hearing. Prior to a special exception to allow the requested use, granting administrative deviations to allow that use to be developed would be inappropriate.

Staff recommends that Town Council approve the requested special exception to allow a shared permanent commercial parking lot only if the requested variance from LDC Section 10-416(b) is withdrawn or denied. The several requested deviations from landscaping requirements and the variance to eliminate landscaped buffer areas suggest either that the site cannot meet the criteria for a special exception, or the applicant’s specific proposed site development plan does not meet the criteria for the special exception and should be revised to comply with general zoning standards related to the proposed use. Staff recommends that the requested special exception to allow a shared permanent commercial parking lot be approved **only if** the requested variance from LDC Section 10-416(b) is denied. If Town Council chooses to deny the requested variance

from LDC Section 10-416(b) and to approve the requested special exception, staff also recommends approval of the requested variance from LDC Section 34-676(b).

III. RECOMMENDATION

Staff recommends the following:

- (1) **APPROVAL** of the requested special exception in the DOWNTOWN zoning district to allow development and use of a shared permanent commercial parking lot; and
- (2) **DENIAL** of the variance from Land Development Code (LDC) Section 10-416(d) to allow landscape buffers of zero (0) feet (along Third Street) and zero (0) feet (along Old San Carlos Boulevard), where this section requires a 15-foot buffer between a parking lot and right-of-way; and
- (3) **APPROVAL** of the variance from LDC Section 34-676(b) which requires off-street parking lots to be placed in rear yards or under buildings, to allow a shared permanent commercial parking lot that is not located under a building or in a rear yard;

in accordance with recommended findings and conclusions under LDC Sections 34-88 and 34-87 provided in detail below, subject to the recommended conditions provided below.

Recommended Conditions

1. Approval of the special exception does not give the applicant an undeniable right to develop a shared permanent commercial parking lot on the subject property. Development of the subject property must comply with the Fort Myers Beach Comprehensive Plan and Land Development Code (LDC) at the time of development order approval except where granted variance(s) and/or deviation(s) through appropriate processes. Applicant's site plan, attached hereto as **Exhibit B** and incorporated herein by reference, must be further revised to delete all references to deviations, setbacks, "zoning/actual use", "project information," "property development regulations" and "open space" references; variances; remove the label "existing pirate picture amenity," references to valet parking, and other conditions. The site plan must also comply with the LDC and conditions imposed by Town Council, except where variances are granted by Town Council, prior to execution of any resolution to approve the requested special exception and/or variance(s).
2. Development of the parking lot must comply with all applicable requirements for disabled access under the Florida Building Code and the Americans with Disabilities Act.
3. Development, including fences, walls, and placement of vegetation, must comply with LDC Section 34-3131 regarding the visibility triangle.
4. Placement of vegetation and/or structures on public property may be allowed only by separate agreement with the Town, entered into at the sole discretion of the Town

Council, and only in compliance with all applicable regulations. Vegetation that may be allowed by the Town Council to be placed on public property does not constitute a buffer under LDC Section 10-416.

5. Surface water management on the subject property must be designed in accordance with LDC Chapter 10, Article III, Division 3. Any feature of the applicant's site plan that is inconsistent therewith must be revised accordingly.
6. Current or future requests for administrative deviations under LDC Section 10-104 regarding the subject property are not addressed by the decision in this hearing, although the LPA and Town Council have been apprised of the nature of pending administrative deviation requests in order to allow the decision in this hearing to be fully informed.
7. Within the Third Street right-of-way, for the entire length of the subject property's frontage on Third Street, the developer must construct a sidewalk in compliance with LDC Section 10-289, notwithstanding the designation of Third Street as a local street.
8. The approved special exception and the approved variance shall be null and void upon the issuance of a development order and building permit for the construction of a building located either partly or wholly on the subject property. The approved variance shall be of no effect with regard to any application for a development order or a building permit to construct a building partly or wholly located on the subject property.

Recommended Findings and Conclusions (Request #1--**SPECIAL EXCEPTION**)

1. *Whether there exist changed or changing conditions [that] make approval of the request appropriate.*

A parking lot located midway between Times Square and the bay can help to provide the opportunity to "park once" in the DOWNTOWN zoning district while the Old San Carlos corridor transitions through redevelopment into a pedestrian-oriented commercial area. The gradual redevelopment of the Old San Carlos area is a changing condition that makes approval of the request, as conditioned, appropriate. Recommended condition #8 ensures that when economic conditions are sufficient to encourage the applicant or a successor property owner to develop buildings on the site, the special exception and variance(s) will expire and the new buildings will be required to comply with the form-based zoning and development standards applicable to the site. Staff recommends the finding that changed or changing conditions **do exist** that make approval of the request, as conditioned, appropriate.

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

Neighborhood design elements of the Comprehensive Plan, including **Policy 7-E-3**, encourage placement of buildings along streets with parking areas located beneath or behind the buildings, but **Objective 7-F** and its supporting policies discuss the necessity of providing parking in critical locations in the Town's commercial areas. Attached conditions will require that parking areas be located in accordance with adopted

Comprehensive Plan policies addressing their placement in relation to buildings when the subject property is eventually redeveloped with buildings. Staff recommends the finding that the request, as conditioned, **is consistent** with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.

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

Applicant has concurrently requested one variance to eliminate the required landscaped buffer areas between the proposed use and the public streets adjoining the subject property, and a second variance to allow the parking lot to be situated elsewhere than under or behind a building. This conceptual locational standard generally applies to parking lots that are accessory to principal uses located within buildings. By allowing a shared permanent commercial parking lot to be approved by special exception, and by requiring specific landscaped buffers between parking areas and streets in the DOWNTOWN district, the LDC contemplates the possibility that a shared permanent commercial parking lot might be permitted in some circumstances without having a building located between it and the street. In addition to the public hearing variances from the buffer requirement and the locational requirement, however, applicant has also applied for administrative deviations from LDC Chapter 10, requesting to omit required internal landscaping within the proposed parking lot. Staff has recommended denial of the requested variance from buffer requirements. If the variance from the buffer requirements of LDC Section 10-416(d) is denied, staff recommends the finding that the request **does meet or exceed** all performance and locational standards set forth for the proposed use.

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

The subject property is currently unpaved and does not have a stormwater system, though it is used seasonally for parking under a provision in LDC Section 34-2022. Since there is no stormwater system, runoff can pass into the adjacent lagoon, which is connected to Matanzas Pass by a canal, or onto adjoining properties. The improvements required through the development order process will reduce this runoff into the lagoon and onto adjacent properties and provide for its retention and treatment onsite. Lighting will be required to meet environmental regulations applicable at the time of development order and permit approval. Staff recommends the finding that the requested use, if approved, **will** protect, conserve, or preserve environmentally critical areas and natural resources.

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

The proposed special exception use—a shared permanent commercial parking lot—will directly adjoin an existing single-family residence (which is located, however, on property zoned to allow commercial office uses) and will be across a lagoon from other residential uses, but the subject property is located on Old San Carlos Boulevard, which

is a central commercial and lodging area that is planned to remain a commercial and lodging area in the future. Ideally an unenclosed surface parking lot would be most compatible with nearby existing and planned uses if it were in a rear yard. However, in the absence of a proposal to construct a building on the subject property, the impacts of the parking lot could be partly mitigated by requiring it to comply with the buffer requirements of LDC Section 10-416 as provided in the regulations of the DOWNTOWN zoning district. If the requested variance from LDC Section 10-416 is denied, staff recommends the finding that the request **will be** compatible with existing and planned uses and **will not** cause damage, hazard, nuisance, or other detriment to persons or property.

6. Whether the requested use will be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in LDC Chapter 34.

The parking lot will be required to meet all standards applicable to parking lots and vehicle uses area in LDC Chapter 34 and cross-referenced standards in LDC Chapter 10 through the development order process except where specifically granted variances and/or deviations through appropriate processes. Applicant has concurrently requested a variance from LDC Section 10-416(b) to eliminate required landscape buffers between the proposed parking lot and rights-of-way, but staff has recommended denial of that variance. Applicant has also concurrently requested a variance to allow the parking lot to be located outside a rear yard in the DOWNTOWN zoning district. Staff has recommended approval of that variance. If the requested variance from LDC Section 10-416(b) is denied and the requested variance from LDC Section 34-676(b) is approved, staff recommends the finding that the requested use **will be** in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in LDC Chapter 34.

7. Whether the requested special exception complies with the standards of LDC Section 34-88, the Fort Myers Beach Comprehensive Plan, LDC Chapter 34, and any other applicable town ordinances or codes.

Staff recommends that the Town Council find that the requested special exception **complies** with the standards of LDC Section 34-88, the Fort Myers Beach Comprehensive Plan, LDC Chapter 34, and any other applicable town ordinances or codes.

8. Whether the requested special exception is contrary to the public interest, and the health, safety, comfort, convenience, and welfare of the citizens of the Town; and whether the attached conditions are necessary for the protection of the health, safety, comfort, convenience, or welfare of the general public and are reasonably related to the requested special exception.

Staff recommends that the Town Council find that the requested special exception **is not** contrary to the public interest, and the health, safety, comfort, convenience, and welfare

of the citizens of the town if conditioned as recommended; that the attached special conditions **are necessary** for the protection of the health, safety, comfort, convenience, or welfare of the general public; and that the special conditions **are** reasonably related to the requested special exception.

Recommended Findings and Conclusions (Request #2--**VARIANCE** from LDC Section 10-416(b) to allow a buffer of 0 feet between a parking area and the rights of way of Old San Carlos Boulevard and Third Street)

1. Whether there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.

The subject property is a relatively narrow L-shaped site, situated between the inside of a corner of two streets and the outside of a corner of a seawalled water body. Aside from practical limitations that ensure that parking spaces are large enough for automobile access, LDC Section 10-416 requires a Type D (15-foot-wide) buffer between a parking area and right-of-way. The applicant contends that the narrowness and the L-shaped configuration of the subject property are exceptional conditions that justify the variance, but reducing the number of parking spaces proposed to be located in the parking lot could allow the applicant to meet these buffer requirements. Applicant's desire to fit additional parking spaces on the site does not transform the site's dimensions into an extraordinary condition justifying the requested variance. A shared permanent commercial parking lot is a special exception use that may not be appropriate in all locations, particularly where performance and locational standards will not be met. Staff recommends the finding that there **are not** exceptional or extraordinary conditions inherent to the subject property, and that the request **is not** a de minimis variance.

2. That the conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question.

The applicant acquired the subject property after the adoption of landscape buffer requirements and parking space and aisle dimension requirements, and now proposes to develop a shared permanent commercial parking lot on a vacant site that abuts additional property also owned by the applicant. The applicant's decision to develop a parking lot, and the applicant's judgment that additional parking spaces ought to fit on the site in spite of preexisting landscape buffer requirements, are actions taken after the adoption of these regulations. The applicant owns the adjacent Lots 3 through 12 in Block A, Island Shores Unit 2 Subdivision, immediately to the southwest, with which the subject property could be combined for redevelopment. Far from being constrained by site characteristics, applicant has an unusually large parcel within which to redevelop in accordance with, rather than at variance from, the applicable land development regulations and the Town's comprehensive plan. Staff recommends the finding that the conditions advanced by the applicant to justify the variance **are** the result of actions taken by the applicant after the adoption of the regulation in question.

3. That the variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.

Applicant has the option to redevelop the subject property alone or in combination with adjacent property under common ownership in compliance with relevant policies of the comprehensive plan and regulations of the LDC, which encourage parking areas in the DOWNTOWN district to be located in the rear yards, with building frontages complying with the applicable build-to lines along streets. Furthermore, applicant has a vacant site within which to construct a compliant parking lot if granted a special exception by Town Council. The Town's comprehensive plan and LDC provide generous incentives for other forms of development on the subject property largely in recognition of the property's prime location. The absence of a similar relaxation of buffer requirements for parking areas (to allow more parking spaces to fit into unenclosed surface parking lots) is evidence that the regulations of the DOWNTOWN zoning district are intended to encourage property owners to redevelop in accord with the community design element and other relevant policies of the comprehensive plan. Staff recommends the finding that application of LDC Section 10-416 to the subject property **does not** cause an unreasonable burden, and that the requested variance therefore **is not** necessary to relieve the applicant of an unreasonable burden.

4. That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The specific inclusion of this buffer requirement in the regulations of the DOWNTOWN zoning district is a clear expression of intent that these buffer requirements were necessary to the public welfare in any situation where a parking lot might otherwise be allowed to abut a sidewalk and roadway. The DOWNTOWN district is intended "to create the desired quality and character for the center of pedestrian-oriented commercial activities within the town." (LDC Section 34-671). Pedestrian areas should be buffered from parking areas by buildings that provide building frontages meeting the applicable build-to lines, or, where surface parking areas are allowed to be developed adjacent to public streets, by landscaped buffer areas in compliance with LDC Section 10-416. Staff recommends the finding that granting the requested variance **would** be injurious to the neighborhood or otherwise detrimental to the public welfare.

5. That the conditions or circumstances on the specific piece of property for which the variance is sought are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

LDC Section 10-416 applies generally to all developments other than those that are exempt from review under LDC Chapter 10. Any new or expanded surface parking area abutting a public street would be required to provide a Type D buffer (minimum width of 15 feet). If the Town Council determines that the public health, safety, and welfare would be better served by a lesser buffer requirement, amending the buffer requirements

in LDC Section 10-416 would be more practical than considering whether to grant a variance for each new parking lot that is proposed to be developed. Staff recommends the finding that the circumstances **are** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation if Council wished to alter existing policy to allow parking spaces instead of buffer areas.

Recommended Findings and Conclusions (Request #3--**VARIANCE** from LDC Section 34-676(b) to allow a parking lot outside the rear yard)

1. Whether there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.

Applicant owns adjacent property with which the subject property could be combined to overcome the subject property's unusual shape in a larger redevelopment project, but does not propose to redevelop the abutting property and proposes to use the subject property for a parking lot. The relevant public policy is to encourage redevelopment which will include buildings that present the required building frontage at the required build-to line. When the subject property is redeveloped with a building these form-based development standards will be required to be met, if the recommended conditions are included, and in the interim the parking area will be separated from the streets by vegetated buffers. Staff recommends the finding that approval of the requested variance, as conditioned, **is de minimis** and the conditions are such that rigid compliance **is not essential** to protect public policy.

2. That the conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question.

The building located on the subject property was demolished before the applicant acquired the subject property. Buildings on the applicant's adjoining property were constructed before the applicant acquired the subject property. The subject property was rezoned from C-1 to DOWNTOWN in 2003 when the Town adopted Ordinance 03-03 and replaced the transitional (Lee County) zoning districts, before applicant acquired the subject property in 2005. The configuration of buildings on applicant's adjoining property, and the removal of the former building from the subject property, were existing conditions at that time. Staff recommends the finding that the conditions **are not** the result of actions of the applicant taken after the adoption of the regulation in question.

3. That the variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.

Applying LDC Section 34-676(b) in this situation would apparently require the applicant to construct a building in order to create a rear yard in which to place the intended principal use, a shared permanent commercial parking lot. Throughout the

DOWNTOWN district, redeveloped sites are envisioned to include buildings near streets, with parking areas located under elevated buildings or in the rear yards. Staff recommends the finding that, as conditioned, the requested variance, to allow a parking lot outside the rear yard on the subject property, **is the minimum variance** that will relieve the applicant of an unreasonable burden caused by the application of LDC Section 34-676(b) to the subject property.

4. That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

As conditioned, when the subject property is redeveloped with a building or buildings, the neighborhood vision for the Old San Carlos Boulevard area will be required to be addressed through the application of the appropriate zoning and development standards. In the mean time, granting the requested variance will allow the applicant to replace a largely unimproved seasonal parking lot with an improved shared permanent commercial parking lot. Though this change might tend to encourage the applicant to maintain the parking lot use of the subject property without redeveloping the property with buildings, staff recommends the finding that granting the requested variance, as conditioned, **will not** be injurious to the neighborhood or otherwise detrimental to the public welfare.

5. That the conditions or circumstances on the specific piece of property for which the variance is sought are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

The history of relatively high land values in the Town's commercial core area suggests that there will be few locations where a surface parking lot, without buildings, would be the property owner's preferred land use. The narrowness and shape of the subject property, combined with the applicant's preference (at present) for a parking lot rather than a building, are circumstances that are not of a general or recurrent nature. Staff recommends the finding that these conditions or circumstances **are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

IV. CONCLUSION

Applicant's justification for variance request #2, to omit landscaped buffer areas required by LDC Section 10-416(b), relies largely on a desire to fit additional parking spaces on the subject property at the expense of development standards designed to achieve the goals, objectives, and policies of the Town's comprehensive plan. Applicant has many options to develop the subject property alone or in combination with adjacent properties under common ownership, and has already benefited from the generous seasonal parking regulations of LDC Section 34-2022 for several years. This request does not meet the required criteria for granting a variance under LDC Section 34-87. Staff recommends denial.

If granted a special exception by Town Council, applicant can develop a shared permanent commercial parking lot on the subject property in compliance with applicable code requirements, although compliance may reduce the number of parking spaces that will fit on the subject property. Applicant should be required to develop the proposed shared permanent commercial parking lot in accordance with code requirements, including the required landscape buffers under LDC Section 10-416. Rigid compliance with LDC Section 34-676(b), however, might require applicant to construct a building on the subject property in order to have this off-street parking area. Staff has recommended the finding that this requested variance (request #3) from LDC Section 34-676(b) is de minimis under the circumstances, if conditioned as recommended.

Staff recommends **DENIAL** of the requested variance (request #2) from LDC Section 10-416(b) to eliminate required landscaped buffer areas along Third Street and along Old San Carlos Boulevard. If the requested variance (request #2) is denied, staff recommends **APPROVAL** of the requested special exception (request #1), and **APPROVAL** of the requested variance (request #3) from LDC Section 34-676(b) to allow a parking area outside of a rear yard, both subject to the recommended conditions.

Exhibits

Exhibit A – Legal Description

Exhibit B – Applicant’s site plan

FMBVAR2008-0002 and FMBSEZ2008-0003

Exhibit A

Lots 1 and 2, Block A, ISLAND SHORES UNIT 2 SUBDIVISION as recorded in Plat Book 9, Page 25, Public Records of Lee County, Florida;

and

Lot 1, Block B, MATANZAS VIEW SUBDIVISION, as recorded in Plat Book 9, Page 40, said public records.

SEZ2008-0003 and VAR2008-0002

Exhibit B

See 24" x 36" paper original (available at Town Hall) for full detail

STRAP NUMBERS

24-46-23-W3-0050A.0010
 24-46-23-W3-0030B.0010

STREET ADDRESS

343 OLD SAN CARLOS BLVD. &
 940 THIRD STREET
 FORT MYERS BEACH, FL 33931

PROJECT INFORMATION

TOTAL ACREAGE = 11.250 SF (0.26 AC)
 CURRENT ZONING = DOWNTOWN
 FUTURE LAND USE = PEDESTRIAN COMMERCIAL
 PROPOSED USE = PARKING LOT
 EXIST. SOIL TYPES = #59 - URBAN LAND
 IRRIGATION SERVICE = POTABLE WATER
 ARCHAEOLOGICAL
 SENSITIVITY LEVEL = NONE

ZONING/ACTUAL USE

NORTH = DOWNTOWN/THIRD STREET
 SOUTH = CPD/MOTEL & LAGOON
 EAST = CPD/OLD SAN CARLOS BLVD
 WEST = CO. SINGLE-FAMILY RESIDENTIAL

LANDSCAPE BUFFERS:

NORTH = PRKG TO ROW, 15' WIDE TYPE "D" LANDSCAPE BUFFER
 SOUTH = PRKG TO CPD & LAGOON, NO BUFFER REQUIRED
 EAST = PRKG TO ROW, 15' WIDE TYPE "D" LANDSCAPE BUFFER
 WEST = PRKG TO SFR, NO BUFFER REQUIRED

PROPERTY DEVELOPMENT REGULATIONS

MIN. STREET SETBACK
 PRIMARY = 0 FT
 SECONDARY = 0 FT
 MIN. SIDE SETBACK = 0 FT
 MIN. REAR SETBACK = 0 FT
 MIN. WATERBODY SETBACK = 0 FT
 MIN. OPEN SPACE = NONE REQUIRED

VARIANCES

(1) RELIEF FROM LDC SEC. 10-416(D)(2) BUFFER TYPES WHICH REQUIRES A 15' WIDE TYPE "D" LANDSCAPE BUFFER FROM PARKING TO ROW. A VARIANCE IS REQUESTED TO PROVIDE A ZERO (0) FOOT BUFFER TO OLD SAN CARLOS BOULEVARD WITH NO LANDSCAPING PROPOSED.

