

RESOLUTION OF THE LOCAL PLANNING AGENCY
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 2013-015
REZ2013-0001 – Houseboat, LLC Rezoning

WHEREAS, Beverly Grady, authorized agent for the owner of property located at 420, 430, 440, Old San Carlos Boulevard and 1010 Second Street Fort Myers Beach, Florida has requested to rezone approximately .42 acres from Commercial Planned Development (CPD) to DOWNTOWN; and

WHEREAS, the subject property is located in the Pedestrian Commercial Future Land Use Category of the Comprehensive Plan of the Town of Fort Myers Beach; and

WHEREAS, the STRAP numbers for the subject property are 24-46-23-W3-00202.0010, 24-46-23-W3-00202.0020, 24-46-23-W3-00202.0030, and 24-46-23-W3-00202.0190 and the legal description is attached as *Exhibit A*; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on November 12, 2013; and

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

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

The LPA recommends the Town Council **APPROVE/DENY** the request to rezone the subject property from CPD to the DOWNTOWN zoning district.

RECOMMENDED FINDINGS AND CONCLUSIONS

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

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

There are no errors or ambiguity that exists surrounding the subject property and its zoning category that require correction. **APPROVE/DENY**

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

The only changed condition that exists which supports the applicant's request for rezoning is the existence of the DOWNTOWN zoning district. At the time of the Matanzas CPD approval, the Town had not yet adopted Town-specific zoning districts. Now that the DOWNTOWN district exists and the property has changed ownership, the applicant is requesting this rezoning. **APPROVE/DENY**

3. *The impact of a proposed change on the intent of Chapter 34 of the Fort Myers Beach Land Development Code.*

It is not anticipated that the proposed rezoning from CPD to DOWNTOWN will have any negative impact on the intent of Chapter 34. **APPROVE/DENY**

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

As discussed in the analysis section of this report the request is generally consistent with the goals, objectives, policies, and intent as well the densities, intensities and general uses of Comprehensive Plan. **APPROVE/DENY**

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

The applicant has not submitted a plan for redevelopment with this request for rezoning. They have indicated to Staff that there is no immediate intention to change current uses on the subject property, merely a desire to obtain DOWNTOWN zoning. The current schedule of uses as adopted by Resolution 03-35 grants the full complement of land uses permitted by DOWNTOWN zoning. **APPROVE/DENY**

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

Urban services including water, sewer, and electric are available at the subject property. Any redevelopment or increase in density or intensity at the subject property will necessitate a thorough stormwater management plan and review prior to any permit or use approvals. **APPROVE/DENY**

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

As existing commercially zoned and developed lots located in the downtown core area along Old San Carlos Boulevard, the subject property does not include any sensitive and/or environmentally critical lands. However, should these parcels be redeveloped with uses as permitted within the DOWNTOWN zoning district all applicable environmental codes including but not limited to Sea Turtle lighting requirement as found in LDC Section 14-79 must be met. **APPROVE/DENY**

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

With its central location within the downtown core area, the subject property's proposed change from CPD to DOWNTOWN zoning is clearly compatible with existing and planned uses. Further, with the approval of Resolution 03-35, and as contained in the approved schedule of uses for the Matanzas CPD, the subject property has already been granted the same uses that are allowed in the DOWNTOWN zoning district. The Town, however, does retain land and property development controls including but not limited to Section 34-671: DOWNTOWN zoning district regulations, Section 34-677: Commercial Design Standards; FEMA flood elevation and substantial improvement compliance, and other sections of the Land Development Code. Any redevelopment will be subject to reviews pursuant to applicable specific land use regulations. **APPROVE/DENY**

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

As evidenced by recent requests for zoning changes, Town Council has determined that the appropriate time to study traffic impacts is at the time of redevelopment or development order. The applicant has indicated there are no current plans for redevelopment. The continuation of existing uses, therefore, will not increase any traffic burden on local streets or other local services or facilities. Staff does not anticipate the requested rezoning from CPD to DOWNTOWN will generate any additional capacity or need for the Lee County School District or the Town's Parks and Recreation Department. **APPROVE/DENY**

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

Hank Zuba, Chair	AYE/NAY	Joanne Shamp, Vice Chair	AYE/NAY
Al Durrett	AYE/NAY	John Kakatsch	AYE/NAY
Jane Plummer	AYE/NAY	Jim Steele	AYE/NAY
Chuck Bodenhafer	AYE/NAY		

DULY PASSED AND ADOPTED THIS **12th** day of **NOVEMBER, 2013**.

Local Planning Agency of the Town of Fort Myers Beach

By: _____
Hank Zuba, LPA Chair

Approved as to legal sufficiency:

By: _____
Fowler White Boggs, P.A.
LPA Attorney

ATTEST:

By: _____
Michelle Mayher
Town Clerk

RESOLUTION OF THE LOCAL PLANNING AGENCY
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 2013-016
SEZ2013-0005 – Houseboat, LLC Special Exception

WHEREAS, Beverly Grady, authorized agent for the owner of property located at 420, 430, 440, Old San Carlos Boulevard and 1010 Second Street Fort Myers Beach, Florida has requested to add 'retail store, large,' as defined in LDC Chapter 34 with gross floor area in excess of 5,000 square feet, as a special exception use on the subject property; and

WHEREAS, the subject property is located in the Pedestrian Commercial Future Land Use Category of the Comprehensive Plan of the Town of Fort Myers Beach; and

WHEREAS, the STRAP numbers for the subject property are 24-46-23-W3-00202.0010, 24-46-23-W3-00202.0020, 24-46-23-W3-00202.0030, and 24-46-23-W3-00202.0190 and the legal description is attached as *Exhibit A*; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on November 12, 2013; and

WHEREAS, at the hearing the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the file, and the testimony of all interested persons, as required by the Fort Myers Beach Land Development Code Section 34-88.

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

The LPA recommends the Town Council **APPROVE/DENY** the requested special exception to add 'retail store, large,' as defined in LDC Chapter 34 with gross floor area larger than 5,000 square feet, as an approved use on the subject property.

RECOMMENDED FINDINGS AND CONCLUSIONS:

In accordance with the requirements of LDC Sections 34-84 and 34-88 regarding approval of special exceptions, the LPA recommends that the Town Council make the following findings and reach the following conclusions:

1. Changed or changing conditions **do/do not** exist that make the requested approval, as conditioned, appropriate;
2. The requested special exception, as conditioned, **is/is not** consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan;
3. The requested special exception, as conditioned, **meets or exceeds/does not meet or exceed** all performance and locational standards set forth for the proposed use;
4. The requested special exception, as conditioned, **will/will not** protect, conserve, or preserve environmentally critical areas and natural resources;

5. The requested special exception, as conditioned, **will/will not** be compatible with existing or planned uses and **will/ will not** cause damage, hazard, nuisance or other detriment to persons or property;
6. The requested special exception, as conditioned, **will/will not be** in compliance with the applicable general zoning provisions and supplemental regulations pertaining to the use set forth in LDC Chapter 34.

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

Hank Zuba, Chair	AYE/NAY	Joanne Shamp, Vice Chair	AYE/NAY
Al Durrett	AYE/NAY	John Kakatsch	AYE/NAY
Jane Plummer	AYE/NAY	Jim Steele	AYE/NAY
Chuck Bodenhafer	AYE/NAY		

DULY PASSED AND ADOPTED THIS **12th** day of **NOVEMBER, 2013**.

Local Planning Agency of the Town of Fort Myers Beach

By: _____
Hank Zuba, LPA Chair

Approved as to legal sufficiency:

By: _____
Fowler White Boggs, P.A.
LPA Attorney

ATTEST:

By: _____
Michelle Mayher
Town Clerk

RESOLUTION OF THE LOCAL PLANNING AGENCY
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 2013-017
VAR2013-0006 – Houseboat, LLC Variance

WHEREAS, Beverly Grady, authorized agent for the owner of property located at 420, 430, 440, Old San Carlos Boulevard and 1010 Second Street Fort Myers Beach, Florida has requested a variance from Section 34-676(b), parking lot location, to permit off-street parking in the side yard as depicted on the site plan *Exhibit E* and for a variance from Table 10-8 from a Type D buffer for Old San Carlos and from Third Street to permit the existing conditions (i.e. no buffer); and

WHEREAS, the subject property is located in the Pedestrian Commercial Future Land Use Category of the Comprehensive Plan of the Town of Fort Myers Beach; and

WHEREAS, the STRAP numbers for the subject property are 24-46-23-W3-00202.0010, 24-46-23-W3-00202.0020, 24-46-23-W3-00202.0030, and 24-46-23-W3-00202.0190 and the legal description is attached as *Exhibit A*; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on November 12, 2013; and

WHEREAS, at the hearing the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the file, and the testimony of all interested persons, as required by the Fort Myers Beach Land Development Code Section 34-87;

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

The LPA recommends the Town Council **APPROVE/DENY** the request for a variance from Section 34-676(b), parking lot location, to permit off-street parking in the side yard as depicted on the site plan *Exhibit E* and **APPROVE/DENY** a request for a variance from Table 10-8 (Type D buffer) for Old San Carlos and from Third Street to permit existing conditions (i.e. no buffer).

RECOMMENDED CONDITIONS:

1. That the applicant installs a Type D buffer where the width is reduced to 5' rather than the full 15'.

RECOMMENDED FINDINGS AND CONCLUSIONS:

In accordance with the requirements of LDC Sections 34-84 and 34-87 regarding approval of variance requests, the LPA recommends that the Town Council make the following findings and reach the following conclusions:

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

- c. 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.
- d. The granting of the variance **will/will not** be injurious to the neighborhood or otherwise detrimental to the public welfare.
- 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 foregoing Resolution was adopted by the LPA upon a motion by LPA Member _____ and seconded by LPA Member _____, and upon being put to a vote, the result was as follows:

Hank Zuba, Chair	AYE/NAY	Joanne Shamp, Vice Chair	AYE/NAY
Al Durrett	AYE/NAY	John Kakatsch	AYE/NAY
Jane Plummer	AYE/NAY	Jim Steele	AYE/NAY
Chuck Bodenhafer	AYE/NAY		

DULY PASSED AND ADOPTED THIS **12th** day of **NOVEMBER, 2013**.

Local Planning Agency of the Town of Fort Myers Beach

By: _____
Hank Zuba, LPA Chair

Approved as to legal sufficiency:

By: _____
Fowler White Boggs, P.A.
LPA Attorney

ATTEST:

By: _____
Michelle Mayher
Town Clerk



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

TYPE OF CASE: Conventional Rezoning
Special Exception
Variance

CASE NUMBER: REZ2013-0001
SEZ2013-0005
VAR2013-0006

LPA HEARING DATE: November 12, 2013

LPA HEARING TIME: 9:00 AM

I. APPLICATION SUMMARY

Applicant: Houseboat, LLC
Beverly Grady, Esq, authorized agent

Requests: REZ2013-0001 To rezone four parcels from Commercial Planned Development zoning to the DOWNTOWN zoning district

SEZ2013-0005 Retail Store, large, as defined in LDC Chapter 34 as gross floor area larger than 5,000 square feet, as a permitted use

VAR2013-0007 – to request a variance A variance request from

1. Section 34-676(b) parking lot location to permit off-street parking in the front and side yard as depicted on the site plan *Exhibit E*
2. A variance from Table 10-8 from a Type D buffer for Old San Carlos and from Third Street to existing conditions

Subject property: *See Exhibit A*

Physical Address: 420, 430, 440 Old San Carlos Boulevard
1010 Second Street

STRAP #: 24-46-23-W3-00202.0010
24-46-23-W3-00202.0020

24-46-23-W3-00202.0030
24-46-23-W3-00202.0190

FLU: Pedestrian Commercial
Zoning: Commercial Planned Development
Current use(s): Mixed Use: Office, Residential Units, Parking Lot

Adjacent zoning and land uses:

North:	Hotel Commercial Planned Development (CPD) Pedestrian Commercial
South:	Restaurant DOWNTOWN Pedestrian Commercial
East:	Residential DOWNTOWN Pedestrian Commercial
West:	Mixed Use DOWNTOWN Pedestrian Commercial

II. BACKGROUND AND ANALYSIS

Background:

Prior to incorporation as a Town in 1995, zoning on Fort Myers Beach was under the jurisdiction of Lee County and was governed by the Lee County Land Development Code. When the Town first became incorporated, Lee County's Comprehensive Plan, Future Land Use Map (FLUM), Land Development Code (LDC) and zoning maps were adopted by the Town. These documents acted as interim land development regulations until such time that Town Staff, after citizen input, could draft a new Comprehensive Plan, FLUM, LDC and official zoning map for adoption by the Town Council.

In January of 1999, the Town adopted its Comprehensive Plan and Future Land Use Map.

In 2003, Ordinance 03-03 adopted the Town's Land Development Code (LDC) and interim zoning map, and the official zoning map was adopted by Resolution 04-16 in April of 2004.

The subject property, consisting of parcels located at 420, 430, 440 Old San Carlos Boulevard and 1010 Second Street, is located in the Times Square/downtown core area of Fort Myers Beach, traditionally known for more intensive commercial uses. Around the time of incorporation, due to the uncertainty of what Town-specific zoning and land use might look like, some Times Square/downtown core area land owners opted to rezone their

properties to Commercial Planned Development in an attempt to retain densities, intensities, or specific uses. The subject property was included in one of these rezonings known as the Matanzas CPD. The Matanzas CPD was originally approved by Z-95-074 (*Exhibit B*) and amended by Resolution 99-05 (*Exhibit C*) and Resolution 03-35. (*Exhibit D*).

The subject property, while not contiguous or adjacent to the majority of the land included in the Matanzas CPD, was under single ownership until a recent sale in the spring of 2013 placed the property under separate ownership.

There are three requests being covered by three applications for the subject property. Since all three requests are closely related Staff felt the best way to provide the review was in this one single Staff Report. However, there must be recommendation and subsequent resolution for each request.

Analysis:

REZ2013-0001

The first request (REZ2013-0001) is to rezone the subject property from Commercial Planned Development (CPD) to DOWNTOWN. As previously stated in the Background section, the original zoning to CPD was granted in 1995 by Lee County (*see Exhibit B*). It was later amended by the Town Council of Fort Myers Beach in 1999 by Resolution 99-05 (*see Exhibit C*). The third amendment that was approved in 2003 in Resolution 03-35 (*see Exhibit D*), is the most compelling. That action taken by Council granted the subject property, labeled as 'Parcel B' on the approved Master Concept Plan, "All principal and accessory uses permitted in the DOWNTOWN zoning district" with development intensity not to exceed 36,900 square feet.

By granting this approval in 2003, Council has already acknowledged that the subject property is most compatible with its surrounding uses through development with DOWNTOWN zoning permitted uses.

It is important to note that the DOWNTOWN district is the Town's most permissive district, and allows the widest variety of uses with the least amount of buffering, setbacks, and other similar property development regulations. This clearly is a zoning district that is particularly suited to a future land use, such as Pedestrian Commercial, that encourages a pedestrian-oriented commercial environment. Future land use and zoning, whenever possible, should be compatible and operate to further the intent of each other; because future land use is a goal that is achieved through the structure of zoning regulations.

Urban services, including water, sewer, and electric, are available to the subject property. Fort Myers Beach Public Works Department has commented that any increased density and/or intensity on the subject property will necessitate a thorough stormwater management plan and review prior to any permit or use approvals.

The lack of a specific redevelopment plan for the subject property at this time increases the difficulty for Staff to adequately address impacts on infrastructure. The subject property has driveway access onto Third Street and Second Street both of which are narrow local roads not currently designed to handle high capacity traffic volumes. Like the stormwater system, however, traffic volumes and traffic impacts are more appropriately reviewed at the time of

redevelopment. Staff would strongly encourage that any redevelopment plans utilize the 'park once' concept that is prevalent in the downtown core area, giving preference to the pedestrian in any redesign of the subject property.

The Old San Carlos Boulevard/Crescent Street Master Plan from 1999 lays out a vision for the future of the Old San Carlos corridor. It begins by stating that Old San Carlos is poised for a renaissance, with a sense that the vitality of Times Square could extend into this area. Solutions for revitalization included a development pattern of mixed-use, multi-story buildings positioned along the sidewalks, to frame the space of the street, and Old San Carlos Boulevard's unique beach-to-bay vista. The applicant's request is compatible with this plan.

Staff does not anticipate that the requested rezoning from CPD to DOWNTOWN will generate any additional capacity or need for the Lee County School District or the Town's Parks and Recreation Department.

SEZ2013-0005

The second request being considered in case SEZ2013-0005, is a request for a special exception to allow 'retail store, large' as a use on the subject property. The LDC defines 'retail store, large' as any retail space that exceeds 5,000 square feet in area (see definitions in Section 34-2). Furthermore the DOWNTOWN zoning district in the Retail category (see Table 34-1) provides that 'retail store, large' is permitted only by special exception.

The applicant contends that retail uses are consistent with the Future Land Use of Pedestrian Commercial and the requested rezoning to DOWNTOWN. *Exhibit E*, provided by the applicant, indicates a suggested site plan for redevelopment showing a maximum first floor retail area of 9,156 square feet.

It is clear that when drafting the Land Development Code, the authors wanted to ensure that LPA and ultimately Town Council had additional oversight above and beyond Staff review of locations in the DOWNTOWN district when retail spaces in excess of 5,000 square feet were to be developed. Quite often, the assumption is that large retail spaces have large impacts on the surrounding properties. For the subject property, the site development constraints provided by the surrounding roads to the North, South and West (Second Street, Third Street and Old San Carlos Boulevard) as well as the Florida Power and Light easement to the East limit the size of any building that can be constructed on the property, and therefore, the potential impacts are also limited (see *Exhibit E*). Furthermore, LDC Sec. 34-675(c) limits the property to a Floor Area Ratio of 1.8, meaning that a maximum of 1.8 times the property's total land area can be built on the site.

Staff agrees with the applicant's assertion that the 'retail store, large' is consistent with the intent of the Pedestrian Commercial FLU and a compatible use with the surrounding properties in the DOWNTOWN zoning district. Furthermore, the Pedestrian Commercial land use category encourages a mix of intensities. Currently most of the retail space within the DOWNTOWN zoning district is at or below the 5,000 square foot threshold. By approving the applicant's request for a larger space, the property owner may be able to entice a different type of retailer, thereby further enhancing the variety and intensity of retail and commercial uses in DOWNTOWN and thus furthering the intent of the Future Land Use category.

When considering the Commercial Design Standards found in Division 7 of Chapter 34 of the LDC and the size limitations provided by Second Street, Third Street, Old San Carlos Boulevard and the FPL utility easement, Staff does not feel that any additional conditions of approval should be included because the site constraints should operate to control and buffer any redevelopment concerns.

VAR2013-0006

The final request to be considered is a variance from Section 34-676(b), parking lot location, to permit off-street parking in the front and side yard as depicted on the site plan *Exhibit E*; and a variance from Table 10-8 from a Type D buffer for Old San Carlos and from Third Street to existing conditions.

The applicant states in the narrative submitted that they don't believe that the application of Figure 34-6 (see *Exhibit F*) applies to the subject property. Staff respectfully disagrees and recommends that the variance request proceed.

The action of rezoning from CPD to DOWNTOWN requires that A variance be requested and approved by Council. Furthermore, the requirement of a Type D buffer will mitigate any negative impacts the use will have on the surrounding property.

At the time of drafting the Staff report the applicant had not provided a narrative statement to the second variance request.

The second variance is a request to not be required to install the required 15' Type D landscape buffer as described in Table 10-8 and further defined in Table 10-9. The applicant wishes to keep the existing conditions which do not include a buffer between the parking lot and right-of-way.

Conventional rezonings do not require a MCP or any proposed redevelopment plan, should the property owner have one. Therefore Staff must assume that the uses as existing on the subject property are intended to remain.

Staff understands that a 15' foot buffer on an existing site not currently under development order may prove to be a burdensome requirement. However, the code does encourage landscape buffers as a way to shield parking lots from view and the pedestrian experience (see also Section 34-2022(c)). Therefore Staff suggests, as an alternative, that instead of a 15' wide buffer that the applicant install a 5' buffer with the same number of shrubs and trees. This would be consistent with buffer deviations approved at 2301 Estero and similar to the plant requirements from the Seasonal Parking lot provisions.

In terms of consistency with the Comprehensive Plan, Staff identified the following goals, objectives and policies that apply to the requested zoning actions:

Goal 4: To keep Fort Myers Beach a healthy and vibrant "small town," while capitalizing on the vitality and amenities available in a beach-resort environment and minimizing the damage that a hurricane could inflict.

The applicant's proposal will allow redevelopment of the property with new floodplain conforming buildings to replace older non-conforming buildings that are vulnerable to a

flood event, even below the threshold of the 100-year storm. Any new improvements will be required to meet the Commercial Design Standards as set forth in LDC Section 34-991 to build to human scale and bring structures forward towards Old San Carlos to improve the pedestrian experience.

Objective 4-B: FUTURE LAND USE MAP CATEGORIES - Reduce the potential for further overbuilding through a new Future Land Use Map that protects remaining natural and historic resources, preserves the small-town character of Fort Myers Beach, and protects residential neighborhoods against commercial intrusion.

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 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 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 the comprehensive plan and must meet the design concepts of the 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 the plan. Non-residential uses (including motels and churches) now comprise 58.9% of the land in this category, and this percentage shall not exceed 90%.

The request is clearly in compliance with the Pedestrian Commercial FLU category, as the DOWNTOWN zoning district is the Town's highest intensity land use category, designed to help create a vibrant pedestrian core in and around the Times Square area.

Objective 4-C: APPLYING THE FUTURE LAND USE MAP - The Future Land Use Map shall be interpreted in accordance with the following policies.

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

Any development of the property under the DOWNTOWN zoning district regulations will be subject to a floor-area-ratio (FAR) of 1.8, per LDC Sec. 34-676(c)(1), which conforms to the maximum of 2.5 FAR allowed in Pedestrian Commercial.

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

- ii. Where new or expanded commercial uses are encouraged, as in the "Pedestrian Commercial" category, the Land Development Code shall specify its permitted form and extent and provide a streamlined approval process. Landowners may also use the planned development rezoning process to seek approval of other forms of commercial development in that category.*

The provisions for the DOWNTOWN zoning district in the LDC will provide the applicant with a streamlined approval process. As a conventional zoning district, DOWNTOWN has a list of uses that are permitted by right, without the need for a public hearing to approve a development plan.

Policy 4-C-4 BUILDING HEIGHTS: The Land Development Code shall limit the height of new buildings under most conditions to two stories above flood elevation (exceptions may include the buildback situations [see Policies 4-D-1 and 4-E-1], and different heights may be applied to officially designate redevelopment areas such as Times Square, Red Coconut/Gulf View Colony, and Villa Santini Plaza). In those few cases where individual parcels of land are so surrounded by tall buildings on lots that are contiguous (or directly across the street) that this two-story height limit would be unreasonable, landowners may seek relief through the planned development rezoning process, which requires a public hearing and notification of adjacent property owners. The town will approve, modify, or deny such requests after evaluating the level of unfairness that would result from the specific circumstances and the degree the specific proposal conforms with all aspects of this comprehensive plan, including its land-use and design policies, pedestrian orientation, and natural resource criteria. Particular attention would be paid to any permanent view corridors to Gulf or Bay waters that could be provided in exchange for allowing a building to be taller than two stories. In each case, the town shall balance the public benefits of the height limit against other public benefits that would result from the specific proposal.

The height restrictions in the DOWNTOWN zoning district, found in LDC Sec. 34-675(b)(3), allow properties fronting on Old San Carlos between Fifth and First Streets to be a maximum of 40 feet above Base Flood Elevation, and a maximum of three stories.

