

Peter Lisich
Susan J. Lisich
131 Estero Blvd.
Fort Myers Beach, FL 33931
239-463-2611

RE: Case Number: FMBDC12006-0001 and FMBDC12006-0006

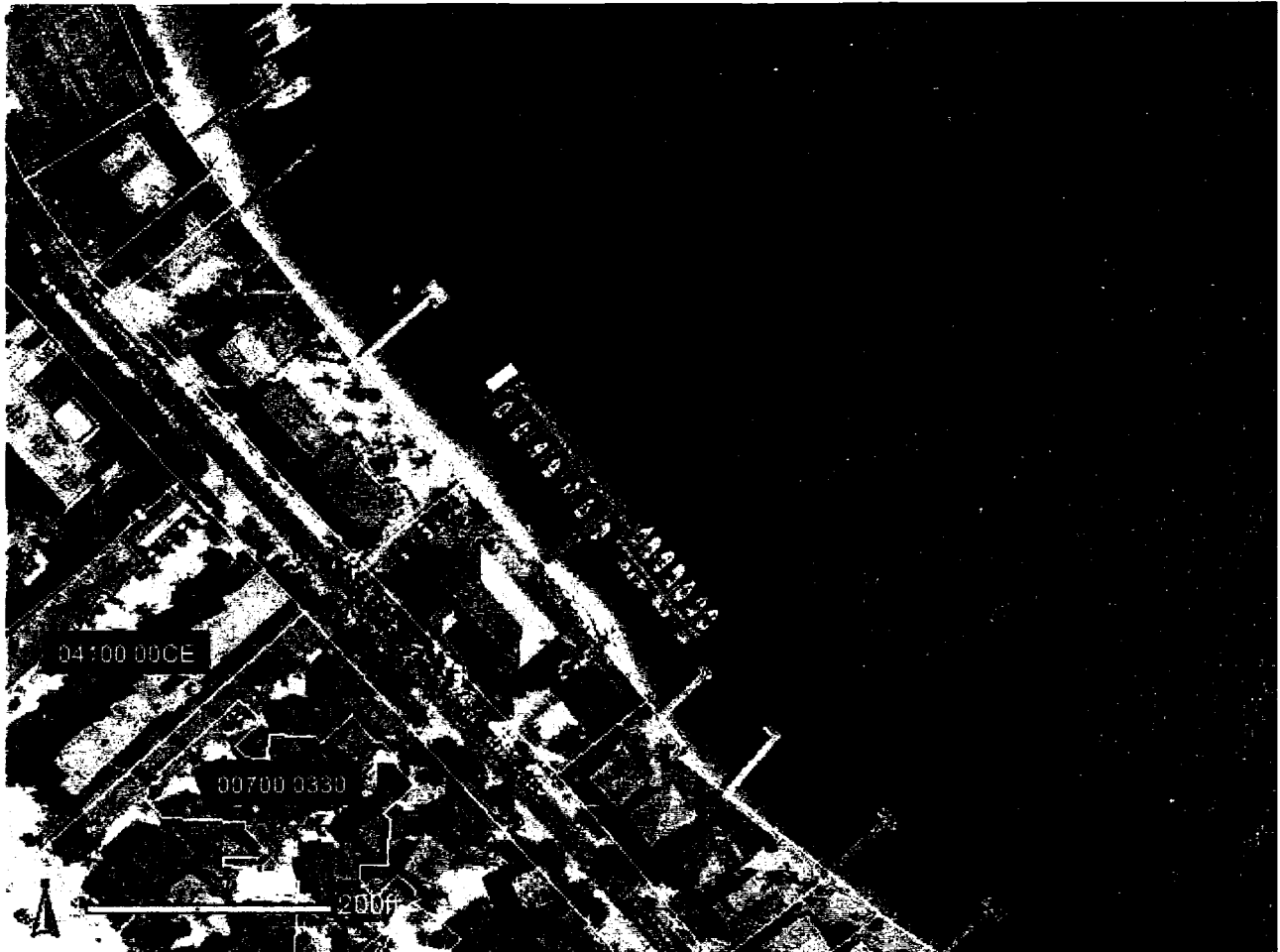
Requested Action: Deny Any Expansion of Commercial Uses

- Pink Shell Resort would not exist without the carefully structured restrictions
- 30 years of thoughtfully and carefully crafted protections replaced by one oversimplified case
- All previous zoning decisions based on same underlying commercial use restrictions: *“For use only by people staying at the resort”*
- Surrounding area is completely residential, no other commercial land use.
- Commercial restrictions helped mitigate intrusion into surrounding residential area
- Approvals were by supported by Bill Spikowski, LPA & Council because ‘bay side linear park’, public interpretive walk feature, enhanced open space and view corridors.
- Previous protections and restrictions encouraged support of neighbors
- Lacking comprehensive list of previous deviations and conditions that are being repealed.
- Errors and omissions in Master Concept Plan become law if approved:
 1. Existing tennis courts: is a parking lot
 2. Existing boat ramp: not on previous approved MCP; intrudes into public walkway
 3. Future parking spaces on Gulfshore court: existing, in street right of way
 4. Bayside landscaping: not as depicted on approved MCP.
 5. Vacation Villas parking easement not shown.
 6. State Submerged Land Lease referenced in reports is expired.