(2) RELIEF FROM LDC SEC. 10-416(D)(2) BUFFER TYPES WHICH REQUIRES A 15' WIDE TYPE "D" LANDSCAPE BUFFER FROM PARKING TO ROW. A VARIANCE IS REQUESTED TO PROVIDE A ZERO (0) FOOT.

(3) RELIEF FROM LDC SEC. 10-416(D)2 BUFFER TYPE C/F ALONG SIDE LOT LINE (WEST) TO 0 FEET LANDSCAPE BUFFER AND EXISTING WOODEN FENCE.

(4) RELIEF FROM LDC SEC. 34-676(B) PARKING LOT LOCATION FROM LIMIT TO REAR YARD TO PERMIT PARKING ON SUBJECT PROPERTY.

(5) RELIEF FROM LDC SEC. 34-2015(8) PEDESTRIAN SYSTEM FROM PEDESTRIAN WALKWAY REQUIREMENT TO WALKWAY DEPICTED ON SITE PLAN.

DEVIATIONS

(1) RELIEF FROM LDC SEC. 10-416(C)(2)D INTERNAL LANDSCAPING WHICH STATES THAT NO MORE THAN AN AVERAGE OF TEN (10) PARKING SPACES MUST OCCUR IN AN UNINTERRUPTED ROW UNLESS OPTIONAL DIVIDER MEDIANS ARE USED. NINETEEN (19) PARKING SPACES ARE PROPOSED WITHOUT INTERRUPTION BY DIVIDER MEDIAN OR LANDSCAPE ISLAND.

(2) RELIEF FROM LDC SEC. 10-416(C)(2)B INTERNAL LANDSCAPING WHICH STATES THAT LANDSCAPED AREAS ON THE PARKING AREA PERIMETER OR INTERNAL ISLANDS MUST EQUAL OR EXCEED A MINIMUM OF TEN PERCENT (10%) OF THE TOTAL PAVED SURFACE. LESS THAN TEN PERCENT (10%) OF THE TOTAL PAVED SURFACE AREA IS PROPOSED TO BE LANDSCAPED IN EITHER THE PARKING AREA PERIMETER OR INTERNAL ISLANDS.

(3) RELIEF FROM LDC SEC. 10-285(A) CONNECTION SEPARATION WHICH REQUIRES LOCAL STREETS TO PROVIDE 125' SEPARATION CENTERLINE TO CENTERLINE. THE PROPOSED DISTANCES ARE 112.73 FEET AND 119.55 FEET.

NOTE:
 NO STACKED PARKING EXCEPT WHEN VALET SERVICES PROVIDED.

LEGEND

R	RADIUS (5' UNLESS OTHERWISE NOTED)
EX.	EXISTING
R.O.W.	RIGHT-OF-WAY
E.O.P.	EDGE OF PAVEMENT



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

TOWN OF
FORT MYERS BEACH

June 1, 2009

JUN - 5 2009 / RC

TOWN OF
FORT MYERS BEACH

Frank Shockey
Community Development
Town of Fort Myers Beach
2523 Estero Boulevard
Fort Myers Beach, FL 33931

JUN - 5 2009

RECEIVED BY

Re: Special Exception FMBSEZ2008-0003
Variance FMBVAR2008-0002
Administrative Deviations

Dear Frank:

Pursuant to the meeting with community development on May 26, 2009, we are filing one consolidated Site Plan for the Special Exception, Variance and administrative deviations and adding 2 variances discussed at the meeting as follows:

(1) Variance request #4, for relief from Sec. 34-676(b), parking lot location from limit to rear yard to permit parking on the subject property.

Justification: Attached is a memorandum in support of the variance.

(2) Variance request #5, for relief from Sec. 34-2015(8) Pedestrian System from pedestrian walkway requirement to walkway depicted on site plan.

Justification: Plan provides pedestrian access to Old San Carlos Blvd. consistent with the code. Plan provides a pedestrian access not to exceed 4' (four feet) in the right of way which will provide a significant benefit to the public and to customers as a parking lot adjacent to 3rd street. Therefore, the intent of the code is met.

In addition, we have added a note to the Site Plan to clarify that valet parking is requested and we have proposed a condition that "There will be no stacked parking except when valet service is provided."

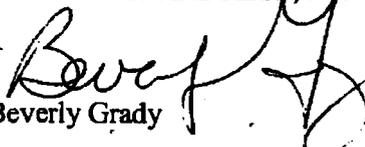
These are very minor additions. Therefore, we respectfully request that the applications be scheduled for the June LPA meeting. We believe Staff has thoroughly reviewed this request for parking.

Enclosed are 14 copies of this correspondence and 14 sets of site plans for each request: special exception; variance; deviation.

June 1, 2009
Page 2

Very truly yours,

ROETZEL & ANDRESS, LPA


Beverly Grady

BG/cl

enclosures

cc: John Patterson
John Richard
Jimmy Messick

JUSTIFICATION FOR VARIANCE #4
Relief from LDC Sec. 34-676(b),
parking lot location from limit to rear yard to permit parking on the subject property.

The request is for a “parking lot, shared permanent (34-2015(2)(b))-SE” (Special Exception). See Table 34-1

Section 34-2011 Types of parking facilities, categories of as parking facilities in the Town of Fort Myers Beach and are classified as follows:

(a) Single purpose parking lots - parking lots designed to serve individual businesses, condominiums or shopping centers. Single purpose parking lots are usually located on the same site they serve.

(b) Shared parking lots – Shared parking lots are open to the public generally for a fee and may include a surface parking lot.

... (2) Permanent shared parking lots are considered a principal use of a parcel of land and may be approved in certain zoning districts by special exception.

Location and design of parking lots are governed by Section 34-2015

Single purpose parking lots shall be provided on the same premises except in the DOWNTOWN zoning district as provided in 34-676(a) (*emphasis added*)

(2) Location of shared parking lots

b. Permanent shared parking lots are considered a principal use of a parcel of land and may be approved in certain zoning district by special exception. The use of parking lot shared permanent specifically refers to 34-2015(2)(b) which sets forth the location, design, lighting criteria for the parking lot.

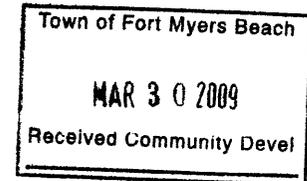
Land Development Code Section 34-676 Circulation and Parking in the Downtown district, limits in subsection 34-676(b) parking to rear yards and references Figure 34-5. We respectfully submit that the code is intended to apply to the situation when the building is being constructed on the same premises which requires the parking to be in the rear yard.

We respectfully submit that 34-676(b) Parking Lot Location is not applicable to the principal use of “parking lot, shared permanent” and if applied renders the principle use of a commercial parking lot unfeasible. The use of “parking lot, shared permanent” is not referenced in Section 34-676. For example, properties on Old San Carlos Boulevard are required to provide 50% of the required parking in an off street parking lot which is on the same property. Figure 34-5 which is referenced in Section 34-676(b) illustrates the building location, the side yard and the rear yard and the code requires the parking to be in the rear yard for the building. The Figure depicts the building envelope and yards on the same premises. If Section 34-676 is applied to the principal use of “parking lot, shared permanent” then it leaves 75% of the property useless.

Based upon the Town’s application of Section 34-676(b), we are requesting a variance so that commercial parking is not limited to the rear yard and is approved as depicted on the Site Plan.



March 30, 2009



Town of Fort Myers Beach
2523 Estero Blvd.
Fort Myers Beach, Florida 33931

RE: Beach Commercial Parking
Applicant John W. Richard

Please find attached:

Amendment to three applications long with a site plan showing the parking lot entrance proposed.

1. Amendment to: Administrative Action Request Supplement 1
For Unincorporated Areas Only – With updated parking lot site plan
Administrative Deviation From
Chapter 10, per LCLDC SECTION 10-104
Project Name: Beach Commercial Parking
Applicant: John W. Richard of the John W. Richard Revocable Trust U/T/A dated May 3, 1995
2. Amendment to Supplement PH-B – With updated parking lot site plan
ADDITIONAL REQUIRED INFORMATION FOR A VARIANCE APPLICATION
FORT MYERS BEACH
Project Name: Beach Commercial Parking
Applicant: John W. Richard of the John W. Richard Revocable Trust U/T/A dated May 3, 1995
3. Amendment to: (With updated parking lot site plan)
AMENDMENT FOR APPLICATION FOR ADMINISTRATIVE ACTION FOR
UNINCORPORATED AREAS ONLY
Project Name: Beach Commercial Parking
Applicant: John W. Richard of the John W. Richard Revocable Trust U/T/A dated May 3, 1995

page 2

If you have any questions please call Joanne Semmer at 463-9326, 470-4993 cell or e-mail at jj37a@yahoo.com.

Thank You,


Joanne Semmer

PERMANENT SHARED PARKING LOT

LIST OF REQUESTED VARIANCES AND ADMINISTRATIVE DEVIATIONS

A. VARIANCE REQUESTS

1. Variance from LDC, Sec. 10-416(d)2 to allow zero (0) foot buffer along Old San Carlos Blvd. and a 5 ft. buffer along Third Street South right-of-way.

B. ADMINISTRATIVE DEVIATION REQUESTS

1. Deviation from LDC, Sec. 10-416©(2)d to allow 19 parking spaces without interruption by divider median or landscaped island.

2. Deviation from LDC, Sec. 10-416©(2)b to allow less than ten percent (10%) of the total paved surface area to be landscaped in either the parking area perimeter or internal islands.

3. Deviation from LDC, Sec. 10-285(a) and Table 10-1 to allow 112.69 foot separation rather than the required 125 foot separation.

Amendment to Supplement PH-B - 3/27/09

ADDITIONAL REQUIRED INFORMATION FOR A VARIANCE APPLICATION

FORT MYERS BEACH js

Project Name: Beach Commercial Parking

Applicant: John W. Richard of the John W. Richard Revocable Trust U/T/A dated May 3, 1995

B. NATURE OF REQUEST (please print):

Specifically, the applicant is requesting the following administrative deviations: (1) Relief from LDC, Sec. 10-416(c)(2)d internal landscaping, which states that no more than an average of ten (10) parking spaces must occur in an uninterrupted row unless optional divider medians are used. Nineteen (19) parking spaces are proposed without interruption by divider median or landscape island; (2) Relief from LDC, Sec. 10-416(c)(2)b internal landscaping, which states that landscaped areas on the parking area perimeter or internal islands must equal or exceed a minimum of ten percent (10%) of the total paved surface. Less than ten percent (10%) of the total paved surface area is proposed to be landscaped in either the parking area perimeter or internal islands; and (3) Relief from LDC, Sec. 10-285(a) connection separation, which requires local streets to provide 125 feet separation from centerline to centerline. The proposed distance is 112.69'.

AMENDMENT FOR APPLICATION FOR ADMINISTRATIVE ACTION FOR UNINCORATED
AREAS ONLY 3/27/09

Project Name: Beach Commercial Parking

Applicant: John W. Richard of the John W. Richard Revocable Trust U/T/A dated May 3, 1995

EXHIBIT I-3.A

NARRATIVE FOR ADMINISTRATIVE DEVIATIONS

This is a request for three administrative deviations from Chapter 10 of the LDC. Specifically, the applicant is requesting the following administrative deviations: (1) Relief from LDC, Sec. 10-416(c)(2)d internal landscaping, which states that no more than a average of ten (10) parking spaces are proposed without interruption by divider medians are used. Nineteen (19) parking spaces are proposed without interruption by divider median or landscape island; (2) Relief from LDC, Sec. 10-416(2)b internal landscaping, which states that landscaped areas on the parking area perimeter or internal islands must equal or exceed a minimum of ten percent (10%) of the total paved surface. Less than ten percent (10%) of the total paved area is proposed to be landscaped in either the parking area perimeter or internal islands; and (3) Relief from LDC, Sec. 10-284(a) connection separation, which requires local streets to provide 125 feet separation from centerline to centerline. The proposed distance is 112.69.

The subject property is located at 343 Old San Carlos Blvd. and 940 Third Street (STRAP#s 24-46-23-W3-0050A.0010 and 24-46-23-W3-0030B.0010). The requested administrative deviations are necessary because of the odd shape of the property. The property is L-shaped and approximately 11,473 square feet. The applicant will be placing permanent shared parking (commercial parking) on the subject property (special exception application and variance application have been submitted for the permanent shared parking and the maximization of the number of parking spaces.

The subject property is located at the intersection of Old San Carlos Blvd. and Third Street South. The approval of the requested deviations will allow approximately 27 standard parking spaces to be placed on the property. Additionally, the property will have a parking area that will accommodate larger trucks, motor homes, RVs, and/or valet parking. Note that the valet parking is proposed for use during season.

The subject property is only fifty (50) feet in width. The fifty-foot width will not allow two rows of parking spaces at a ninety degree angle. Pursuant to LDC, Sec. 34-2015(1), where the angle of parking is ninety degrees, the parking space is required to be eighteen (18) feet in length and 8.6 feet in width, with 20 feet in width for a one-way parking aisle. Two rows of parking spaces at a ninety degree angle, assuming compliance with the required eighteen feet length of the parking space, would leave only fourteen (14) feet for aisle space. In order to allow two rows of parking on the subject property without variance, it was necessary to design one row with parking at a ninety degree angle and one row of parallel parking. However, due to the width of the property, and to maximize the allowable parking on the small site (11,437 square feet), the requested deviations are still needed.

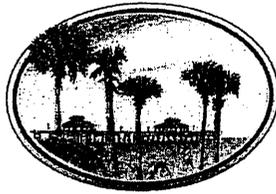
The approval of the requested deviations will not have an effect on the adjacent properties. The property is located in the Downtown zoning district, whose purpose is to , “create the desired quality and character for the center of pedestrian-oriented commercial activities within the town...Old San Carlos Boulevard will serve as the town’s ‘Main Street’ and will be anchored by pedestrian plazas at each end.” LDC, Sec. 34-671. The Town’s LDC, therefore, contemplates that commercial parking enhances rather than detracts from adjacent properties by facilitating the desired pedestrian-oriented quality and character of the district.

It should be noted that the surrounding properties to the northeast, east, southeast and south are developed with commercial uses to include restaurant and proposed guest units. There is existing residential use to the west and north across Third Street.

The commercial parking with the requested administrative deviations will be compatible with and will not cause any damage or detriment to persons or property. Parking is an integral part of a successful downtown and the subject property has been used as a temporary Downtown (Northeast-CPD) parking area for several years. This location promotes the Town’s park-once concept and due to the proximity of the subject property to Times Square area. However, the successful service of the subject property as commercial parking requires approval of the requested administrative deviations because of the odd-shape and small size of the property.

It should be noted that in requesting a special exception and variances for the permanent shared parking on the subject property, the applicant has proposed to the Town a 50% contribution towards the cost of placing a landscaping buffer in the Third Street South right-of-way. The proposed landscaping buffer to be placed in the Third Street South right-of-way would be a musa acuminate (banana tree) hedge. Additionally, the applicant proposed a decorative fence along the property line on Third Street South. The decorative fence would be similar in size, scale, and appearance to other permanent shared parking spaces within the Town. The proposed fence and landscape buffer along Third Street should also mitigate any concern that the Town may have with respect to granting the requested administrative deviations.

Amendment to : Administrative Action Request Supplement 1
For Unincorporated Areas Only
Administrative Deviation From
Chapter 10, per LCLDC SECTION 10-104
Project Name: Beach Commercial Parking
Applicant: John W. Richard of the John W. Richard Revocable Trust U/T/A dated May 3, 1995



APPLICATION FOR PUBLIC HEARING FOR FORT MYERS BEACH

Applicant's Name: John W. Richard of the John W. Richard Revocable Trust U/T/A dated May 3, 1995
Project Name: Beach Commercial Parking
STRAP Number(s): 24-46-23-W3-0050A.0010 24-46-23-W3-0030B.0010

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

STAFF USE ONLY

Case Number: FMB 152 2008-003 Date of Application: 6/20/08
Planner in charge: JOHN PATTERSON Date found sufficient: _____
Public Hearing Dates: LPA: _____ Town Council: _____

Current Zoning: Downtown
Land Use Category: Pedestrian Commercial Platted Overlay? Yes No
Comp Plan Density Range: _____

REQUEST FOR

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

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

Case Number: _____ Name: Beach Commercial Parking

PART 1 - NATURE OF REQUEST

Action Requested: [check applicable action(s)]

- Special Exception for: Permanent Parking Lot (Attach Sup. PH - A)
- Variance for: allowing zero (0) foot buffer along Old San Carlos and 5ft.buffer along 3rd St. South (Attach Sup. PH - B)
- Conventional Rezoning from: _____ to: _____ (Attach Sup. PH - C)
- Planned Development
- Rezoning from: _____ to: _____ (Attach Sup. PH - D)
- Extension of Master Concept Plan (Attach Sup. PH - E)
- Public Hearing for DRI
- No rezoning is required.
- Rezoning is required from: _____ to: _____ (Attach Sup. PH - D)
- Appeal of Administrative action (Attach Sup. PH - F)

PART 2 - CURRENT CLASSIFICATION OF PROPERTY

(Please check all appropriate items):

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

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

B. Platted Overlay? No Yes

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

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

Case Number: _____ Name: Beach Commercial Parking

PART 3- WAIVERS

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

Section Number	Name of item
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

PART 4 - APPLICANT INFORMATION

A. Name of applicant: John W. Richard of the John W. Richard Revocable Trust U/T/A dated May 3, 1995C/o Beverly Grady*
Address: Street : 2320 First Street, Suite 1000
City: Ft. Myers State: FL Zip: 33901
Phone: Area Code: 239 Number: 337-3850 Ext: _____
Fax: Area Code: 239 Number: 337-0970
E-mail address: Bgrady@ralaw.com

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

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

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

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

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

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

Case Number: _____ Name: Beach Commercial Parking

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

Company Name: Roetzel and Andress, LPA

Contact Person: Beverly Grady

Address: Street : 2320 First Street, Suite 1000

City: Ft. Myers State: FL Zip: 33901

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

Fax: Area Code: 239 Number: 337-0970

E-mail address: Bgrady@ralaw.com

PART 5 - OTHER AGENTS

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

A. Company Name: TDM Consulting, Inc.

Contact Person: _____

Address: Street : 8695 College Parkway, #357

City: Fort Myers State: FL Zip: 33919

Phone: Area Code: 239 Number: 433-4231 Ext: _____

Fax: Area Code: 239 Number: 433-9632

E-mail address: _____

B. Company Name: _____

Contact Person: _____

Address: Street : _____

City: _____ State: _____ Zip: _____

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

Fax: Area Code: _____ Number: _____

E-mail address: _____

Case Number: _____ Name: Beach Commercial Parking _____

C. Company Name: _____

Contact Person: _____

Address: Street : _____

City: _____ State: _____ Zip: _____

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

Fax: Area Code: _____ Number: _____

E-mail address: _____

D. Company Name: _____

Contact Person: _____

Address: Street : _____

City: _____ State: _____ Zip: _____

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

Fax: Area Code: _____ Number: _____

E-mail address: _____

PART 6 - PROPERTY OWNERSHIP

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

Name _____

Address: Street : _____

City: _____ State: _____ Zip: _____

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

Fax: Area Code: _____ Number: _____

E-mail address: _____

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

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

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

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

Case Number: _____ Name: Beach Commercial Parking

PART 7 - PROPERTY INFORMATION

A. STRAP Number(s): 24-46-23-W3-0050A.0010 24-46-23-W3-0030B.0010

B. Location [34-202(a)(4)]:
Street Address: 343 Old San Estero Blvd, Fort Myers Beach, FL 33931 and 940 Third Street, Ft. Myers, Bch., FL 33931
X An area location map is attached as "Exhibit 7 - 1."