Policy 4-C-6 MOTEL DENSITIES: The Land Development Code shall specify equivalency factors between guest units (which include motel rooms) and full dwelling units. These factors may vary based on size of guest unit and on land-use categories on the Future Land Use Map. They may vary between a low of one guest unit and a high of three guest units for each dwelling unit. (These factors would apply only where guest units are already permitted.) In order to implement the 1999 Old San Carlos Boulevard / Crescent Street Master Plan that encourages mixed-use buildings with second and third floors over shops on Old San Carlos, hotel rooms may be substituted for otherwise allowable office space in that situation and location only without using the equivalency factors that apply elsewhere in the town. This alternate method for capping the number of hotel rooms applies only to properties between Fifth to First Streets that lie within 200 feet east and west of the centerline of Old San Carlos Boulevard. Hotel rooms built under this alternate method must have at least 250 square feet per rentable unit, and under no circumstances shall buildings they are located in exceed four stories (with the ground level counted as the first story).

The subject property is located in the area of town, on Old San Carlos between Fifth and First Streets, where hotel rooms are encouraged. LDC Sec. 34-676(d)(1) allows hotel rooms with a minimum of 250 square feet per room to be converted from otherwise allowable office space on the second and third floors of a commercial building.

Objective 4-E: HAZARD MITIGATION – Mitigate the potential effects of hurricanes by easing regulations that impede the strengthening of existing buildings, by encouraging the relocation of vulnerable structures and facilities, and by allowing the upgrading or replacement of grandfathered structures without first awaiting their destruction in a storm.

Policy 4-E-4 FLOODPROOFING OF COMMERCIAL BUILDINGS: Where commercial development is allowed by the comprehensive plan, full-height dry floodproofing is the most desirable alternative for providing ground-level commercial space in pedestrian areas.

Due to the subject property's location in AE-EL12 flood zone, the use of dry floodproofing methods is allowed. Dry floodproofing of non-residential buildings is allowed for space below the Base Flood Elevation. This would allow retail commercial or hotel offices at the ground floor pedestrian level and offices or hotel rooms above.

Policy 3-D-7: Continue to implement the stormwater management plan (an exfiltration system that integrates the existing storm sewer pipe system and inlets with exfiltration trenches under Estero Boulevard). Similar systems can be installed for private development under parking lots or open space.

As part of a local Development Order, the applicant will need to demonstrate how they plan to deal with stormwater drainage on the properties. Old San Carlos is an important pedestrian and vehicular corridor, so it is a primary consideration of Public Works staff to address stormwater management during any redevelopment efforts.

Findings and Conclusions, REZ2013-0001:

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

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

Staff does not find that any errors or ambiguity exist surrounding the subject property and its zoning category that require correction.

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

The only changed condition that exists which supports the applicant's request for rezoning is the existence of the DOWNTOWN zoning district. At the time of the Matanzas CPD approval, the Town had not yet developed Town-specific zoning districts. Now that the DOWNTOWN district exists and the property has changed ownership, the applicant is requesting this rezoning.

3. *The impact of a proposed change on the intent of Chapter 34 of the Fort Myers Beach Land Development Code.*

Staff does not anticipate that the proposed rezoning from CPD to DOWNTOWN will have any negative impact on the intent of Chapter 34.

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

As discussed in the analysis section of this report the request is generally consistent with the goals, objectives, policies, and intent as well the densities, intensities and general uses of Comprehensive Plan.

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

The applicant has not submitted a plan for redevelopment with this request for rezoning. They have indicated to Staff no immediate intention to change current uses on the subject property, merely a desire to obtain DOWNTOWN zoning. However, the current schedule of uses as adopted by Resolution 03-35 grants the full complement of land uses as designated by DOWNTOWN zoning.

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

Urban services including water, sewer, and electric are available at the subject property. Any redevelopment or increase in density or intensity at the subject property will necessitate a thorough stormwater management plan and review prior to any permit or use approvals.

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

As existing commercially zoned and developed lots located in the downtown core area along Old San Carlos Boulevard, the subject property does not include any sensitive and/or environmentally critical lands. However, should these parcels be redeveloped with uses as permitted within the DOWNTOWN zoning district all applicable environmental codes including but not limited to Sea Turtle lighting requirement as found in LDC Section 14-79 would have to be met.

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

With its central location within the downtown core area, the subject property's proposed change from CPD to DOWNTOWN zoning is clearly compatible with existing and planned uses. Further, with the approval of Resolution 03-35, and as contained in the approved schedule of uses for the Matanzas CPD, the subject property had already been granted the same uses that are allowed in the DOWNTOWN zoning district. Keep in mind, however, that the Town does retain land and property development controls, including but not limited to Section 34-671: DOWNTOWN zoning district regulations, Section 34-677: Commercial Design Standards, FEMA flood elevation and substantial improvement compliance, and other sections of the Land Development Code. Any redevelopment will be subject to reviews utilizing the applicable specific land use regulations.

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

As evidenced by recent requests for zoning changes, Town Council has determined that the appropriate time to study traffic impacts is at the time of redevelopment or development order. The applicant has indicated there are no current plans for redevelopment. The continuation of existing uses, therefore, will not increase any traffic burden on local streets or other local services or facilities.

Staff does not anticipate the requested rezoning from CPD to DOWNTOWN will generate any additional capacity or need for the Lee County School District or the Town's Parks and Recreation Department.

At the time of redevelopment, however, plans will be thoroughly reviewed for any impacts.

Findings and Conclusions, SEZ2013-0005:

Based upon an analysis of the application and the standards for approval of a special exception found in Section 34-88 of the LDC, Staff makes the following findings and conclusions:

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

The pending requested rezoning does create a situation where changing conditions exist, however, approval of the rezoning from CPD to DOWNTOWN arguably will have little to no impact on the surrounding property or the subject property for that matter.

As contemplated in the Comprehensive Plan, the Times Square/Downtown area has continued to emerge as a vibrant urban core for the Town, and as such, that area can support a more intensive variety of uses that are appealing and attractive to residents and visitors alike. The applicant's request to have the option to provide a retail space in excess of 5,000 square will, in Staff's opinion, further the intent of the Comp Plan to provide a variety of uses.

Therefore changed conditions, i.e. the pending rezoning, do exist that 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.

The subject property is located in the Pedestrian Future Land Use category in what the Comprehensive Plan terms the Downtown Core. The Comprehensive Plan describes a vision for this area that "boasts a revitalized entertainment area with tree-shaded outdoor cafes, pedestrian streets, and an 'Old Estero Island' character to the buildings."

Further, in both the Community Design Element and the Future Land Use Element, the Comprehensive Plan describes a vision for the Downtown

Core/Times Square area as a “nucleus of commercial and tourist activities” with pedestrian oriented commercial uses that enhance the experience of both the resident and visitor.

The applicant’s request to provide a larger retail space on the ground floor and a mix of uses on the remaining two floors is consistent with this vision.

*3. Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.*The requested use of ‘retail store, large’ is not a use allowable by right on the subject property. It is, however, a use permitted by special exception. (See Table 34-1)

The applicant’s request is appropriate at the subject property as it provides the potential for a larger retail space thereby attracting a different variety of potential tenant. Any approval of the applicant’s request, will require at the time of redevelopment compliance with all Commercial Design Standards further ensuring that the Town’s redevelopment vision is enforced.

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

The applicant’s request will have no negative effects on the environmentally critical areas and natural resources of Fort Myers Beach because the subject property is located in an established commercial district, landward of the coastal construction line(s) and far from environmentally critical areas and sensitive natural resources. All redevelopment must comply with the Sea Turtle lighting requirements found in Chapter 14.

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 subject property and the area immediately surrounding it is within the Pedestrian Commercial future land use category. The Comprehensive Plan’s vision for this area includes a variety of uses in a variety of sizes. Staff feels the applicant’s request is compatible and appropriate within its neighborhood.

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.

Any redevelopment on the subject property must comply with the applicable standards in the Fort Myers Beach LDC including, but not limited to the commercial design standards and the sea turtle lighting standards. Staff recommends finding that the requested use is in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in LDC Chapter 34.

Findings and Conclusions, VAR2013-0006:

Based upon an analysis of the application and the standards for approval of variance a found in Section 34-87 of the LDC, Staff makes the following findings and conclusions:

- a. *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.*

The exceptional conditions on the subject property are the prior zoning approvals. The necessity for both variance requests stems from the applicants desire to rezone to a conventional zoning district and ensure that all uses are in compliance with Town Codes (i.e. not rendered legally non-conforming). The parking lot in question has already been constructed, so rigid compliance with Section 34-676(b) is not essential. However, providing Staff's recommendation of a 5' buffer will allow for mitigation of the impact.

- b. *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 conditions are not the result of actions of the applicant taken after the adoption of the regulation in question, as the last major zoning action on the subject property was in approval of the amendment to the Matanzas CPD in 2003 and the Town adopted its zoning code in 2004.

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

The applicant is requesting to keep the uses and structures that currently exist on the property. Staff recommends the minimum variance necessary for the existing parking lot is a 5' Type D buffer as discussed in the Analysis section.

- d. *That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and*

The granting of the variance will not be injurious to the neighborhood or detrimental to the overall public welfare. If granted as recommended by Staff, the variance will be an improvement to the overall Old San Carlos streetscape.

- e. *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 variances, as requested, are not so general or recurrent in nature as to require an amendment to Chapter 34.

III. RECOMMENDATION

REZ2013-0001

Conventional rezoning requests do not permit any conditions of approval. Staff, therefore, can not recommend any requirements that are not contained in the DOWNTOWN zoning district regulations. Staff has some concern that redevelopment of the site will impact capacity on public services and facilities, especially local roadways. However, the subject property's location on Old San Carlos Boulevard, as opposed to being located further down Estero Boulevard, should render any traffic impacts more manageable.

With a future land use designation of Pedestrian Commercial and current CPD zoning that permits the same uses that will be granted by the requested action, clearly the requested rezoning is clearly compatible and appropriate at this location. Therefore after consideration of the aforementioned analysis, Staff recommends **APPROVAL** of the requested rezoning from Commercial Planned Development (CPD) to DOWNTOWN.

SEZ2013-0001

When considering the existing site constraints of three right-of-ways and a utility easement completely surrounding the property and bearing in mind that any redevelopment in the DOWNTOWN district must comply with the Commercial Design Standards, Staff recommends **APPROVAL** of the request to allow 'retail store, large' as a permitted use on the subject property.

VAR2013-0007

Staff recognizes that the subject property is already developed and has various existing conditions. The variance request by the applicant is essentially to retain the existing conditions, Staff recommends **APPROVAL** of the request to allow off-street parking in the front and side yards. Conversely, Staff does feel that it is unreasonable to require the applicant to comply with the full width requirement of a Type D buffer, therefore Staff recommends **APPROVAL WITH CONDITIONS** as follows:

1. That the applicant installs a Type D buffer where the width is reduced to 5' rather than the full 15'.

IV. CONCLUSION

Rezoning the property from Commercial Planned Development (CPD) to DOWNTOWN and allowing development of retail spaces larger than 5,000 square feet are actions compatible with the surrounding land uses and consistent with the Pedestrian Commercial future land use category.

If Town Council finds that the requested use is contrary to the public interest or the health, safety, comfort, convenience, and/or welfare of the citizens of the Town, or that the request is in conflict with the criteria of LDC Section 34-85 regarding Rezoning or LDC Section 34-88 regarding Special Exceptions, Town Council should deny the request as provided in LDC Section 34-85(4) and/or Section 34-88(4).

Staff recommends **APPROVAL** of the requested rezoning from Commercial Planned Development (CPD) to DOWNTOWN and **APPROVAL** of the requested special exception use of 'retail, large.'

For case VAR2013-0007 Staff recommends **APPROVAL** of a variance request from Section 34-676(b) parking lot location to permit off-street parking in the front and side yard as depicted on the site plan *Exhibit E* . Staff recommends **APPROVAL WITH CONDITIONS** for a variance from Table 10-8.

Exhibits:

- A Legal Description
- B Z-95-074
- C Resolution 99-5
- D Resolution 03-35
- E Potential site plan
- F Figure 34-6

EXHIBIT B

RESOLUTION NUMBER Z-95-074

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

WHEREAS, Edward Streit & Leo Salvatori, Trustees, filed an application for a rezoning from C-1 (Commercial), CP (Commercial Parking) and RM-2 (Residential Multiple Family) to CPD (Commercial Planned Development), in reference to Matanzas Seafare Company & Inn; and

WHEREAS, the subject property is located at 414 Crescent Street and 430 & 440 San Carlos Boulevard, Fort Myers Beach, and is described more particularly as:

LEGAL DESCRIPTION: In Sections 19 and 24, Township 46 South, Ranges 23 and 24 East, Lee County, Florida:

Lot 26 Block E, CRESCENT PARK ADDITION SUBDIVISION, as recorded in Plat Book 4, Page 46, of the Public Records of Lee County, Florida, lying in Section 19, Township 46 South, Range 24 East, Lee County, FL.

AND

Lots 1 through 5 and Lot 19, Block 2, BUSINESS CENTER SUBDIVISION, as recorded in Plat Book 9, Page 9, of the Public Records of Lee County, Florida, lying in Section 24, Township 46 South, Range 23 East, Lee County, FL.

WHEREAS, the applicant has indicated the property's current STRAP numbers are:

19-46-24-15-0000E.0210 24-46-23-02-00002.0010
24-46-23-02-00002.0020 24-46-23-02-00002.0030
24-46-23-02-00002.0190; and

WHEREAS, Edward F. Streit and Leo J. Salvatori, Trustees, authorized Carleton Ryffel to act as agent to pursue this zoning application; and

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

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

11/6/95

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board APPROVES with conditions the Applicant's request for a rezoning from C-1, CP and RM-2 to Commercial Planned Development.

SECTION A. CONDITIONS:

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

1. The development of this project must be in accordance with the one-page Master Concept Plan identified as "Master Concept Plan Minor CPD, Matanzas Seafare Co. & Inn," prepared by Bean, Whitaker, Lutz & Barnes, Inc., dated 6-29-95, project number SP28958G, stamped "Received August 17, 1995," except as modified by the conditions below. This development must comply with all requirements of the Lee County Land Development Code applicable at the time of local Development Order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.
2. The uses and development regulations for this property are limited to those uses shown on the approved Master Concept Plan, except as follows: a) Business Services or Repair Shop uses are not approved, and b) the building height may not exceed 35 feet above grade in accordance with Section 34-2175(3), LDC.
3. The local Development Order plans must delineate the proposed 25 percent open space offered by the Applicant on the Master Concept Plan date stamped received 8/17/95.
4. A vegetative buffer must be installed on the southern property boundary which abuts existing multi-family as well as the entire perimeter of the existing and proposed parking area. The buffer must be 10 feet in width (except along Third Street and San Carlos Boulevard where a minimum of eight feet is permitted). The buffer must contain eight trees and 16 shrubs per 100 linear feet of buffer. At the time of installation, the trees must be 10 feet in height and 1.5 inches in caliper, and the shrubs must be 36 inches in height.
5. The service of alcoholic beverages at the chiki bar with 18 seats and on the proposed pool deck area is limited to motel guests only. The service of alcoholic beverages may not extend beyond the hours of 10:00 p.m. daily.
6. The Consumption On Premises for outdoor seating must be in conjunction with a restaurant and is limited to 1,750 square feet of ground level deck area with 78 seats and 1,250 square feet of roof top deck area with 60 seats.

7. The restaurant's outdoor seating area may only be used between the hours of 10:00 a.m. and 12:00 midnight, daily.
8. Outdoor entertainment, whether it be located outdoors on the pool deck, at the chiki bar or on the restaurant decks or entertainment that can be heard outdoors, must not occur after 10:00 p.m. on any night.
9. Customer paging can only be used if the paging speakers are placed on the perimeter of the restaurant's outdoor decks and directed in toward the restaurant.
10. Within 30 days of the approval of this request, the property owner must provide distinctive signage both outside and inside the restaurant and motel buildings that directs and encourages customers to use the overflow parking lot on San Carlos Boulevard rather than other parcels or public parking lots.
11. The existing parking lot immediately adjacent to the restaurant must be paved and striped in accordance with the LDC, except as allowed in approved deviations herein. Shell parking is not permitted on this site.
12. This zoning approval does not address the mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions may be required at the time of local Development Order approval.
13. Approval of this rezoning does nothing more than change the zoning district wherein the property lies. It does not grant nor vest present or future development rights that may exceed the Lee Plan use restrictions set forth in 2010 (Roberts) Overlay or any other Lee Plan provision.

SECTION B. DEVIATIONS:

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

1. Deviation (1) seeks relief from LDC Section 10-413(d)(1) which requires an open space minimum average width of 10 feet, to allow the dimensions shown on the MCP. The deviation is APPROVED SUBJECT TO compliance with Condition 3.
2. Deviation (2) seeks relief from LDC Section 10-413(d)(2) which requires a minimum open space area 180 square feet, to allow the dimensions shown on the MCP. The deviation is APPROVED SUBJECT TO compliance with Condition 3.

3. Deviation (3) seeks relief from LDC Section 34-2194(b) which requires a 25-foot waterbody setback, to allow a water setback of zero, 10, 17, and 22 feet. This deviation is APPROVED SUBJECT TO the condition that any reconfiguration on the site must comply with the setback requirements of the LDC.
4. Deviation (4) seeks relief from LDC Section 10-414(a) which requires a 15-foot-wide buffer and wall or berm, to eliminate the wall or berm and allow buffer widths of zero, eight, 10 and 11 feet. This deviation is APPROVED SUBJECT TO compliance with Condition 4.
5. Deviation (5) seeks relief from LDC Section 34-2020(2)(1)2 which requires 14 parking spaces per 1,000 square feet, to allow nine parking spaces per 1,000 square feet. This deviation is APPROVED SUBJECT TO the condition that any reconfiguration on site must comply with the parking requirements of the LDC.
6. Deviation (6) seeks relief from LDC Section 10-285(a) which requires a 125-foot connection separation, to allow driveway connection separations of 25, 45, 57, 58, 65, 72, 75, 85, and 91 feet as shown on the MCP. The existing separations of 25, 45, 57, 58, 65, 72, 85, and 91 feet are APPROVED. The proposed separations of 65 and 75 feet on San Carlos Boulevard are DENIED.
7. Deviation (7) seeks relief from LDC Section 34-935(e)(2) which requires a parking setback of 25 feet, to allow a two-foot setback. This deviation is APPROVED the existing use only along Crescent Street.
8. Deviation (8) seeks relief from LDC Section 34-935(b)(1)b which requires a structural setback of 15 feet between similar uses, to allow structural setbacks of one and 11 feet. This deviation is APPROVED ALONG THE BOUNDARY shared with multi-family uses and the area under the Matanzas Pass bridge.
9. Deviation (9) seeks relief from LDC Section 34-2013(b)(2) which requires a parking lot entrance width of 25 feet, to allow widths of 13, 16, 21, and 24 feet. This deviation is APPROVED AND LIMITED TO the existing entrances into the site.
10. Deviation (10) seeks relief from LDC Section 34-2016(1)b which requires 90 degree parking spaces to be a minimum of 9 feet by 18 feet, to allow parking spaces to be 9 feet by 16 feet. This deviation is APPROVED for the existing sub-standard sized spaces only and subject to Condition 11. Any reconfigured or new spaces must comply with the dimensional requirements of the LDC.

11. Deviation (11) seeks relief from LDC Section 34-2016(3) which requires a parking lot aisle width of 24 feet, to allow an aisle width of 18 feet. This deviation is APPROVED for the existing aisle only subject to Condition 11. Any reconfiguration of the parking must comply with the requirements of the LDC.
12. Deviation (12) seeks relief from LDC Section 34-1802(1)a which requires a minimum of two acres for business hotels, to allow 1.9 acres. This deviation is APPROVED for the existing use only.
13. Deviation (13) seeks relief from LDC Section 34-1802(1)b which requires a minimum lot depth of 200 feet for business hotels, to allow a lot depth of 130 feet. This deviation is APPROVED for the existing use only.
14. Deviation (14) seeks relief from LDC Section 10-514(b) which requires a street landscape strip, to eliminate this requirement along Crescent Street. This deviation is APPROVED. [Added in compliance with the memorandum from the Division of Environmental Sciences; not shown on the MCP.]

SECTION C. MASTER CONCEPT PLAN:

A one page reduced copy identified as "Master Concept Plan Minor CPD, Matanzas Seafare Co. & Inn," prepared by Bean, Whitaker, Lutz & Barnes, Inc., dated 6-29-95, project number SP28958G, stamped "Received August 17, 1995," is attached and incorporated into this Resolution by reference.

SECTION D. FINDINGS AND CONCLUSIONS:

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

1. There are no errors or ambiguities in the LDC that must be corrected by the CPD rezoning.
2. Approval of the CPD rezoning and deviations, as conditioned:
 - (a) is appropriate because the subject property has been developed for many years with the existing restaurant and motel uses, and the CPD zoning will legitimize the existing conditions and allow the upgrade and improvement of the uses.
 - (b) will not have an adverse impact on the intent of the Land Development Code.

- (c) is consistent with the goals, objectives, policies and intent of the Lee Plan, and with the densities, intensities, and general uses set forth in the Urban Community land use designation of the Lee Plan.
 - (d) meets or exceeds all performance and locational standards set forth for the proposed uses.
 - (e) will comply with all applicable general zoning provisions and supplemental regulations pertaining to the uses set forth in the Land Development Code.
 - (f) is not contrary to the public interests or health, safety or welfare.
 - (g) will be compatible with the existing or planned uses and will not cause damage, hazard, nuisance or other detriment to persons or property.
3. The CPD will be served by adequate urban services, as defined in the Lee Plan, when the need for such services is generated.
 4. The property is an already developed site which does not contain any environmentally critical areas or listed plant or animal species, and the Land Development Code regulations will protect, preserve or conserve the Matanzas Pass bay ecosystem.
 5. The location of property does not place an undue burden upon existing transportation facilities, or other services and facilities. Proven adverse impacts, if any, to the constrained roads - San Carlos Boulevard and Estero Boulevard - will be addressed and mitigated during the development order review stage.
 6. All recommended conditions to the Master Concept Plan and the approved deviations are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
 7. The conditions in conjunction with other Lee County land development regulations will provide sufficient safeguards to the public's interests.
 8. The approved deviations legitimize existing nonconforming conditions on the property, enhance the achievement of the objectives of the planned development, and protect and promote the public health, safety and welfare.

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

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

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

ATTEST:
CHARLIE GREEN, CLERK

BY: Ruth J. Trimmer
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: John E. Albion
Chairman

Approved as to form by:

Conrad Fairclough
County Attorney's Office

FILED

NOV 7 1995

CLERK CIRCUIT COURT
BY: Ruth J. D.C.

CASE NO. 95-01-003.02Z
ZON5818

RESOLUTION NUMBER Z-95-074
Page 7 of 7

EXHIBIT C

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 99-5

WHEREAS, Estero Bay Hotel company in reference to Matanzas Inn filed a request to rezone from CPD and C-1 to Commercial Planned Development (CPD) to permit a maximum of 6,400 square feet of mixed commercial use to include office, retail, restaurant and efficiency motel units, to permit up to 24 new motel units and to modify the configuration of the restaurant; and

WHEREAS, the subject property is located at 416 Crescent Street., Fort Myers Beach, Florida, and is described more particularly as: Exhibit A; and,

WHEREAS, the applicant has indicated the property's current STRAP number is: 19-46-24-W4-0150E.0210; 24-46-23-W3-00202.0030; 24-46-23-W3-00202.; 24-46-23-W3-00202.0010; 24-46-23-W3-00202.0190; 24-46-23-W3-00202.0130 (part); 24-46-23-W3-00005.0000 (part); and,

WHEREAS, the applicant has submitted a "Notice of election to submit to Development Regulation" to the Town; and,

WHEREAS a hearing was held on February 8, 1999, and the council considered the following criteria, whenever applicable:

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

The testimony of any applicant.

The recommendation of staff.

The testimony of the public.

Whether the request is consistent with the goals, objectives, policies and intent of the Town 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 critical areas and natural resources.

Whether the request will be compatible with existing or planned uses.

Whether the request will cause damage, hazard, nuisance or other detriment to persons or property.