Zoning Resolution 00-07 (White Sands) Allows: *"dockage existing only"*.

Submerged Lands Lease in effect at that time allows:

***"the mooring of non-commercial recreational vessels"*.**



2002 Lee County Property Appraiser's Aerial Photography

2288-

This Instrument Prepared By:

Jeff Gentry

Recurring Revenue Section

Bureau of Public Land Administration

3900 Commonwealth Boulevard

Mail Station No. 125

Tallahassee, Florida 32399

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA

SOVEREIGNTY SUBMERGED LANDS LEASE
MODIFICATION TO REFLECT CHANGE IN OWNERSHIP

No. 360010245

THIS LEASE is hereby issued by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, hereinafter referred to as the Lessor.

WITNESSETH: That for and in consideration of payment of the annual lease fees hereinafter provided and the faithful and timely performance of and compliance with all terms and conditions stated herein, the Lessor does hereby lease to Boykin Hotel Properties, L.P. an Ohio limited partnership, hereinafter referred to as the Lessee, the sovereign lands described as follows:

A parcel of sovereign submerged land in Section 24
Township 46 South, Range 23 East, in Matanzas Pass,
Lee County, containing 43,900 square feet, more or less,
as is more particularly described and shown on
Attachment A, dated June 16, 1992.

TO HAVE THE USE OF the hereinabove described premises from May 1, 1998, the effective date of this modified lease, through June 27, 2002, the expiration date of this modified lease. The terms and conditions on and for which this lease is granted are as follows:

1. USE OF PROPERTY: The Lessee is hereby authorized to operate an existing docking facility and boat ramp exclusively to be used for the mooring of non-commercial recreational vessels used in conjunction with an upland resort, without fueling facilities, with a sewage pumpout facility if it meets the regulatory requirements of the Department of Environmental Protection or local authority, whichever entity applies the more stringent criteria, and without liveaboards as defined in paragraph 29, as shown and conditioned in Attachment A.

2. LEASE FEES: The Lessee hereby agrees to pay to the Lessor an annual lease fee of \$ 4,960.70, plus sales tax pursuant to Section 212.031, Florida Statutes, if applicable, within 30 days of the date of receipt of the invoice. The annual fee for the remaining years of the lease shall be adjusted pursuant to provisions of Section 18-21.011, Florida Administrative Code. The Division of State Lands will notify the Lessee in writing of the amount and the due date of the annual payment. The lease fee shall be remitted annually to the Division of State Lands as the agent for the Lessor, beginning with the effective and due date of this lease, and each year thereafter until the term of this lease terminates or expires.

Submerged land lease referenced in OR book 3718; page 2242, is expired and is titled:

**"SOVEREIGNTY SUBMERGED LANDS LEASE RENEWAL AND MODIFICATION
TO CHANGE DESCRIPTION OF USE".**

This latter lease included a significant expansion from the uses that were approved, and in effect, at the time of the zoning resolution in effect. Some of the intensification includes 1) '41 slips' (which clearly were not (2002 aerial), and are not, there); 2) "mooring of parasail vessel in conjunction with a parasail business"; and 3) "commercial recreational vessels"



2008 Lee County Property Appraiser's Aerial Photography

Staff recommends only the following alterations to the recommended conditions and deviations, at this time:

Replace the phrase "A total of 30 boat slips currently exist" with "A maximum of 41 boat slips currently are allowed by the state submerged land lease" in condition #11.

ON 03/18 PG 2242
RECORDED 09/03/2002 11:28:20 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 105.00
DEPUTY CLERK A Janke

This Instrument Prepared By:
M. Sue Jones
Recurring Revenue Section
Bureau of Public Land Administration
3900 Commonwealth Boulevard
Mail Station No. 125
Tallahassee, Florida 32399

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA

SOVEREIGNTY SUBMERGED LANDS LEASE RENEWAL
AND MODIFICATION TO CHANGE DESCRIPTION OF USE

No. 360010245
PA No. 36-0010245-001

THIS LEASE is hereby issued by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, hereinafter referred to as the Lessor.

WITNESSETH: That for and in consideration of payment of the annual lease fees hereinafter provided and the faithful and timely performance of and compliance with all terms and conditions stated herein, the Lessor does hereby lease to Boykin Hotel Properties, L.P., an Ohio limited partnership, hereinafter referred to as the Lessee, the sovereign lands described as follows:

A parcel of sovereign submerged land in Section 24, Township 46 South, Range 23 East, in Matanzas Pass, Lee County, containing 43,900 square feet, more or less, as is more particularly described and shown on Attachment A, dated June 16, 1992.