C. Directions to property: From the base of the Sky Bridge make first right; at 4-way stop turn on Old San Carlos Blvd.

D. Property Dimensions:
Area: 11,473 square feet or _____ acres
Width along roadway: 50' on Old San Carlos and 225 on 3rd feet
Depth: 225 feet

E. Legal Description [34-02(a)(1)]:
X Legal description (on 8 1/2" by 11" paper) is attached as "Exhibit 7 - 2."
_____ Electronic version of the legal description is attached.

F. Boundary Survey or certified sketch of description [34-202(a)(2)]:
_____ The property consists of one or more undivided platted lots in a subdivision recorded in the Official County Plat Books. A copy of the applicable plat book page is attached as "Exhibit 7 - 3."
X The property is not platted OR consists of one or more divided platted lots in a subdivision recorded in the Official County Plat Books.
X A Certified sketch of description is attached as "Exhibit 7 - 4."
_____ A Boundary survey is attached as "Exhibit 7 - 5."

G. Property Restrictions [34-202(b)(2)]:
1. X There are no deed restrictions/covenants on this property that affect this request.
2. _____ Restrictions/covenants are attached as "Exhibit 7 - 6."
3. _____ A narrative explanation as to how the deed restrictions or covenants may affect this request is attached as "Exhibit 7 - 7."

H. Surrounding property owners:
1. X A list of surrounding property owners is attached as "Exhibit 7 - 8." [34-202(a)(6)]
2. X Two sets of mailing labels are attached as "Exhibit 7 - 9." [34-202(a)(6)]
3. X A map of surrounding property owners is attached as "Exhibit 7 - 10." [34-202(a)(7)]

Case Number: _____ Name: _____

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

I, *John W. Richard as Trustee
of John W. Richard Revocable Trust*, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

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

*Name of Entity (corporation, partnership, LLP, LC, etc)

John W. Richard
Signature

John W. Richard as Trustee
(Type or printed name)

Trustee of John W. Richard
(title of signatory)
Revocable Trust U/T/A dated

*U/T/A dated May 3, 1995. may 3 1995.

STATE OF Florida

COUNTY OF Lee

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

March 20 2009 by John W. Richard as trustee who is personally
(date) (name of person providing oath or affirmation)

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

Beverly Grady
Signature of person taking oath of affirmation

NOTARY PUBLIC-STATE OF FLORIDA
Beverly Grady
Commission # **DD673533**
Expires: **MAY 13, 2011**
BONDED THRU ATLANTIC BONDING CO., INC.

* Notes:

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

PART 9 - SUBMITTAL REQUIREMENTS

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

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

GUIDE FOR FILING AN APPLICATION FOR A PUBLIC HEARING

If questions of interpretations arise as a result of our attempt to provide easy-to-understand instructions for completing the application form(s), the provisions of the Land Development Code will be the final authority.

GENERAL INSTRUCTIONS

1. All properties within a single application must be abutting. However, the director may, at his discretion, allow a single application to cover non-abutting properties where it is in the public interest due to the size or scope and nature of the request, and there is a rational continuity to the properties in question. [34-201(b)(1)]
2. Before an application may be accepted, it must fully comply with all information requirements enumerated in section 34-202 and 34-203, as applicable, unless specifically stated otherwise in Chapter 34 of the Fort Myers Beach Land Development Code. [34-201(b)(3)]
3. The applicant shall assure that an application is accurate and complete. Any additional expenses necessitated because of inaccurate or incomplete information shall be borne by the applicant. [34-201(B)(4)]
4. Applications must be submitted in person. Mailed-in applications will not be processed.
5. Unless specifically stated to the contrary, all attachments and exhibits must be of a size that will fit or conveniently fold to fit into a letter size (8 ½" x 11") folder.
6. All fees, in accordance with the fee schedule (see Section 34-53), shall be paid at the time the application is submitted. [34-202(a)(9)]

PART 1 - NATURE OF REQUEST

Indicate the type of hearing being requested and, in addition to this form, complete and submit the required Supplemental form.

PART 2 - CURRENT CLASSIFICATION OF PROPERTY

- A. Indicate the current land use category(ies) of the property to be rezoned as indicated on the Comprehensive Plan Future Land Use Map.
- B. Indicate the current zoning of the property.

PART 3 - WAIVERS FROM SUBMISSION REQUIREMENTS

Upon written request, the director may modify the submittal requirements contained in this section if the applicant clearly demonstrates that the submission will have no bearing on the review and processing of the application. The request to the director must be submitted prior to submitting this application. Multiple waiver requests must be made on individual request forms indicating each separate request. The director's written response must accompany the application submitted and will become a part of the permanent file. [34-202(a)]

If waivers have been requested and approved, indicate the section number and the specific submittal item that was approved. Attach copies of the approved waivers to this application as "Exhibit 3 - 1."

PART 4 - APPLICANT INFORMATION

- A. **Name of Applicant:** Insert the name, and requested information, of the applicant. The applicant shall be the person that will actually sign this application form.
- B. **Relationship of applicant to property:** An application for a rezoning, development of regional impact, special exception, appeal from an administrative action, or variance may be initiated by a landowner, or his authorized agent, for his own property, or by the Town. [34-201(a)(1) and (2)].

If the applicant is not the Town or the actual owner of the property, the owner must provide the applicant with a notarized statement evidencing the applicant's authority to act on the owner's behalf and encumber the property with conditions applicable to the approval requested in the application. Attach the notarized authorization as "Exhibit 4 - 1." [32-202(b)(1)b.]

If the property is owned by a husband and wife, land trust, corporation, partnership, or association, the following shall apply :

- a. either the husband or wife, or both, may initiate the application on private real property which is owned by them. [34-201(1)a.1.]
- b. where the property is subject to a land trust agreement, the trustee may initiate the application. [34-201(1)a.2.]
- c. where the fee owner is a corporation, any duly authorized corporate official may initiate the application. [34-201(1)a.3.]
- d. if the fee owner is a partnership, the general partner may initiate the application. [34-201(1)a.4]
- e. where the fee owner is an association, the association or its governing body may appoint an agent to initiate the application on behalf of the association. [34-201(a)(1)4.]

If the owner is a condominium, timeshare condominium, or a subdivision, refer to Section 34-201(a)(1)b and c. for requirements. [34-201(a)(1)b. and c.]

If a contract purchaser or vendee is the applicant, a notarized statement from the property owner must be submitted authorizing the contract purchaser/vendee to act as an agent of the property owner for purposes of application submittal and agreement to conditions applicable to approval of the request. Attach the notarized authorization as "Exhibit 4 - 2." [34-202(b)(1)c.]

- C. **Agent authorized to receive town or county-initiated correspondence:** This may be the same as the applicant or the applicant may authorize some other person.

PART 5 - OTHER AGENTS

An owner or authorized applicant may authorize additional agents to assist in the preparation and presentation of the application. However, an authorized applicant cannot transfer authority to bind the property with respect to conditions. This later authority will only be recognized by the town when it is provided directly to the agent by the owner. [34-202(b)(1)(b)]

List any agents involved in this development that may be contacted by the town or county for the purpose of reviewing this application.

PART 6 - PROPERTY OWNERSHIP

- A. **Single owner:** If the property is owned by an individual or husband and wife, complete the form with the name, address, etc., of the owner(s).
- B. **Multiple Owners or Properties:**

Disclosure Form. Except for Town - initiated applications, the names and mailing addresses of all persons or entities having an ownership interest in the property, including the names of all stockholders and trust beneficiaries must be submitted. Attach the disclosure document as "Exhibit 6 - 1." [34-201(b)(2)]

Disclosure shall not be required of any entity whose interests are solely equity interests which are regularly traded on an established securities market in the United States or another country. [34-201(b)(2)b.]

Property owners list. [34-202(a)(5) and 34-202(b)(1).a.] If more than one parcel is involved, submit a list of all property owners and their mailing addresses. The applicant is responsible for the accuracy of the list and map. Attach the property owners list as "Exhibit 6 - 2." [34-202(a)(5)]

For town-initiated actions only, names and addresses shall be deemed to be those appearing on the latest tax rolls of the county.

Property owners Map. If the property covered by the application consists of more than one parcel, the list of the owners must be keyed to a map illustrating the individual owners interest in the property. Attach the property owners list as "Exhibit 6 - 3." [34-202(a)(5)]

PART 7: PROPERTY INFORMATION

A. **STRAP number(s):** The STRAP (Section, Township, Range, Area, Parcel) number is the 17- digit number used by the Property Appraiser to identify specific parcels. [34-202(a)(1)]

B. **Location**

Street address: Indicate the street address of the property. The address may be obtained from County Property Appraiser if unknown by applicant.

Area location. Submit a map, at a suitable scale, drawn on an 8½-inch by 11-inch sheet of paper, that depicts the property described in the legal description in relation to the surrounding neighborhood. The map shall be sufficiently referenced to streets, waterways, and other physical boundaries so as to be clearly identifiable to the general public. Label the map "Exhibit 7 - 1." [34-202(a)(4)]

C. **Legal description**

The application shall include a copy of the plat or plats, if any, and the correct STRAP number(s). If the application includes multiple abutting parcels or if the property consists of other than one or more undivided platted lots, the legal description must specifically describe the perimeter boundary of the total property, by metes and bounds with accurate bearings and distances for every line, but need not describe each individual parcel. However, the application must provide the STRAP number for every parcel. The director has the right to reject any legal description which is not sufficiently detailed to locate the property on official maps. Label the legal description as "Exhibit 6 - 2" and the plat map (is required) as as "Exhibit 7 - 3." [34-202(a)(1)]

D. **Boundary survey or certified sketch of description**

Certified sketch of description . The application shall include a certified sketch of description, unless the subject property consists of one or more undivided platted lots in a subdivision recorded in the official Lee County Plat Books. Label as "Exhibit 7 - 4."

The sketch shall include the location of existing structures on the property. [34-202(b)(3)]

The director may require a boundary survey where there is a question regarding the accuracy of the legal description of the property or a question regarding the location of structure(s) or easement(s) that may be relevant to the review of the application. Label as "Exhibit 7 - 5." [34-202(a)(2)]

All certified sketches and boundary surveys must meet the minimum technical standards for land surveying in the state, as set out in ch. 61G 17-6, F.A.C. The perimeter boundary must be clearly marked with a heavy line and must include the entire area that is the subject of the application. [34-202(a)(2)]

E. **Property restrictions.** Submit a copy of any deed restrictions or other types of covenants and restrictions on the subject parcel, along with a statement as to how the restrictions may affect the requested action. If there are no restrictions on the property, the applicant must indicate so on the application form. Label the restrictions as "**Exhibit 7 - 6**" and the narrative statement as **Exhibit 6 - 7.**" [34-202(b)(2)]

F. **Surrounding property owners list.** The applicant must submit a complete list of all property owners, and their mailing addresses, for all property within 500 feet of the perimeter of the subject parcel or the portion thereof that is the subject of the request.

The list shall also include the owners of all individual condominium units within the 500-foot perimeter, plus the managing entity of any timeshare properties. Label the surrounding property owners list as "**Exhibit 7 - 8.**" [34-202(a)(6)]

For the purpose of this subsection, names and addresses of property owners, condominium owners, and timeshare managers will be deemed to be those appearing on the latest tax rolls of the county at the time of application.

The applicant shall be responsible for the accuracy of such list.

Mailing labels. Two sets of mailing labels of all property owners, and their mailing addresses, must be provided for all property within 500 feet of the perimeter of the subject parcel or the portion thereof that is the subject of the request. This list shall also include the owners of all individual condominium units within the 500-foot perimeter, plus the managing entity of any timeshare properties. For the purpose of this subsection, names and addresses of property owners, condominium owners, and timeshare managers will be deemed to be those appearing on the latest tax rolls of the county at the time of application. Label the mailing list as "**Exhibit 7- 9.**" [34-202(a)(6)]

In the event that more than six months lapses between the time of application and the date of mailing courtesy notices for the scheduled public hearing, the director may require the applicant to submit a new list and mailing labels. [34-202(a)(6)]

Surrounding property owners map. The application shall include a zoning map or other similar map displaying all of the parcels of property within 500 feet of the perimeter of the subject parcel or the portion thereof that is subject of the request, referenced by number or other symbol to the names on the surrounding property owners list. Label as "**Exhibit 7- 10.**"

The applicant shall be responsible for the accuracy of the map. [34-202(a)(6)]

PART 8: APPLICANT AFFIDAVIT

The applicant must sign and submit either Affidavit A-1 OR A-2, (whichever is applicable).

**EXHIBIT PH-2.B.1
DISCLOSURE OF INTEREST FORM FOR:**

STRAP NO. 24-46-23-W3-0050A.0010 & 24-46-23-W3-0030B.0010 CASE NO. _____

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

Name and Address	Percentage of Ownership

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

Name and Address	Percentage of Stock

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

Name and Address	Percentage of Interest
JOHN W. RICHARD 237 OLD SAN CARLOS BLVD. FT. MYERS BEACH, FL 33931	100%

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

Name and Address	Percentage of Ownership

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

Name and Address	Percentage of Stock

Date of Contract: _____

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

Name and Address	

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

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

Signature: _____ *John W. Richard*
 (Applicant)

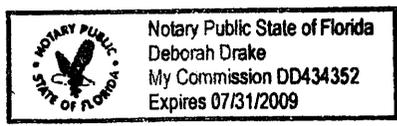
JOHN W. RICHARD
 (Printed or typed name of applicant)

STATE OF FLORIDA
 COUNTY OF LEE

The foregoing instrument was acknowledged before me this 30th day of APRIL 30, 2008
 by JOHN W. RICHARD who is personally known to me or who has produced
 _____ as identification. .

(SEAL)

Deborah Drake
 Signature of Notary Public
DEBORAH DRAKE
 Printed Name of Notary Public



**LETTER OF AUTHORIZATION
TO THE TOWN OF FORT MYERS BEACH**

The undersigned does hereby swear or affirm that he is the fee simple titleholder and owner of the properties commonly known as: 343 Old San Carlos Blvd., Fort Myers Beach, FL, 24-46-23-W3-0050A.0010, and 940 Third Street, Fort Myers Beach, FL, 24-46-23-W3-0030B.0010, legally described in Exhibit A attached hereto. The undersigned hereby designates **Beverly Grady and K'Shana Haynie on behalf of Roetzel & Andress, a Legal Professional Association** to be agents of an application for a Special Exception Application.

John W. Richard as Trustee of the John W. Richard Revocable Trust U/T/A dated May 3, 1995.

BY: _____

(Signature)

JOHN W RICHARD

Printed Name

STATE OF FLORIDA

COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 27TH day of FEB., 2008, **John W. Richard as Trustee of the John W. Richard Revocable Trust U/T/A dated May 3, 1995**, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

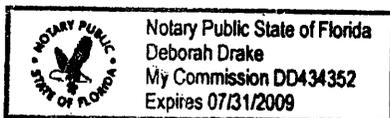
(SEAL)

Deborah Drake

Signature of Notary Public

DEBORAH DRAKE

(Name typed, printed or stamped)



This instrument prepared by:
KEVIN F. JURSKINSKI
KEVIN F. JURSKINSKI, P.A.
7800 University Pointe Drive, Suite 200
Ft. Myers, Florida 33907

Property Appraisers Parcel ID Number(s): 24-46-23-W3-0030B.0010 and 24-46-23-W3-0050A.0010
Grantee(s) EIN #: _____

WARRANTY DEED

THIS INDENTURE, Made this 11th day of July, 2005.

BETWEEN KIRIC INVESTMENTS, INC., a Florida corporation, party of the first part,
and

JOHN W. RICHARD as Trustee of the JOHN W. RICHARD REVOCABLE TRUST U/T/A
dated May 3, 1995, with the full power and authority to protect, conserve, and to sell, or to
lease, or to encumber, or otherwise to manage and dispose of the real property described
herein, of the County of Lee, State of Florida, whose mailing address is:

237 San Carlos Boulevard
Fort Myers Beach, FL 33931

party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum
of TEN DOLLARS and 00/XX (\$10.00), to it in hand paid by the said party of the second part,
the receipt whereof is hereby acknowledged, have granted, bargained, and sold to the said party
of the second part, her heirs and assigns forever, the following described land, situate, and being
in the County of Lee, State of Florida, to-wit:

As per the attached Exhibit "A"

And the said parties of the first part do hereby fully warrant the title to said land, and will
defend the same against the lawful claims of all persons whomsoever.

Restriction on Use: Grantee, on behalf of its successors and assigns, accepts this Deed
with the specific use provision, which shall be a covenant running with the land which precludes
Grantee, or its successors, heirs or assigns, from leasing the lots for parking to any individual or
entity which operates any type of vessel that carries more than six passengers, on either a daily,
weekly, monthly or annual basis. Further, passengers of such vessels cannot park or pay on a
daily rate in the lots. Grantor will have the right to enforce such provision by any remedy
available by law or in equity, including, without limitation, injunctive relief.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set its hand
and seal the day and year first above written.

Signed, sealed and delivered
in the presence of:

Dolinda R. Campbell
Witness

Cynthia A. Henderson
Witness

KIRIC INVESTMENTS, INC.,
a Florida Corporation

Dianne L. Hendricks
By: DIANNE L. HENDRICKS
As its President

Seller

INSTR # 6889708
OR BK 04794 Pgs 1072 - 1074; (3pgs)
RECORDED 07/13/2005 08:49:32 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 27.00
DEED DUC 5,775.00
DEPUTY CLERK M Killeen

STATE OF Virginia
City
COUNTY OF Waynesboro

SS:

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid, to take acknowledgments, personally appeared **DIANNE L. HENDRICKS as President of KIRIC INVESTMENTS, INC., a Florida corporation**, who is personally known to me (or who has produced _____) and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this 11th day of July, 2005.



Sharon V. Wood
NOTARY PUBLIC
Sharon V. Wood
(Typed/printed name)
Notary Commission No.: NA

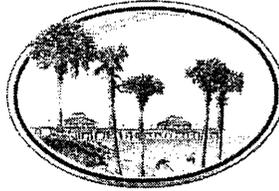
Sharon V. Wood
NOTARY PUBLIC
Commonwealth of Virginia
My Commission Expires 7/31/06

EXHIBIT "A"

Lot 1, Block B, MATANZAS VIEW, according to the map or plat thereof as recorded in Plat Book 9, Page(s) 40, Public Records of Lee County, Florida,

AND

Lots 1 and 2, Block A, UNIT No. 2, ISLAND SHORES, according to the map or plat thereof as recorded in Plat Book 9, Page(s) 25, Public Records of Lee County, Florida.



SUPPLEMENT PH - A

ADDITIONAL REQUIRED INFORMATION FOR A SPECIAL EXCEPTION APPLICATION FORT MYERS BEACH

Case Number: _____

Project Name: Beach Commercial Parking

Authorized applicant: John W. Richard of the John W. Richard Revocable Trust U/T/A dated May 3, 1995

STRAP Number(s): 24-46-23-W3-0050A.0010 24-46-23-W3-0030B.0010

Current status of property:

Current Zoning: Downtown

Land Use Category: Pedestrian Commercial Platted Overlay? Yes No

Comprehensive Plan Density: _____

REQUEST FOR: (indicate the proposed use).