Whether a requested use will be in compliance with all general zoning provisions and supplemental regulations pertaining to the use set forth in the Town L.D.C.

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

1. The development of this project must be consistent with the one page Master Concept Plan entitled "Matanzas Seafare Co. & Inn", stamped received December 22, 1998, last revised December 17, 1998, except as modified by the conditions below. This development must comply with all requirements of the Town of Fort Myers Beach LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.
2. The Schedule of Uses as listed on page 3 and Page 4 of the Staff Report is incorporated herein and attached hereto by reference. However, with regard to the Old San Carlos/Second Street Parcel, the Schedule of Uses is amended to include dwelling units.
3. The Site Development Regulations listed on page 4 and page 5 of the Staff Report are incorporated herein and attached hereto by reference.
4. The deviations #1 through 4 listed on page 5, of the Staff Report are incorporated herein and attached hereto by reference, except for the 0 feet setback(to an enclosed addition to the restaurant.)
5. The tiki pool bar is prohibited.
6. The applicant must provide an opaque buffer to block headlights as to the parking facing the canal and the residential homes on the other side of that canal.
7. No outdoor entertainment is allowed, except on the upper deck as more particularly specified on the attached drawing.
8. Provide buffer along parking lot as it abuts Crescent Street as required in Chapter 10 of the LDC.

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

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

APPLICATION DULY GRANTED this 8th day of February, 1999.

ATTEST:

TOWN OF FORT MYERS BEACH

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

By: Ray C. Murphy
 Ray Murphy, Mayor

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

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 03- 35

WHEREAS, Douglas Speirn-Smith in reference to Matanzas Inn has requested to rezone from CPD (Commercial Planned Development) to CPD-Commercial Planned Development to permit a maximum of 106,112 square feet of mixed commercial uses on 2.03 total acres of land; and,

WHEREAS, the subject property is located at 416 Crescent, 420/430/440 Old San Carlos Blvd., 1010 Second Street, and 1042 Second Street, Ft. Myers Beach, and the applicant has indicated the property's current STRAP numbers are: 19-46-24-W4-0150E.0210, 24-46-23-W3-00202.0030.0020, 24-46-23-W3-00202.0010, 24-46-23-W3-00202.0190, 24-46-W3-00202.0130, and the legal description is Exhibit A attached; and,

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on October 14, 2003, and after giving full and complete consideration to the recommendations of the Staff, the documents in the file, and the testimony of all interested persons, recommended that the Town Council APPROVE the Applicant's request for rezoning subject to the conditions and deviations found on pages 3 through 7 of the Staff Report dated October 6, 2003, which is attached hereto and incorporated herein by reference, with the following changes;

1. Condition #2 –Schedule of Uses, a. is eliminated and in the alternative a., is changed as follows; guest units size not to exceed a maximum area of ~~1,500~~, 1200 square feet, not to exceed an average of ~~1,350~~, 800 square feet, and not to exceed a total floor area for guest units of ~~43,200~~, 25,600 square feet.
2. Condition #18 shall read as follows with the added words in italics; A local development order for Parcel "B" must be received within 48 months of the zoning approval of this CPD, *or the Master Concept Plan (MCP) will expire.*
3. A new condition #19 is added to read as follows; The document that the applicant passed out at the LPA Hearing entitled, "Proposed Language. CPD Matanzas Inn", was not considered at the LPA hearing and is specifically not part of this recommendation of approval.
4. Deviation #12 is recommended by the LPA for approval.
5. A new deviation #21 is added to read as follows; Deviation from LDC Section 34-675 (b) (2) from the limitation on Crescent Street of building heights no taller than two stories and 30 feet above base flood elevation, to allow 25% of the ground floors of phases II through V of the motel to be enclosed non-living space, office and other accessory uses for the motel with a maximum height of 30 feet above base flood elevation with a maximum of 2 floors total living area over parking or enclosed non-living space.

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

- a. Whether there exists an error or ambiguity which must be corrected.

- b. Whether there exist changed or changing conditions which make approval of the request appropriate.
- c. The impact of a proposed change on the intent of this chapter.
- d. The testimony of any applicant.
- e. The recommendation of staff and of the local planning agency.
- f. The testimony of the public.
- g. Whether the request is consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses as set forth in the Fort Myers Beach Comprehensive Plan.
- h. Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.
- i. Whether urban services are, or will be, available and adequate to serve a proposed land use change.
- j. Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.
- k. Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- l. Whether the location of the request places an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development.

Findings. The town council finds that the requested zoning district complies with:

- a. The Fort Myers Beach Comprehensive Plan.
- b. Chapter 34, Zoning Districts, Design Standards, and Nonconformities
- c. Any other applicable town ordinances or codes.
- d. The proposed use or mix of uses is appropriate at the subject location;
- e. Sufficient safeguards to the public interest are provided by the recommended conditions to the concept plan or by other applicable regulations;
- f. All recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

g. The proposed use meets all specific requirements of the comprehensive plan that are relevant to the requested planned development, such as the following:

1. Policies 4-B-4 and 4-C-3 on commercial uses in the "Mixed Residential" category.
2. Policies 4-B-5 and 4-C-3 on commercial rezonings in the "Boulevard" category.
3. Policy 4-C-4 on building heights taller than the standard height limit.
4. Policy 4-C-8 on density transfers.
5. Policy 4-E-1 on pre-disaster buildback.
6. Policy 7-J-2 on traffic impact analyses and potential design improvements that could offset traffic impacts.

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

the conditions and deviations found on pages 3 through 7 (conditions 5, 6, 15 were met prior to hearing) of the Staff Report dated October 6, 2003, which is attached hereto and incorporated herein by reference, with the following changes;

1. Condition #2 –Schedule of Uses, a. is eliminated and in the alternative a., is changed as follows; A total of 32 guest units are approved, guest unit size not to exceed a maximum area of 1200 square feet, not to exceed an average of 800 square feet, and not to exceed a total floor area for guest units of 25,600 square feet.

2. Condition #18 shall read as follows with the added words in italics; A local development order for Parcel "B" must be received within 48 months of the zoning approval of this CPD, *or the Master Concept Plan (MCP) will expire.*

3. A new condition #19 is added to read as follows; The document that the applicant passed out at the LPA Hearing entitled, "Proposed Language. CPD Matanzas Inn", was not considered at the LPA hearing and is specifically not part of this recommendation of approval.

4. Condition #11 is changed to read: All outdoor music or entertainment must cease no later than 10 PM. Applicant shall, within six months of the date of this resolution, employ an independent sound consultant to design best management practices to reasonably minimize the sound impact on residential property and comply with the Town noise ordinance.

5. Deviation #12 is approved

6. A new deviation #21 is added to read as follows; Deviation from LDC Section 34-675 (b) (2) from the limitation on Crescent Street of building heights no taller than two stories and 30 feet above base flood elevation, to allow 25% of the ground floors of phases II through V of the motel to be enclosed non-living space, office and other accessory uses

for the motel with a maximum height of 30 feet above base flood elevation with a maximum of 2 floors total living area over parking or enclosed non-living space.

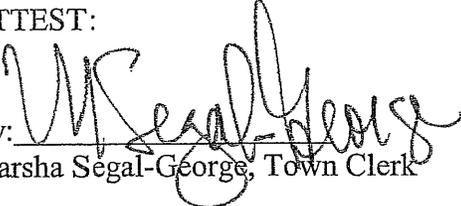
The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

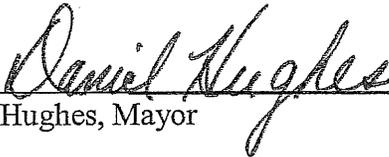
Howard Rynearson	aye
Daniel Hughes	aye
Bill Thomas	aye
W. H. "Bill" Van Duzer	aye
Terry Cain	aye

APPLICATION DULY GRANTED/DENIED this 10th day of November, 2003.

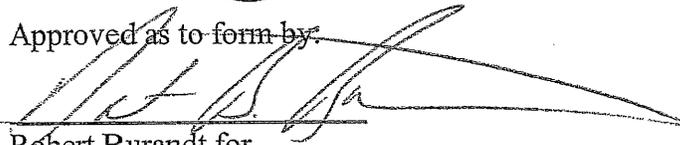
ATTEST:

TOWN OF FORT MYERS BEACH

By: 
Marsha Segal-George, Town Clerk

By: 
Dan Hughes, Mayor

Approved as to form by:


Robert Burandt for
Richard V.S. Roosa, Town Attorney

FT. MYERS BEACH, FLORIDA
DEPARTMENT OF COMMUNITY DEVELOPMENT ZONING DIVISION
REVISED STAFF REPORT

TYPE OF CASE: Planned Development

CASE NUMBER: DCI2001-00067

LOCAL PLANNING AGENCY DATE: October 14, 2003 (original LPA date 05/14/02)

TIME: 12:00 Noon

I. APPLICATION SUMMARY:

A. Applicant: Douglas Speirn-Smith in reference to Matanzas Inn

B. Request: R ezone from Commercial P lanned D evelopment (CPD) to CPD (primarily lodging) to permit a maximum of total of 106,112 square feet of mixed commercial uses on 2.03 total acres of land.

NOTE: If approved, the Master Concept Plan (available for inspection at 1500 Monroe St., Ft. Myers) will deviate from certain Land Development Code (LDC) standards.

C. Location: The subject properties are located at 416/416 Crescent St., 420/430/440 Old San Carlos Blvd, 1010 Second St., and 1042 Second Street, Ft. Myers Beach, FL, in Section 24, Township 46 South, Range 23 East, and Section 19 Township 46 South, Range 24 East, Lee County, FL

D. Future Land Use Plan Designation, Current Zoning, and Use of Subject Property: Pedestrian Commercial; Commercial Planned Development; Restaurant, Motel, Commercial, Multiple-Family Dwelling Units, and Parking.

E. Surrounding Land Use: "Motel and Restaurant Site" Parcel

<u>Existing Zoning & Land Use</u>	<u>Future Land Use Map</u>
North: Matanzas Pass	Water
East: Canal, then Residential Conservation (RC), single family residences	Water, then Mixed Residential
South: Residential Conservation (RC)	Pedestrian Commercial/Platted Overlay
West: Downtown, Crescent Street, 2-story multiple-family ,Bridge, then Snug Harbor; and Commercial Planned Development Parcel "D" and Parcel "C"	Pedestrian Commercial

Parcel "D" ("Triangle" Parcel)

Existing Zoning & Land Use

Future Land Use Map

North: Commercial Planned Development, First Street, then "Motel and Restaurant Site" Parcel developed with Matanzas Inn	Pedestrian Commercial
East: Commercial Planned Development, Crescent Street, then then "Motel and Restaurant Site" Parcel developed with Matanzas Inn	Pedestrian Commercial/Platted Overlay
South: Downtown, 2-story multiple family residence	Pedestrian Commercial
West: Commercial Planned Development, public parking, then Dockside Sports Pub	Pedestrian Commercial

Parcel "C" ("Shell Shop" Parcel)

Existing Zoning & Land Use

Future Land Use Map

North: Downtown, Second Street, then 2-story multiple family residence	Pedestrian Commercial
East: Commercial Planned Development, Crescent Street, then then "Motel and Restaurant Site" Parcel, Matanzas Inn	Pedestrian Commercial/Platted Overlay
South: Downtown, single family residence	Pedestrian Commercial
West: Downtown, commercial	Pedestrian Commercial

Parcel "B" ("Old San Carlos" Parcel)

Existing Zoning & Land Use

Future Land Use Map

North: Commercial Planned Development, parking for Dockside Sports Pub	Pedestrian Commercial
East: Downtown, single family residence	Pedestrian Commercial
South: Downtown, Third Street, then Smokin' Oyster Brewery	Pedestrian Commercial
West: Downtown, Old San Carlos, then parking lot for Snug Harbor and commercial office	Pedestrian Commercial

F. <u>Size of Property:</u>	Motel and Restaurant Site	1.41 acres +/-
	Parcel "B" ("Old San Carlos" Parcel)	0.42 acres +/-
	Parcel "C" ("Shell Shop" Parcel)	0.13 acres +/-
	<u>Parcel "D" ("Triangle" Parcel)</u>	<u>0.07 acres +/-</u>
	Total	2.03 acres +/-

II. RECOMMENDATION:

Staff recommends **APPROVAL** of the Applicant's request for rezoning from CPD and CPD with the following deviations and conditions:

A. Conditions

1. The development of this project must be consistent with the one page Master Concept Plan (MCP) entitled "Matanzas Inn Redevelopment," stamped received December 4, 2003, last revision dated April 3, 2004, except as modified by the conditions below. This development must comply with all requirements of the Town of Fort Myers Beach LDC at time of local Development Order Approval, except:

- a. any additional restrictions as provided in conditions of this approval; and
- b. any restrictions modified or eliminated by approved deviations.

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

2. The following additional restrictions and limitations apply to the project and uses:

Schedule of Uses

"MOTEL AND RESTAURANT SITE" PARCEL (between Crescent Street and the Canal)

All principal and accessory uses permitted in DOWNTOWN zoning district,
Plus the following additional uses:

Bar/Cocktail lounge - limited to two, one each on ground and second floor of restaurant

On premise consumption of alcoholic beverages (COP) (anywhere inside restaurant)

Outdoor seating, in conjunction with COP (where indicated on MCP)

Boat slips available for public rental/leasing, limited to 18 maximum (existing)

Commercial party fishing boats (existing)

Parking lot, shared permanent

Note: The above uses are limited to 73, 635 total square feet of floor area within the subject parcel, including Parcels "C" and "D". Of this total floor area:

- a. Guest units are limited to at total of 32 units, each under 450 square feet, not to exceed a total floor area for guest units of 14,400.

ALTERNATIVELY, Applicant has requested the following language:

- a. Guest units are limited to a total of 32 units, guest unit size not to exceed a maximum area of 1,500 square feet, not to exceed an average of 1,350 square feet, and not to exceed a total floor area for guest units of 43,200 square feet.
- b. Restaurant, Bar/Cocktail lounge, and associated Outdoor seating combined must not exceed a total floor area of ~~20,000~~ 16,700 square feet.

PARCEL "B" ("Old San Carlos" Parcel)

All principal and accessory uses permitted in the DOWNTOWN zoning district.

Note: The above uses are limited to a maximum of 36,900 square feet, but only if the FAR for the entire project does not exceed 1.2.

PARCELS "C" AND "D" ("Shell Shop" and "Triangle" Parcels)

Essential services

Parking lot, shared permanent

3. This zoning approval does not address the mitigation of the project's vehicular or pedestrian traffic impacts. A Traffic Impact Statement (TIS) will be required at time of local development order and additional conditions may be required at that time.
4. A driveway access from Third Street into the parking lot of the Old San Carlos/Second Street parcel must be provided at time of local development order.
5. Not less than fifteen (15) working days prior to public hearing of this planned development before Town Council, the applicant must revise the MCP for this planned development to indicate and dimension (as necessary) the requested deviations on the MCP in accordance with the numbering scheme and provisions of this Report, to clarify which deviations are requested at which locations.
6. Not less than fifteen (15) working days prior to public hearing of this planned development before Town Council, the applicant will provide staff with architectural elevation drawings as required by LDC Sections 34-212 and 34-202(b)(5) and request any deviations necessary from the commercial design standards in LDC Sections 34-991 through 34-1010 in accordance with LDC Section 34-932(b).
7. Prior to seeking building permits for development on the "Motel and Restaurant Site" Parcel, the developer must combine the existing platted lots in the "Motel and Restaurant Site" Parcel, into one lot of record, the existing platted lots in Parcel "B" ("Old San Carlos" Parcel) into one lot of record, and the existing platted lots in Parcel "C" ("Shell Shop" Parcel) into one lot of record as part of the local development order for any development on the "Motel and Restaurant Site" Parcel portion of this CPD project.
8. Prior to seeking building permits for development on Parcel "B", the developer must combine the existing platted lots into one lot of record as part of the local development order for that portion of this CPD project.

9. All development, redevelopment, and substantial improvements in this CPD district must meet or exceed the commercial design standards. See LDC 34-991-1010.
10. All use of the pool area must cease by 10 PM.
11. All outdoor music or entertainment must cease no later than 10 PM and live music is limited to non-amplified acoustical music.
12. The maximum floor area ration for the entire CPD must not exceed 1.2 (2.03 acres x 43560 square feet per acre = 106.112 square feet total floor area).
13. Parcels "C" and "D" have no lot area for the purposes of residential/motel density. All lot area associated with these parcels for density purposes is attributed to the "Motel and Restaurant Site" Parcel as part of the MCP for this CPD.
14. Parcels "C" and "D" are limited exclusively to use as shared permanent parking lot for the benefit of the "Motel and Restaurant Site" Parcel and Parcel "B".
15. Not less than fifteen (15) working days prior to public hearing of this planned development before Town Council, the applicant will provide staff with sample detail drawings and a revised MCP that illustrate the effect of the proposed deviations in accordance with LDC Section 34-212(4)j.
16. Off-street parking reductions allowed by LDC Section 34-676 pursuant to Deviation 17 are limited to Parcel "B" in conjunction with the Permanent shared parking lots on Parcels "C" and "D".
17. Phases II through V on the "Motel and Restaurant Site" Parcel may be developed in any order, but a local development order for one of these phases must be received within 36 months of the zoning approval of this CPD, and local development order for subsequent phases must be received in subsequent 36 month increments. Local development orders for all Phases must be received within 144 months of the zoning approval of this CPD.
18. A local development order for Parcel "B" must be received within 48 months of the zoning approval of this CPD.

B. Deviations: Note: The MCP must be revised to accord with the deviations listed below, identified where agreed necessary by staff and Applicant

1. Deviation from LDC Table 34-3 from the required 10 feet setback from a street right-of-way to allow reduced street setbacks on the "Motel and Restaurant Site" Parcel and to allow the developer to build to the right-of-way line for Old San Carlos on Parcel "B", as indicated by deviation 1 symbols and dimensions on the MCP. Staff recommends **APPROVAL** of this deviation, as conditioned.
2. Deviation from LDC Table 34-3 from the required 20 feet side setbacks on a waterfront lot to allow reduced side setbacks on the "Motel and Restaurant Site" Parcel as indicated by deviation 2 symbols on the MCP. Staff recommends **APPROVAL** of this deviation, as conditioned.

3. Deviation from LDC Table 34-3 from the required 15 feet side setbacks on non-waterfront lots to allow the developer to build to the right-of-way lines for Second and Third Streets on Parcel "B", as indicated by deviation 3 symbols on the MCP. Staff recommends **APPROVAL** of this deviation, as conditioned.
4. Deviation from LDC Table 34-3 from the required 20 feet rear setbacks to allow reduced rear setbacks on the "Motel and Restaurant Site" Parcel as indicated by deviation 4 symbols and dimensions on the MCP. Staff recommends **APPROVAL** of this deviation, as conditioned.
5. Deviation from LDC Table 34-3 from the required 25 feet setback from a waterbody to allow reduced waterbody setbacks on the "Motel and Restaurant Site" Parcel as indicated by deviation 5 symbols and dimensions on the MCP. Staff recommends **APPROVAL** of this deviation, as conditioned.
6. Deviation from LDC Table 34-3 from the required 20,000 square feet of lot area to allow minimum lot sizes of 18,456 square feet for Parcel "B", 5,550 square feet for Parcel "C", and 3,049 square feet for Parcel "D". Staff recommends **APPROVAL** of this deviation, as conditioned.
7. Deviation from LDC Table 34-3 from the required 100 feet of lot width to allow a minimum lot width of 72.5 feet for Parcel "C". Staff recommends **APPROVAL** of this deviation, as conditioned.
8. Deviation from LDC Table 34-3 from the required 100 feet of lot depth to allow a minimum lot depth of 74 feet for Parcel "C" and 30 feet for Parcel "D". Staff recommends **APPROVAL** of this deviation, as conditioned.
9. Deviation from LDC Table 34-3 from the maximum floor area ratio (FAR) of 1.2 to allow a maximum FAR on Parcel "B" of 2.0. Staff recommends **APPROVAL** of this deviation, as conditioned to provide that the maximum FAR for the entire CPD must not exceed 1.2. See Condition 12.
10. Deviation from LDC Section 34-632(3)c. from the limitation on combining three (3) or more lots into a development project to allow the "Motel and Restaurant Site" Parcel, Parcel "C" ("Shell Shop"), and Parcel "D" ("Triangle" Parcel) to include one-half the width of adjoining streets and canals in lot area for the purposes of computing residential densities, to allow a total of 32 guest units on the "Motel and Restaurant Site" Parcel. Staff recommends **APPROVAL** of this deviation, as conditioned. See Condition 13.
11. Deviation from LDC Section 34-632(4) from the limitation on including acreage used primarily for commercial purposes in computation of residential density to include the portion of the "Motel and Restaurant Site" Parcel used primarily for the Matanzas Restaurant to be included in the acreage of the portion of the CPD project abutting Crescent Street, to allow a total of 32 guest units on the "Motel and Restaurant Site" Parcel. Staff recommends **APPROVAL** of this deviation, as conditioned. See Condition 13.
12. Deviation from the equivalency factor table in LDC Section 34-1803(a)(1) to allow guest units with over 450 square feet of floor area to utilize an equivalency factor of 3.0 in the

PEDESTRIAN COMMERCIAL land use category. Staff recommend **DENIAL** of this deviation.

13. Deviation from LDC Section 34-2015(1) from the requirement that parking spaces that are required to support specific land uses must be provided on the same premises, to allow parking spaces located on Parcels "C" and "D" of this commercial planned development and to be used by all approved uses on the "Motel and Restaurant Site" Parcel and Parcel "B". Staff recommends **APPROVAL** of this deviation, as conditioned. See Condition 14.
14. Deviation from LDC Section 34-2016(1) from the requirement that parking lots with ninety degree (90°) angle of parking spaces have length of 18 feet to allow a parking space length of 16 feet as indicated by deviation 14 symbols and dimensions on the MCP. Staff recommends **APPROVAL** of this deviation, as conditioned.
15. Deviation from LDC Section 34-2016(1) from the requirement that parking lots with ninety degree (90°) angle of parking spaces and two-way aisles have an aisle width of 22 feet to allow an aisle width of 19 feet as indicated by deviation 15 symbols and dimensions on the MCP. Staff recommends **APPROVAL** of this deviation, as conditioned.
16. Deviation from LDC Section 34-2020 from the minimum requirements for off-street parking spaces for uses permitted on Parcel "B" to allow Parcel "B" to utilize the off-street parking reductions of the Downtown zoning district provided in LDC Section 34-676(a)(1). Staff recommends **APPROVAL** of this deviation, as conditioned. See Condition 16.
17. Deviation from LDC Section 10-285(a) from the required connection separation for local roads of 125 feet to allow connection separations as indicated by deviation 18 symbols and dimensions on the MCP. Staff recommends **APPROVAL** of this deviation, as conditioned.
18. Deviation from LDC Section 10-413(d)(1) from the minimum dimensional requirement of ten (10) feet of width of open space areas to allow open space shown on the MCP. Staff recommends **APPROVAL** of this deviation, as conditioned.
19. Deviation from LDC Section 10-413(d)(2) from the minimum dimensional requirement of 180 square feet of area of open space to allow open space areas shown on the MCP. Staff recommends **APPROVAL** of this deviation, as conditioned.
20. Deviation from LDC Section 10-414(a) from the minimum dimensional and compositional requirements for buffers to allow buffers shown on the MCP. Staff recommends **APPROVAL** of this deviation, as conditioned.

Findings and Conclusions:

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

1. The requested commercial planned development zoning district, as conditioned, complies with the comprehensive plan, chapter 34 of the land development code, and other applicable codes and regulations.
2. The proposed use or mix of uses, as conditioned, is appropriate at the subject location.