_____ To use premises in the EC (Environmentally Critical) district for: [34-652].

_____ Accessory structure, building, or impervious surface areas.

_____ Nature study center, noncommercial, and customary accessory uses.

_____ Single-family residence and customary accessory uses.

X To use premises in the Downtown zoning district for
permanent commercial parking including valet in season

Case Number: _____

Name: Beach Commercial Parking

NARRATIVE STATEMENTS

A. Request for: (Indicate the proposed use on the property that requires a Special Exception.)

See Exhibit A attached

B. Reason(s) for request: All applications for a special exception must include a statement as to how the property qualifies for the special exception requested, and what impact granting the request would have on surrounding properties. Such statement(s) shall be directed, at a minimum, to the guide lines for decision-making embodied in § 34-88. (See back of page 2). (use additional paper if needed) [34-203(d)(1)]

1. The property qualifies for the Special Exception because:

See Exhibit A attached

2. Granting the Special Exception could impact surrounding properties as follows:

Copies Submitted	SUBMITTAL REQUIREMENTS FOR ALL REQUESTS
✓	<p>a. A site plan, drawn to scale, required for all special exception requests showing: [34-203(d)(2)]</p> <ol style="list-style-type: none"> 1. The location and current use of all existing structures on the site, as well as those on adjacent properties within 100 feet of the perimeter boundaries of the site. 2. All proposed structures and uses to be developed on the site. 3. Proposed fencing and screening, if any. 4. Any other reasonable information which may be required by the director which is commensurate with the intent and purpose of this chapter.
ADDITIONAL REQUIREMENTS FOR COMMUNICATION TOWERS [34-1444]	
	a. Copy of completed "Lee County Application for communication towers."
	b. Executed shared-use plan agreement.
ADDITIONAL REQUIREMENTS FOR ON-PREMISE CONSUMPTION OF ALCOHOLIC BEV.	
	a. A notarized authorization from the property owner to apply for the permit. [34-
	b. A written statement indicating the type of establishment , a description of the type of state liquor license to be acquired, e.g., 2 COP, SRX, 11C, etc., and the anticipated hours of operation for the business. [34-203(d)(3)b. & 34-1264(c)(1)a. 5.]
	c. A written statement indicating whether there is (or will be) outdoor seating areas and the total outdoor seating capacity. [34-1264(a)(2)a.2.]
	d. A notarized affidavit executed by the applicant indicating that no place of worship, religious facilities, day care centers (child), noncommercial schools, dwelling units or parks are located within 500 feet of the building to be used. [34-1264(c)(1)a. 8.]
	e. A town map marked to indicate all of the property within 500 feet of the building to be used for consumption on the premises. [34-1264(c)7.]
	<p>f. In addition to the requirements stated above for all applications, the site plan must include:</p> <ol style="list-style-type: none"> 1. Entrances to and exits from the building to be used by the public; 2. The floor area of the building and proposed seating capacity. If a restaurant is proposing a bar or lounge for patrons waiting to be seated in the restaurant, the floor area and seating area of the lounge shall be shown in addition to the restaurant seating area; 3. a detailed parking plan including entrances and exits.
ADDITIONAL REQUIREMENTS FOR TRANSIT TERMINALS [34-1382.]	
	<p>a. In addition to the requirements stated above for all applications, the site plan must include:</p> <ol style="list-style-type: none"> 1. The location of the bus stalls. 2. Commuter parking, if provided. 3. Taxi waiting stalls. 4. Circulation pattern of the buses including ingress and egress points. 5. The location of any building housing the transit terminal and the area designated for a waiting area, to include the storage and handling of luggage and parcels.

GUIDE FOR FILING SUPPLEMENT PH - A "ADDITIONAL REQUIRED INFORMATION FOR A SPECIAL EXCEPTION APPLICATION, FORT MYERS BEACH"

This form is for the purpose of providing additional information specific to a Special Exception request and must be submitted simultaneously with the "Application for Public Hearing."

GENERAL INSTRUCTIONS

THE "GENERAL INSTRUCTIONS" PROVIDED FOR THE PUBLIC HEARING APPLICATION ALSO APPLY TO THIS SUPPLEMENTAL FORM.

COVER PAGE

Case number: to be inserted by county staff.

Project Name (if applicable): must be same as on Public Hearing Application.

Authorized applicant: must be same as on Public Hearing Application.

STRAP(S): must be same as on Public Hearing Application.

Current status of property: must be same as on Public Hearing Application.

Request for: indicate the proposed use and the current zoning of the property.

Special Exceptions

1. Uses that require Special Exception approval in many conventional Zoning Districts, do not require Special Exception when located within an RPD or CPD if the use is clearly listed and approved as part of a planned development resolution.
2. Many uses are permitted by right in specific zoning districts (refer to tables 34-1 and 34-2) for clarification. However, certain uses must request a Special Exception if located in the EC (Environmentally Critical) district: [34-652].

Accessory structures, to include any building, structure, or impervious surface area which is accessory to a use permitted by right or by special exception in the EC district.

Nature study center, noncommercial, and its customary accessory uses.

Single-family residence and its customary accessory uses at a maximum density of one dwelling unit per twenty acres.

REASON(S) FOR REQUEST - NARRATIVE STATEMENTS

- A. **Request for:** Explain the use being proposed and the current zoning and land use classification of the property.

- B. **Reason(s) for the request:** Applications for a special exception shall include a statement as to how the property qualifies for the special exception requested, and what impact granting the request would have on surrounding properties.

The statement(s) shall be directed, at a minimum, to the guidelines for decision-making indicated below. This statement may be utilized by the town council in establishing a factual basis for granting or denial of the special exception. [34-203(d)]

1. Whether there exist changed or changing conditions which make approval of the request appropriate.
2. Whether the request is consistent with the goals, objectives, policies and intent of the Fort Myers Beach Comprehensive Plan.
3. Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.
4. Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.
5. Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
6. Whether a requested use will be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.

ADDITIONAL SUBMITTAL REQUIREMENTS

All applications: All applications for a special exception shall include a site development plan detailing the proposed use, including, where applicable, the following:

- a. The location and current use of all existing structures on the site, as well as those on adjacent properties within 100 feet of the perimeter boundaries of the site.
- b. All proposed structures and uses to be developed on the site.
- c. Proposed fencing and screening, if any.
- d. Any other reasonable information which may be required by the director which is commensurate with the intent and purpose of this chapter. [34-203(d)]

Additional information for specific uses:

Communication towers. [34-1444]

- a. New communication towers suitable for commercial antennas may be approved by special exception. Special exception applications for communication towers must also include the same documentation required by Lee County through its land development code.

Submit an executed copy of the Lee County application for communication towers.

- b. The owner/operator of any proposed new communication tower must enter into an agreement (shared-use plan agreement) with the town or county requiring the owner/operator of the proposed tower to honor all reasonable and technically feasible requests for shared use of the tower for additional commercial antennas.

Submit a copy of an executed "Shared Use Plan Agreement."

On-premises consumption of alcoholic beverages. If the request is for a consumption-on-premises permit: [34-203(d)(3)a. & 34-1264(c)(1)a.(6)]

- a. A notarized authorization from the property owner to apply for the permit. [34-1264(c)a.3.]
- b. A written statement indicating the type of establishment , a description of the type of state liquor license to be acquired, e.g., 2 COP, SRX, 11C, etc., and the anticipated hours of operation for the business. [34-203(d)(3)b. & 34-1264(c)(1)a. 5.]
- c. A written statement indicating whether there is (or will be) outdoor seating areas and the total outdoor seating capacity. [34-1264(a)(2)a.2.]
- d. A notarized affidavit executed by the applicant indicating that no place of worship, religious facilities, day care centers (child), noncommercial schools, dwelling units or parks are located within 500 feet of the building to be used. [34-1264(c)(1)a. 8.]
- e. A town map marked to indicate all of the property within 500 feet of the building to be used for consumption on the premises. [34-1264(c)7.]
- f. A site plan showing the required information set forth in the submittal requirements on page 4. [34-1264(c)]

Transit terminal. [34-1382]

- a. A site plan showing the required information set forth in the submittal requirements on page 4. [34-1382]

EXHIBIT "A"

NARRATIVE STATEMENT

This is a request for special exception for permanent commercial parking. The consideration for a special exception requests include the following:

- whether there exist change or changing condition which make the approval of the request appropriate,
- whether request is consistent with the goals, objectives, policies and intent of the Fort Myers Beach Comprehensive Plan
- whether the request meets or exceeds all performance and locational standards set forth for the proposed use
- whether the request will protect, conserve or preserve environmentally critically areas and natural resources
- whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance or other detriment to persons or property
- whether the requested use will be in compliance with the applicable general zoning provisions and supplemental regulations pertaining to the use set being requested.

The subject property consists of 11,473 square feet located at the intersection of Old San Carlos and 3rd Street South. The property is designated as Pedestrian Commercial by the Future Land Use Map and designated with the Downtown zoning district. Pedestrian Commercial is the most intense land use category and is defined as follows:

POLICY 4-B-6 "PEDESTRIAN COMMERCIAL": a primarily commercial district applied to the intense activity centers of Times Square (including Old San Carlos and nearby portions of Estero Boulevard) and the area around the Villa Santini Plaza. For new development, the maximum density is 6 dwelling units per acre (except where the Future Land Use Map's "platted overlay" indicates a maximum density of 10 units per acre for affordable units consistent with the adopted redevelopment plan). Commercial activities must contribute to the pedestrian-oriented public realm as described in this comprehensive plan and must meet the design concepts of this plan and the Land Development Code. Where commercial uses are permitted, residential uses are encouraged in upper floors. All "Marina" uses in Policy 4-B-7 are also allowed on parcels that were zoned for marinas prior to adoption of this plan. Nonresidential uses (including motels and churches) now comprise 58.9% of the land in this category, and this percentage shall not exceed 90%.

The property is zoned Downtown which is the most intense zoning district available in the Town of Fort Myers Beach. The Downtown district permits retail, restaurant, hotel/motel, and resort uses.

The zoning of the surrounding properties is as follows;

North –Downtown

East –Commercial Planned Development

South - Commercial Planned Development (for retail, restaurant, hotel and offices uses)

West – Commercial Office

The comprehensive plan designation of the surrounding properties is as follows:

North - Pedestrian Commercial

East - Pedestrian Commercial

South - Pedestrian Commercial

West - Pedestrian Commercial,

Section 34-676 Circulation And Parking, subsection (e) designates three areas that would be appropriate for parking garages. A copy of Fig. 34-7 is attached as Exhibit “1” to this narrative. The exhibit has been modified to reflect the location of the subject property which is approximately 200 feet from two of those locations.

The subject property is near the Times Square area. Due to heavy traffic in this area and the shortage of parking, the proposed permanent parking provides a service to the residents of the town and tourists as well as the local businesses of Fort Myers Beach. The surrounding properties to the northeast, east, southeast and south are developed with commercial uses to include restaurant and proposed guest units which makes the proposed parking lot consistent with uses in the area. Although surrounded by the commercial zoning, there is existing residential use to the west and north across Third Street.

During the season, valet parking is proposed for a portion of the site. The site plan reflects the maximum number of vehicles with valet parking. Also the site can accommodate larger vehicles in the rear of the property. The subject property has been used as a temporary parking area for several years. The use will be compatible and will not cause any damage or detriment to persons or property. The subject property and adjacent parcels are developed, thus having no impact on natural resources or environmentally critical areas. Parking is an integral part of a successful downtown. This location promotes the Town’s park-once concept. The requested use will be in compliance with applicable general zoning provisions and supplemental regulations.

OWNERSHIP REPORT

3/13/2008



EXHIBIT 6-3

270 135 0

270 Feet



Lee County Property Appraiser

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

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

VARIANCE REPORT

Date of Report: March 13, 2008
Buffer Distance: 500 ft
Parcels Affected: 87
Subject Parcel: 24-46-23-W3-0050A.0010, 24-46-23-W3-0030B.0010

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
KIRIC INVESTMENTS INC 1522 PARK RD WAYNESBORO VA 22980	24-46-23-W3-00004.0000 1131 FIRST ST FORT MYERS BEACH FL 33931	A PARL AS DESC IN OR 1246 PG 0118	1
STREIT EDWARD F TR ESTERO BAY HOTEL CO 414 CRESCENT ST FORT MYERS BEACH FL 33931	24-46-23-W3-00005.0000 1130 FIRST ST FORT MYERS BEACH FL 33931	PARL LYING BETWEEN MATANZAS PASS BRIDGE + SAN CARLOS BLVD PT DESC IN OR 3056 PG 136 LESS OR 3189 PG 3751 + LESS RD R/W OR 1167 PG 1576	2
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00024.0000 201 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	FROM NWLY COR BLK 8 BUSINESS CENTER SUBD RUN NWLY ALG PROLONGATION OF	3
KIRIC INVESTMENTS INC 1522 PARK RD WAYNESBORO VA 22980	24-46-23-W3-00026.0000 645 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	PAR LYING E OF SAN CARLOS BLVD DESC OR 1534/1849 LESS CONDO/C/E PARCEL	4
SOUTH GATE MOTORS INC GEORGE FREELAND 4830 GRIFFIN BLVD FORT MYERS FL 33908	24-46-23-W3-00026.0020 450 HARBOR CT FORT MYERS BEACH FL 33931	PARL IN SE 1/4 SEC 24 TWP 46 RGE 23 DESC OR 1447 PG 1434	5
KIRIC INVESTMENTS INC 1522 PARK RD WAYNESBORO VA 22980	24-46-23-W3-00026.0030 441/45 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BEG AT A CONC MONUMENT 3 FT SE OF SELY COR MATANZAS VIEW RUN N 65 DEG	6
FREELAND GEORGE T 4830 GRIFFIN BLVD FORT MYERS FL 33908	24-46-23-W3-00027.0000 450 HARBOR CT FORT MYERS BEACH FL 33931	PARL IN SE1/4 DESC OR1656/ 2886+MATANZAS VIEW BLK B PB9/40 PT LT 21 + SUB LAND	7
STREIT EDWARD F TR 1130 FIRST ST FORT MYERS BEACH FL 33931	24-46-23-W3-00201.0010 450 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 1 PB 9 PG 9 LOTS 1 + 2	8
STREIT EDWARD F TR 414 CRESCENT ST FORT MYERS BEACH FL 33931	24-46-23-W3-00201.0030 1025 SECOND ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 1 PB 9 PG 9 LOTS 3 + 4	9
STREIT EDWARD F TR 416 CRESCENT ST FORT MYERS BEACH FL 33931	24-46-23-W3-00201.0070 1047/49 SECOND ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.1 PB9 PG 9 LOT 7 LESS R/W OR 2364/2893	10
SALVATORI LEO J TR + 414 CRESCENT ST FORT MYERS BEACH FL 33931	24-46-23-W3-00202.0010 440 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 2 PB 9 PG 9 LOT 1	11
SALVATORI LEO J TR + 414 CRESCENT ST FORT MYERS BEACH FL 33931	24-46-23-W3-00202.0020 430 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 2 PB 9 PG 9 LOT 2	12
SALVATORI LEO J TR + 414 CRESCENT ST FORT MYERS BEACH FL 33931	24-46-23-W3-00202.0030 420 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.2 PB 9 PG 9 LOTS 3 4 5	13

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
NAPPO JOSEPH + CHRISTINE 45 SAGAMORE AV OCFANPORT NJ 07757	24-46-23-W3-00202.0060 1011 THIRD ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.2 PB 9 PG 9 LOT 6	14
BASS TOMMY LEE + 3720 ELLIS RD FORT MYERS FL 33905	24-46-23-W3-00202.0090 1037/1039 THIRD ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 2 PB 9 PG 9 LOTS 9 + 10	15
3 SUNS MANAGEMENT LLC 1051 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-00202.0110 1041 THIRD ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 2 PB 9 PG 9 LOT 11	16
3 SUN MANAGEMENT LLC 1051 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-00202.0120 1051 THIRD ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.2 PB 9 PG 9 LOT 12 LESS OR2325/0292	17
SALVATORI LEO J TR + 414 CRESCENT ST FORT MYERS BEACH FL 33931	24-46-23-W3-00202.0130 CORNER LOT FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.2 PB 9 PG 9 LOTS 13 + 14 LESS RW OR 2311/2803	18
STREIT EDWARD F TR ESTERO BAY HOTEL COMPANY 416 CRESCENT ST FORT MYERS BEACH FL 33931	24-46-23-W3-00202.0150 1042/1044 SECOND ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.2 PB 9 PG 9 LOT 15 LESS RW OR 2311/2803	19
DATTWYLER CHRISTIAN P 1161 NW 7TH PL CAPE CORAL FL 33993	24-46-23-W3-00202.0180 1030 SECOND ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.2 PB 9 PG 9 LOT 18	20
SALVATORI LEO J TR + 414 CRESCENT ST FORT MYERS BEACH FL 33931	24-46-23-W3-00202.0190 1010 SECOND ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 2 PB 9 PG 9 LOT 19	21
SOB INC 340 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00203.0010 340 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.3 PB 9 PG 9 LOT 1	22
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00203.0020 320 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 3 PB 9 PG 9 LOTS 2 THRU 6 + LTS 22 +23 + POR OF VAC ST	23
LIGHTHOUSE ISLAND RESORT INC 1051 FIFTH ST FORT MYERS BEACH FL 33931	24-46-23-W3-00203.0090 1041 FOURTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 3 PB 9 PG 9 LOT 9 LESS OR 3176 PG 330	24
LIGHTHOUSE ISLAND RESORT INC 1051 FIFTH ST FORT MYERS BEACH FL 33931	24-46-23-W3-00203.0100 1049 FOURTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 3 PB 9 PG 9 LOTS 10-13 + 16-18	25
RICHARD JOHN W 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00203.0150 1060 THIRD ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.3 PB 9 PG 9 LOT 15 LES RW OR2353/3036	26
LIGHTHOUSE ISLAND RESORT INC 1051 FIFTH ST FORT MYERS BEACH FL 33931	24-46-23-W3-00203.0190 1030 THIRD ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 3 PB 9 PG 9 LOT 19 LESS OR 3176 PG 330	27
TOWN OF FORT MYERS BEACH 2523 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00203.019A THIRD ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 3 PB 9 PG 9 LOT 19 AS DESC IN OR 3176 PG 330 BLDG ASSESSED ON 24-46-23-W3-00203.0190 AS INCOME PARCEL TILL 2008	28
ROESSLER CLARENCE TR 1/2 INT + 17587 CYPRESS POINT RD FORT MYERS FL 33967	24-46-23-W3-00204.0010 250 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CTR LTS 1 + 2 BLK 4 LOTS 1 THRU 5 BLK 5 W OF ST RD 865 R/W + POR OF VAC ST	29
HOLLAND DENNIS TR PO BOX 331098 KAHULUI HI 96733	24-46-23-W3-00204.0030 200 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 4 PB 9 PG 9 LTS 3 THRU 7 PT 8 + 9 + PT VAC ALLY	30
LIGHTHOUSE ISLAND RESORT INC 1051 FIFTH ST FORT MYERS BEACH FL 33931	24-46-23-W3-00205.0060 1051 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CTR BLK 5 PB 9 PG 9 LT 6 + 10 THRU 18 E 865R/W LESRW OR2353/3036	31