EXHIBIT A
Bean, Whitaker, Lutz & Kareh, Inc.
 13041 McGregor Boulevard, Suite 1
 Fort Myers, Florida 33919-5910
 email – fmooffice@bwlk.net
 (Ph) 941-481-1331 (Fax) 941-481-1073

Description of a Parcel of Land
 Lying in
 Section 24, Township 46 South, Range 23 East
 and
 Section 19, Township 46 South, Range 24 East
 Lee County, Florida
 (Motel and Restaurant Site)

A tract or parcel of land situated in the State of Florida, County of Lee, lying on Estero Island, being a part of Section 24, Township 46 South, Range 23 East and Section 19, Township 46 South, Range 24 East and further described as follows:

Commencing at the southwest corner of Lot 20, Block E, Crescent Park Addition as recorded in Plat Book 4 at Page 46, Public Records of Lee County, Florida; thence N00°43'09"W along the westerly line of said Lot 20 for 30.00 feet; thence N89°16'51"E for 11.60 feet to the easterly line of a right-of-way taking parcel per Settlement Case 93-203-CA-RWP (Parcel No. 19) and the Point of Beginning; thence N02°09'14"W along said taking parcel for 124.21 feet; thence N05°46'55"W along said easterly line for 96.21 feet to the northwest corner of Lot 24, Block E of said Crescent Park Addition; thence N00°43'09"W along the easterly line of Crescent Street (25 feet wide) and along the range line between said Sections 24 and 19 for 158.83 feet to an intersection of said easterly line with the northeasterly line of First Street (50.00 feet wide); thence N64°00'09"W along said northeasterly line for 18.87 feet to a point on a curve concave to the northwest having a radius of 2904.79 feet and to which point a radial line bears S71°26'08.3"E; thence northeasterly along said curve and the southeasterly line of State Road #865 through a central angle of 02°17'53.8" for 116.52 feet to a PK nail with brass disk stamped LB4919 in a concrete seawall along the waters of Matanzas Pass; thence S70°18'52"E along said waters and seawall for 82.79 feet to the beginning of a curve in said seawall, said curve being described with the following chord bearings and distances; thence S59°52'04"E for 13.95 feet; thence S47°54'41"E for 10.35 feet; thence S36°30'10"E for 10.02 feet; thence S25°39'44"E for 10.08 feet; thence S14°17'28"E for 10.56 feet; thence S07°08'02"E for 10.56 feet to the end of said curve; thence S00°20'42"E along said waters and said seawall for 55.38 feet to a steel pin in said seawall; thence S83°09'31"E for 2.71 feet to the west line of a canal (60 foot right-of-way) as shown on the record plat of said Crescent Park Addition; thence S00°43'09"E along the westerly line of said platted canal for 361.22 feet to an intersection with a line perpendicular to said east line of said Crescent Street passing through the Point of Beginning; thence deflect 90° to the left and run S89°16'51"W perpendicular to said east line of said Crescent Street for 121.07 feet to the Point of Beginning.

Containing 1.41 acres (61,400 square feet), more or less.

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Continued...

page 1 of 5

PRINCIPALS:
 WILLIAM E. BEAN, PSM, CHAIRMAN
 SCOTT C. WHITAKER, PSM, PRESIDENT
 JOSEPH L. LUTZ, PSM
 AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

PERMIT COUNTERS SURVEYORS AND MAPPERS - PLANNERS
 CONSULTING ENGINEERS

ASSOCIATES:
 CHARLES D. KNIGHT, PSM
 ELWOOD FINEFIELD, PSM
 TRACY N. BEAN, AICP
 PAUL T. POKORNY, PE



DCT 2001-00067

Description of a Parcel of Land
Lying in
Section 24, Township 46 South, Range 23 East
and
Section 19, Township 46 South, Range 24 East
Lee County, Florida
(Motel and Restaurant Site)
- Continued -

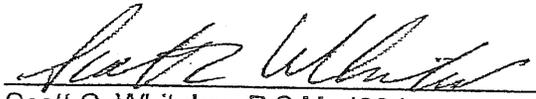
Bearings are based on the easterly right-of-way line of Crescent Street as bearing N00°43'09"W relative to the Florida Department of Transportation Right-of-Way Maps (Section 12530-2614).

Subject to easements, restrictions, reservations and rights of way (recorded and unrecorded, written and unwritten).

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)

28958DESC4

4/11/02



Scott C. Whitaker, P.S.M. 4324

Applicant's Legal Checked
by Jan 5/30/03

RECEIVED
APR 11 2002

PERMIT COUNTER

page 2 of 5

DCI 2001-00067



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard, Suite 1

Fort Myers, Florida 33919-5910

email - fmooffice@bwlk.net

(Ph) 941-481-1331 (Fax) 941-481-1073

Description of a Parcel of Land

Lying in

Section 24, Township 46 South, Range 23 East

Town of Fort Myers Beach, Lee County, Florida

(Parcel B)

A parcel of land situated in the State of Florida, County of Lee, Town of Fort Myers Beach, being all of Lots 1, 2, 3, 4, 5 and 19, Block 2, Business Center, a subdivision recorded in Plat Book 9 at Pages 9 and 10 and further described as follows:

Beginning at the northwest corner of Lot 1, Block 2 of said subdivision, the same being the intersection of the southerly right-of-way line of Second Street (50 feet wide) and the easterly right-of-way line of San Carlos Boulevard (33 feet from the centerline); thence S64°00'09"E along the southerly right-of-way line of said Second Street for 120.00 feet to the northeast corner of Lot 19, Block 2 of said subdivision; thence S25°59'51"W for 153.80 feet to the southeast corner of Lot 5, Block 2 of said subdivision and the northerly right-of-way line of Third Street (50 feet wide); thence N64°00'09"W along said northerly right-of-way line for 120.00 feet to the southwest corner of Lot 4, Block 2 of said subdivision, the same being the intersection of the northerly right-of-way line of said Third Street and the easterly right-of-way line of said San Carlos Boulevard; thence N25°59'51"E along the easterly right-of-way line of said San Carlos Boulevard for 153.80 feet to the Point of Beginning.

Containing 18,456 square feet, more or less.

Subject to easements, restrictions, reservations and rights-of-way (recorded and unrecorded, written and unwritten).

Bearings are based on the easterly right-of-way line of San Carlos Boulevard as bearing N25°59'51"E.

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)

Applicant's Legal Checked

by gm 5/30/03

Scott C. Whitaker, P.S.M. 4324

28958DESC1

10/8/01

page 3 of 5

PRINCIPALS:

WILLIAM E. BEAN, PSM, CHAIRMAN

SCOTT C. WHITAKER, PSM, PRESIDENT

JOSEPH L. LUTZ, PSM

AHMAD R. KAREH, PE, MSCÉ, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



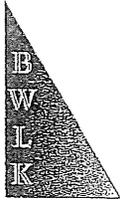
ASSOCIATES:

CHARLES D. KNIGHT, PSM

ELWOOD FINEFIELD, PSM

TRACY N. BEAN, AICP

PAUL T. POKORNY, PE



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard, Suite 1
Fort Myers, Florida 33919-5910
email - fmoffice@bwlk.net
(Ph) 941-481-1331 (Fax) 941-481-1073

Description of a Parcel of Land Lying in Section 24, Township 46 South, Range 23 East Town of Fort Myers Beach; Lee County, Florida (Parcel C)

A parcel of land situated in the State of Florida, County of Lee, Town of Fort Myers Beach, Section 24, Township 46 South, Range 23 East and further described as follows:

Lots 13 and 14, Block 2, Business Center according to the map or plat thereof as recorded in Plat Book 9, Pages 9 and 10, Public Records of Lee County, Florida.

Less and Except:

Part of Lot 13, Block 2, Business Center, a Subdivision in Section 24, Township 46 South, Range 23 East, as shown on the plat recorded in Plat Book 9, Pages 9 and 10 of the Public Records of Lee County, Florida, more particularly described as follows:

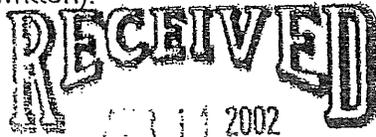
Beginning at the northeast corner of said Lot 13; thence run S00°43'09"E along the east line of said Lot 13 for 82.62 feet (82.59 record) to the southeast corner of said Lot 13; thence run N64°00'09"W along the south line of said Lot 13 for 6.15 feet; thence run N02°09'05"W for 78.56 (78.52 record) feet; thence run N34°44'19"W for 9.27 feet to the northerly line of said Lot 13; thence run S64°00'09"E along said northerly line for 14.16 feet to the Point of Beginning.

Said excepted parcel having been conveyed to Lee County by instrument recorded in Official Record Book 2311, Page 2801, Public Records of Lee County, Florida.

Remaining parcel containing 0.13 acres, more or less.

Bearings are based on the easterly right-of-way line of Crescent Street as bearing N00°43'09"W relative to the Florida Department of Transportation Right-of-Way Maps (Section 12530-2614).

Subject to easements, restrictions, reservations and rights of way (recorded and unrecorded, written and unwritten).



Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)

Scott C. Whitaker, P.S.M. 4324

28958DESC1 PERMIT COUNTER 4/11/02

Applicant's Legal Checked
by gm 5/30/03

page 4 of 6

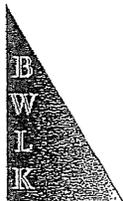
PRINCIPALS:
WILLIAM E. BEAN, PSM, CHAIRMAN
SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS

ASSOCIATES:
CHARLES D. KNIGHT, PSM
ELWOOD FINERFIELD, PSM
TRACY N. BEAN, AICP
PAUL T. POKORNY, PE



DOT 2001-0006



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard, Suite 1
Fort Myers, Florida 33919-5910
email - fmooffice@bwlk.net
(Ph) 941-481-1331 (Fax) 941-481-1073

Description of a Parcel of Land Lying in Section 24, Township 46 South, Range 23 East Town of Fort Myers Beach, Lee County, Florida (Parcel D)

A parcel of land situated in the State of Florida, County of Lee, Town of Fort Myers Beach, Section 24, Township 46 South, Range 23 East and further described as follows:

Commencing at the northwesterly corner of Lot 25, Block E, Crescent Park Addition, according to a plat or map thereof recorded in Plat Book 4 at Page 46 of the Public Records of Lee County, Florida, said point being on the east line of said Section 24, run northwesterly at an angle of 63°16'50" north to northwest with said section line for 27.99 feet to the northeasterly corner of lands described in Deed Book 262 at Page 191 of the Public Records of Lee County and to the Point of Beginning; thence run N64°00'09"W along the northwesterly line of said lands described in said Deed Book 262 at Page 191 along with the southwesterly line of First Street described in Deed Book 191 at Page 274 of said Public Records for 9.97 feet to an intersection with the easterly right-of-way line for Matanzas Pass Bridge recorded in Official Record Book 1167, Page 1576, Lee County Public Records; thence run along said easterly right-of-way line along the arc of a curve to the right having a radius of 2904.79 feet, said curve having a central angle of 01°58'53", a chord and chord bearing of S20°32'55"W, 100.45 feet; thence run along the arc of said curve for 100.46 feet to the north line of Lot 6, Block 1, Business Center as recorded in Plat Book 9 at Pages 9 and 10, Public Records; thence run S64°00'09"E for 50.76 feet to an intersection with the westerly right-of-way line of Crescent Street; thence run N00°43'09"W along said westerly right-of-way line for 111.95 feet to the Point of Beginning.

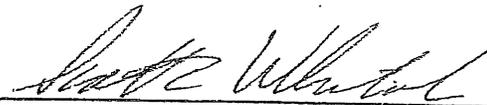
Parcel contains 0.07 acres, more or less.

Bearings are based on the easterly right-of-way line of Crescent Street as bearing N00°43'09"W relative to the Florida Department of Transportation Right-of-Way Maps (Section 12530-2614).

Subject to easements, restrictions, reservations and rights of way (recorded and unrecorded, written and unwritten).

RECEIVED
APR 11 2002

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)


Scott C. Whitaker, P.S.M. 4324

28958DESC2 PERMIT COUNTER
4/11/02
Applicant's Legal Checked
by Jm 5/30/03

page 5 of 5

PRINCIPALS:
WILLIAM E. BEAN, PSM, CHAIRMAN
SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS

ASSOCIATES:
CHARLES D. KNIGHT, PSM
ELWOOD FINEFIELD, PSM
TRACY N. BEAN, AICP
PAUL T. POKORNY, PE

DCI 2001-00069

CHARTER MEMBER
AMERICAN INSTITUTE
OF CERTIFIED
PLANNERS



CHARTER MEMBER
AMERICAN PLANNING
ASSOCIATION

100 ESTERO BOULEVARD, SUITE 434
FORT MYERS BEACH, FLORIDA 33931
239-463-3929 • CELL 239-281-6312

HAND DELIVERED

December 4, 2003

Jerry Murphy
Lee County DCD/Zoning Division
PO Box 398
Ft. Myers, FL 33902

Re: Final Revised MCP-Matanzas Inn CPD Case DCI 2001-0067

Dear Jerry:

Per our meeting yesterday, attached is the revised MCP for Matanzas Inn CPD. There are 10 full size copies and 2 reduced versions. As also discussed, when you have the draft resolution, please forward it to Doug and myself, hopefully, in word format so that we may review it for any corrections. Thank you for your assistance with this case.

Sincerely,

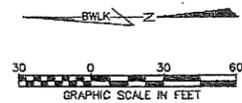
Carleton Ryffel, AICP

C: Doug Speirn-Smith

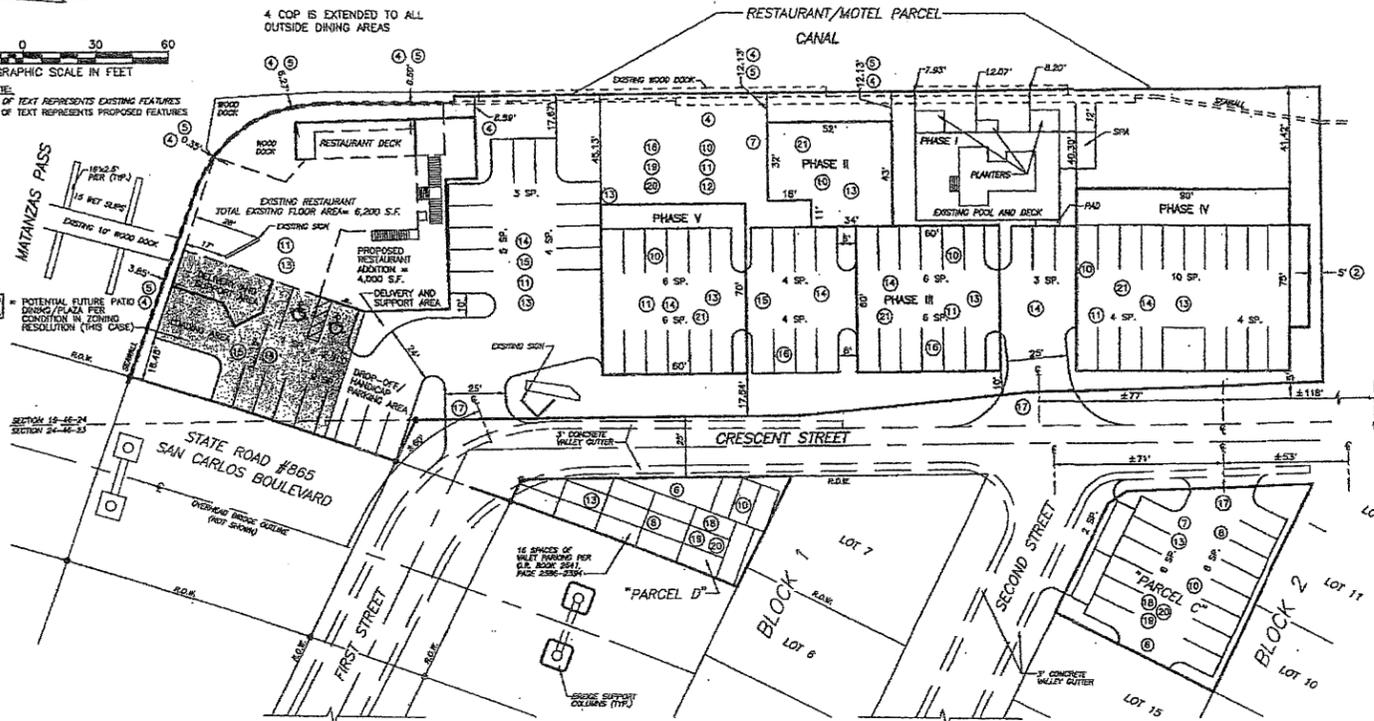
DCI 2001-00067

RECEIVED
DEC 04 2003

PERMIT COUNTER



SPECIAL NOTE:
THIS STYLE OF TEXT REPRESENTS EXISTING FEATURES
THIS STYLE OF TEXT REPRESENTS PROPOSED FEATURES



OLD SAN CARLOS BOULEVARD DEVELOPMENT:

5,000 S.F. OF COMMERCIAL/RETAIL ON STREET LEVEL FLOOR WITH OPTIONAL HOTEL/RESORT USE AND OFFICE SPACE ON THE SECOND FLOOR. MAXIMUM HEIGHT OF 40 FEET ABOVE FLOOD ELEVATION, AND MAXIMUM OF 32,800 S.F. OF BUILDING GROSS AREA.

MOTEL/RESORT UNIT DEVELOPMENT:

MAXIMUM NUMBER OF HOTEL/RESORT UNITS IS 32 INCLUDING A MANAGER'S UNIT. MAXIMUM HEIGHT IS TWO (2) LIVING FLOORS ABOVE FLOOD ELEVATION. PHASING OF DEVELOPMENT MAY VARY DEPENDING ON APPLICANT'S PREFERENCES AT TIME OF DEVELOPMENT. AVERAGE SIZE SHALL NOT EXCEED 800 S.F. OF LIVING AREA PER UNIT.

RESTAURANT DEVELOPMENT:

MAXIMUM RESTAURANT BUILDING SIZE IS THE EXISTING SPACE PLUS AN ADDITIONAL 4,000 S.F. OF RESTAURANT SPACE. MAXIMUM HEIGHT IS 40 FEET OR TWO (2) FLOORS ABOVE FLOOD ELEVATION. NO PARKING WILL BE PERMITTED UNDER THE COMMERCIAL STRUCTURE.

SCHEDULE OF DEVIATIONS:

- 1) DEVIATION FROM LDC TABLE 34-3 FROM THE REQUIRED 10 FEET SETBACK FROM A STREET RIGHT-OF-WAY TO ALLOW REDUCED STREET SETBACKS ON THE MOTEL/RESTAURANT PARCEL AND FOR OLD SAN CARLOS ON PARCEL "B", AS INDICATED BY DEVIATION 1 SYMBOLS AND ON THE MCP.
- 2) DEVIATION FROM LDC TABLE 34-3 FROM THE REQUIRED 20 FEET SIDE SETBACKS ON A WATERFRONT LOT TO ALLOW 5 FEET SIDE SETBACKS ON THE MOTEL AND RESTAURANT SITE AS INDICATED BY DEVIATION 2 SYMBOLS ON THE MCP.
- 3) DEVIATION FROM LDC TABLE 34-3 FROM THE REQUIRED 15 FEET SETBACKS ON NON-WATERFRONT LOTS TO ALLOW THE DEVELOPER TO BUILD TO THE RIGHT-OF-WAY LINES FOR SECOND AND THIRD STREETS ON PARCEL "B", AS INDICATED BY DEVIATION 3 SYMBOLS ON THE MCP.
- 4) DEVIATION FROM LDC TABLE 34-3 FROM THE REQUIRED 20 FEET REAR SETBACKS TO ALLOW REDUCED REAR SETBACKS ON THE HOTEL AND RESTAURANT SITE AS INDICATED BY DEVIATION 4 SYMBOLS AND DIMENSIONS ON THE MCP.
- 5) DEVIATION FROM LDC TABLE 34-3 FROM THE REQUIRED 25 FEET SETBACK FROM A WATERBODY TO ALLOW REDUCED WATERBODY SETBACKS ON THE HOTEL AND RESTAURANT SITE AS INDICATED BY DEVIATION 5 SYMBOLS AND DIMENSIONS ON THE MCP.
- 6) DEVIATION FROM LDC TABLE 34-3 FROM THE REQUIRED 20,000 SQUARE FEET OF LOT AREA TO ALLOW MINIMUM LOT SIZES OF 16,456 SQUARE FEET FOR PARCEL "B", 5,550 SQUARE FEET FOR PARCEL "C", AND 3,049 SQUARE FEET FOR PARCEL "D".
- 7) DEVIATION FROM LDC TABLE 34-3 FROM THE REQUIRED 100 FEET OF LOT WIDTH TO ALLOW A MINIMUM LOT WIDTH OF 72.5 FEET FOR PARCEL "C".
- 8) DEVIATION FROM LDC TABLE 34-3 FROM THE REQUIRED 100 FEET OF LOT DEPTH TO ALLOW A MINIMUM LOT DEPTH OF 74 FEET FOR PARCEL "C" AND 30 FEET FOR PARCEL "D".
- 9) DEVIATION FROM LDC TABLE 34-3 FROM THE MAXIMUM FLOOR AREA RATIO (FAR) OF 1.2 TO ALLOW A MAXIMUM FAR ON PARCEL "B" OF 2.0.
- 10) DEVIATION FROM LDC SECTION 34-632(3)(c) FROM THE LIMITATION ON COMBINING THREE (3) OR MORE LOTS INTO A DEVELOPMENT PROJECT TO ALLOW THE "MOTEL AND RESTAURANT SITE" PARCEL, PARCEL "C" ("SHELL SHEET"), AND PARCEL "D" ("TRIANGLE PARCEL") TO INCLUDE ONE-HALF THE WIDTH OF ADJOINING STREETS AND CANALS IN LOT AREA FOR THE PURPOSES OF COMPUTING RESIDENTIAL DENSITIES, TO ALLOW A TOTAL OF 32 GUEST UNITS ON THE "MOTEL AND RESTAURANT SITE" PARCEL.
- 11) DEVIATION FROM LDC SECTION 34-632(4) FROM THE LIMITATION ON INCLUDING ACREAGE USED PRIMARILY FOR COMMERCIAL PURPOSES IN COMPUTATION OF RESIDENTIAL DENSITY TO INCLUDE THE PORTION OF THE "MOTEL AND RESTAURANT SITE" PARCEL USED PRIMARILY FOR THE MATANZAS RESTAURANT TO BE INCLUDED IN THE ACREAGE OF THE CPD PROJECT ADJUTING CRESCENT STREET, TO ALLOW A TOTAL OF 32 GUEST UNITS ON THE "MOTEL AND RESTAURANT SITE" PARCEL.
- 12) DEVIATION FROM THE EQUIVALENCY FACTOR TABLE IN LDC SECTION 34-180(2)(1) TO ALLOW GUEST UNITS WITH OVER 450 SQUARE FEET OF FLOOR AREA TO UTILIZE AN EQUIVALENCY FACTOR OF 3.0 IN THE PEDESTRIAN COMMERCIAL LAND USE CATEGORY.
- 13) DEVIATION FROM LDC SECTION 34-2015(1) FROM THE REQUIREMENT THAT PARKING SPACES THAT ARE REQUIRED TO SUPPORT SPECIFIC LAND USES MUST BE PROVIDED ON THE SAME PREMISES TO ALLOW PARKING SPACES LOCATED ON PARCELS "C" AND "D" OF THIS COMMERCIAL PLANNED DEVELOPMENT TO BE USED BY ALL APPROVED USES ON THE "MOTEL AND RESTAURANT SITE" PARCEL AND PARCEL "B".
- 14) DEVIATION FROM LDC SECTION 34-2016(1) FROM THE REQUIREMENT THAT PARKING LOTS WITH NINETY DEGREE (90°) ANGLE OF PARKING SPACES HAVE LENGTH OF 18 FEET TO ALLOW A PARKING SPACE LENGTH OF 16 FEET AS INDICATED BY DEVIATION 14 SYMBOLS AND DIMENSIONS ON THE MCP.
- 15) DEVIATION FROM LDC SECTION 34-2016(1) FROM THE REQUIREMENT THAT PARKING LOTS WITH NINETY DEGREE (90°) ANGLE OF PARKING SPACES AND TWO-WAY AISLES HAVE AN AISLE WIDTH OF 22 FEET TO ALLOW AN AISLE WIDTH OF 19 FEET AS INDICATED BY DEVIATION 15 SYMBOLS AND DIMENSIONS ON THE MCP.
- 16) DEVIATION FROM LDC SECTION 34-2020 FROM THE MINIMUM REQUIREMENTS FOR OFF STREET PARKING SPACES FOR USES PERMITTED ON PARCEL "B" TO ALLOW PARCEL "B" TO UTILIZE THE OFF-STREET PARKING REDUCTIONS OF THE DOWNTOWN ZONING DISTRICT PROVIDED IN LDC SECTION 34-676(2)(1).
- 17) DEVIATION FROM LDC SECTION 10-285(4) FROM THE REQUIRED CONNECTION SEPARATION FOR LOCAL ROADS OF 125 FEET TO ALLOW CONNECTION SEPARATIONS OF ±11', ±60', ±63', ±111', ±122', ±53', ±71', ±118', ±77', AND ±80' AS INDICATED BY DEVIATION 17 SYMBOLS AND DIMENSIONS ON THE MCP.
- 18) DEVIATION FROM LDC SECTION 10-413(1) FROM THE MINIMUM DIMENSIONAL REQUIREMENT OF TEN (10) FEET OF WIDTH OF OPEN SPACE AREAS TO ALLOW OPEN SPACE WIDTHS AS SHOWN ON THE MCP.
- 19) DEVIATION FROM LDC SECTION 10-413(2) FROM THE MINIMUM DIMENSIONAL REQUIREMENT OF 180 SQUARE FEET OF AREA OF OPEN SPACE TO ALLOW OPEN SPACE AREAS AS SHOWN ON THE MCP.
- 20) DEVIATION FROM LDC SECTION 10-414(a) FROM THE MINIMUM DIMENSIONAL AND COMPOSITIONAL REQUIREMENTS FOR BUFFERS TO ALLOW BUFFERS AS SHOWN ON THE MCP.
- 21) DEVIATION FROM LDC SECTION 34-675(1)(2) FROM NO ENCLOSED SPACE ON THE GROUND FLOOR TO ALLOW 25% OF THE GROUND FLOOR TO BE USED FOR ANCILLARY SUPPORT SERVICES SUCH AS OFFICES, LAUNDRY, STORAGE, ETC.