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
HUNTINGBURG PARTNERS LTD D TODD MCGEE STF 203 5256 SUMMERLIN COMMONS WAY FORT MYERS FL 33907	24-46-23-W3-00205.0070 PARKING LOTS FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 5 PB 935 PG 9 PT LT 7 + ALL 8 + 9	32
150 SAN CARLOS BLVD CORP OMG INC 428 BROADWAY NEW YORK NY 10013	24-46-23-W3-00207.0000 150 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 7 PB 9 PG 9 ALL BLK 7	33
TOWN OF FORT MYERS BEACH 2523 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00207.1000 150 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER RW OF CENTER STREET LYING BETWEEN BLK 7 BLK 7 PB 9 PG 9	34
POWELL D L + ELSIE M TR 401 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-0030A.0010 401 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOT 1	35
POWELL D L + ELSIE M TR PO BOX 311 GREENVILLE OH 45331	24-46-23-W3-0030A.0020 939 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOT 2	36
GARDNER JOHN JOSEPH + MARSHA J 935 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030A.0030 935 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOT 3	37
TURTURRO RACHEL + JOHN 929 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030A.0040 929 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.A PB 9 PG 40 LOT 4	38
HORN GWEN 17557 INGRAM RD FORT MYERS FL 33967	24-46-23-W3-0030A.0050 923 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOT 5	39
HOULIHAN MAURICE + MARY 917 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030A.0060 917 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.A PB 9 PG 40 LOT 6	40
GOMPEL MARIAN D 911 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030A.0070 911 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.A PB 9 PG 40 LOT 7	41
CASEY KATHLEEN M + 110 LOVE LN NORWOOD PA 19074	24-46-23-W3-0030A.0080 901 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.A PB 9 PG 40 LOT 8	42
KOLLMAN JEFFREY 12660 DARLA AV GRANADA HILLS CA 91344	24-46-23-W3-0030A.0090 430 BONITA ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOT 9	43
URIAN JULIE A 432 BONITA ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030A.0100 432 BONITA ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.A PB 9 PG 40 LOT 10	44
CUSHING WILLIAM L 440 BONITA RD #2 FORT MYERS BEACH FL 33931	24-46-23-W3-0030A.0110 438 BONITA ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOTS 11 + 12.	45
TOMAILO FRANKLIN L + GLORIA J 934 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030B.0020 934 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.B PB 9 PG 40 LOT 2	46
SCHULZ AXEL + CORNELIA 926 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030B.0030 932 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK B PB 9 PG 40 LOTS 3 + 4	47
CLAYTON KATHRYN BEBEANNE TR 920 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030B.0050 920 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.B PB 9 PG 40 LOT 5	48
FOSTER RUTH TR 914 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030B.0060 914 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.B PB 9 PG 40 LOT 6	49

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
TYRELL PETER 1/2 + 17 RANELAGH RD HEMEL HEMPSTEAD HERTFORDSHIRE HP2 4RU UNITED KINGDOM	24-46-23-W3-0030B.0070 910 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK B PB 9 PG 40 LOT 7	50
LEWIS GARY A + JEANNE M 880 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030B.0080 880 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.B PB 9 PG 40 LOT 8	51
LEBO KENNETH + LORRAINE 870 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030B.0090 870 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK B PB 9 PG 40 LOT 9	52
GALT CHRISTIAN 2277 TRADE CENTER WAY STE 102 NAPLES FL 34109	24-46-23-W3-0030B.0100 850 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK B PB 9 PG 40 LOT 10	53
HANZL MILDRED 820 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030B.0110 820 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK B PB 9 PG 40 LOT 11	54
SCHMELING ROBERT W TR 1621 SE 84TH CT VANCOUVER WA 98664	24-46-23-W3-0030B.0120 810 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.B PB 9 PG 40 LOT 12	55
NASH ERNEST + EVELYN 1/2 + 270 KINGS RD MADISON NJ 07940	24-46-23-W3-0030C.0010 851-861 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.C PB 9 PG 40 LOT 1	56
KIESEL C J + LENORA 431 BONITA ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030C.0020 431 BONITA ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK C PB9 PG 40 BLK C LT 2 + 3	57
ALEXANDER JAMES M TR 18 RIVERVIEW RD MONMOUTH BEACH NJ 07750	24-46-23-W3-0030C.0040 435 BONITA ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK C PB 9 PG 40 LOTS 4 + 5	58
DOUGHERTY WILLIAM F 50 LAUREL WAY PALMERTON PA 18071	24-46-23-W3-0030C.0080 432 HARBOR CT #34 FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK C PB 9 PG 40 LOT 8	59
JAMES RONALD L JR 422 HARBOR CT FORT MYERS BEACH FL 33931	24-46-23-W3-0030C.0090 422 HARBOR CT FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.C PB 9 PG 40 LOT 9	60
HULL ROCKY T + BARBARA S 412 HARBOR CT FORT MYERS BEACH FL 33931	24-46-23-W3-0030C.0100 412 HARBOR CT FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.C PB 9 PG 40 LOT 10	61
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.0080 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOTS 3 THRU 12 + VAC LAGOON R/W OR2858/1391 + OR2660/2863 +2736/3702	62
SCHLENK WILLIAM G + LETICIA L 104 THE ALAMEDA MIDDLETOWN OH 45044	24-46-23-W3-0050A.0130 185 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOT 13 + PT LOT 14	63
MAY S E PO BOX 61176 FORT MYERS FL 33906	24-46-23-W3-0050A.0140 163 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PB 9 PG 25 PT LOT 14 + LOT 15	64
JENKINS GEORGE D L PO BOX 280 TILLSONBURG ON N4G 4H5 CANADA	24-46-23-W3-0050A.016A 159/61 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOTS 16 + PT OF LT 17	65
151 OLD SAN CARLOS LLC 151 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.018A 151 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOTS PT 18 + 19	66
KEELER VIOLET RUTH TR 16243 CHARLESTON AVE FORT MYERS FL 33908	24-46-23-W3-0050A.018B 959/963 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PT LOTS 17 18 + 19	67
925 ESTERO BLVD LLC 4666 MAIN ST BRIDGEPORT CT 06606	24-46-23-W3-0050A.0200 925 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PB 9 PG 25 LOTS 20 THRU 22	68

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
925 ESTERO BLVD LLC 4666 MAIN ST BRIDGEPORT CT 06606	24-46-23-W3-0050A.0230 925 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UT 2 BLK A PB 9 PG 25 LOTS 23 THRU 26	69
HOLBROOK LESLIE E + 5353 ST ROUTE 288 GALION OH 44833	24-46-23-W3-0050A.032A 859 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 NWLY 40 FT LOT 32	70
PURTELL KEVIN G + 3475 OMRO RD OSHKOSH WI 54904	24-46-23-W3-0050A.0330 855 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOT 33	71
ARTRIP CHARLES J + BARBARA K 851 LAGOON ST FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.0340 849 LAGOON ST #51 FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOT 34	72
SMITH RICHARD P 843 LAGOON ST FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.0350 843 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UT 2 BLK A PB 9 PG 25 LOT 35	73
BRAUCH TORRIN MAC TR 841 LAGOON ST FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.0360 839/841 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOT 36	74
JANNELLI FRANK L + 954 CLARELLEN DR FORT MYERS FL 33919	24-46-23-W3-0050A.0370 831 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOT 37	75
SOUTHLAND CORPORATION CORPORATE TAX DEPT PO BOX 711 DALLAS TX 75221	24-46-23-W3-0050B.0010 841 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.B PB 9 PG 25 LOTS 1 THRU 4	76
ARTRIP CHARLES J + BARBARA K 850 LAGOON ST FORT MYERS BEACH FL 33931	24-46-23-W3-0050B.013A 850 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK B PB 9 PG 25 PT LOTS 13 + 14	77
BOWAN RICHARD M 16100 W EL DORADO DR NEW BERLIN WI 53151	24-46-23-W3-0050B.013B 846/848 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.B PB 9 PG 25 LOTS PT 13 + 14 FROM SE	78
SAND CASTLE BEACH CLUB CONDO 905 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-02500.00CE HDR: SAND CASTLE FORT MYERS BEACH FL 33931	SAND CASTLE BEACH CLUB A TIME-SHARE COMMOM AREA DESC OR 1463 PG 2328 + CPB 6 PG 230	79
SAND CASTLE BEACH CLUB 905 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-02500.1010 905 ESTERO BLVD FORT MYERS BEACH FL 33931	SAND CASTLE BEACH CLUB A TIME-SHARE OR1463-2328 UNITS 101-215 / 29 UNITS	80
KIRIC INVESTMENTS INC 1522 PARK RD WAYNESBORO VA 22980	24-46-23-W3-02800.0020 645 OLD SAN CARLOS BLVD #2 FORT MYERS BEACH FL 33931	MARINA VILLAGE AT SNUG HARBOR CONDO (COMM UNIT) OR 1637 PG 1387 UNIT 2	*81
KIRIC INVESTMENTS INC 1522 PARK RD WAYNESBORO VA 22980	24-46-23-W3-02800.0030 645 OLD SAN CARLOS BLVD #3 FORT MYERS BEACH FL 33931	MARINA VILLAGE AT SNUG HARBOR CONDO (COMM UNIT) OR 1637 PG 1387 UNIT 3	*81
KIRIC INVESTMENTS INC 1522 PARK RD WAYNESBORO VA 22980	24-46-23-W3-02800.0040 645 OLD SAN CARLOS BLVD #4 FORT MYERS BEACH FL 33931	MARINA VILLAGE AT SNUG HARBOR CONDO (COMM UNIT) OR 1637 PG 1387 UNIT 4	*81
KIRIC INVESTMENTS INC 1522 PARK RD WAYNESBORO VA 22980	24-46-23-W3-02800.0050 645 OLD SAN CARLOS BLVD #5 FORT MYERS BEACH FL 33931	MARINA VILLAGE AT SNUG HARBOR CONDO (COMM UNIT) OR 1637 PG 1387 UNIT 5	*81
MARINA VILLAGE AT SNUG HARBOR PO BOX 2430 FORT MYERS BEACH FL 33932	24-46-23-W3-02800.00CE OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	MARINA VILLAGE AT SNUG HARBOR CONDO COMMON ELEMENT PARCELS	82
SNUG HARBOR DEVELOPMENT INC PO BOX 2430 FORT MYERS BEACH FL 33932	24-46-23-W3-02800.3010 645 OLD SAN CARLOS BLVD #301 FORT MYERS BEACH FL 33931	MARINA VILLAGE AT SNUG HARBOR A TIME-SHARE OR1637 PG1387 UNITS 301-705 (30 UNITS)	*81

OWNER NAME AND ADDRESS

SALVATORI LEO J TR +
414 CRESCENT ST
FORT MYERS BEACH FL 33931

STRAP AND LOCATION

19-46-24-W4-0150E.0210
414/416 CRESCENT ST
FORT MYERS BEACH FL 33931

LEGAL DESCRIPTION

CRESCENT PARK ADDN BLK E
PB4/46 PT LTS 20THRU25LT
26 LES R/W OR 2353 PG 3036 +
OR 3189 PG 3751

Map Index

83

87 RECORDS PRINTED

EXHIBIT "A"

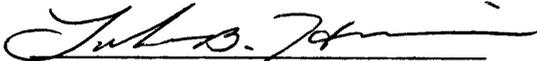
DESCRIPTION:

A tract or parcel of land, being Lots 1 and 2, Block "A", Island Shores, Unit 2 as recorded in Plat Book 9, Page 25, and Lot 1, Block "B", Matanzas View as recorded in Plat Book 9, Page 40, all in the Public Records of Lee County, Florida, described as follows:

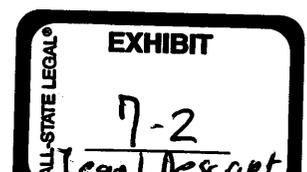
Beginning at the Northeasterly corner of the aforesaid Lot 1, Block "A", said point lying on the Westerly right-of-way line of San Carlos Boulevard (66 feet wide); thence run S.22°30' 00"W. along said Westerly right-of-way line for 50.00 feet to the Southeasterly corner of the aforesaid Lot 2, Block "A"; thence run N.67°30'00"W. for 125.00 feet to the Southwesterly corner of said Lot 2; thence run S.22°30'00"W. for 50.00 feet to the Southeasterly corner of the aforesaid Lot 1, Block "B", Matanzas View; thence run S.67°30'00"W. for 13.76 feet to the waters edge face of a concrete seawall; thence run N.17°33'47"W. along the waters edge face of said seawall for 1.50 feet; thence run N.38°25'35"W. along the waters edge face of said seawall for 3.38 feet; thence run N.52°39'47"W. along the waters edge face of said seawall for 4.13 feet; thence run N.59° 39'05"W. along the waters edge face of said seawall for 32.66 feet; thence run N.22°30'00"E. for 1.42 feet to the Southwesterly corner of the aforesaid Lot 1, Block B; thence continue N.22°30' 00"E. for 100.00 feet to the Northwesterly corner of said Lot 1, Block "B, said point also lying on the Southerly right-of-way line of 3rd Street (50 feet wide); thence run S.67°30'00"E. along said Southerly right-of-way line for 175.00 feet to the point of beginning.

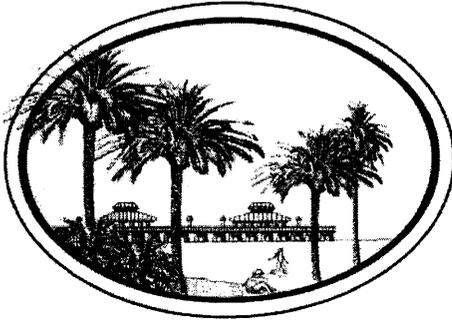
Said tract contains 11,473 square feet, more or less.

Bearings are based on the Westerly right-of-way line of the aforesaid San Carlos Boulevard as being S.22°30'00"W.



John B. Harris
P.S.M. #4631
April 28, 2008





RECEIPT

Town of Fort Myers Beach

2523 Estero Blvd
Fort Myers Beach, FL 33931
Phone: (239) 765-0202

343 OLD SAN CARLOS BLV
FORT MYERS BEACH, FL 33931
VARIANCE/Open Space/Buffer

Project No: VAR2008-0002

Receipt No: P449

Fee Description

Fee Amount

PUBLIC HEARING

Variance-NonResidential

01.000.329.3203

\$ 2,000.00

Total Fees Paid:

\$ 2,000.00

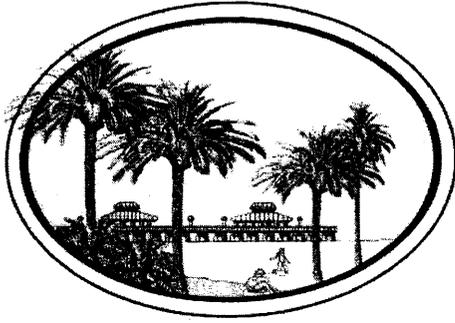
Date Paid: 10/27/2008

Paid By: RICHARD JOHN W TR FOR JOHN W R

Pay Method: Check 4747

Received By: FRANK SHOCKEY

FINANCE



RECEIPT

Town of Fort Myers Beach

2523 Estero Blvd
Fort Myers Beach, FL 33931
Phone: (239) 765-0202

343 OLD SAN CARLOS BLV
FORT MYERS BEACH, FL 33931
SPECIAL EXCEPTION/Other

Project No: SEZ2008-0003

Receipt No: P450

Fee Description

Fee Amount

PUBLIC HEARING

Special Exception

01.000.329.3203

\$ 4,000.00

Total Fees Paid:

\$ 4,000.00

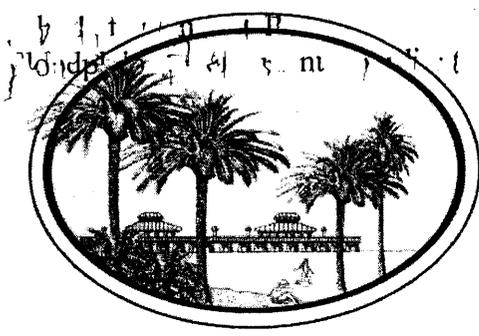
Date Paid: 10/27/2008

Paid By: RICHARD JOHN W TR FOR JOHN W R

Pay Method: Check 4676

Received By: FRANK SHOCKEY

FINANCE



Patterson
RECEIPT

Town of Fort Myers Beach

**2523 Estero Blvd
Fort Myers Beach, FL 33931
Phone: (239) 765-0202**

343 OLD SAN CARLOS BLV
FORT MYERS BEACH, FL 33931
SPECIAL EXCEPTION

**Project No: SEZ2008-0004
Receipt No: P447**

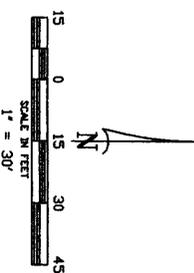
Fee Description		Fee Amount
<u>PUBLIC HEARING</u>		
Special Exception	01.000.329.3203	\$ 4,000.00

Total Fees Paid: **\$ 4,000.00**
Date Paid: 10/27/2008
Paid By: RICHARD JOHN W TR FOR JOHN W R
Pay Method: Check 4676
Received By: JOHN PATTERSON

CUSTOMER

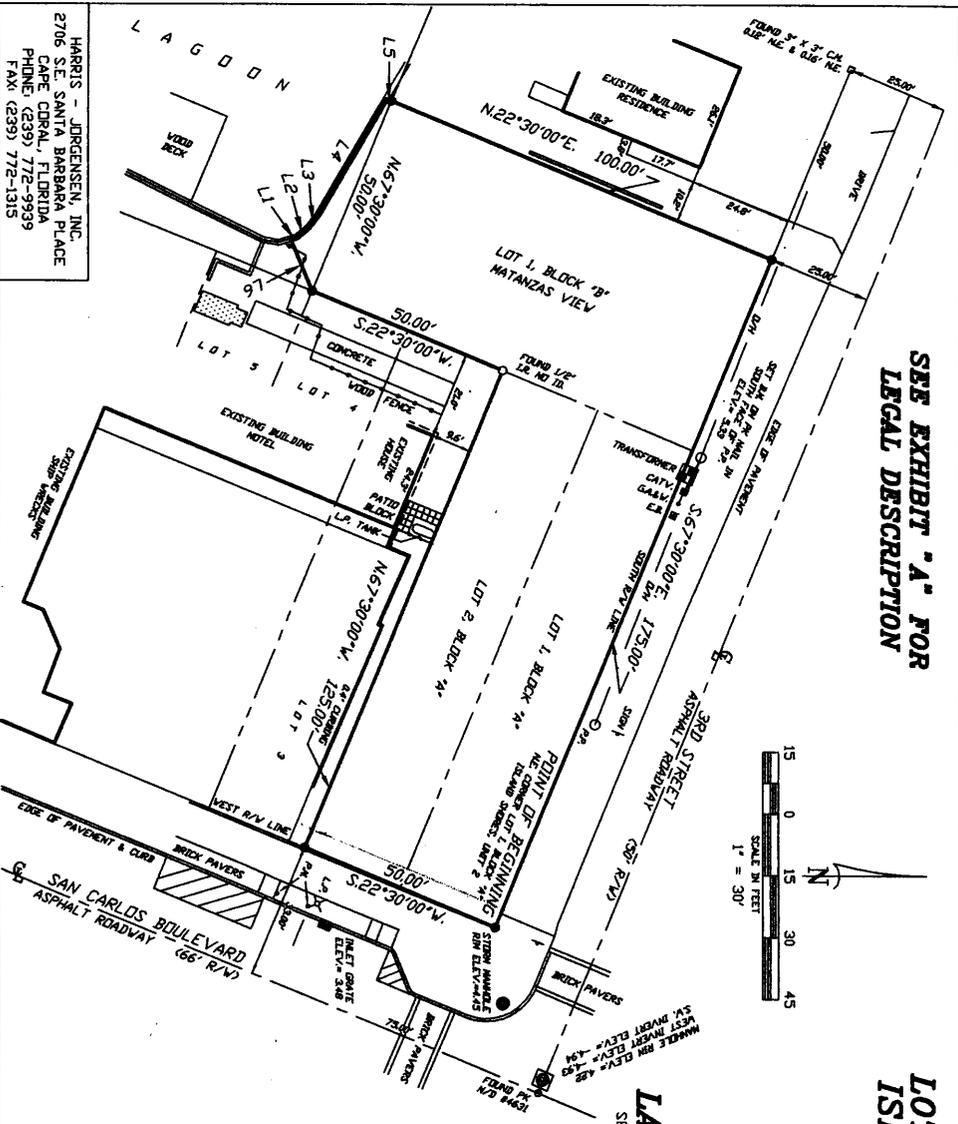
SEE EXHIBIT "A" FOR
LEGAL DESCRIPTION

SKETCH OF LEGAL DESCRIPTION
LOTS 1 & 2, BLOCK "A"
ISLAND SHORES, UNIT 2
 (PLAT BOOK 9, PAGE 25)



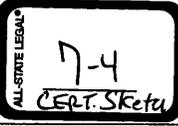
LOT 1, BLOCK "B"
MATANZAS VIEW
 &
 (PLAT BOOK 9, PAGE 40)

**PART OF VACATED
 LAGOON RIGHT-OF-WAY**
 SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
 LEE COUNTY, FLORIDA



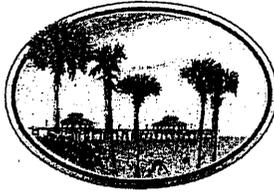
LINE TABLE

Line	Bearing	Distance
L1	N17°31'47\"/>	



PROJECT # IS-U2-A1
 FILE # 46-23-24
 SKETCH DATE: 3-7-08
 APRIL 28, 2008
 JOHN B. HARRIS, PSM
 FLORIDA LAND SURVEYOR #4631
 FLORIDA CERTIFICATE OF AUTHORIZATION LB #6921

HARRIS - JORGENSEN, INC.
 2706 S.E. SANTA BARBARA PLACE
 CAPE CORRAL, FLORIDA
 PHONE (239) 772-9999
 FAX (239) 772-1313



APPLICATION FOR PUBLIC HEARING FOR FORT MYERS BEACH

Applicant's Name: John W. Richard of the John W. Richard Revocable Trust U/T/A dated May 3, 1995

Project Name: Beach Commercial Parking

STRAP Number(s): 24-46-23-W3-0050A.0010 24-46-23-W3-0030B.0010

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

STAFF USE ONLY

Case Number: _____ Date of Application: _____

Planner in charge: _____ Date found sufficient: _____

Public Hearing Dates: LPA: _____ Town Council: _____

Current Zoning: Downtown

Land Use Category: Pedestrian Commercial Platted Overlay? _____ Yes No

Comp Plan Density Range: _____

REQUEST FOR

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

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

Case Number: _____ Name: Beach Commercial Parking

PART 1 - NATURE OF REQUEST

Action Requested: [check applicable action(s)]

- Special Exception for: Permanent Parking Lot (Attach Sup. PH - A)
- Variance for: allowing zero (0) foot buffer along Old San Carlos and 5ft.buffer along 3rd St. South (Attach Sup. PH - B)
- _____ Conventional Rezoning from: _____ to: _____ (Attach Sup. PH - C)
- _____ Planned Development
- _____ Rezoning from: _____ to: _____ (Attach Sup. PH - D)
- _____ Extension of Master Concept Plan (Attach Sup. PH - E)
- _____ Public Hearing for DRI
- _____ No rezoning is required.
- _____ Rezoning is required from: _____ to: _____ (Attach Sup. PH - D)
- _____ Appeal of Administrative action (Attach Sup. PH - F)

PART 2 - CURRENT CLASSIFICATION OF PROPERTY

(Please check all appropriate items):

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

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

B. Platted Overlay? No _____ Yes

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

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

Case Number: _____ Name: Beach Commercial Parking

PART 3- WAIVERS

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

Section Number	Name of item
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

PART 4 - APPLICANT INFORMATION

A. Name of applicant: John W. Richard of the John W. Richard Revocable Trust U/T/A dated May 3, 1995C/o Beverly Grady*
Address: Street : 2320 First Street, Suite 1000
City: Ft. Myers State: FL Zip: 33901
Phone: Area Code: 239 Number: 337-3850 Ext: _____
Fax: Area Code: 239 Number: 337-0970
E-mail address: Bgrady@ralaw.com

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

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

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

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

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

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

Case Number: _____ Name: Beach Commercial Parking

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

Company Name: Roetzel and Andress, LPA

Contact Person: Beverly Grady

Address: Street : 2320 First Street, Suite 1000

City: Ft. Myers State: FL Zip: 33901

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

Fax: Area Code: 239 Number: 337-0970

E-mail address: Bgrady@ralaw.com

PART 5 - OTHER AGENTS

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

A. Company Name: TDM Consulting, Inc.

Contact Person: _____

Address: Street : 8695 College Parkway, #357

City: Fort Myers State: FL Zip: 33919

Phone: Area Code: 239 Number: 433-4231 Ext: _____

Fax: Area Code: 239 Number: 433-9632

E-mail address: _____

B. Company Name: _____

Contact Person: _____

Address: Street : _____

City: _____ State: _____ Zip: _____

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

Fax: Area Code: _____ Number: _____

E-mail address: _____

Case Number: _____ Name: Beach Commercial Parking _____

C. Company Name: _____

Contact Person: _____

Address: Street : _____

City: _____ State: _____ Zip: _____

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

Fax: Area Code: _____ Number: _____

E-mail address: _____

D. Company Name: _____

Contact Person: _____

Address: Street : _____

City: _____ State: _____ Zip: _____

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

Fax: Area Code: _____ Number: _____

E-mail address: _____

PART 6 - PROPERTY OWNERSHIP

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

Name _____

Address: Street : _____

City: _____ State: _____ Zip: _____

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

Fax: Area Code: _____ Number: _____

E-mail address: _____

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

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

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

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

Case Number: _____ Name: Beach Commercial Parking

PART 7 - PROPERTY INFORMATION

A. STRAP Number(s): 24-46-23-W3-0050A.0010 24-46-23-W3-0030B.0010

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

Street Address: 343 Old San Estero Blvd, Fort Myers Beach, FL 33931 and 940 Third Street, Ft. Myers, Bch., FL 33931

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

C. Directions to property: From the base of the Sky Bridge make first right; at 4-way stop turn on Old San Carlos Blvd.

D. Property Dimensions:

Area: 11,473 square feet or _____ acres

Width along roadway: 50' on Old San Carlos and 225 on 3rd feet

Depth: 225 feet

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

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

_____ Electronic version of the legal description is attached.

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

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

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

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

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

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

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

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

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

H. Surrounding property owners:

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

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

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

Case Number: _____ Name: _____

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

I, *John W. Richard as Trustee
of John W. Richard Revocable Trust*, swear or affirm under oath, that I am the
owner or the authorized representative of the owner(s) of the property and that:

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

*Name of Entity (corporation, partnership, LLP, LC, etc)

John W. Richard
Signature

John W. Richard as Trustee
(Type or printed name)

Trustee of John W. Richard
(title of signatory)
Revocable Trust U/T/A dated

*U/T/A dated May 3, 1995. may 3 1995.

STATE OF Florida

COUNTY OF Lee

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

March 20 2008 by John W. Richard as trustee who is personally
(date) (name of person providing oath or affirmation)

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

Beverly Grady
Signature of person taking oath of affirmation

NOTARY PUBLIC-STATE OF FLORIDA
Beverly Grady
Commission # **DD673533**
Expires: **MAY 13 2011**
BONDED THRU ATLANTIC BONDING CO., INC.

* Notes:

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

PART 9 - SUBMITTAL REQUIREMENTS

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

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

GUIDE FOR FILING AN APPLICATION FOR A PUBLIC HEARING

If questions of interpretations arise as a result of our attempt to provide easy-to-understand instructions for completing the application form(s), the provisions of the Land Development Code will be the final authority.

GENERAL INSTRUCTIONS

1. All properties within a single application must be abutting. However, the director may, at his discretion, allow a single application to cover non-abutting properties where it is in the public interest due to the size or scope and nature of the request, and there is a rational continuity to the properties in question. [34-201(b)(1)]
2. Before an application may be accepted, it must fully comply with all information requirements enumerated in section 34-202 and 34-203, as applicable, unless specifically stated otherwise in Chapter 34 of the Fort Myers Beach Land Development Code. [34-201(b)(3)]
3. The applicant shall assure that an application is accurate and complete. Any additional expenses necessitated because of inaccurate or incomplete information shall be borne by the applicant. [34-201(B)(4)]
4. Applications must be submitted in person. Mailed-in applications will not be processed.
5. Unless specifically stated to the contrary, all attachments and exhibits must be of a size that will fit or conveniently fold to fit into a letter size (8 ½" x 11") folder.
6. All fees, in accordance with the fee schedule (see Section 34-53), shall be paid at the time the application is submitted. [34-202(a)(9)]

PART 1 - NATURE OF REQUEST

Indicate the type of hearing being requested and, in addition to this form, complete and submit the required Supplemental form.

PART 2 - CURRENT CLASSIFICATION OF PROPERTY

- A. Indicate the current land use category(ies) of the property to be rezoned as indicated on the Comprehensive Plan Future Land Use Map.
- B. Indicate the current zoning of the property.

PART 3 - WAIVERS FROM SUBMISSION REQUIREMENTS

Upon written request, the director may modify the submittal requirements contained in this section if the applicant clearly demonstrates that the submission will have no bearing on the review and processing of the application. The request to the director must be submitted prior to submitting this application. Multiple waiver requests must be made on individual request forms indicating each separate request. The director's written response must accompany the application submitted and will become a part of the permanent file. [34-202(a)]

If waivers have been requested and approved, indicate the section number and the specific submittal item that was approved. Attach copies of the approved waivers to this application as "Exhibit 3 - 1."

PART 4 - APPLICANT INFORMATION

- A. **Name of Applicant:** Insert the name, and requested information, of the applicant. The applicant shall be the person that will actually sign this application form.
- B. **Relationship of applicant to property:** An application for a rezoning, development of regional impact, special exception, appeal from an administrative action, or variance may be initiated by a landowner, or his authorized agent, for his own property, or by the Town. [34-201(a)(1) and (2)].

If the applicant is not the Town or the actual owner of the property, the owner must provide the applicant with a notarized statement evidencing the applicant's authority to act on the owner's behalf and encumber the property with conditions applicable to the approval requested in the application. Attach the notarized authorization as "Exhibit 4 - 1." [32-202(b)(1)b.]

If the property is owned by a husband and wife, land trust, corporation, partnership, or association, the following shall apply :

- a. either the husband or wife, or both, may initiate the application on private real property which is owned by them. [34-201(1)a.1.]
- b. where the property is subject to a land trust agreement, the trustee may initiate the application. [34-201(1)a.2.]
- c. where the fee owner is a corporation, any duly authorized corporate official may initiate the application. [34-201(1)a.3.]
- d. if the fee owner is a partnership, the general partner may initiate the application. [34-201(1)a.4.]
- e. where the fee owner is an association, the association or its governing body may appoint an agent to initiate the application on behalf of the association. [34-201(a)(1)4.]

If the owner is a condominium, timeshare condominium, or a subdivision, refer to Section 34-201(a)(1)b and c. for requirements. [34-201(a)(1)b. and c.]

If a contract purchaser or vendee is the applicant, a notarized statement from the property owner must be submitted authorizing the contract purchaser/vendee to act as an agent of the property owner for purposes of application submittal and agreement to conditions applicable to approval of the request. Attach the notarized authorization as "Exhibit 4 - 2." [34-202(b)(1)c.]

- C. **Agent authorized to receive town or county-initiated correspondence:** This may be the same as the applicant or the applicant may authorize some other person.

PART 5 - OTHER AGENTS

An owner or authorized applicant may authorize additional agents to assist in the preparation and presentation of the application. However, an authorized applicant cannot transfer authority to bind the property with respect to conditions. This later authority will only be recognized by the town when it is provided directly to the agent by the owner. [34-202(b)(1)(b)]

List any agents involved in this development that may be contacted by the town or county for the purpose of reviewing this application.

PART 6 - PROPERTY OWNERSHIP

- A. **Single owner:** If the property is owned by an individual or husband and wife, complete the form with the name, address, etc., of the owner(s).
- B. **Multiple Owners or Properties:**

Disclosure Form. Except for Town - initiated applications, the names and mailing addresses of all persons or entities having an ownership interest in the property, including the names of all stockholders and trust beneficiaries must be submitted. Attach the disclosure document as "Exhibit 6 - 1." [34-201(b)(2)]

Disclosure shall not be required of any entity whose interests are solely equity interests which are regularly traded on an established securities market in the United States or another country. [34-201(b)(2)b.]

Property owners list. [34-202(a)(5) and 34-202(b)(1).a.] If more than one parcel is involved, submit a list of all property owners and their mailing addresses. The applicant is responsible for the accuracy of the list and map. Attach the property owners list as "**Exhibit 6 - 2.**" [34-202(a)(5)]

For town-initiated actions only, names and addresses shall be deemed to be those appearing on the latest tax rolls of the county.

Property owners Map. If the property covered by the application consists of more than one parcel, the list of the owners must be keyed to a map illustrating the individual owners interest in the property. Attach the property owners list as "**Exhibit 6 - 3.**" [34-202(a)(5)]

PART 7: PROPERTY INFORMATION

A. **STRAP number(s):** The STRAP (Section, Township, Range, Area, Parcel) number is the 17- digit number used by the Property Appraiser to identify specific parcels. [34-202(a)(1)]

B. **Location**

Street address: Indicate the street address of the property. The address may be obtained from County Property Appraiser if unknown by applicant.

Area location. Submit a map, at a suitable scale, drawn on an 8½-inch by 11-inch sheet of paper, that depicts the property described in the legal description in relation to the surrounding neighborhood. The map shall be sufficiently referenced to streets, waterways, and other physical boundaries so as to be clearly identifiable to the general public. Label the map "**Exhibit 7 - 1.**" [34-202(a)(4)]

C. **Legal description**

The application shall include a copy of the plat or plats, if any, and the correct STRAP number(s). If the application includes multiple abutting parcels or if the property consists of other than one or more undivided platted lots, the legal description must specifically describe the perimeter boundary of the total property, by metes and bounds with accurate bearings and distances for every line, but need not describe each individual parcel. However, the application must provide the STRAP number for every parcel. The director has the right to reject any legal description which is not sufficiently detailed to locate the property on official maps. Label the legal description as "**Exhibit 6 - 2**" and the plat map (is required) as "**Exhibit 7 - 3.**" [34-202(a)(1)]

D. **Boundary survey or certified sketch of description**

Certified sketch of description . The application shall include a certified sketch of description, unless the subject property consists of one or more undivided platted lots in a subdivision recorded in the official Lee County Plat Books. Label as "**Exhibit 7 - 4.**"

The sketch shall include the location of existing structures on the property. [34-202(b)(3)]

The director may require a boundary survey where there is a question regarding the accuracy of the legal description of the property or a question regarding the location of structure(s) or easement(s) that may be relevant to the review of the application. Label as "**Exhibit 7- 5.**" [34-202(a)(2)]

All certified sketches and boundary surveys must meet the minimum technical standards for land surveying in the state, as set out in ch. 61G 17-6, F.A.C. The perimeter boundary must be clearly marked with a heavy line and must include the entire area that is the subject of the application. [34-202(a)(2)]

E. **Property restrictions.** Submit a copy of any deed restrictions or other types of covenants and restrictions on the subject parcel, along with a statement as to how the restrictions may affect the requested action. If there are no restrictions on the property, the applicant must indicate so on the application form. Label the restrictions as "**Exhibit 7 - 6**" and the narrative statement as **Exhibit 6 - 7.**" [34-202(b)(2)]

F. **Surrounding property owners list.** The applicant must submit a complete list of all property owners, and their mailing addresses, for all property within 500 feet of the perimeter of the subject parcel or the portion thereof that is the subject of the request.

The list shall also include the owners of all individual condominium units within the 500-foot perimeter, plus the managing entity of any timeshare properties. Label the surrounding property owners list as "**Exhibit 7 - 8.**" [34-202(a)(6)]

For the purpose of this subsection, names and addresses of property owners, condominium owners, and timeshare managers will be deemed to be those appearing on the latest tax rolls of the county at the time of application.

The applicant shall be responsible for the accuracy of such list.

Mailing labels. Two sets of mailing labels of all property owners, and their mailing addresses, must be provided for all property within 500 feet of the perimeter of the subject parcel or the portion thereof that is the subject of the request. This list shall also include the owners of all individual condominium units within the 500-foot perimeter, plus the managing entity of any timeshare properties. For the purpose of this subsection, names and addresses of property owners, condominium owners, and timeshare managers will be deemed to be those appearing on the latest tax rolls of the county at the time of application. Label the mailing list as "**Exhibit 7- 9.**" [34-202(a)(6)]

In the event that more than six months lapses between the time of application and the date of mailing courtesy notices for the scheduled public hearing, the director may require the applicant to submit a new list and mailing labels. [34-202(a)(6)]

Surrounding property owners map. The application shall include a zoning map or other similar map displaying all of the parcels of property within 500 feet of the perimeter of the subject parcel or the portion thereof that is subject of the request, referenced by number or other symbol to the names on the surrounding property owners list. Label as "**Exhibit 7- 10.**"

The applicant shall be responsible for the accuracy of the map. [34-202(a)(6)]

PART 8: APPLICANT AFFIDAVIT

The applicant must sign and submit either Affidavit A-1 OR A-2, (whichever is applicable).

**EXHIBIT PH-2.B.1
DISCLOSURE OF INTEREST FORM FOR:**

STRAP NO. 24-46-23-W3-0050A.0010 & 24-46-23-W3-0030B.0010
CASE NO. _____

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

Name and Address	Percentage of Ownership

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

Name and Address	Percentage of Stock

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

Name and Address	Percentage of Interest
JOHN W. RICHARD 237 OLD SAN CARLOS BLVD. FT. MYERS BEACH, FL 33931	100%

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

Name and Address	Percentage of Ownership

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

Name and Address	Percentage of Stock

Date of Contract: _____

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

Name and Address	

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

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

Signature: _____

John W. Richard

 (Applicant)

JOHN W RICHARD

(Printed or typed name of applicant)

STATE OF FLORIDA
 COUNTY OF LEE

The foregoing instrument was acknowledged before me this 30th day of APRIL 30, 2008
 by JOHN W. RICHARD who is personally known to me or who has produced
 _____ as identification. .

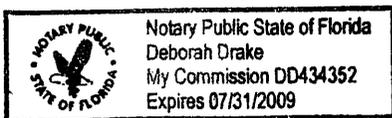
(SEAL)

Deborah Drake

Signature of Notary Public

DEBORAH DRAKE

Printed Name of Notary Public



**LETTER OF AUTHORIZATION
TO THE TOWN OF FORT MYERS BEACH**

The undersigned does hereby swear or affirm that he is the fee simple titleholder and owner of the properties commonly known as: 343 Old San Carlos Blvd., Fort Myers Beach, FL, 24-46-23-W3-0050A.0010, and 940 Third Street, Fort Myers Beach, FL, 24-46-23-W3-0030B.0010, legally described in Exhibit A attached hereto. The undersigned hereby designates **Beverly Grady and K'Shana Haynie on behalf of Roetzel & Andress, a Legal Professional Association** to be agents of an application for a Special Exception Application.

John W. Richard as Trustee of the John W. Richard Revocable Trust U/T/A dated May 3, 1995.

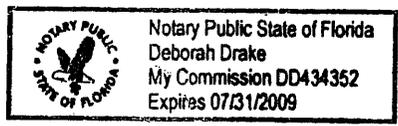
BY: *John W. Richard*
(Signature)
JOHN W RICHARD
Printed Name

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 27th day of FEB., 2008, **John W. Richard as Trustee of the John W. Richard Revocable Trust U/T/A dated May 3, 1995**, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

(SEAL)

Deborah Drake
Signature of Notary Public
DEBORAH DRAKE
(Name typed, printed or stamped)



This instrument prepared by:
KEVIN F. JURSKINSKI
KEVIN F. JURSKINSKI, P.A.
7800 University Pointe Drive, Suite 200
Ft. Myers, Florida 33907

Property Appraisers Parcel ID Number(s): 24-46-23-W3-0030B.0010 and 24-46-23-W3-0050A.0010
Grantee(s) EIN #: _____

WARRANTY DEED

THIS INDENTURE, Made this 11th day of July, 2005.