SCHEDULE OF USES:

PERMITTED USES:

RESTAURANT AND MOTEL PARCEL (BETWEEN CRESCENT STREET AND CANAL)
ALL PRINCIPAL AND ACCESSORY USES THAT ARE PERMITTED BY RIGHT IN THE DOWNTOWN ZONING DISTRICT, PLUS THE FOLLOWING ADDITIONAL USES:
BAR/COCKTAIL LOUNGE (TWO (2), ONE (1) EACH ON GROUND AND SECOND FLOOR OF THE RESTAURANT)
ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES (ANYWHERE IN THE RESTAURANT)
OUTDOOR SEATING IN CONJUNCTION WITH COP
BOAT SLIPS AVAILABLE TO THE PUBLIC FOR RENT
COMMERCIAL PARTY FISHING BOATS

PARCELS C & D

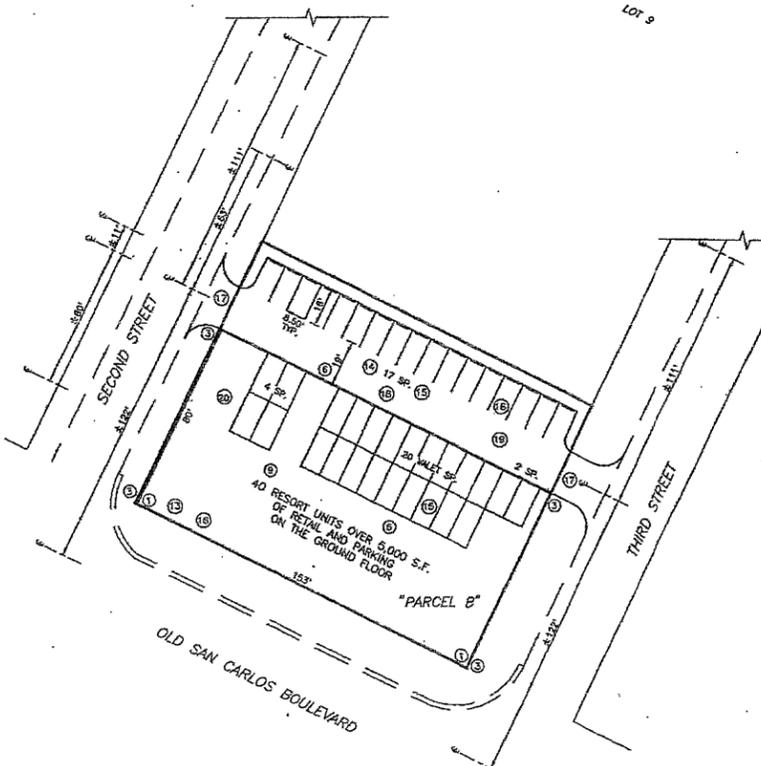
PARKING LOT, SHARED PERMANENT ESSENTIAL SERVICES

OLD SAN CARLOS PARCEL

ALL PRINCIPAL AND ACCESSORY USES THAT ARE PERMITTED BY RIGHT IN THE DOWNTOWN ZONING DISTRICT

MAXIMUM INTENSITY OF USES:

COMMERCIAL/RESTAURANT PARCEL	PRIMARY BUILDING SIZE/DENSITY	SIZE OF PARCEL	F.A.R. MAXIMUM SIZE @ 1.2
RESTAURANT/SUPPORT SERVICES/MARINA/RELATED SERVICES	16,700 S.F.	0.32 ACRES	16,727 S.F.
MOTEL/ANCILLARY PARCELS			
RESORT UNITS/MARINA/SUPPORTING RESORT SERVICE/UNDERBUILDING PARKING	(32 UNITS)	1.28 ACRES	66,908 S.F.
PHASE V	8,100 S.F.		
PHASE II	9,450 S.F.		
PHASE I	8,114 S.F.		
PHASE IV	23,250 S.F.		
	43,914 TOTAL S.F.		
OLD SAN CARLOS PARCEL			
PROPOSED COMMERCIAL - GROUND LEVEL	5,425 S.F.		
PROPOSED TWO (2) STORIES OF RESORT HOUSING/OFFICE/ETC.	24,800 S.F.	±0.43 ACRES	±22,477 S.F.
PROPOSED GROUND FLOOR COVERED PARKING	6,975 S.F.		
	37,200 TOTAL S.F.		
GRAND TOTAL	97,814 S.F.	2.03 ACRES	106,112 S.F.



APPROVED
Master Concept Plan
Site Plan # 02-035 Page 1 of 1
Subject to conditions in Resolution JC-03-035
Case # DC12001-00067
TOWN OF FORT MYERS BEACH

RECEIVED
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PERMIT COUNTY

2001-00067

REVISIONS PER TOWN OF FORT MYERS BEACH - 12/03/2003
REVISIONS PER TOWN OF FORT MYERS BEACH - 10/21/2003
STATUS

PRINTED
DEC. 03 2003

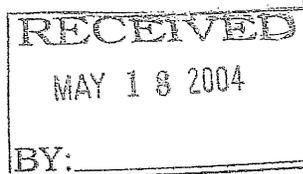
MR. DOUGLAS H. SHERWIN-SMITH
LAND PLANNER
100 ESTERO BOULEVARD, SUITE 434, FORT MYERS BEACH, FL 33931
PHONE (239) 463-3929
FORSYTH COUNTY, FLORIDA 32501 (239) 705-8006

MATANZAS INN REDEVELOPMENT
SECTION 19, T. 46S, R. 24E, LEE COUNTY, FLORIDA

Carterton Ryffel AICP
LAND PLANNER
100 ESTERO BOULEVARD, SUITE 434, FORT MYERS BEACH, FL 33931
PHONE (239) 463-3929
DESIGNED BY: K. MAHLER
DRAWING BY: K. MAHLER
PROJECT NUMBER: 33574(02-41)
DATE: SEPTEMBER 4, 2003
APPROVED BY: C. RYFFEL
SCALE: 1" = 30'

MASTER CONCEPT PLAN
SHEET 1 OF 1
FILE 19-46-24

May 14, 2004



Mr. Dan Folke
Town of Fort Myers Beach
2523 Estero Blvd.
Fort Myers Beach, FL 33931

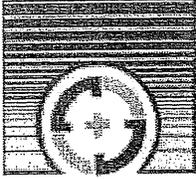
Dear Mr. Folke,

Mr. Doug Speirn-Smith instructed me to forward this sound report to your attention on behalf of Matanzas Inn.

Sincerely,

A handwritten signature in black ink, appearing to be "Chris Amberg", written over a horizontal line.

Chris Amberg
Matanzas Inn
416 Crescent Street
Fort Myers Beach, FL 33931
239/765-8866



ENVIRONMENTAL SAFETY ASSOCIATES
(ESA Consulting Services)

P.O. Box 151, Baldwinsville, NY 13027-0151
2600 Kings Lake Blvd., Naples, FL 34112-5409

Tel/Fax: NY 315-635-1929 ~ FL 239-774-5194 ~ Toll-Free 1-888-667-3723 ~ E-Mail: bob@oshex.com

March 30, 2004

Chris Arnberg, Manager
Estero Bay Hotel Company
Matanzas Inn
416 Crescent Street
Fort Myers Beach, FL

Dear Chris:

In response to my earlier report of findings from noise measurements taken in and around your property on March 5, 2004, you asked a simple question: "As a result of actions taken to reduce the sound generated by our entertainment, are we in compliance with the Town of Fort Myers Beach noise ordinance?" The answer is far from simple.

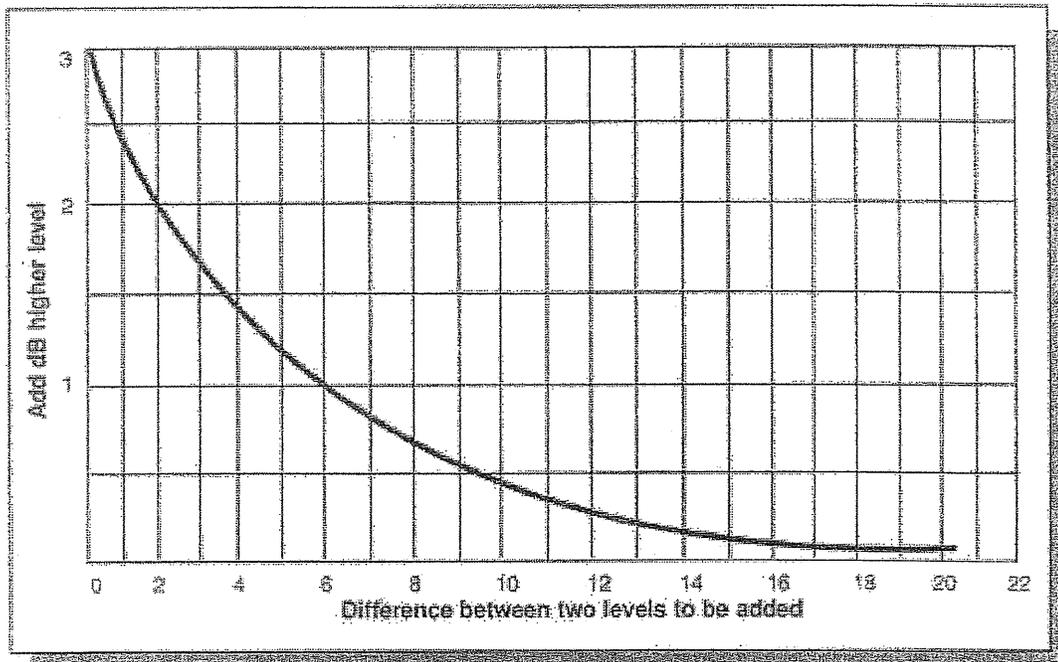
Ordinance 96-24 defines that measurements be taken using a *sound level meter* conforming to ANSI S1.4, Type 2, using slow response and "A" weighting. There is no mention of ANSI E1014-84, the Standard Guide for Measurement of Outdoor A-Weighted Sound Levels. This document provides instructions on how those measurements are to be taken. The ordinance does not.

In our measurements, we recorded RMS *maximum levels* (L_{max}) and *average levels* (L_{eq}) (that equate closely to an L_{10} exceedance level, or level that is exceeded only 10% of the time.) This is the measure typically used to describe environmental noise – because spurious sounds like passing cars or aircraft, people laughing, doors slamming, or an occasional dog bark could cause the sound measurement to easily "exceed" a stated maximum level – particularly one that is so close to the ambient sound level in an area.

The measurements taken during our most recent visit indicate that the changes that you have made have resulted in a decrease of about 3-5dBA in the carryover sound from your entertainment, compared to the previous readings taken in December and earlier this month. The average reading taken at the property directly across the canal, with the entertainment in session, dropped from 59dBA to 54dBA.

Prior and current measurements indicate that the ambient sound level in the area on a typical evening at the time of the measurements is about 53dBA. Correcting for this (see

the chart below), this indicates that the entertainment is contributing less than 50dBA to the total, and is certainly in compliance with the 66dBA allowable maximum for a residential receiving land use defined in Table I of the ordinance.



Going one step further, Section 5B of the ordinance states that, from 7AM until 10PM, the allowable level from impulsive sound is increased by 10dBA. During my observations, it was clear that the sound from your entertainment varied greatly as the singer sang and played. The rise and fall of the singers voice does not meet the criteria of "Continuous Noise" spelled out in Section 3C of the ordinance (as would sound from a running generator or air conditioning unit), but it is also not what we typically call "impulsive" sound (such as a gunshot or door slamming). This adds another element of ambiguity. Because of the way the definition is written, the entertainment may well be considered impulsive sound, thus providing a 10dBA "cushion."

A conflict appears in Section 5C, where the ordinance stipulates that amplified sound that exceeds 60dBA between the hours of 10AM and 10PM is prohibited. If we look at the L_{10} or L_{eq} (average) as the effective maximum, and correct for the background (ambient) in both the Primo Drive and Crescent Street locations, your entertainment is now compliant with the requirements of the ordinance.

If we look at the RMS maximum level, compliance is "borderline." It is clear that your contributed sound level at these property edge locations are *below* that of numerous other sites featuring outdoor entertainment in this commercially-zoned area, as noted in our report dated March 12, 2004.

It is my opinion that, with your current speaker configuration and amplifier settings, the sound from this entertainer complies with the ordinance, insomuch as our measurements

could determine¹, and that no further action is necessary at this time. Under the terms of the ordinance, you are permitted to extend the entertainment until 10PM, if you wish.

Respectfully submitted:
ENVIRONMENTAL SAFETY ASSOCIATES

Robert N. Andres, CSP, DABFE
Principal

¹ We did not have the equipment to measure at the center of the canal at the elevation of the entertainment, nor permission to take readings on the second floor of any residence along Primo Drive.

EXHIBIT E

**PROPOSED 3 STORY BUILDING
LOTS 1 THRU 5 & 19, BLOCK 2
BUSINESS CENTER**

SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
GREAT BEND 9, PAGES 9-10
LEE COUNTY, FLORIDA

MAINTAINAS TO DOWNHILL WITH SPECIAL
EXCEPTION FOR RETAIL, LARGE

- LEGEND:**
- SET IRON ROD 60# P.S. MESSID
 - FOUND IRON ROD (I.R.)
 - DR. UTIL. RECORDS BOOK
 - 1" LINE NUMBER
 - 1" LINE NUMBER
 - B.N. CENTERLINE
 - B.N. ELEVATION
 - B.N. BENCHMARK
 - TYPICAL ELEVATION
 - CONCRETE
 - MAIL & DISK
 - R.V.B. RECLAIM WATER BOX
 - V.V. WATER METER
 - V.V. WATER VALVE
 - P.H. FIRE HYDRANT
 - D.H. FIRE HYDRANT
 - P.S. POWER POLE
 - G.A.V. GUY ANCHOR & WIRE
 - E.B. ELECTRIC BOX
 - C.T.B. CABLE TELEVISION BOX
 - T.S.B. TELEPHONE SERVICE BOX
 - A/C AIR CONDITIONER

DESCRIPTIONS (PER TITLE COMMITMENT)
LOTS 1, 2, 3, 4, 5 AND 19, BLOCK 2, BUSINESS CENTER SUBDIVISION,
ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 9,
PAGES 9 AND 10, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

DESCRIPTION:
A PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, TOWN OF
FORT WOODS BEACH, BEING ALL OF LOTS 1, 2, 3, 4, 5 AND 19, BLOCK 2, BUSINESS
CENTER, A SUBDIVISION RECORDED IN PLAT BOOK 9 AND 10, PUBLIC RECORDS
AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 2 OF SAID SUBDIVISION, THE
SAME BEING THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF SECOND
STREET 60 FEET WIDE AND THE EASTERLY RIGHT-OF-WAY LINE OF SAN CARLOS
BOULEVARD 60 FEET WIDE FROM THE CENTERLINE; THENCE S64°00'09"E ALONG THE
SOUTHERLY RIGHT-OF-WAY LINE OF SAID SECOND STREET 60 FEET WIDE TO THE
NORTHEAST CORNER OF LOT 19, BLOCK 2 OF SAID SUBDIVISION; THENCE S25°59'51"W
FOR 153.80 FEET TO THE SOUTHWEST CORNER OF LOT 5, BLOCK 2 OF SAID SUBDIVISION
AND THE NORTHERLY RIGHT-OF-WAY LINE OF THIRD STREET 60 FEET WIDE; THENCE
N64°00'09"W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 120.00 FEET TO THE
SOUTHWEST CORNER OF LOT 4, BLOCK 2 OF SAID SUBDIVISION, THE SAME BEING THE
INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID THIRD STREET AND THE
EASTERLY RIGHT-OF-WAY LINE OF SAID SAN CARLOS BOULEVARD; THENCE N25°59'51"E
ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID SAN CARLOS BOULEVARD FOR 153.80
FEET TO THE POINT OF BEGINNING.

CONTAINING 26,406 SQUARE FEET, MORE OR LESS

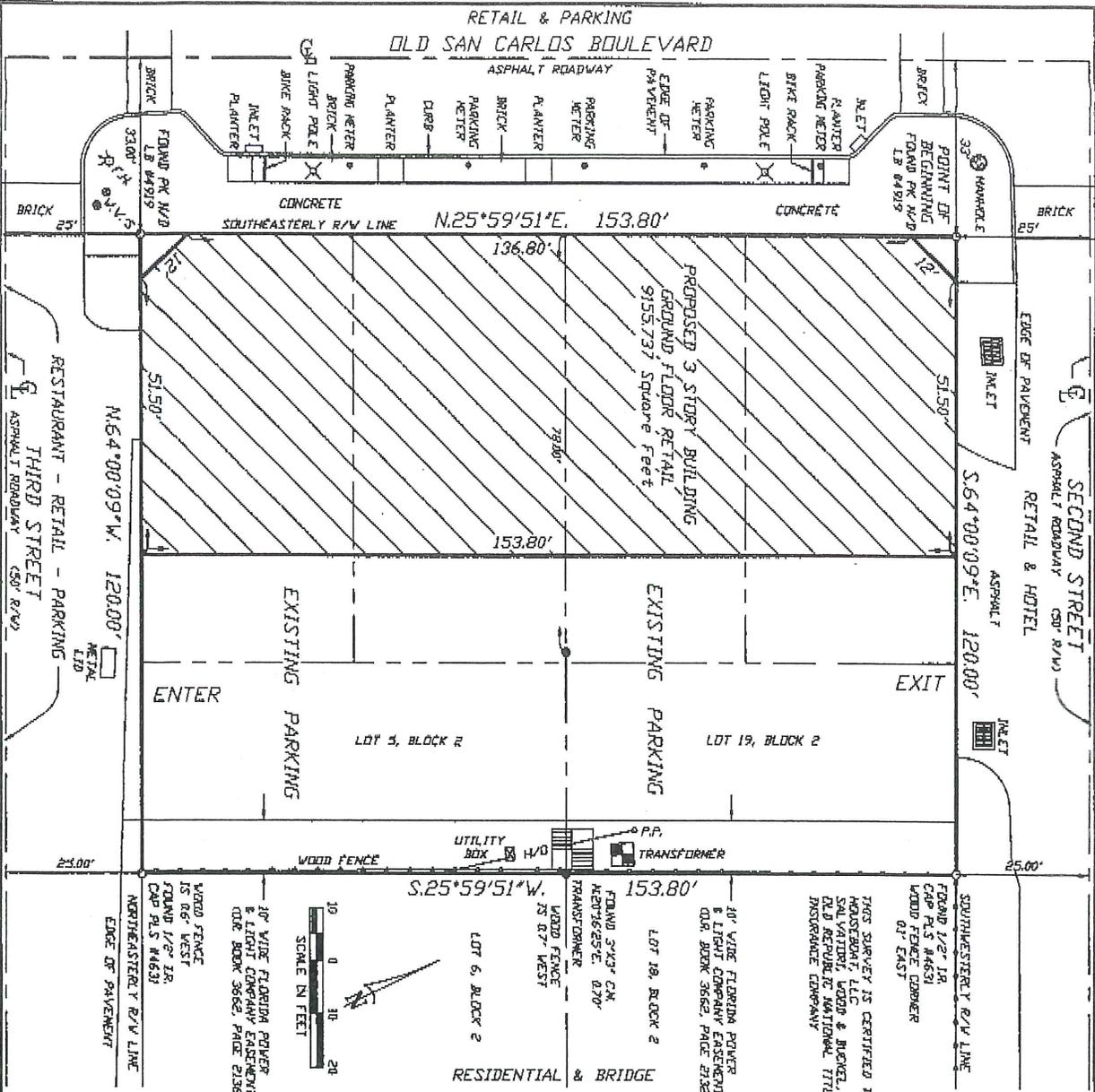
REVISION	DESCRIPTION	BY	DATE

P. M. WARD
FEBRUARY 20, 2003

DATE OF LAST FIELD WORK	1/8/13	PROJ. #	2016 DEL PROJ. 26.113.3.34
DRAWN	CHKD	SCALE	1"=50'
FBH	PHH	FILE NO.	12095
SURVEY DATE	4-6-23-24	SHT. - 1	OF - 1

PHILIP M. WARD
PROFESSIONAL SURVEYOR AND MAPPER
LICENSED - STATE OF FLORIDA

HARRIS-JENSEN, INC.
2016 DEL PROJ. 26.113.3.34
ONE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2923



**NARRATIVE FOR MATANZAS VARIANCE/A REASON WHY VARIANCE NOT
NEEDED - IN CONJUNCTION WITH RE-ZONING/SPECIAL EXCEPTION**

The criteria for a variance are as follows:

- a. 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;
- b. That the conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question;
- c. 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;
- d. That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and
- e. 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.

This is a request for a variance from Section 34-676(b) parking lot locations. There is a vagueness when one attempts to apply Land Development Code Figure 34-6 to other sections of the Land Development Code to include Section 34-676(b) Locations for Parking and the definition section for a side setback. Figure 34-6 is an illustration to assist in interpreting build-to-lines and yards. However, when one uses the principle of statutory construction we believe the logical solution falls in place and actually no variance will be required. The definition of side setback is set forth in Section 34-2 which is as follows:

Setback means the minimum horizontal distance required between a specified line and the nearest point of a building or structure. See also “build-to” lines in §34-662 and setback exceptions in §34-638(d)

(2) *Side setback* means the setback, extending from the required street setback to the required rear lot line, or opposing street setback in the case of a double-frontage lot, measured from the side lot line. There are two types of side

setbacks, those applying to waterfront lots and those applying to non-waterfront lots. See definition of “*Lot Line, rear*” and §34-638.