BETWEEN KIRIC INVESTMENTS, INC., a Florida corporation, party of the first part,
and

JOHN W. RICHARD as Trustee of the JOHN W. RICHARD REVOCABLE TRUST U/T/A
dated May 3, 1995, with the full power and authority to protect, conserve, and to sell, or to
lease, or to encumber, or otherwise to manage and dispose of the real property described
herein, of the County of Lee, State of Florida, whose mailing address is:

237 San Carlos Boulevard
Fort Myers Beach, FL 33931

party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum
of TEN DOLLARS and 00/XX (\$10.00), to it in hand paid by the said party of the second part,
the receipt whereof is hereby acknowledged, have granted, bargained, and sold to the said party
of the second part, her heirs and assigns forever, the following described land, situate, and being
in the County of Lee, State of Florida, to-wit:

As per the attached Exhibit "A"

And the said parties of the first part do hereby fully warrant the title to said land, and will
defend the same against the lawful claims of all persons whomsoever.

Restriction on Use: Grantee, on behalf of its successors and assigns, accepts this Deed
with the specific use provision, which shall be a covenant running with the land which precludes
Grantee, or its successors, heirs or assigns, from leasing the lots for parking to any individual or
entity which operates any type of vessel that carries more than six passengers, on either a daily,
weekly, monthly or annual basis. Further, passengers of such vessels cannot park or pay on a
daily rate in the lots. Grantor will have the right to enforce such provision by any remedy
available by law or in equity, including, without limitation, injunctive relief.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set its hand
and seal the day and year first above written.

Signed, sealed and delivered
in the presence of:

Dolinda R. Campbell
Witness

Cynthia A. Henderson
Witness

KIRIC INVESTMENTS, INC.,
a Florida corporation

Dianne L. Hendricks
By: DIANNE L. HENDRICKS
As its President

Seller

INSTR # 6889708
OR BK 04794 Pgs 1072 - 1074; (3pgs)
RECORDED 07/13/2005 08:49:32 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 27.00
DEED DUC 5,775.00
DEPUTY CLERK M Killeen

STATE OF Virginia
City
COUNTY OF Waynesboro

SS:

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid, to take acknowledgments, personally appeared **DIANNE L. HENDRICKS** as **President of KIRIC INVESTMENTS, INC., a Florida corporation**, who is personally known to me (or who has produced _____) and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this 11th day of July, 2005.



Sharon V. Wood
NOTARY PUBLIC
Sharon V. Wood
(Typed/printed name)
Notary Commission No.: NA

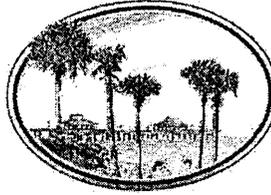
Sharon V. Wood
NOTARY PUBLIC
Commonwealth of Virginia
My Commission Expires 7/31/08

EXHIBIT "A"

Lot 1, Block B, MATANZAS VIEW, according to the map or plat thereof as recorded in Plat Book 9, Page(s) 40, Public Records of Lee County, Florida,

AND

Lots 1 and 2, Block A, UNIT No. 2, ISLAND SHORES, according to the map or plat thereof as recorded in Plat Book 9, Page(s) 25, Public Records of Lee County, Florida.



SUPPLEMENT PH - B

ADDITIONAL REQUIRED INFORMATION FOR A VARIANCE APPLICATION FORT MYERS BEACH

Case Number: _____

Project Name: Beach Commercial Parking

Applicant: John W. Richard of the John W. Richard Revocable Trust U/T/A dated May 3, 1995

STRAP Number(s): 24-46-23-W3-0050A.0010 and 24-46-23-W3-0030B.0010

CURRENT STATUS OF PROPERTY

Current Zoning: Downtown

Land Use Category: Pedestrian Commercial Platted Overlay? Yes No

Comprehensive Plan Density: _____

VARIANCE FOR: (Indicate the section or sub-section number and title)

Section Number*	Title of section or subsection
<u>Sec. 10-416(d)2</u>	<u>Landscape standards. Subsection (d) Buffering adjacent property</u>
_____	_____
_____	_____
_____	_____
_____	_____

* NOTE: Parts A thru F must be completed for each variance requested.

GUIDE FOR FILING SUPPLEMENT PH - B "ADDITIONAL REQUIRED INFORMATION FOR A VARIANCE APPLICATION, FORT MYERS BEACH."

This form is for the purpose of providing additional information specific to a Variance request and must be submitted simultaneously with the "Application for Public Hearing".

USE OR PROCEDURAL VARIANCES. USE AND PROCEDURAL VARIANCES ARE NOT LEGALLY PERMISSIBLE, AND NO APPLICATION FOR A USE VARIANCE NOR A PROCEDURAL VARIANCE WILL BE PROCESSED. [34-203(f)]

GENERAL INSTRUCTIONS

THE "GENERAL INSTRUCTIONS" PROVIDED FOR THE PUBLIC HEARING APPLICATION ALSO APPLY TO THIS SUPPLEMENTAL FORM.

COVER PAGE

Case number: to be inserted by county staff.

Project Name (if applicable): must be same as on Public Hearing Application.

Authorized Agent: must be same as on Public Hearing Application.

STRAP(S): must be same as on Public Hearing Application.

Variance For: indicate the number and title of the section of the Land Development Code from which the variance is sought.

PAGES 2 THRU 4 VARIANCE REQUEST - NARRATIVE

Questions are self-explanatory. If an application for a variance is for more than one variance, items A thru F must be completed for each variance requested.

In responding to question F, please see the criteria shown on the back of page 3.

PAGE 4 VARIANCE REQUEST - SITE PLAN

All variance request applications must include a site plan showing, at a minimum:

- a. All existing and proposed structures on the site;
- b. All existing structures within 100 feet of the perimeter boundary of the site; and
- c.. The proposed variance from the adopted standards.

CRITERIA FOR QUESTION " F "

The statements should be directed, at a minimum, to the guidelines indicated below. [34-87].

1. That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy;
2. That the exceptional or extraordinary conditions justifying the variance or circumstances are not the result of actions of the applicant taken after the adoption of the regulation in question;
3. That the variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property;
4. That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and
5. That the conditions or circumstances on situation of the specific piece of property, or the intended use of the property, for which the variance is sought are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

**LETTER OF AUTHORIZATION
TO THE TOWN OF FORT MYERS BEACH**

The undersigned does hereby swear or affirm that he is the fee simple titleholder and owner of the properties commonly known as: 343 Old San Carlos Blvd., Fort Myers Beach, FL, 24-46-23-W3-0050A.0010, and 940 Third Street, Fort Myers Beach, FL, 24-46-23-W3-0030B.0010, legally described in Exhibit A attached hereto. The undersigned hereby designates **Beverly Grady and K'Shana Haynie on behalf of Roetzel & Andress, a Legal Professional Association** to be agents of an application for a Variance Application.

John W. Richard as Trustee of the John W. Richard Revocable Trust U/T/A dated May 3, 1995.

BY: _____

(Signature)

JOHN W RICHARD

Printed Name

STATE OF FLORIDA

COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 19TH day of MAY, 2008, **John W. Richard as Trustee of the John W. Richard Revocable Trust U/T/A dated May 3, 1995**, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

(SEAL)

Deborah Drake

Signature of Notary Public

DEBORAH DRAKE

(Name typed, printed or stamped)

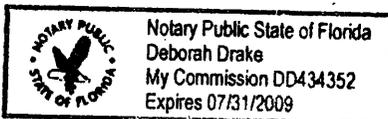


EXHIBIT A

NARRATIVE FOR VARIANCE REQUEST

This is a request for a variance from LDC, Section 10-416(d)2 to allow a zero (0) foot buffer along Old San Carlos Blvd. and a five (5) foot buffer along Third Street South, and adjacent to the subject property, 343 Old San Carlos Blvd. and 940 Third Street (STRAP#s 24-46-23-W3-0050A.0010 and 24-46-23-W3-0030B.0010). The variance request is necessary because of the odd shape of the property. The property is L-shaped and approximately 11,473 square feet. The applicant will be placing permanent shared parking (commercial parking) on the subject property and considering both the square footage of the property and the shape of the property, the variance is necessary to allow the commercial parking and the maximization of the number of parking spaces.

The subject property is located at the intersection of Old San Carlos Blvd. and Third Street South. The approval of the requested variance will allow approximately 27 standard parking spaces to be placed on the property. Additionally, the property will have a parking area that will accommodate larger trucks, motor homes, RVs, and/or valet parking. Note that the valet parking is proposed for use during season.

The variance requested is the minimum variance required to substantiate the use of the property for commercial parking. The property has an odd L-shape, and the majority of the length of the property is only fifty (50) feet wide. The fifty-foot width would not allow two rows of parking spaces at a ninety degree angle. Pursuant to LDC, Sec. 34-2016(1), where the angle of parking is ninety degrees, the parking space is required to be eighteen (18) feet in length and 8.5 feet in width, with 20 feet in width for a one-way parking aisle. Two rows of parking spaces at a ninety degree angle, assuming compliance with the required eighteen feet length of the parking space, would leave only fourteen (14) feet for aisle space. In order to allow two rows of parking on the subject property without variance, it was necessary to design one row with parking at a ninety degree angle and one row of parallel parking. However, due to the width of the property, and to maximize the allowable parking on the small site (11,437 square feet), a variance is still needed from the landscaped buffer requirements along both Third Street and Old San Carlos Blvd.

The approval of the requested variance will not have an effect on the adjacent properties. The requested variance relates to having a zero (0) foot landscape buffer adjacent to Old San Carlos Blvd. and a five (5) foot buffer adjacent to Third Street South, and in no way affects the uses that are adjacent to the property. The property is located in the Downtown zoning district, whose purpose is to, "create the desired quality and character for the center of pedestrian-oriented commercial activities within the town...Old San Carlos Boulevard will serve as the town's 'Main Street' and will be anchored by pedestrian plazas at each end." LDC, Sec. 34-671. The Town's LDC, therefore, contemplates that commercial parking enhances rather than detracts from adjacent properties by facilitating the desired pedestrian-oriented quality and character of the district.

It should be noted that the surrounding properties to the northeast, east, southeast and south are developed with commercial uses to include restaurant and proposed guest units. There

is existing residential use to the west and north across Third Street which uses are located in commercially zoned parcels; however, there are no residential buffer requirements in the Downtown zoning district, unless the property is located on the north side of Estero Blvd, east of Palermo Circle. The subject property is located such that no residential buffer is required and has the appropriate zoning to place a commercial use next to a residential use without a buffer. There is an implicit assumption for properties located within the Downtown zoning district that commercial uses located proximate or adjacent to residential properties will not result in an adverse or negative effect. The proposed use of the property for commercial parking with no buffer on Old San Carlos Blvd. and five (5) foot buffer on Third Street South should not affect in anyway the adjacent properties.

The commercial parking use with zero (0) foot landscaping buffer along Old San Carlos Blvd. and five (5) foot buffer along Third Street South will be compatible and will not cause any damage or detriment to persons or property. Parking is an integral part of a successful downtown and the subject property has been used as a temporary Downtown (Northeast-CPD) parking area for several years. This location promotes the Town's park-once concept and due to the proximity of the subject property to Times Square area, the traffic and the shortage of parking, the proposed commercial parking with zero (0) foot landscaping buffers along Old San Carlos Blvd. and five (5) feet buffer along Third Street South provides a service to the tourists as well as the local businesses of Fort Myers Beach. However, the successful service of the subject property as commercial parking requires approval of the requested variance because of the odd-shape and small size of the property.

The applicant believes that the requested variance is the minimum variance necessary under the circumstances, and that the shape/size of the property constitutes an extraordinary condition or circumstance that is inherent to the property and that warrants the approval of the requested variance. Moreover, the shape and size of the property, which makes the variance necessary, is not a result of actions by the applicant. As such, the applicant respectfully requests approval of a zero (0) foot buffer along Old San Carlos Blvd. and a five (5) foot buffer along Third Street South.

In consideration for granting the requested variances, the applicant proposes a 50% contribution towards the cost of placing a landscaping buffer in the Third Street South right-of-way. The proposed landscaping buffer to be placed in the Third Street South right-of-way would be a *musa acuminata* (banana tree) hedge. Additionally, in consideration of the requested variances, the applicant proposes a decorative fence along the property line on Third Street South. The decorative fence would be similar in size, scale, and appearance to other permanent shared parking lots within the Town.

PERMANENT SHARED PARKING LOT

LIST OF REQUESTED VARIANCES AND ADMINISTRATIVE DEVIATIONS

A. VARIANCE REQUESTS

1. Variance from LDC, Sec. 10-416(d)2 to allow zero (0) foot buffer along Old San Carlos Blvd. and a 5 ft. buffer along Third Street South.

B. ADMINISTRATIVE DEVIATION REQUESTS

1. Deviation from LDC, Sec. 10-416(c)(2)d to allow 19 parking spaces without interruption by divider median or landscaped island.
2. Deviation from LDC, Sec. 10-416(c)(2)b to allow less than ten percent (10%) of the total paved surface area to be landscaped in either the parking area perimeter or internal islands.
3. Deviation from LDC, Sec. 10-285(a) and Table 10-1 to allow 82 foot separation rather than the required 125 feet separation.

OWNERSHIP REPORT

3/13/2008



EXHIBIT ⁴/₁₋₂

270 135 0

270 Feet

LOCATION MAP

3/13/2008



400 0 400

EXHIBIT 4



Lee County Property Appraiser

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

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

VARIANCE REPORT

Date of Report: March 13, 2008
Buffer Distance: 500 ft
Parcels Affected: 87
Subject Parcel: 24-46-23-W3-0050A.0010, 24-46-23-W3-0030B.0010

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
KIRIC INVESTMENTS INC 1522 PARK RD WAYNESBORO VA 22980	24-46-23-W3-00004.0000 1131 FIRST ST FORT MYERS BEACH FL 33931	A PARL AS DESC IN OR 1246 PG 0118	1
STREIT EDWARD F TR ESTERO BAY HOTEL CO 414 CRESCENT ST FORT MYERS BEACH FL 33931	24-46-23-W3-00005.0000 1130 FIRST ST FORT MYERS BEACH FL 33931	PARL LYING BETWEEN MATANZAS PASS BRIDGE + SAN CARLOS BLVD PT DESC IN OR 3056 PG 136 LESS OR 3189 PG 3751 + LESS RD R/W OR 1167 PG 1576	2
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00024.0000 201 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	FROM NWLY COR BLK 8 BUSINESS CENTER SUBD RUN NWLY ALG PROLONGATION OF	3
KIRIC INVESTMENTS INC 1522 PARK RD WAYNESBORO VA 22980	24-46-23-W3-00026.0000 645 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	PAR LYING E OF SAN CARLOS BLVD DESC OR 1534/1849 LESS CONDO/C/E PARCEL	4
SOUTH GATE MOTORS INC GEORGE FREELAND 4830 GRIFFIN BLVD FORT MYERS FL 33908	24-46-23-W3-00026.0020 450 HARBOR CT FORT MYERS BEACH FL 33931	PARL IN SE 1/4 SEC 24 TWP 46 RGE 23 DESC OR 1447 PG 1434	5
KIRIC INVESTMENTS INC 1522 PARK RD WAYNESBORO VA 22980	24-46-23-W3-00026.0030 441/45 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BEG AT A CONC MONUMENT 3 FT SE OF SELY COR MATANZAS VIEW RUN N 65 DEG	6
FREELAND GEORGE T 4830 GRIFFIN BLVD FORT MYERS FL 33908	24-46-23-W3-00027.0000 450 HARBOR CT FORT MYERS BEACH FL 33931	PARL IN SE1/4 DESC OR1656/ 2886+MATANZAS VIEW BLK B PB9/40 PT LT 21 + SUB LAND	7
STREIT EDWARD F TR 1130 FIRST ST FORT MYERS BEACH FL 33931	24-46-23-W3-00201.0010 450 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 1 PB 9 PG 9 LOTS 1 + 2	8
STREIT EDWARD F TR 414 CRESCENT ST FORT MYERS BEACH FL 33931	24-46-23-W3-00201.0030 1025 SECOND ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 1 PB 9 PG 9 LOTS 3 + 4	9
STREIT EDWARD F TR 416 CRESCENT ST FORT MYERS BEACH FL 33931	24-46-23-W3-00201.0070 1047/49 SECOND ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.1 PB9 PG 9 LOT 7 LESS R/W OR 2364/2893	10
SALVATORI LEO J TR + 414 CRESCENT ST FORT MYERS BEACH FL 33931	24-46-23-W3-00202.0010 440 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 2 PB 9 PG 9 LOT 1	11
SALVATORI LEO J TR + 414 CRESCENT ST FORT MYERS BEACH FL 33931	24-46-23-W3-00202.0020 430 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 2 PB 9 PG 9 LOT 2	12
SALVATORI LEO J TR + 414 CRESCENT ST FORT MYERS BEACH FL 33931	24-46-23-W3-00202.0030 420 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.2 PB 9 PG 9 LOTS 3 4 5	13

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
NAPPO JOSEPH + CHRISTINE 45 SAGAMORE AV OCEANPORT NJ 07757	24-46-23-W3-00202.0060 1011 THIRD ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.2 PB 9 PG 9 LOT 6	14
BASS TOMMY LEE + 3720 ELLIS RD FORT MYERS FL 33905	24-46-23-W3-00202.0090 1037/1039 THIRD ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 2 PB 9 PG 9 LOTS 9 + 10	15
3 SUNS MANAGEMENT LLC 1051 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-00202.0110 1041 THIRD ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 2 PB 9 PG 9 LOT 11	16
3 SUN MANAGEMENT LLC 1051 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-00202.0120 1051 THIRD ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.2 PB 9 PG 9 LOT 12 LESS OR2325/0292	17
SALVATORI LEO J TR + 414 CRESCENT ST FORT MYERS BEACH FL 33931	24-46-23-W3-00202.0130 CORNER LOT FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.2 PB 9 PG 9 LOTS 13 + 14 LESS R/W OR 2311/2803	18
STREIT EDWARD F TR ESTERO BAY HOTEL COMPANY 416 CRESCENT ST FORT MYERS BEACH FL 33931	24-46-23-W3-00202.0150 1042/1044 SECOND ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.2 PB 9 PG 9 LOT 15 LESS R/W OR 2311/2803	19
DATTWYLER CHRISTIAN P 1161 NW 7TH PL CAPE CORAL FL 33993	24-46-23-W3-00202.0180 1030 SECOND ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.2 PB 9 PG 9 LOT 18	20
SALVATORI LEO J TR + 414 CRESCENT ST FORT MYERS BEACH FL 33931	24-46-23-W3-00202.0190 1010 SECOND ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 2 PB 9 PG 9 LOT 19	21
SOB INC 340 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00203.0010 340 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.3 PB 9 PG 9 LOT 1	22
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00203.0020 320 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 3 PB 9 PG 9 LOTS 2 THRU 6 + LTS 22 +23 + POR OF VAC ST	23
LIGHTHOUSE ISLAND RESORT INC 1051 FIFTH ST FORT MYERS BEACH FL 33931	24-46-23-W3-00203.0090 1041 FOURTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 3 PB 9 PG 9 LOT 9 LESS OR 3176 PG 330	24
LIGHTHOUSE ISLAND RESORT INC 1051 FIFTH ST FORT MYERS BEACH FL 33931	24-46-23-W3-00203.0100 1049 FOURTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 3 PB 9 PG 9 LOTS 10-13 + 16-18	25
RICHARD JOHN W 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00203.0150 1060 THIRD ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.3 PB 9 PG 9 LOT 15 LES R/W OR2353/3036	26
LIGHTHOUSE ISLAND RESORT INC 1051 FIFTH ST FORT MYERS BEACH FL 33931	24-46-23-W3-00203.0190 1030 THIRD ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 3 PB 9 PG 9 LOT 19 LESS OR 3176 PG 330	27
TOWN OF FORT MYERS BEACH 2523 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00203.019A THIRD ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 3 PB 9 PG 9 LOT 19 AS DESC IN OR 3176 PG 330 BLDG ASSESSED ON 24-46-23-W3-00203.0190 AS INCOME PARCEL TILL 2008	28
ROESSLER CLARENCE TR 1/2 INT + 17587 CYPRESS POINT RD FORT MYERS FL 33967	24-46-23-W3-00204.0010 250 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CTR LTS 1 + 2 BLK 4 LOTS 1 THRU 5 BLK 5 W OF ST RD 865 R/W + POR OF VAC ST	29
HOLLAND DENNIS TR PO BOX 331098 KAHULUI HI 96733	24-46-23-W3-00204.0030 200 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 4 PB 9 PG 9 LTS 3 THRU 7 PT 8 + 9 + PT VAC ALLY	30
LIGHTHOUSE ISLAND RESORT INC 1051 FIFTH ST FORT MYERS BEACH FL 33931	24-46-23-W3-00205.0060 1051 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CTR BLK 5 PB 9 PG 9 LT 6 + 10 THRU 18 E 865R/W LESR/W OR2353/3036	31

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
HUNTINGBURG PARTNERS LTD D TODD MCGEE STE 203 5256 SUMMERLIN COMMONS WAY FORT MYERS FL 33907	24-46-23-W3-00205.0070 PARKING LOTS FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 5 PB 935 PG 9 PT LT 7 + ALL 8 + 9	32
150 SAN CARLOS BLVD CORP OMG INC 428 BROADWAY NEW YORK NY 10013	24-46-23-W3-00207.0000 150 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 7 PB 9 PG 9 ALL BLK 7	33
TOWN OF FORT MYERS BEACH 2523 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00207.1000 150 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER RW OF CENTER STREET LYING BETWEEN BLK 7 BLK 7 PB 9 PG 9	34
POWELL D L + ELSIE M TR 401 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-0030A.0010 401 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOT 1	35
POWELL D L + ELSIE M TR PO BOX 311 GREENVILLE OH 45331	24-46-23-W3-0030A.0020 939 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOT 2	36
GARDNER JOHN JOSEPH + MARSHA J 935 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030A.0030 935 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOT 3	37
TURTURRO RACHEL + JOHN 929 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030A.0040 929 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.A PB 9 PG 40 LOT 4	38
HORN GWEN 17557 INGRAM RD FORT MYERS FL 33967	24-46-23-W3-0030A.0050 923 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOT 5	39
HOULIHAN MAURICE + MARY 917 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030A.0060 917 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.A PB 9 PG 40 LOT 6	40
GOMPEL MARIAN D 911 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030A.0070 911 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.A PB 9 PG 40 LOT 7	41
CASEY KATHLEEN M + 110 LOVE LN NORWOOD PA 19074	24-46-23-W3-0030A.0080 901 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.A PB 9 PG 40 LOT 8	42
KOLLMAN JEFFREY 12660 DARLA AV GRANADA HILLS CA 91344	24-46-23-W3-0030A.0090 430 BONITA ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOT 9	43
URIAN JULIE A 432 BONITA ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030A.0100 432 BONITA ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.A PB 9 PG 40 LOT 10	44
CUSHING WILLIAM L 440 BONITA RD #2 FORT MYERS BEACH FL 33931	24-46-23-W3-0030A.0110 438 BONITA ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOTS 11 + 12.	45
TOMAILOLO FRANKLIN L + GLORIA J 934 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030B.0020 934 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.B PB 9 PG 40 LOT 2	46
SCHULZ AXEL + CORNELIA 926 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030B.0030 932 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK B PB 9 PG 40 LOTS 3 + 4	47
CLAYTON KATHRYN BEBEANNE TR 920 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030B.0050 920 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.B PB 9 PG 40 LOT 5	48
FOSTER RUTH TR 914 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030B.0060 914 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.B PB 9 PG 40 LOT 6	49

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
TYRELL PETER 1/2 + 17 RANELAGH RD HEMEL HEMPSTEAD HERTFORDSHIRE HP2 4RU UNITED KINGDOM	24-46-23-W3-0030B.0070 910 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK B PB 9 PG 40 LOT 7	50
LEWIS GARY A + JEANNE M 880 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030B.0080 880 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.B PB 9 PG 40 LOT 8	51
LEBO KENNETH + LORRAINE 870 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030B.0090 870 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK B PB 9 PG 40 LOT 9	52
GALT CHRISTIAN 2277 TRADE CENTER WAY STE 102 NAPLES FL 34109	24-46-23-W3-0030B.0100 850 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK B PB 9 PG 40 LOT 10	53
HANZL MILDRED 820 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030B.0110 820 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK B PB 9 PG 40 LOT 11	54
SCHMELING ROBERT W TR 1621 SE 84TH CT VANCOUVER WA 98664	24-46-23-W3-0030B.0120 810 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.B PB 9 PG 40 LOT 12	55
NASH ERNEST + EVELYN 1/2 + 270 KINGS RD MADISON NJ 07940	24-46-23-W3-0030C.0010 851-861 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.C PB 9 PG 40 LOT 1	56
KIESEL C J + LENORA 431 BONITA ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030C.0020 431 BONITA ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK C PB9 PG 40 BLK C LT 2 + 3	57
ALEXANDER JAMES M TR 18 RIVERVIEW RD MONMOUTH BEACH NJ 07750	24-46-23-W3-0030C.0040 435 BONITA ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK C PB 9 PG 40 LOTS 4 + 5	58
DOUGHERTY WILLIAM F 50 LAUREL WAY PALMERTON PA 18071	24-46-23-W3-0030C.0080 432 HARBOR CT #34 FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK C PB 9 PG 40 LOT 8	59
JAMES RONALD L JR 422 HARBOR CT FORT MYERS BEACH FL 33931	24-46-23-W3-0030C.0090 422 HARBOR CT FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.C PB 9 PG 40 LOT 9	60
HULL ROCKY T + BARBARA S 412 HARBOR CT FORT MYERS BEACH FL 33931	24-46-23-W3-0030C.0100 412 HARBOR CT FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.C PB 9 PG 40 LOT 10	61
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.0080 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOTS 3 THRU 12 + VAC LAGOON RW OR2858/1391 + OR2660/2863 +2736/3702	62
SCHLENK WILLIAM G + LETICIA L 104 THE ALAMEDA MIDDLETOWN OH 45044	24-46-23-W3-0050A.0130 185 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOT 13 + PT LOT 14	63
MAY S E PO BOX 61176 FORT MYERS FL 33906	24-46-23-W3-0050A.0140 163 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PB 9 PG 25 PT LOT 14 + LOT 15	64
JENKINS GEORGE D L PO BOX 280 TILLSONBURG ON N4G 4H5 CANADA	24-46-23-W3-0050A.016A 159/61 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOTS 16 + PT OF LT 17	65
151 OLD SAN CARLOS LLC 151 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.018A 151 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOTS PT 18 + 19	66
KEELER VIOLET RUTH TR 16243 CHARLESTON AVE FORT MYERS FL 33908	24-46-23-W3-0050A.018B 959/963 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PT LOTS 17 18 + 19	67
925 ESTERO BLVD LLC 4666 MAIN ST BRIDGEPORT CT 06606	24-46-23-W3-0050A.0200 925 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PB 9 PG 25 LOTS 20 THRU 22	68

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
925 ESTERO BLVD LLC 4666 MAIN ST BRIDGEPORT CT 06606	24-46-23-W3-0050A.0230 925 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UT 2 BLK A PB 9 PG 25 LOTS 23 THRU 26	69
HOLBROOK LESLIE E + 5353 ST ROUTE 288 GALION OH 44833	24-46-23-W3-0050A.032A 859 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 NWLY 40 FT LOT 32	70
PURTELL KEVIN G + 3475 OMRO RD OSHKOSH WI 54904	24-46-23-W3-0050A.0330 855 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOT 33	71
ARTRIP CHARLES J + BARBARA K 851 LAGOON ST FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.0340 849 LAGOON ST #51 FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOT 34	72
SMITH RICHARD P 843 LAGOON ST FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.0350 843 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UT 2 BLK A PB 9 PG 25 LOT 35	73
BRAUCH TORRIN MAC TR 841 LAGOON ST FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.0360 839/841 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOT 36	74
JANNELLI FRANK L + 954 CLARELLEN DR FORT MYERS FL 33919	24-46-23-W3-0050A.0370 831 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOT 37	75
SOUTHLAND CORPORATION CORPORATE TAX DEPT PO BOX 711 DALLAS TX 75221	24-46-23-W3-0050B.0010 841 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.B PB 9 PG 25 LOTS 1 THRU 4	76
ARTRIP CHARLES J + BARBARA K 850 LAGOON ST FORT MYERS BEACH FL 33931	24-46-23-W3-0050B.013A 850 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK B PB 9 PG 25 PT LOTS 13 + 14	77
BOWAN RICHARD M 16100 W EL DORADO DR NEW BERLIN WI 53151	24-46-23-W3-0050B.013B 846/848 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.B PB 9 PG 25 LOTS PT 13 + 14 FROM SE	78
SAND CASTLE BEACH CLUB CONDO 905 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-02500.00CE HDR: SAND CASTLE FORT MYERS BEACH FL 33931	SAND CASTLE BEACH CLUB A TIME-SHARE COMMOM AREA DESC OR 1463 PG 2328 + CPB 6 PG 230	79
SAND CASTLE BEACH CLUB 905 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-02500.1010 905 ESTERO BLVD FORT MYERS BEACH FL 33931	SAND CASTLE BEACH CLUB A TIME-SHARE OR1463-2328 UNITS 101-215 / 29 UNITS	80
KIRIC INVESTMENTS INC 1522 PARK RD WAYNESBORO VA 22980	24-46-23-W3-02800.0020 645 OLD SAN CARLOS BLVD #2 FORT MYERS BEACH FL 33931	MARINA VILLAGE AT SNUG HARBOR CONDO (COMM UNIT) OR 1637 PG 1387 UNIT 2	*81
KIRIC INVESTMENTS INC 1522 PARK RD WAYNESBORO VA 22980	24-46-23-W3-02800.0030 645 OLD SAN CARLOS BLVD #3 FORT MYERS BEACH FL 33931	MARINA VILLAGE AT SNUG HARBOR CONDO (COMM UNIT) OR 1637 PG 1387 UNIT 3	*81
KIRIC INVESTMENTS INC 1522 PARK RD WAYNESBORO VA 22980	24-46-23-W3-02800.0040 645 OLD SAN CARLOS BLVD #4 FORT MYERS BEACH FL 33931	MARINA VILLAGE AT SNUG HARBOR CONDO (COMM UNIT) OR 1637 PG 1387 UNIT 4	*81
KIRIC INVESTMENTS INC 1522 PARK RD WAYNESBORO VA 22980	24-46-23-W3-02800.0050 645 OLD SAN CARLOS BLVD #5 FORT MYERS BEACH FL 33931	MARINA VILLAGE AT SNUG HARBOR CONDO (COMM UNIT) OR 1637 PG 1387 UNIT 5	*81
MARINA VILLAGE AT SNUG HARBOR PO BOX 2430 FORT MYERS BEACH FL 33932	24-46-23-W3-02800.00CE OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	MARINA VILLAGE AT SNUG HARBOR CONDO COMMON ELEMENT PARCELS	82
SNUG HARBOR DEVELOPMENT INC PO BOX 2430 FORT MYERS BEACH FL 33932	24-46-23-W3-02800.3010 645 OLD SAN CARLOS BLVD #301 FORT MYERS BEACH FL 33931	MARINA VILLAGE AT SNUG HARBOR A TIME-SHARE OR1637 PG1387 UNITS 301-705 (30 UNITS)	*81

OWNER NAME AND ADDRESS

SALVATORI LEO J TR +
414 CRESCENT ST
FORT MYERS BEACH FL 33931

STRAP AND LOCATION

19-46-24-W4-0150E.0210
414/416 CRESCENT ST
FORT MYERS BEACH FL 33931

LEGAL DESCRIPTION

CRESCENT PARK ADDN BLK E
PB4/46 PT LTS 20THRU25LT
26 LES R/W OR 2353 PG 3036 +
OR 3189 PG 3751

Map Index

83

87 RECORDS PRINTED

EXHIBIT "A"

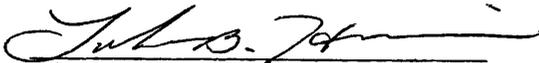
DESCRIPTION:

A tract or parcel of land, being Lots 1 and 2, Block "A", Island Shores, Unit 2 as recorded in Plat Book 9, Page 25, and Lot 1, Block "B", Matanzas View as recorded in Plat Book 9, Page 40, all in the Public Records of Lee County, Florida, described as follows:

Beginning at the Northeasterly corner of the aforesaid Lot 1, Block "A", said point lying on the Westerly right-of-way line of San Carlos Boulevard (66 feet wide); thence run S.22°30' 00"W. along said Westerly right-of-way line for 50.00 feet to the Southeasterly corner of the aforesaid Lot 2, Block "A"; thence run N.67°30'00"W. for 125.00 feet to the Southwesterly corner of said Lot 2; thence run S.22°30'00"W. for 50.00 feet to the Southeasterly corner of the aforesaid Lot 1, Block "B", Matanzas View; thence run S.67°30'00"W. for 13.76 feet to the waters edge face of a concrete seawall; thence run N.17°33'47"W. along the waters edge face of said seawall for 1.50 feet; thence run N.38°25'35"W. along the waters edge face of said seawall for 3.38 feet; thence run N.52°39'47"W. along the waters edge face of said seawall for 4.13 feet; thence run N.59° 39'05"W. along the waters edge face of said seawall for 32.66 feet; thence run N.22°30'00"E. for 1.42 feet to the Southwesterly corner of the aforesaid Lot 1, Block B; thence continue N.22°30' 00"E. for 100.00 feet to the Northwesterly corner of said Lot 1, Block "B, said point also lying on the Southerly right-of-way line of 3rd Street (50 feet wide); thence run S.67°30'00"E. along said Southerly right-of-way line for 175.00 feet to the point of beginning.

Said tract contains 11,473 square feet, more or less.

Bearings are based on the Westerly right-of-way line of the aforesaid San Carlos Boulevard as being S.22°30'00"W.



John B. Harris
P.S.M. #4631
April 28, 2008



SKETCH OF LEGAL DESCRIPTION

LOTS 1 & 2, BLOCK "A" ISLAND SHORES, UNIT 2

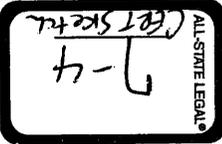
(PLAT BOOK 9, PAGE 25)

LOT 1, BLOCK "B" MATANZAS VIEW

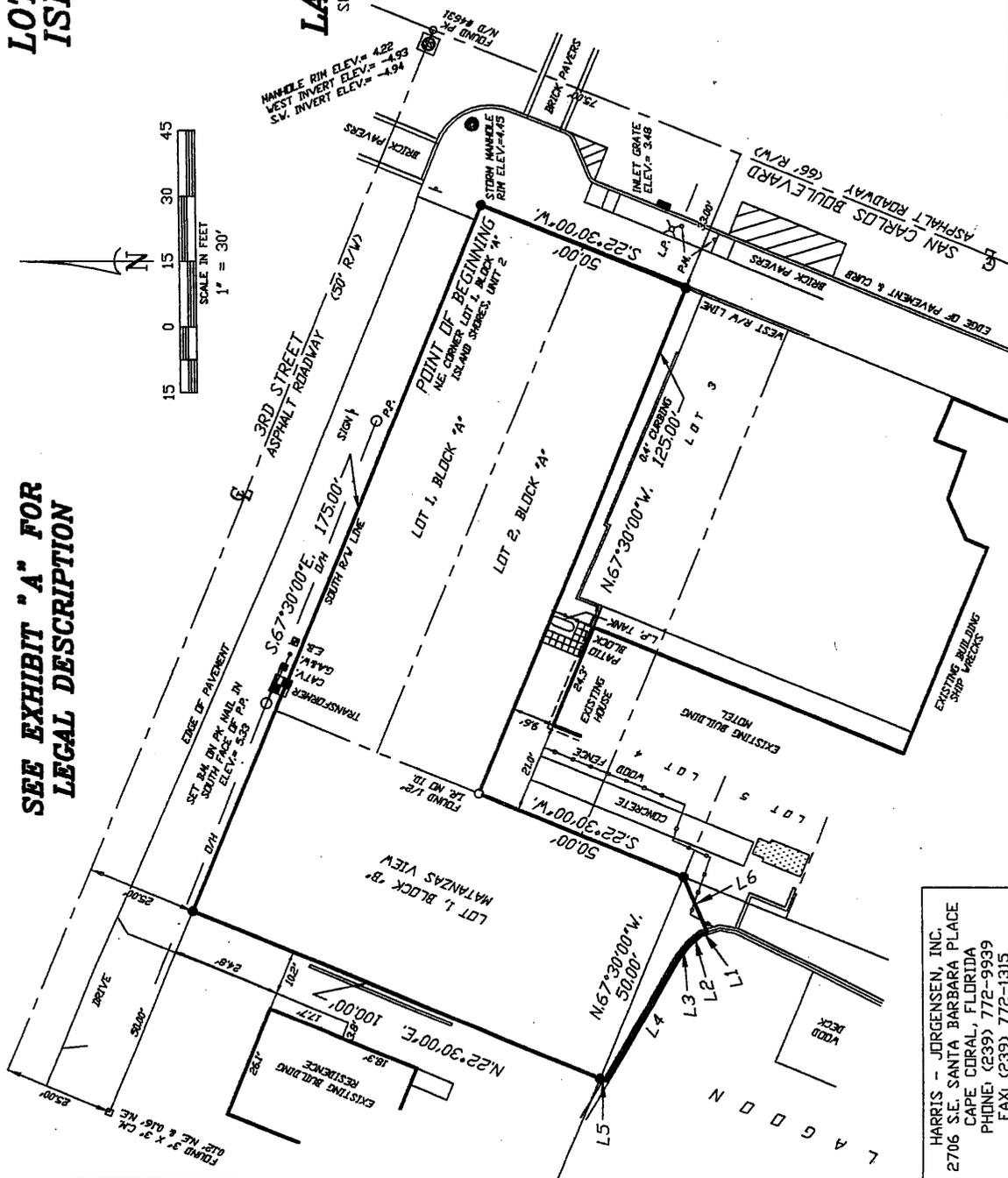
(PLAT BOOK 9, PAGE 40)

PART OF VACATED LAGOON RIGHT-OF-WAY

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



SEE EXHIBIT "A" FOR LEGAL DESCRIPTION



LINE TABLE

Line	Bearing	Distance
L1	N17°33'47"W	1.50'
L2	N38°25'35"W	3.38'
L3	N52°39'47"W	4.13'
L4	N59°39'05"W	32.66'
L5	N22°30'00"E	1.42'
L6	S67°30'00"W	13.76'

PROJECT # IS-U2-A1
FILE # 46-23-24
SKETCH DATE: 3-7-08

John B. Harris
APRIL 28, 2008

JOHN B. HARRIS, PSM

FLORIDA LAND SURVEYOR #4631

FLORIDA CERTIFICATE OF AUTHORIZATION LB #6921

HARRIS - JORGENSEN, INC.
2706 S.E. SANTA BARBARA PLACE
CAPE CORAL, FLORIDA
PHONE: (239) 772-9939
FAX: (239) 772-1315