Based upon a reasonable person reading the applicable provisions of the Code, the side setback requirement along Third Street and Second Street from Old San Carlos is zero feet (0') to five feet (5'). Therefore there is zero (0) side yard up to the maximum of a five foot (5') side yard depending upon the ultimate build-to line chosen at the time of development. Therefore §34-676(b) governs the location of off-street parking and one only needs a variance if parking is proposed to be placed within the side setback area (side yard). Therefore no variance is required for this parcel.

The vagueness is caused by Figure 34-6 which can be interpreted in different ways and one way is the result that the side yard is that area behind the building. The side yard would commence at the side street but it extends the length of the building to the other street. This interpretation could mean there is no rear yard and since parking is not to be located in a side yard all parking is precluded. That interpretation causes this variance to be filed in an abundance of caution. That, of course, is an absurd result since Section 34-676(b) requires that you “**shall place parking in the rear yard.**” Statutory construction requires the reading of all provisions of the Code together to arrive at a reasonable result. When we reviewed the side setback definition, review of the parking lot location which states “parking shall be placed in the rear yard”, we cannot interpret an illustration figure to turn what is clearly the rear yard into a side yard. The only reasonable interpretation is that the rear yard will either be from property line to property line if there is a zero build-to line chosen or will be a minimum of 143' in width on this parcel (153' minus a 5' build-to line and a 5' build-to line) if the building is set back the maximum of 5' on each side. By setting the building back 5' on each side that would only create a 5' side yard. When one review the special exception site plan, there is clearly a rear yard where the

parking shall be placed which is consistent with the Land Development Code. If the Community Development Department concurs, then no variance is needed from Section 34-676(b) for this parcel.

If Community Development does not agree, then this request would meet all the criteria for a variance as it would be exceptional and extraordinary conditions that by complying with the Code to place a building from build-to line on Third Street to build-to line on Second Street that there is no rear yard. These actions are not the result of the actions of the Applicant as there is existing parking on the rear of the site and that the Code contemplates that the building shall occupy the site from the property line on Second Street, the property line on Old San Carlos and the property line on Third Street. This is the minimum variance that will leave an unreasonable burden which is caused by the regulation if it in fact is interpreted to preclude all parking to the rear of the building with the Town is now designating the area in the rear of the building as a side yard. The granting of parking in the rear of the building would be an asset to the Town and to the neighborhood and complies with LDC 34-676 (b).

We believe that the Town in being cautious and to assist the applicant brought up the issue of how the illustration in Figure 34-6 should be interpreted so that this application is not held up . We respectfully submit that an illustration in the Code cannot be determinative over the actual language in Section 34-676(b) and the side setback definition in the Land Development Code which limits the location of side yard as applied to the subject property.

NARRATIVE FOR MATANZAS BUFFER VARIANCE IN CONJUNCTION WITH RE-ZONING/SPECIAL EXCEPTION October 31,2013

This is a request for a variance from:

2. Section 34-677(b)(3) and Table 10-8 from a 15' Type D Buffer between parking lots and ROW to the existing condition. In an abundance of caution this is a request from this LDC section as we respectfully submit that a variance should be granted from this provision of the Code where Old San Carlos, Second Street and Third Street have unique "build-to lines" and due to the required access with visibility triangles on side streets and Old San Carlos for entrance and exit.

Section 34-676 provides support for the Town's "Park One" district. Although future goals include the Town providing additional parking, the Town should support maintaining existing parking and support additional parking to be provided by the private sector.

As to the buffer between the parking and ROW, we specifically submit that other provisions of the Code reflect that this requirement should not be a requirement along Old San Carlos and that other provisions of the Code justify this relief for an existing use from a code adopted after the approval and implementation of this use.

The buffer provision applies to all of the Downtown District reflected earlier in Figure 36-7. But the LDC **requires** that **ONLY** on Old San Carlos to build-to-line must be zero foot (0') setback. Thus, the LDC requires that the building be a zero setback and any buffer would be required to be removed. The Code does not require a needless act.

There is no reason to require the LDC Table 10-8 15' Type D buffer with trees and hedge that encroaches into the rear yard. Also the build-to-line along Second Street and Third Street is zero foot (0') to five feet (5'). See LDC 34-674(a)(1)b. A fifteen foot buffer on each side lot line is a thirty foot taking of parking.

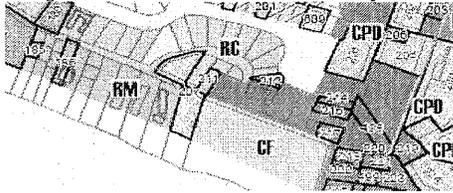
The Code also requires visibility triangles be maintained for each access precluding a Type D buffer in the visibility triangle at the access onto Third Street and Second Street.

The parking is an existing use on this site that was approved and developed prior to adoption of the Downtown buffer provisions which provisions are intended to apply to the entire District which has different build-to-lines than Old San Carlos, Second Street and Third Street.

This is the minimum variance. This prior approvals establish that the Type D buffer should not eliminate current parking as it currently operates which parking is an asset to the Town and the Downtown District. Approval of the variance is the appropriate relief rather than amending the Code.

We request staff's recommendation of approval of the variances.

Town of Fort Myers Beach
 Department of Community Development



ORIGINAL

Zoning Division

Supplement PH-A

**Additional Required Information for a
 Special Exception Application**

This is the second part of a two-part application. This part requests specific information for a special exception. Include this form with the Request for Public Hearing form.

Project Name: SE22013-0005
Authorized Applicant: Houseboat, LLC, c/o Beverly Grady, Roetzel & Andress
LeePA STRAP Number(s): 24-46-23-W3-00202.0190, 24-46-23-W3-00202.0010 24-46-23-W3-00202.0020, and 24-46-23-W3-00202.0030

Current Property Status:
Current Zoning: CPD
Future Land Use Map (FLUM) Category: PEDESTRIAN COMMERCIAL
Platted Overlay? ___yes <input checked="" type="checkbox"/> ___no <input type="checkbox"/> FLUM Density Range:

Requested Action:

<input type="checkbox"/> Use of premises in the EC (Environmentally Critical) zoning district for:
<input checked="" type="checkbox"/> Use of premises in the <u>DOWNTOWN</u> zoning district for:
RETAIL, LARGE

REZ2013-0001

NARRATIVE STATEMENT

HOUSEBOAT LLC

SPECIAL EXCEPTION FOR LARGE RETAIL

This is a request for a special exception for retail large in the Downtown zoning District. This application accompanies an application to rezone this parcel on Old San Carlos Boulevard to the Downtown conventional zoning district. The subject property is located in the Pedestrian Commercial Future Land Use designation which 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. Non-residential uses (including motels and churches) now comprise 58.9% of the land in this category, and this percentage shall not exceed 90%. (Emphasis supplied).

The purpose of the Downtown zoning district is to “create the desired quality and character for the center of pedestrian-oriented commercial activities within the Town.” LDC Section 34-671. Old San Carlos is intended to serve as the Town’s “Main Street”. Retail, large is compatible with the intent and purpose of the Downtown zoning district. The Downtown zoning district permits Open Residential, Lodging, and Retail Office and Civic uses.

Retail store is defined and means:

An establishment operating within a fully enclosed building that provides goods and incidental services directly to consumers where such goods are available for immediate purchase or rental. Retail stores are classified as small (less than 5,000 square feet) or large (more than 5,000 square feet), based on gross floor area per establishment. The following types of establishments are not considered to be retail stores for the purposes of this chapter: *Automobile fuel pumps, Automobile rentals, Marina, and Mini-warehouse.*

REZ2013-0001 Supplement PH-A

EXHIBIT A

The Pedestrian Commercial future land use designation pursuant to Policy 4-B-6 of the Fort Myers Beach Comprehensive Plan states that it is intended to be a “commercial district applied to the intense activity center of Times Square (including Old Carlos and nearby portions of Estero Blvd.)”.

The commercial activities must contribute to the pedestrian-oriented public realm. Retail furthers Policy 4-B-6 of the Comprehensive Plan because it is pedestrian-oriented and this location is in close proximity and walking distance to nearby hotels, motels, restaurants and other commercial establishments promoting the walkability of the Time Square district. “Retail large” is consistent with the existing and planned uses for Old San Carlos.

To the north is hotel, retail, food and beverage establishments; to the east are resorts and motels; to the south is a restaurant and to the west is parking and retail uses.

All of the surrounding properties have the future land use classification of Pedestrian-Commercial and the surrounding properties are either in the Downtown zoning district or zoned Commercial Planned Development District with compatible uses.

The retail is a use consistent with the Downtown core and is proposed to be the first floor in a three (3) story building and the request is for 9,156 square feet. The site plans submitted with the request shows the location of the proposed retail large on this parcel with parking to the rear and the site plan illustrates the surrounding rights of way and other improvements. This application respectfully requests staff recommendation of approval for special exception for retail large.

REZ2013-0001 Supplement PH-A

EXHIBIT A

July 16, 2013

Ms. Leslee Dulmer, Zoning Coordinator
Town of Fort Myers Beach
2523 Estero Boulevard
Fort Myers Beach, Florida 33931

VIA E-MAIL (Leslee@fortmyersbeachfl.gov)
AND REGULAR U. S. MAIL

RE: REZ2013-0001
440 Old San Carlos Boulevard / Houseboat, LLC (Matanzas CPD parcel to
Downtown)

Dear Ms. Dulmer:

This is in response to your insufficiency letter which posed the following questions:

Question: *Please provide an analysis of the current schedule of uses and how the proposed rezoning to Downtown will change the allowable uses. Please reference Land Development Code (LDC) Section 34-621 and Table 34-1. Does the current Commercial Planned Development allow uses that the Downtown district does not permit?*

Response: No. The Town of Fort Myers Beach Resolution 03-35 approved the following schedule of uses for the Subject Property: "All principle and accessory uses permitted in the Downtown zoning district." Therefore the effect of the application is to place the appropriate Downtown label on this parcel since the parcel is already permitted for Downtown principle and accessory uses.

Question: *Will approval of the rezoning from Commercial Planned Development to Downtown create any non-conformities?*

Response: Enclosed is a copy of the approved Master Concept Plan for the Matanzas Inn commercial plan development. You will note that the Master Concept Plan reflects a parking lot design and forty (40) resort units. Approximately 3/4ths of the Subject Property has been and is currently used for parking and no resort units have been constructed. Therefore it is our understanding that there are no non-conformities in continuing the use with Downtown uses to include parking.

Question: *Do the existing structure(s) on the subject properties comply with the commercial design standards, see LDC Section 34-991 or will they be considered existing non-conforming? Please provide descriptions, narratives, photos or other details to demonstrate compliance.*

Response: There are no existing structures on 3/4ths of the subject property. Therefore as required by the Land Development Code at the time there is a “newly built structures”, the design will comply with the commercial design standards as required by the Land Development Code. As to the existing buildings which consist of an office use, one (1) residential unit, and storage accessory to existing businesses, we respond as follows:

Section 34-1 sets forth the purpose of zoning which ... is to “encourage and promote, in accordance with present and future needs, the safety, health, order, convenience, prosperity, and general welfare of the citizens of the Town of Fort Myers Beach, to recognize **and promote real property rights, and to provide:**

- (1) for efficiency and economy in the process of development,
- (2) for the appropriate and best use of land,
- (3) for preservation, protection, development, and conservation of the historical and natural resources of land, water, and air,
- (4) for convenience of traffic and circulation of people and goods,
- (5) for the use and occupancy of buildings,
- (6) for healthful and convenient distribution of population,
- (7) for adequate public utilities and facilities,
- (8) for promotion of the amenities of beauty and visual interest,
- (9) for protection of the character and maintenance of the stability of residential and business areas, and
- (10) for development in accordance with the Fort Myers Beach Comprehensive Plan.

Sub-section (c) provides that “No building or structure, or part thereof, shall hereafter be erected, constructed, reconstructed, altered, or maintained, and no existing use, new use, or change of use of any building, structure, or land, or part thereof, shall be made or continued except in conformity with the provisions of this code.” Section 34-992 provides that the Commercial Design Standards apply to commercial buildings that are “being newly built” and to “substantial improvements” as defined in Section 6-405 in the Downtown zoning district. Therefore, by the mere change to the appropriate zoning district does not trigger compliance with the Commercial Design Standards. Compliance with the Commercial Design Standards is triggered by newly built construction or substantial improvements as defined in Chapter 6.

Redevelopment districts are defined commencing in Section 34-661 which includes the Downtown zoning district. The specific requirements begin in Section 34-671, which provides that “new commercial buildings” are expected to accommodate pedestrians by providing storefronts near sidewalks and by offering shade and shelter along major streets.

In the Downtown district, building placement is governed by Section 34-674 to include build-to lines along the streets, setback lines in the rear and sides and water bodies. Section 34-675 governs building frontage and building height and floor area ratio and

Ms. Leslee Dulmer, Zoning Coordinator
July 16, 2013
Page 3

number of hotel rooms. Section 34-676 governs circulation and parking. Section 34-677 provides that there no open space or buffer requirements in Downtown district that would apply to the Subject Property.

In addition, Section 34-677(a) also provides that the commercial design standards in the Downtown district apply to “newly built” and to “substantial improvements”. When the Town of Fort Myers Beach adopted the Downtown zoning district by Ordinance 03-03 it did not adopted any provision that would mandate compliance with the property development regulations and design criteria unless and except the property owner proposed newly built construction or substantial improvement to an existing structure as defined in Section 6-405. Therefore, there is no increase in non-conformities by the approval of the rezoning to the Downtown zoning district.

We respectfully submit that this application should be deemed sufficient and scheduled for the next available local planning agency hearing.

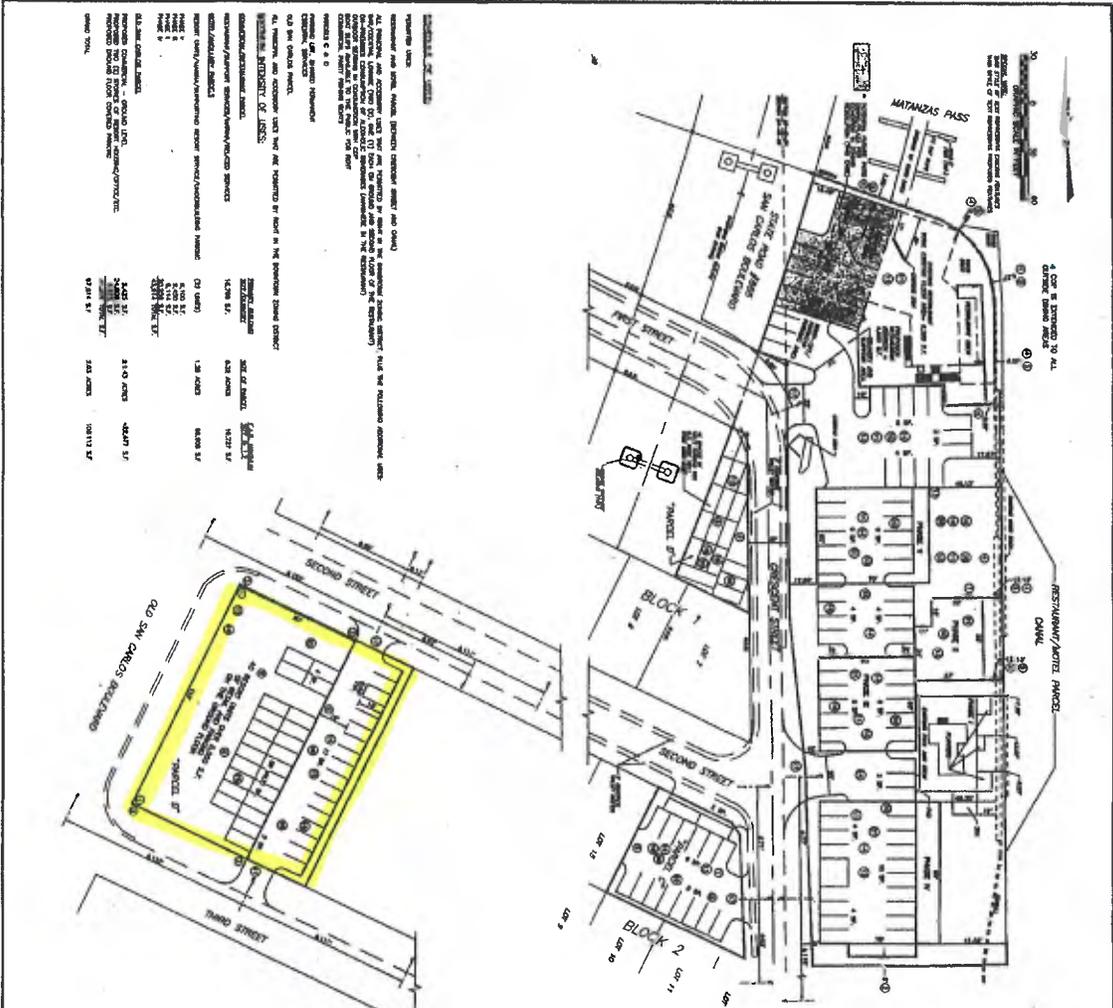
Very truly yours,

ROETZEL & ANDRESS, LPA



Beverly Grady

BG/ro
Enclosures
-Exhibit A-Master Concept Plan
-Exhibit B-Schedule of Uses
-Exhibit C-Table 34-1, Uses in Downtown



DEVELOPER'S NOTES:

1. The site is located on the east side of Lee Street, between Second Street and Matanzas Pass. The site is bounded by Lee Street to the north, Second Street to the west, Matanzas Pass to the east, and Lee Street to the south.
2. The site is currently vacant and is being developed for residential use. The development consists of a multi-story building with a parking garage.
3. The site is zoned R-10 (Residential Medium Density). The proposed development is consistent with the zoning requirements.
4. The site is located in a flood plain area. The proposed development is designed to be elevated above the flood plain.
5. The site is located in a historic district. The proposed development is designed to be sensitive to the historic character of the area.
6. The site is located in a transit corridor. The proposed development is designed to be accessible to public transit.
7. The site is located in a high-growth area. The proposed development is designed to be consistent with the growth strategy of the city.
8. The site is located in a high-density area. The proposed development is designed to be consistent with the high-density strategy of the city.
9. The site is located in a high-quality area. The proposed development is designed to be consistent with the high-quality strategy of the city.
10. The site is located in a high-value area. The proposed development is designed to be consistent with the high-value strategy of the city.

APPROVED:
 [Signature]
 [Name]
 [Title]

<p>Carleton Ryffel, AICP LAND PLANNING & ZONING CONSULTANT 100 CENCO REALTY BLVD, SUITE 100, FORT MYERS BEACH, FL 33931 PHONE (813) 483-2829</p>	<p>PROJECT NO. 3374 (02-41)</p>	<p>DATE: SEPTEMBER 4, 2003</p>	<p>SCALE: 1" = 30'</p>	<p>PRINTED: DEC 03 2003</p>	<p>REVISIONS PER TOWN OF FORT MYERS BEACH - 12/03/2003 REVISIONS PER TOWN OF FORT MYERS BEACH - 10/21/2003 STATUS</p>
	<p>MATANZAS INN REDEVELOPMENT SECTION 19, T 46S, R 24E, LEE COUNTY, FLORIDA</p>			<p>SHEET 1 OF 1</p>	<p>19-46-24</p>

- a. Guest units are limited to a total of 32 units, guest unit size not to exceed a maximum area of 1,500 square feet, not to exceed an average of 1,350 square feet, and not to exceed a total floor area for guest units of 43,200 square feet.
- b. Restaurant, Bar/Cocktail lounge, and associated Outdoor seating combined must not exceed a total floor area of ~~20,000~~ 16,700 square feet.

PARCEL "B" ("Old San Carlos" Parcel)

All principal and accessory uses permitted in the DOWNTOWN zoning district.

Note: The above uses are limited to a maximum of 36,900 square feet, but only if the FAR for the entire project does not exceed 1.2.

PARCELS "C" AND "D" ("Shell Shop" and "Triangle" Parcels)

Essential services

Parking lot, shared permanent

3. This zoning approval does not address the mitigation of the project's vehicular or pedestrian traffic impacts. A Traffic Impact Statement (TIS) will be required at time of local development order and additional conditions may be required at that time.
4. A driveway access from Third Street into the parking lot of the Old San Carlos/Second Street parcel must be provided at time of local development order.
5. Not less than fifteen (15) working days prior to public hearing of this planned development before Town Council, the applicant must revise the MCP for this planned development to indicate and dimension (as necessary) the requested deviations on the MCP in accordance with the numbering scheme and provisions of this Report, to clarify which deviations are requested at which locations.
6. Not less than fifteen (15) working days prior to public hearing of this planned development before Town Council, the applicant will provide staff with architectural elevation drawings as required by LDC Sections 34-212 and 34-202(b)(5) and request any deviations necessary from the commercial design standards in LDC Sections 34-991 through 34-1010 in accordance with LDC Section 34-932(b).
7. Prior to seeking building permits for development on the "Motel and Restaurant Site" Parcel, the developer must combine the existing platted lots in the "Motel and Restaurant Site" Parcel, into one lot of record, the existing platted lots in Parcel "B" ("Old San Carlos" Parcel) into one lot of record, and the existing platted lots in Parcel "C" ("Shell Shop" Parcel) into one lot of record as part of the local development order for any development on the "Motel and Restaurant Site" Parcel portion of this CPD project.
8. Prior to seeking building permits for development on Parcel "B", the developer must combine the existing platted lots into one lot of record as part of the local development order for that portion of this CPD project.

Table 34-1, Land Uses Assigned to Use Groups and Sub-Groups (p. 1 of 2)

	<i>Residential</i>		<i>Lodging</i>		<i>Office</i>	
Restricted Ⓜ	Community residential home	P	Rental of any permitted dwelling unit to a single family during any one-month period, with a minimum stay of one week (see §§ 34-2391-2410 for rules and exceptions)	P		
	Dwelling unit, single-family	P				
	Home care facility	P				
	AS ACCESSORY USES:		AS ACCESSORY USES:		AS ACCESSORY USES:	
	Accessory apartment (1) (see § 34-1177)	SE			Home occupation (no outside help)	P
	Accessory apartment (see § 34-1178)	EO			Home occupation (with outside help)	A
	Residential accessory uses	P				
Temporary mobile home (§ 34-3046)	TP					
Limited (plus R uses) Ⓜ	Dwelling unit: two-family (1) live/work (see § 34-1773)	P SE	Rental of any permitted dwelling unit to a single family for periods of one week or longer (see §§ 34-2391-2410 for rules)	P		
	Mobile home or RV park (VILLAGE district only, as restricted in § 34-694)	EO	Bed-and-breakfast inn (see § 34-1801)	SE		
	AS ACCESSORY USES:		AS ACCESSORY USES:		AS ACCESSORY USES:	
	Accessory apartment (1) (see § 34-1177)	P	On-premises consumption of alcoholic beverages (see division 5 of article IV)	AA/ SE	Administrative office	P
Open (plus R & L uses) Ⓜ	Assisted living facility (see § 34-1411)	P	Bed-and-breakfast inn (see § 34-1801)	P	Automobile rental	SE
	Dwelling unit: multiple-family live/work (see § 34-1773)	P P	Hotel/motel (see § 34-1801)	P	Health care facility	P
	Rooming house	P	Rental of any permitted dwelling unit for periods of one day or longer	P	Offices, general or medical	P
	Timeshare units (provided these units qualify as dwelling units and meet residential density levels in § 34-632)	P	Resorts	P	Personal services	P
	AS ACCESSORY USES:		Timeshare units	P	Wholesale establishment	SE
	Golf course	EO	AS ACCESSORY USES:		AS ACCESSORY USES:	
	Recreation facility: private on-site	P	Resort accessory uses	P	Commercial accessory uses	P
	private off-site	SE	Personal services	P	Drive-through, Type 1 (2)	P
	Subordinate commercial uses (see § 34-3021)	P	Subordinate commercial uses (see § 34-3021)	P	Subordinate commercial uses (see § 34-3021)	P

(1) Provided density complies with the Fort Myers Beach Comprehensive Plan (see § 34-632).
 (2) Automobile fuel pumps and all drive-throughs (whether Type 1 or Type 2) cannot be constructed within the outer perimeter of the DOWNTOWN zoning district except as provided in § 34-676(f), whether the subject property is classified in the DOWNTOWN zone or in a Commercial Planned Development zone. See also § 34-620(g)(1) regarding the prohibition on restaurant drive-throughs.

Table 34-1, Land Uses Assigned to Use Groups and Sub-Groups (p. 2 of 2)

	<i>Retail</i>	<i>Marine</i>	<i>Civic</i>	
Restricted Ⓜ	AS ACCESSORY USES:	AS ACCESSORY USES:	AS ACCESSORY USES:	Restricted Ⓜ
	ATM P	Dock (for sole use by occupants of principal use) P	Family day care home P	
Limited (plus R uses) Ⓟ	Dwelling unit: work/live (see § 34-1774) SE	Dock (for use by water taxi or water shuttle) P	Communication tower (see § 34-1441-1550) SE	Limited (plus R uses) Ⓟ
	Membership organization SE	Marina EO/SE	Day care center, adult or child SE	
	Recreation facilities, commercial SE	Parasailing operations office SE	Essential service building (see § 34-1612(b)) SE	
	Parking lot, seasonal (see § 34-2022) TP	Personal watercraft operations office SE	Essential service equipment P	
	Temporary uses (see §§ 34-3041-3050) SE	Rental of beach furniture P	Recreation facility: private off-site SE public P	
AS ACCESSORY USES:	AS ACCESSORY USES:	AS ACCESSORY USES:		
On-premises consumption of alcoholic beverages (see §§ 34-1261-1290) AA/SE	Dwelling unit, caretaker P Dock (may be leased to non-occupants of principal use) P	Dwelling unit, caretaker P Restaurant, accessory to private rec. facilities only SE		
Open (plus R & L uses) Ⓞ	Automobile repair SE	Boat dealer P	Cultural facility SE	Open (plus R & L uses) Ⓞ
	Bar or cocktail lounge AA/SE	Marina P	Day care center, adult or child P	
	Car wash SE		Park, community or regional P	
	Dwelling unit: work/live (see § 34-1774) P		Parking lot, shared permanent SE	
	Laundromat P		Place of worship P	
	Mini-warehouse SE		Religious facility SE	
	Parking lot, shared permanent (34-2015(2)b.) SE		School (see § 34-2381-2383) P	
	Personal services P		Theater SE	
	Restaurant (2) P			
	Retail store, small P			
	Retail store, large SE			
AS ACCESSORY USES:	AS ACCESSORY USES:	AS ACCESSORY USES:		
Commercial accessory uses P	Marina accessory uses P	Helistop SE		
Drive-through: (2) Type 1 P Type 2 SE		Restaurant, accessory only to public recreation facilities P		
Automobile fuel pumps (2) SE		Subordinate commercial uses (see § 34-3021) P		

(2) Automobile fuel pumps and all drive-throughs (whether Type 1 or Type 2) cannot be constructed within the outer perimeter of the DOWNTOWN zoning district except as provided in § 34-676(f), whether the subject property is classified in the DOWNTOWN zone or in a Commercial Planned Development zone. See also § 34-620(g)(1) regarding the prohibition on restaurant drive-throughs.



Town of Fort Myers Beach

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

July 1, 2013

Beverly Grady, Esq.
Roetzel & Andress
2320 First Suite Street 1000
Fort Myers, FL33901

**Re: REZ2013-0001
440 Old San Carlos Blvd
Houseboat, LLC**

Dear: Ms. Grady,

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

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

Sincerely,

Leslee Dulmer
Zoning Coordinator
Town of Fort Myers Beach
Community Development

Town of Fort Myers Beach

Community Development

2523 Estero Blvd Fort Myers Beach, Florida 33931

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

ZONING REVIEW – Leslee Chapman

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

Please provide an analysis of the current schedule of uses and how the proposed rezoning to Downtown will change the allowable uses. Please reference Land Development Code (LDC) Section 34-621 and Table 34-1. Does the current Commercial Planned Development allow uses that the Downtown district does not permit?

Will approval of the rezoning from Commercial Planned Development to Downtown create any non-conformities?

Do the existing structure(s) on the subject properties comply with the commercial design standards, see LDC Section 34-991 or will they be considered existing non-conforming? Please provide descriptions, narratives, photos or other details to demonstrate compliance.

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

Leslee Dulmer

Zoning Coordinator

239-765-0202 ext 105



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for PUBLIC HEARING

This is a two part application. Please be sure to fill out this form, which requires general information, as well as the Supplemental Form application specific to action requested for the subject property. Please submit *one ORIGINAL paper copy, eleven (11) copies and one digital/electronic copy* of all required applications, supplemental information, exhibits and documents. Please do not print and copy the instructions at the end of the application.

PROJECT NUMBER: REZ2013-0001 DATE: 4/24/13

Site Address: 420, 430 and 440 Old San Carlos Boulevard; 1010 Second Street

STRAP Number: 24-46-23-W3-00202.0010; 0020; 0030; 24-46-23-W3-00202.0190

Applicant: Houseboat, LLC Phone: 239-338-4207

Contact Name: Beverly Grady, Esq. Phone: 239-338-4207

Email: bgrady@ralaw.com Fax: 239-337-0970

Current Zoning District: Commercial Planned Development

Future Land Use Map (FLUM) Category: Pedestrian Commercial

FLUM Density Range: 6 DUPA Platted Overlay: YES NO

ACTION REQUESTED

SUPPLEMENTAL FORM REQUIRED

- | | |
|---|--------------------------|
| <input type="checkbox"/> Special Exception | PH-A |
| <input type="checkbox"/> Variance | PH-B |
| <input checked="" type="checkbox"/> Conventional Rezoning | PH-C |
| <input type="checkbox"/> Planned Development <input type="checkbox"/> Commercial <input type="checkbox"/> Residential | PH-D |
| <input type="checkbox"/> Master Concept Plan Extension | PH-E |
| <input type="checkbox"/> Appeal of Administrative Action | PH-F |
| <input type="checkbox"/> Vacation of Platted Right-of-way and Easement | PH-G |
| <input type="checkbox"/> Other – cite LDC Section: _____ | attach on separate sheet |

PART I - General Information

A. Applicant*: Houseboat LLC Phone: 239-338-4207

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner. Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

Applicant Mailing Address: c/o 2320 First Street Suite 1000

Email: bgrady@ralaw.com Fax: 239-337-0970

Contact Name: Beverly Grady Phone: 239-338-4207

B. Relationship of Applicant to subject property:

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Owner* | <input type="checkbox"/> Land Trust* | <input type="checkbox"/> Partnership* |
| <input type="checkbox"/> Corporation* | <input type="checkbox"/> Association* | <input type="checkbox"/> Condominium* |
| <input type="checkbox"/> Subdivision* | <input type="checkbox"/> Timeshare Condo* | <input type="checkbox"/> Contract Purchaser* |
| <input type="checkbox"/> Authorized Representative* | <input type="checkbox"/> Other* (please indicate) _____ | |

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner. Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

C. Authorized Agent(s). Please list the name of Agent authorized to receive correspondence Agents

Name: Roetzel & Andress (Beverly Grady) Phone: 239-338-4207

Address: 2320 First Street Suite 1000, Ft. Myers, FL 33901

Email: bgrady@ralaw.com Fax: 239-337-0970

D. Other Agent(s). Please list the names of all Authorized Agents (attach extra sheets if necessary)

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

PART II - Nature of Request

Requested Action (each request requires a separate application)

- Special Exception
- Variance from LDC Section _____ - _____
- Conventional Rezoning from CPD _____ to Downtown _____
- Planned Development
 - Rezoning from _____ to Commercial PD Residential PD
 - Amendment. List the project number: _____
 - Extension/reinstatement of Master Concept Plan. List project number: _____
- Appeal of Administrative Action
- Vacation Right-of-Way Easement
- Other. Please Explain: _____

PART III - Waivers

Please indicate any specific submittal items that have been waived by the Director for the request. Attach a copy of the signed approval as Exhibit 3-1. (Use additional sheets if necessary)

- Code Section: _____ Description: _____
- Code Section: _____ Description: _____
- Code Section: _____ Description: _____

PART IV - Property Ownership

- Single Owner (individual or husband and wife)
 - Name: _____ Phone: _____
 - Mailing Address: _____
 - Email: _____ Fax: _____

Multiple Owners (including corporation, partnership, trust, association, condominium, timeshare, or subdivision)

- Complete Disclosure of Interest Form (see below)
- Attach list of property owners as Exhibit 4-1
- Attach map showing property owners interests as Exhibit 4-2 (for multiple parcels)
- For condominiums and timeshares see Explanatory Notes Part IV (Page 11)

DISCLOSURE OF OWNERSHIP INTEREST

STRAP: 24-46-23-W3-00202.0010; 0020; 0030; 24-46-23-W3-00202.0190

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 Ownership
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

Name, Address and Office	Percentage of Stock
_____	_____
Houseboat LLC	_____
_____	_____
John W. Richard, Manager	100%
_____	_____
_____	_____
_____	_____

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
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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, Address and Office	Percentage of Stock
_____	_____
_____	_____
_____	_____
_____	_____

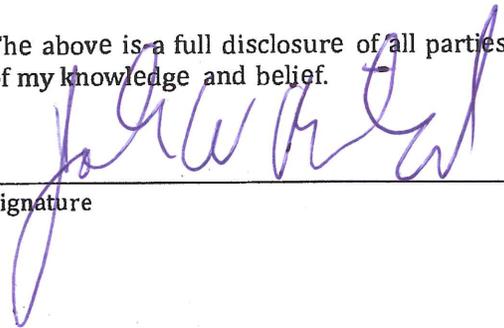
Date of Contract: _____

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

Name	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 certificate of compliance, a supplemental disclosure of interest must be filed.

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



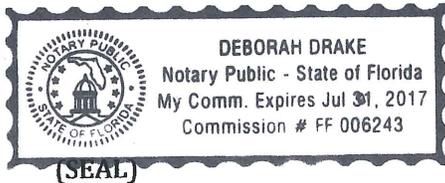
 Signature

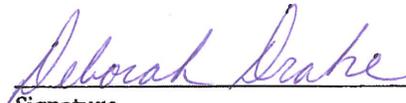
JOHN W RICHARD

 Printed Name
 John W. Richard, Manager
 of Houseboat LLC

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 4-23-13 (date) by John W. Richard, as Manager (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.





 Signature

DEBORAH DRAKE

 Printed Name

PART V - Property Information

A. Legal Description:

STRAP: 24-46-23-W3-00202.0010; 0020; 0030; 24-46-23-W3-00202.0190

Property Address: 420, 430 and 440 Old San Carlos Boulevard; 1010 Second Street

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee County? No. Attach a legible copy of the legal description as Exhibit 5-1.

Yes. Property identified in subdivision: _____

Book: _____ Page: _____ Unit: _____ Block: _____ Lot(s): _____

B. Boundary Survey:

Attach a Boundary Survey of the property meeting the minimum standards of Chapter 61G17-6 of the Florida Administrative Code. A Boundary Survey must bear the raised seal and original signature of a Professional Surveyor and Mapper licensed to practice Surveying and Mapping by the State of Florida. Attach and label as Exhibit 5-2.

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 154 feet

Depth (please provide an average width if irregular in shape) 120 feet

Frontage on street: 120' - 2nd Street* feet. Frontage on waterbody: _____ feet

Total land area: 18,456 acres square feet

*154' - Old San Carlos Blvd.
120' - 3rd Street

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

Go over the Sky Bridge, turn right on Estero Blvd., turn right on Old San Carlos; property is on the right
between 2nd and 3rd Street

Attach Area Location Map as Exhibit 5-3

E. Property Restrictions (check applicable):

There are no deed restrictions and/or covenants on the subject property.

A list of deed restrictions and/or covenants affecting the subject property is attached as Exhibit 5-4.

A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 5-5.

F. Surrounding Property Owners (these items can be obtained from the Lee County Property Appraiser):

- Attach a list of surrounding property owners within 500 feet as Exhibit 5-6.
- Attach a map showing the surrounding property owners as Exhibit 5-7.
- Provide Staff with two (2) sets of surrounding property owner mailing labels.

G. Future Land Use Category (see 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"/> Platted Overlay |

H. Zoning (see official Zoning Map):

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

PART VII

AFFIDAVIT

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 (name), as Manager (title) of Houseboat LLC (company), 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 County 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 have authorized the staff of 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.

Houseboat LLC
Name of Entity (corporation, partnership, LLP, LLC, etc)

Signature

John W. Richard

Typed or Printed Name

Manager

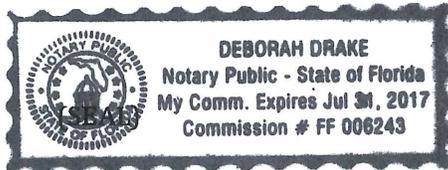
Title

Date

4-23-2013

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 4-23-2013 (date) by JOHN W RICHARD (name of person providing oath or affirmation), who is personally known to me or who has produced (type of identification) as identification.



Deborah Drake (Signature)

Signature

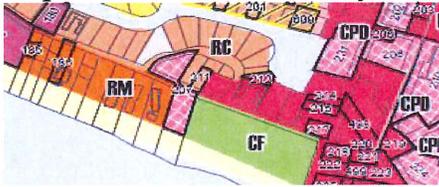
DEBORAH DRAKE (Printed Name)

Printed Name

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

Town of Fort Myers Beach
Department of Community Development



Zoning Division

Supplement PH-C

**Additional Required Information for a
Conventional Rezoning Application**

This is the second part of a two-part application. This part requests specific information for a conventional rezoning. Include this form with the Request for Public Hearing form.

Case Number:
Project Name: MATANZAS TO DOWNTOWN
Authorized Applicant: Houseboat LLC
LeePA STRAP Number:

Current Property Status:
Current Zoning: CPD
Future Land Use Map (FLUM) Category: Pedestrian commercial
Comp Plan Density: _____ Platted Overlay? ___ Yes ___ <input checked="" type="checkbox"/> No

Conventional rezoning:

From CPD _____ (current zoning)
to Downtown _____ (requested zoning)

Any additional simultaneous zoning actions can be requested using the same Application for Public Hearing form, but must include all parts of the required supplemental forms and documentation, and include the fees for each request.

EXHIBIT A
NARRATIVE STATEMENT
GUIDELINES FOR DECISION-MAKING
AND LDC SECTION 34-85

This is a request to rezone a parcel from Commercial Planned Development (CPD) to Downtown. The Subject Property is a parcel located at 420, 430 and 440 Old San Carlos Boulevard, and 1010 Second Street, which is 18,456 square feet bounded on the north by Second Street, on the west by Old San Carlos Boulevard and on the south by Third Street. It is currently part of a CPD hereinafter referred to as Matanzas CPD but the Subject Property is not contiguous or adjacent to the remainder of the Matanzas CPD.

The Subject Property is located in the heart of the Downtown Core Area. The vision for Old San Carlos Boulevard is set forth in the Core Area Vision Plan as described in the Fort Myers Beach Comprehensive Plan on page 3-5 as:

“An active pedestrian-friendly “Main Street” linking Times Square and the marina on the Bay side. The street is framed with refurbished and new buildings designed to flood regulations with stores on the ground level. On-street parking is available. Continuous tree-lined sidewalks and safe intersections promote pedestrian safety and comfort. The corner at Third Street has become as a focal point midway between Times Square and the Bay side, with “corner stores” providing a variety of goods and services.”

The Subject Property is located at this “focal point” described in the Core Area Vision. The new policies for commercial development are set forth in the Future Land Use Element and they clarify that the plan for the “Times Square Area” (including Old San Carlos) has withstood intense public scrutiny and is a sound basis for the town’s continuing policy there, especially the incremental redevelopment of existing buildings... (See Page 4-28).

The Comprehensive Plan designates the Core Area including that area which is Pedestrian Commercial and defined in Policy 4-B-6 as follows:

“A primarily commercial district applied to the intense activity centers of Times Square (including Old San Carlos and nearby

portions of Estero Boulevard)... 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... Non-residential uses... now comprise 58.9% of the land in this category and this percentage shall not exceed 90%.." (emphasis supplied)

The Subject Property is designated Pedestrian Commercial pursuant to the Future Land Use Map (FLUM) adopted at the same time as the original Comprehensive Plan. Objective 4-C requires that the Future Land Use Map be interpreted in accordance with the policies set forth under objective 4-C. Policy 4-C Commercial Intensity provides that

"Standards in the Land Development Code will encourage more intense commercial uses only in the 'Pedestrian Commercial' category.... The Land Development Code may allow floor area ratios in the 'Pedestrian Commercial' category as high as 2.5..." (emphasis supplied)

Policy 4-C-3 designates Commercial Locations and provides in subsection ii that:

"Where new or expanded commercial uses are encouraged, as in the "Pedestrian Commercial" category, the Land Development Code shall specify its permitted form and extent and provide a streamlined approval process." (emphasis supplied)

The original Comprehensive Plan and Future Land Use Map became effective January 1, 1999 and created the Pedestrian Commercial Land Use category. Thereafter, the Land Development Code was prepared and adopted including Chapter 34 zoning and a zoning map with new zoning districts which rezoned the entire town legislatively.

Comprehensive Plan Policy 4-F-2 sets forth specific redevelopment plans which are anticipated for three specific areas to include Times Square. The Estero Island CRA's plan for Times Square area includes Old San Carlos Boulevard as part of Times Square. Specifically in Policy 4-F-2-ii it states that Times Square redevelopment plan is described in the Community Design Element Policies 3-D-1 through 3-D-13. Policy 3-D-4-iv specifically requires that the town promote the function of Old San Carlos as a pedestrian spine linking Times Square and the marina by implementing public sidewalks and major crosswalks designed to work in conjunction with arcades and plazas located on private property. Throughout the policies for revitalization of Times Square it includes policies regarding development along old San Carlos. Properties located in the Core Area in the Times Square/Old San Carlos location were rezoned legislatively

to Downtown zoning except for the Commercial Planned Developments as the CPDs were vested within the Pedestrian Commercial category prior to creation of a Downtown District. The Comprehensive Plan is clear that the most intense zoning category is only appropriate within the Pedestrian Commercial designation. The Town of Fort Myers Beach created new zoning districts and adopted a new zoning map in 2003-2004.

In addition, planned developments contain severe restrictions and to retain the zoning classification requires that development orders for certain percentages or phases be obtained within certain time limits and the effect of not meeting those time limits is the loss of an approved Master Concept Plan (MCP). A vacated MCP means that no development can take place except through the public hearing zoning process.

The changing condition that makes this zoning appropriate is that the Town of Fort Myers Beach did not have the Downtown District zoning available at the time the Subject Property was rezoned to CPD. The Matanzas CPD was approved in 1995 by Resolution Z-95-074 and amended by Resolution 99-05 in 1999 and by Resolution 03-35 in 2003. Therefore, it is appropriate to request Downtown zoning on an isolated parcel. This parcel is disconnected from the remainder of the Mantanzas CPD and is now under separate ownership. There is no unified development possible with the parent CPD.

The proposed change is consistent with the Comprehensive Plan and the intent of LDC Chapter 34. The designation of the Downtown zoning district is consistent with the goals, objectives, policies and densities and intensities and general uses set forth in the Fort Myers Beach Comprehensive Plan. All urban services are currently available on Old San Carlos Boulevard. The rezoning to Downtown will have no impact on environmentally critical areas or natural resources and is consistent with existing and planned uses. The rezoning to the Downtown district places no undue burden on existing transportation or other services and facilities and will continue to be served by streets with capacity to carry the traffic generated by the development.

It is respectfully requested that staff recommend approval of this rezoning for Downtown as being consistent with the Comprehensive Plan and the Land Development Code in the Town of Fort Myers Beach and process this request in a streamlined manner as required by the Comprehensive Plan.



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: 4/17/2013 4:16:41 PM
Buffer Distance: 500 ft
Parcels Affected: 105
Subject Parcels: 24-46-23-W3-00202.0010

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION
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
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
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
FREELAND GEORGE T 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
KIRIC INVESTMENTS INC 1522 PARK RD WAYNESBORO, VA 22980	24-46-23-W3-00026.0030 441/445 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
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 SE 1/4 DESC OR 1656/ 2886+MATANZAS VIEW BLK B PB9/40 PT LT 21 + SUB LAND
SALVATORI LEO J TR 9132 STRADA PL 4TH FLR NAPLES, FL 34108	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
SALVATORI LEO J TR 9132 STRADA PL 4TH FLR NAPLES, FL 34108	24-46-23-W3-00201.0070 1047/1049 SECOND ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.1 PB9 PG 9 LOT 7 LESS R/W OR 2364/2893
HOUSEBOAT LLC 237 OLD SAN CARLOS BLVD 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
HOUSEBOAT LLC 237 OLD SAN CARLOS BLVD 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
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
HOUSEBOAT LLC 237 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	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
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
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 OR 2325/0292
SALVATORI LEO J TR 9132 STRADA PL 4TH FLR NAPLES, FL 34108	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

All data is current at time of printing and subject to change without notice. THE INFORMATION CONTAINED IN THIS REPORT IS GOVERNED BY FLORIDA STATUTE 119.071 (GENERAL EXEMPTIONS FROM INSPECTION OR COPYING OF PUBLIC RECORDS).

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION
PIERHOUSE-FT MYERS BEACH LTD 1000 ESTERO BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-00202.0180 1030 SECOND ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.2 PB 9 PG 9 LOT 18
HOUSEBOAT LLC 237 OLD SAN CARLOS BLVD 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
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
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
LIGHTHOUSE ISLAND RESORT INC 1051 5TH 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
LIGHTHOUSE ISLAND RESORT INC 1051 5TH 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
LIGHTHOUSE ISLAND RESORT INC 1051 5TH ST FORT MYERS BEACH, FL 33931	24-46-23-W3-00203.014A 1067 FOURTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.3 PB9/9 LT 14 LESS PAR 3.014B R/W (OR2297/0492)
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
LIGHTHOUSE ISLAND RESORT INC 1051 5TH 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
STINGRAYS RAW BAR INC 250 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	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
HOLLAND DENNIS TR 3933 MAALAEA BAY PL WAILUKU, HI 96793	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
LIGHTHOUSE ISLAND RESORT INC 1051 5TH 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
FREEMAN WILLIAM T + COLLEEN C 15341 KILBIRNIE DR FORT MYERS, FL 33912	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
FREEMAN WILLIAM T + COLLEEN C 15341 KILBIRNIE DR FORT MYERS, FL 33912	24-46-23-W3-0030A.0020 939 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOT 2
GARDNER JOHN JOSEPH + MARSHA J 919 NORTH ST APT A 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
TURTURRO RACHEL 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
HORN GWEN 923 THIRD ST APT A FORT MYERS BEACH, FL 33931	24-46-23-W3-0030A.0050 923 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOT 5
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
GOMPEL MARIAN D EST 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
GERMAIN BRUCE K 901 LODI ST SYRACUSE, NY 13203	24-46-23-W3-0030A.0090 430 BONITA ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOT 9

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(GENERAL EXEMPTIONS FROM INSPECTION OR COPYING OF PUBLIC RECORDS).

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION
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
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
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-0030B.0010 940 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.B PB 9 PG 40 LOT 1
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
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
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
FOSTER STEPHEN ALLEN 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
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-0050A.0010 343 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOTS 1 + 2
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
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
MACMILLAN RAYMOND B + LORRAINE 52264 RANGE ROAD 232 SHERWOOD PARK, AB T8B 1B8 CANADA	19-46-24-W4-0150D.0230 259 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 23 + VAC R/W + LAND ADJ CANAL
DMK INDUSTRIAL LLC 15775 PINE RIDGE RD FORT MYERS, FL 33908	19-46-24-W4-0150D.0240 265 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 24 + VAC R/W + LAND ADJ CANAL
FOGARTY EDWARD R + LORRAINE 271 PRIMO DR FORT MYERS BEACH, FL 33931	19-46-24-W4-0150D.0250 271 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 25 + S 46FT LT 26 + VAC R/W +
KOLAR THOMAS F + MELINDA D 277 PRIMO DR FORT MYERS BEACH, FL 33931	19-46-24-W4-0150D.0260 277 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLD D PB 4 PG 46 LT 26 LESS S 46 FT + VAC R/W + LAND ADJ
GRANT JOE H 320 CRESCENT ST FORT MYERS BEACH, FL 33931	19-46-24-W4-0150E.014B 320 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 W 60 FT LT 14 + LT 15 + VAC R/W + ADJ LESS R/W DESC IN OR 2363/1290
LIGHTHOUSE ISLAND RESORT INC 1051 5TH ST FORT MYERS BEACH, FL 33931	19-46-24-W4-0150E.016A 332 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LOT16+VAC R/W +LAND ADJ CANAL
REICH EUGENE E + DORIS F TR 340 CRESCENT ST FORT MYERS BEACH, FL 33931	19-46-24-W4-0150E.0170 340 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PK ADD BLK E PB 4/46 LT 17 + S 20 FT OF LT 18 + VAC R/W LESS ROAD OR 2328/3484
BARR STANTON TR 9851 CLYDE RD FENTON, MI 48430	19-46-24-W4-0150E.0190 402/406 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 N 30 FT LOTS 18 + 19 + S 30 FT LOT 20 LESS R/W 2353/3036 LESS R/W OR 2370/0201
SALVATORI LEO J TR 9132 STRADA PL 4TH FLR NAPLES, FL 34108	19-46-24-W4-0150E.0210 414/416 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADDN BLK E PB4/46 PT LTS 20THRU25LT 26 LES R/W OR 2353 PG 3036 + OR 3189 PG 3751
SALVATORI LEO J TR 9132 STRADA PL 4TH FLR NAPLES, FL 34108	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

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OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION
TOWN OF FORT MYERS BEACH PO BOX 3077 FORT MYERS BEACH, FL 33932	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
HARBOUR HOUSE AT THE INN	24-46-23-W3-04200.00CE 450 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN DESC IN INST #2010000012068 COMMON ELEMENT
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
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
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
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
MARINA VILLAGE AT SNUG HARBOR 645 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	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)
OBERG JAMES A + AMANDA A 13967 78TH ST NE HOOPLE, ND 58243	24-46-23-W3-04200.0201 450 OLD SAN CARLOS BLVD 201 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 201
OBERG JAMES A + AMANDA A 13967 78TH ST NE HOOPLE, ND 58243	24-46-23-W3-04200.0202 450 OLD SAN CARLOS BLVD 202 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 202
OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.0203 450 OLD SAN CARLOS BLVD 203 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 203
OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.0204 450 OLD SAN CARLOS BLVD 204 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 204
GHANEM GEORGE + ROSE 12891 TERABELLA WAY FORT MYERS, FL 33912	24-46-23-W3-04200.0205 450 OLD SAN CARLOS BLVD 205 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 205
BEASLEY MARK E + JULIE A 6872 DABNEY ST FORT MYERS, FL 33966	24-46-23-W3-04200.0206 450 OLD SAN CARLOS BLVD 206 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 206
GEZZER GEORGE M 5520 BRIAR LN WHITEHALL, PA 18052	24-46-23-W3-04200.0207 450 OLD SAN CARLOS BLVD 207 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 207
WILHELM THOMAS D + LYNNE E N 1303 PALISADES DR APPLETON, WI 54915	24-46-23-W3-04200.0208 450 OLD SAN CARLOS BLVD 208 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 208
ADVANTAIRA TRUST LLC 4753 ESTERO BLVD #1103 FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.0209 450 OLD SAN CARLOS BLVD 209 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 209
MOORE BOB D 128 FRONT ST RIPLEY, OH 45167	24-46-23-W3-04200.0210 450 OLD SAN CARLOS BLVD 210 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 210
SAWYER RICHARD R TR 8401 ESTERO BLVD #401 FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.0211 450 OLD SAN CARLOS BLVD 211 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 211
E + L HOMES LLC 1528 WINCHELL CT EAST LANSING, MI 48823	24-46-23-W3-04200.0212 450 OLD SAN CARLOS BLVD 212 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 212
OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.0213 450 OLD SAN CARLOS BLVD 213 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 213

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OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.0214 450 OLD SAN CARLOS BLVD 214 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 214
SERRA LUIGI 26 SEQUOIA RD WOODBIDGE, ON L4H 1W6 CANADA	24-46-23-W3-04200.0215 450 OLD SAN CARLOS BLVD 215 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 215
OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.0216 450 OLD SAN CARLOS BLVD 216 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 216
OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.0217 450 OLD SAN CARLOS BLVD 217 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 217
PROVENZANO FRANK R + KELLY L 2725 LOMBARDY CRES LASALLE, ON N9H 2L8 CANADA	24-46-23-W3-04200.0301 450 OLD SAN CARLOS BLVD 301 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 301
SOLANS ENRIC + ANTOINETTE 1821 BOULDER DR MOUNT PROSPECT, IL 60056	24-46-23-W3-04200.0302 450 OLD SAN CARLOS BLVD 302 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 302
SOLER JOHN H + SANDRA G 2363 WOODLAND DR ALLENTOWN, PA 18103	24-46-23-W3-04200.0303 450 OLD SAN CARLOS BLVD 303 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 303
HOWARD GREGORY A PO BOX 44650 DETROIT, MI 48244	24-46-23-W3-04200.0304 450 OLD SAN CARLOS BLVD 304 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 304
KNISELY JAMES E + DEBRA M 3501 UNIVERSITY DR NE NEW PHILADELPHIA, OH 44663	24-46-23-W3-04200.0305 450 OLD SAN CARLOS BLVD 305 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 305
ADVANTAIRA TRUST LLC 914 MONTICELLO DR NAPERVILLE, IL 60563	24-46-23-W3-04200.0306 450 OLD SAN CARLOS BLVD 306 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 306
WHALLEY CHERYL M PO BOX 65 ARVA, ON N0M 1C0 CANADA	24-46-23-W3-04200.0307 450 OLD SAN CARLOS BLVD 307 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 307
POTLATCH DEVELOPMENTS LLC 131 GULF ISLAND DR FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.0308 450 OLD SAN CARLOS BLVD 308 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 308
OBERG JAMES + AMANDA 13967 78TH ST NE HOOPLE, ND 58243	24-46-23-W3-04200.0309 450 OLD SAN CARLOS BLVD 309 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 309
JAMIESON JAMES J + SHARON R 131 GULF ISLAND DR FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.0310 450 OLD SAN CARLOS BLVD 310 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 310
CAMPBELL GORDON + PAULETTE 311 CAVENDISH DR ANCASTER, ON L9G 3Z1 CANADA	24-46-23-W3-04200.0311 450 OLD SAN CARLOS BLVD 311 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 311
FRASCHETTI EDWARD TR 4358 KINGS FOREST BLVD RICHFIELD, OH 44286	24-46-23-W3-04200.0312 450 OLD SAN CARLOS BLVD 312 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 312
IMPACT USA INC 19540 PROGRESS DR STRONGSVILLE, OH 44149	24-46-23-W3-04200.0313 450 OLD SAN CARLOS BLVD 313 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 313
IMPACT USA INC 19540 PROGRESS DR STRONGSVILLE, OH 44149	24-46-23-W3-04200.0314 450 OLD SAN CARLOS BLVD 314 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 314
FRASCHETTI EDWARD TR 4358 KINGS FOREST BLVD RICHFIELD, OH 44286	24-46-23-W3-04200.0315 450 OLD SAN CARLOS BLVD 315 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 315
BAHLKE WILLIAM P + ALMEDA A 201 SE 2ND AVE # 316 GAINESVILLE, FL 32601	24-46-23-W3-04200.0316 450 OLD SAN CARLOS BLVD 316 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 316

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION
CIARAMITA PETER J + LYNNE TR 6311 BALD EAGLE RD RACINE, WI 53406	24-46-23-W3-04200.0317 450 OLD SAN CARLOS BLVD 317 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 317
MILLER BRIAN 112 MILLER RD SPRING MILLS, PA 16875	24-46-23-W3-04200.0318 450 OLD SAN CARLOS BLVD 318 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 318
T + J HOMES SWFL LLC 450 OLD SAN CARLOS BLVD #G101 FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.G101 450 OLD SAN CARLOS BLVD G101 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT G101
OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.G102 450 OLD SAN CARLOS BLVD G102 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT G102
OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.G103 450 OLD SAN CARLOS BLVD G103 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT G103
OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.G104 450 OLD SAN CARLOS BLVD G104 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT G104
OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.G105 450 OLD SAN CARLOS BLVD G105 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT G105
OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.G106 450 OLD SAN CARLOS BLVD G106 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT G106
OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.G107 450 OLD SAN CARLOS BLVD G107 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT G107
OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.G108 450 OLD SAN CARLOS BLVD G108 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT G108



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: 4/19/2013 8:08:03 AM
Buffer Distance: 500 ft
Parcels Affected: 114
Subject Parcels: 24-46-23-W3-00202.0030

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>
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
HUNTINGBURG PARTNERS LTD TODD MCGEE STE 1203 5294 SUMMERLIN COMMONS WAY FORT MYERS, FL 33907	24-46-23-W3-00006.0000 1133-1155 ESTERO BLVD/FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CTR PHILLIPS PB 9 PG 9 LOTS 10 THRU 15 + OR 587/198 LESS R/W 2353/3036
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
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
FREELAND GEORGE T 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
KIRIC INVESTMENTS INC 1522 PARK RD WAYNESBORO, VA 22980	24-46-23-W3-00026.0030 441/445 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
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
SALVATORI LEO J TR 9132 STRADA PL 4TH FLR NAPLES, FL 34108	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
SALVATORI LEO J TR 9132 STRADA PL 4TH FLR NAPLES, FL 34108	24-46-23-W3-00201.0070 1047/1049 SECOND ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.1 PB9 PG 9 LOT 7 LESS R/W OR 2364/2893
HOUSEBOAT LLC 237 OLD SAN CARLOS BLVD 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
HOUSEBOAT LLC 237 OLD SAN CARLOS BLVD 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
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
HOUSEBOAT LLC 237 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	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
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
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

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SALVATORI LEO J TR 9132 STRADA PL 4TH FLR NAPLES, FL 34108	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
PIERHOUSE-FT MYERS BEACH LTD 1000 ESTERO BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-00202.0180 1030 SECOND ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.2 PB 9 PG 9 LOT 18
HOUSEBOAT LLC 237 OLD SAN CARLOS BLVD 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
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
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
LIGHTHOUSE ISLAND RESORT INC 1051 5TH 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
LIGHTHOUSE ISLAND RESORT INC 1051 5TH 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
LIGHTHOUSE ISLAND RESORT INC 1051 5TH ST FORT MYERS BEACH, FL 33931	24-46-23-W3-00203.014A 1067 FOURTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.3 PB9/9 LT 14 LESS PAR 3.014B R/W (OR2297/0492)
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
LIGHTHOUSE ISLAND RESORT INC 1051 5TH 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
STINGRAYS RAW BAR INC 250 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	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
HOLLAND DENNIS TR 3933 MAALAEA BAY PL WAILUKU, HI 96793	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
LIGHTHOUSE ISLAND RESORT INC 1051 5TH 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
HUNTINGBURG PARTNERS LTD D TODD MCGEE STE 1203 5294 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 LOT 7 + LOTS 8 + 9
FREEMAN WILLIAM T + COLLEEN C 15341 KILBIRNIE DR FORT MYERS, FL 33912	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
FREEMAN WILLIAM T + COLLEEN C 15341 KILBIRNIE DR FORT MYERS, FL 33912	24-46-23-W3-0030A.0020 939 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOT 2
GARDNER JOHN JOSEPH + MARSHA J 919 NORTH ST APT A 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
TURTURRO RACHEL 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
HORN GWEN 923 THIRD ST APT A FORT MYERS BEACH, FL 33931	24-46-23-W3-0030A.0050 923 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOT 5
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

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GOMPEL MARIAN D EST 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
GERMAIN BRUCE K 901 LODI ST SYRACUSE, NY 13203	24-46-23-W3-0030A.0090 430 BONITA ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOT 9
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
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
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-0030B.0010 940 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.B PB 9 PG 40 LOT 1
TOMAIOLIO 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
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
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
FOSTER STEPHEN ALLEN 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
TYRELL PETER 1/2 + LITTLE HEATH HOUSE SHEETHANGER LANE - FELDEN HEMEL HEMPSTEAD HP3 0BG, 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
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-0050A.0010 343 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOTS 1 + 2
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
GROSS WAYNE + 185 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	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
PURTELL JAMES F + JON R GUILLES PO BOX 2706 FORT MYERS BEACH, FL 33932	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
ARTRIP CHARLES J + BARBARA K 851 LAGOON ST FORT MYERS BEACH, FL 33931	24-46-23-W3-0050A.0340 849/851 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOT 34
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
REDENIUS RICHARD R + NANCY G 5218 WILLIAMS DR FORT MYERS BEACH, FL 33931	19-46-24-W4-0150D.0200 241/243 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4/46 LT20+ LT 21 LES N10+VAC ST+LAND ADJ
MACMILLAN RAYMOND B + LORRAINE 52264 RANGE ROAD 232 SHERWOOD PARK, AB T8B 1B8 CANADA	19-46-24-W4-0150D.0230 259 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 23 + VAC R/W + LAND ADJ CANAL
DMK INDUSTRIAL LLC 15775 PINE RIDGE RD FORT MYERS, FL 33908	19-46-24-W4-0150D.0240 265 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 24 + VAC R/W + LAND ADJ CANAL
FOGARTY EDWARD R + LORRAINE 271 PRIMO DR FORT MYERS BEACH, FL 33931	19-46-24-W4-0150D.0250 271 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 25 + S 46FT LT 26 + VAC R/W +

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KOLAR THOMAS F + MELINDA D 277 PRIMO DR FORT MYERS BEACH, FL 33931	19-46-24-W4-0150D.0260 277 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLD D PB 4 PG 46 LT 26 LESS S 46 FT + VAC R/W + LAND ADJ
GRANT JOSEPH H + DORIS M 320 CRESCENT ST FORT MYERS BEACH, FL 33931	19-46-24-W4-0150E.0130 300 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LOT13+E40 FT LT 14+VAC LES R/W OR2366/2077
GRANT JOE H 320 CRESCENT ST FORT MYERS BEACH, FL 33931	19-46-24-W4-0150E.014B 320 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 W 60 FT LT 14 + LT 15 + VAC R/W + ADJ LESS R/W DESC IN OR 2363/1290
LIGHTHOUSE ISLAND RESORT INC 1051 5TH ST FORT MYERS BEACH, FL 33931	19-46-24-W4-0150E.016A 332 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LOT16+VAC R/W +LAND ADJ CANAL
REICH EUGENE E + DORIS F TR 340 CRESCENT ST FORT MYERS BEACH, FL 33931	19-46-24-W4-0150E.0170 340 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PK ADD BLK E PB 4/46 LT 17 + S 20 FT OF LT 18 + VAC R/W LESS ROAD OR 2328/3484
BARR STANTON TR 9851 CLYDE RD FENTON, MI 48430	19-46-24-W4-0150E.0190 402/406 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 N 30 FT LOTS 18 + 19 + S 30 FT LOT 20 LESS R/W 2353/3036 LESS R/W OR 2370/0201
SALVATORI LEO J TR 9132 STRADA PL 4TH FLR NAPLES, FL 34108	19-46-24-W4-0150E.0210 414/416 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADDN BLK E PB4/46 PT LTS 20THRU25LT 26 LES R/W OR 2353 PG 3036 + OR 3189 PG 3751
TOWN OF FORT MYERS BEACH PO BOX 3077 FORT MYERS BEACH, FL 33932	24-46-23-W3-00207.1000 150 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER R/W OF CENTER STREET LYING BETWEEN BLK 7 BLK 7 PB 9 PG 9
SALVATORI LEO J TR 9132 STRADA PL 4TH FLR NAPLES, FL 34108	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
TOWN OF FORT MYERS BEACH PO BOX 3077 FORT MYERS BEACH, FL 33932	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
HARBOUR HOUSE AT THE INN ,	24-46-23-W3-04200.00CE 450 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN DESC IN INST #2010000012068 COMMON ELEMENT
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
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
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
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
MARINA VILLAGE AT SNUG HARBOR 645 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	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)
OBERG JAMES A + AMANDA A 13967 78TH ST NE HOOPLE, ND 58243	24-46-23-W3-04200.0201 450 OLD SAN CARLOS BLVD 201 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 201
OBERG JAMES A + AMANDA A 13967 78TH ST NE HOOPLE, ND 58243	24-46-23-W3-04200.0202 450 OLD SAN CARLOS BLVD 202 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 202
OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.0203 450 OLD SAN CARLOS BLVD 203 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 203

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OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.0204 450 OLD SAN CARLOS BLVD 204 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 204
GHANEM GEORGE + ROSE 12891 TERABELLA WAY FORT MYERS, FL 33912	24-46-23-W3-04200.0205 450 OLD SAN CARLOS BLVD 205 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 205
BEASLEY MARK E + JULIE A 6872 DABNEY ST FORT MYERS, FL 33966	24-46-23-W3-04200.0206 450 OLD SAN CARLOS BLVD 206 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 206
GEZZER GEORGE M 5520 BRIAR LN WHITEHALL, PA 18052	24-46-23-W3-04200.0207 450 OLD SAN CARLOS BLVD 207 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 207
WILHELM THOMAS D + LYNNE E N 1303 PALISADES DR APPLETON, WI 54915	24-46-23-W3-04200.0208 450 OLD SAN CARLOS BLVD 208 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 208
ADVANTAIRA TRUST LLC 4753 ESTERO BLVD #1103 FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.0209 450 OLD SAN CARLOS BLVD 209 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 209
MOORE BOB D 128 FRONT ST RIPLEY, OH 45167	24-46-23-W3-04200.0210 450 OLD SAN CARLOS BLVD 210 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 210
SAWYER RICHARD R TR 8401 ESTERO BLVD #401 FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.0211 450 OLD SAN CARLOS BLVD 211 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 211
E + L HOMES LLC 1528 WINCHELL CT EAST LANSING, MI 48823	24-46-23-W3-04200.0212 450 OLD SAN CARLOS BLVD 212 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 212
OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.0213 450 OLD SAN CARLOS BLVD 213 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 213
OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.0214 450 OLD SAN CARLOS BLVD 214 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 214
SERRA LUIGI 26 SEQUOIA RD WOODBIDGE, ON L4H 1W6 CANADA	24-46-23-W3-04200.0215 450 OLD SAN CARLOS BLVD 215 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 215
OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.0216 450 OLD SAN CARLOS BLVD 216 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 216
OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.0217 450 OLD SAN CARLOS BLVD 217 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 217
PROVENZANO FRANK R + KELLY L 2725 LOMBARDY CRES LASALLE, ON N9H 2L8 CANADA	24-46-23-W3-04200.0301 450 OLD SAN CARLOS BLVD 301 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 301
SOLANS ENRIC + ANTOINETTE 1821 BOULDER DR MOUNT PROSPECT, IL 60056	24-46-23-W3-04200.0302 450 OLD SAN CARLOS BLVD 302 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 302
SOLER JOHN H + SANDRA G 2363 WOODLAND DR ALLENTOWN, PA 18103	24-46-23-W3-04200.0303 450 OLD SAN CARLOS BLVD 303 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 303
HOWARD GREGORY A PO BOX 44650 DETROIT, MI 48244	24-46-23-W3-04200.0304 450 OLD SAN CARLOS BLVD 304 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 304
KNISELY JAMES E + DEBRA M 3501 UNIVERSITY DR NE NEW PHILADELPHIA, OH 44663	24-46-23-W3-04200.0305 450 OLD SAN CARLOS BLVD 305 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 305
ADVANTAIRA TRUST LLC 914 MONTICELLO DR NAPERVILLE, IL 60563	24-46-23-W3-04200.0306 450 OLD SAN CARLOS BLVD 306 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 306

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WHALLEY CHERYL M PO BOX 65 ARVA, ON N0M 1C0 CANADA	24-46-23-W3-04200.0307 450 OLD SAN CARLOS BLVD 307 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 307
POTLATCH DEVELOPMENTS LLC 131 GULF ISLAND DR FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.0308 450 OLD SAN CARLOS BLVD 308 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 308
OBERG JAMES + AMANDA 13967 78TH ST NE HOOPLE, ND 58243	24-46-23-W3-04200.0309 450 OLD SAN CARLOS BLVD 309 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 309
JAMIESON JAMES J + SHARON R 131 GULF ISLAND DR FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.0310 450 OLD SAN CARLOS BLVD 310 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 310
CAMPBELL GORDON + PAULETTE 311 CAVENDISH DR ANCASTER, ON L9G 3Z1 CANADA	24-46-23-W3-04200.0311 450 OLD SAN CARLOS BLVD 311 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 311
FRASCHETTI EDWARD TR 4358 KINGS FOREST BLVD RICHFIELD, OH 44286	24-46-23-W3-04200.0312 450 OLD SAN CARLOS BLVD 312 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 312
IMPACT USA INC 19540 PROGRESS DR STRONGSVILLE, OH 44149	24-46-23-W3-04200.0313 450 OLD SAN CARLOS BLVD 313 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 313
IMPACT USA INC 19540 PROGRESS DR STRONGSVILLE, OH 44149	24-46-23-W3-04200.0314 450 OLD SAN CARLOS BLVD 314 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 314
FRASCHETTI EDWARD TR 4358 KINGS FOREST BLVD RICHFIELD, OH 44286	24-46-23-W3-04200.0315 450 OLD SAN CARLOS BLVD 315 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 315
BAHLKE WILLIAM P + ALMEDA A 201 SE 2ND AVE # 316 GAINESVILLE, FL 32601	24-46-23-W3-04200.0316 450 OLD SAN CARLOS BLVD 316 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 316
CIARAMITA PETER J + LYNNE TR 6311 BALD EAGLE RD RACINE, WI 53406	24-46-23-W3-04200.0317 450 OLD SAN CARLOS BLVD 317 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 317
MILLER BRIAN 112 MILLER RD SPRING MILLS, PA 16875	24-46-23-W3-04200.0318 450 OLD SAN CARLOS BLVD 318 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT 318
T + J HOMES SWFL LLC 450 OLD SAN CARLOS BLVD #G101 FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.G101 450 OLD SAN CARLOS BLVD G101 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT G101
OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.G102 450 OLD SAN CARLOS BLVD G102 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT G102
OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.G103 450 OLD SAN CARLOS BLVD G103 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT G103
OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.G104 450 OLD SAN CARLOS BLVD G104 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT G104
OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.G105 450 OLD SAN CARLOS BLVD G105 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT G105
OLD SAN CARLOS INN DEVELOPMENT 416 CRESCENT ST FORT MYERS BEACH, FL 33931	24-46-23-W3-04200.G106 450 OLD SAN CARLOS BLVD G106 FORT MYERS BEACH FL 33931	HARBOUR HOUSE AT THE INN AS DESC IN INST #2010000012068 UNIT G106

OWNER NAME AND ADDRESS

OLD SAN CARLOS INN DEVELOPMENT
416 CRESCENT ST
FORT MYERS BEACH, FL 33931

STRAP AND LOCATION

24-46-23-W3-04200.G107
450 OLD SAN CARLOS BLVD
G107
FORT MYERS BEACH FL 33931

LEGAL DESCRIPTION

HARBOUR HOUSE AT THE INN
AS DESC IN INST #2010000012068
UNIT G107

OLD SAN CARLOS INN DEVELOPMENT
416 CRESCENT ST
FORT MYERS BEACH, FL 33931

24-46-23-W3-04200.G108
450 OLD SAN CARLOS BLVD
G108
FORT MYERS BEACH FL 33931

HARBOUR HOUSE AT THE INN
AS DESC IN INST #2010000012068
UNIT G108