TO HAVE THE USE OF the hereinabove described premises from June 27, 2002, the effective date of this modified lease, through June 27, 2007, the expiration date of this modified lease. The terms and conditions on and for which this lease is granted are as follows:

1. USE OF PROPERTY: The Lessee is hereby authorized to operate a concrete boat ramp and a 41-slip docking facility consisting of 5 leased areas. Lease area #1 being a covered slip with boat lift for mooring of parasail vessel in conjunction with a parasail business. All other areas to be used for mooring of non-commercial recreational vessels, commercial recreational vessels (pontoon tour vessel, and rental boats), exclusively used in conjunction with an upland resort, without fueling facilities, with a sewage pumpout facility if it meets the regulatory requirements of the Department of Environmental Protection or local authority, whichever entity applies the more stringent criteria, and without liveaboards as defined in paragraph 29, as shown and conditioned in Attachment A, and the Department of Environmental Protection Exemption Nos. 363033915, dated April 1, 1997, and 36-0185701-001, dated August 20, 2001, incorporated herein and made a part of this lease by reference. All of the foregoing subject to the remaining conditions of this Lease.

2. LEASE FEES: The Lessee hereby agrees to pay to the Lessor an annual lease fee of \$5,469.40, plus sales tax pursuant to Section 212.031, Florida Statutes, if applicable, within 30 days of the date of receipt of the invoice. The annual fee for the remaining years of the lease shall be adjusted pursuant to provisions of Section 18-21.011, Florida Administrative Code. The Division of State Lands will notify the Lessee in writing of the amount and the due date of the annual payment. The lease fee shall be remitted annually to the Division of State Lands as the agent for the Lessor, beginning with the effective and due date of this lease, and each year thereafter until the term of this lease terminates or expires.

CARLETON RYFFEL, AICP
100 Estero Boulevard, Suite 434
Fort Myers Beach, Florida 33931
Phone: 239-463-3929 Fax: 239-463-5050
Email: carleton819@aol.com

Professional Planning Since 1973

March 22, 2009

Chair and Members of the Ft. Myers Beach LPA
2523 Estero Blvd. - Town Hall
Ft. Myers Beach, FL 33931

Re: JABO LLC zoning request

Dear Ladies and Gentlemen:

My name is Carleton Ryffel and I reside at 100 Estero Blvd. #434, Ft. Myers Beach, FL. I have been a professional planner for 36 years, am a nationally certified planner, and have provided expert witness testimony on land use matters from the local to federal levels. I was involved with most, if not all of the rezoning cases involving the Pink Shell for over 12 years in that capacity through 3 separate owners of that property and under the jurisdiction of Lee County initially and then the Town of Ft. Myers Beach.

Without exception, and through good will and commitments, our condominium association and our neighbors **supported** the numerous zoning changes that were requested over many years, by former and the current owners of the Pink Shell. Our support for them was based on these to allow the development to go forward while at the same time protecting the neighborhood against the negative effects of commercial intrusion. The current owners now wish to **undo** most of those protections. To make the proposed changes now, after the resort is fully developed, indicates a lack of good faith and respect of the quality of life of its neighbors.

The most frequently repeated and **most important** condition throughout the evolution of this property to what it is today was that the use of the resort and its facilities was only for guests staying at the resort. Undoing that condition and the resulting negative spin-offs that would occur, will adversely impact and change the residential characteristics of this part of Estero Island through the intensification and intrusion of commercial uses, all at the expense of the immediate neighbors and the neighborhood as a whole.

Undeniable evidence that the resort was intended to be for guests actually staying at the resort should be clear because the parking that was required to be provided was for the hotel units only and none was required for the restaurants or other non-residential uses.

While it would be damaging enough to open the resort to the public, it would be greatly compounded by the fact that a deviation to lessen the parking requirements is also being requested. Also being requested is the elimination of some of the committed open space and replacing it with parking in an effort to provide **some, but not all** of the required parking. Allowing this to occur is a major increase of intensity of use, without the proper parking and a further intrusion into our residential neighborhood.

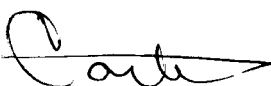
The applicant removed the tennis courts, which counted as part of their required open space in prior zoning, sometime after the last hurricane and replaced it with a parking lot. This parking lot was to be on a **temporary** permit basis which has long expired. Nevertheless, the applicant continues to use that land as a parking lot when it should be returned as an open space area, whether it be tennis courts or a vegetated area, with the exception of our 6 parking spaces covered by a recorded easement.

The existing boat launch on the bay side property was required to be filled in as a condition of prior zoning approvals which was never done. The idea behind that condition was to prevent the general public from using it and to prevent it from becoming a public boat launch which would require even more parking spaces. The only way that could be acceptable would be for the boat launch to be partially filled in to a size that would accommodate non-motorized crafts such as kayaks.

A final demonstration of the applicant's insensitivity to its neighbors is the proposal to install a trash compactor directly across the street from our property, where they currently keep their tractor, a dumpster and wedding paraphernalia. Trash compactors are very large, unsightly, smelly and noisy. I would assume that they selected that location to keep it away from their guests and let us, their neighbors, "enjoy it".

I request that the LPA thoughtfully consider the equities of this case and **deny** all those requests that would violate prior zoning conditions and commitments designed to mitigate the impacts on the neighbors and the neighborhood. These conditions were part of the approvals that allowed the resort to exist in its present state and without those commitments; it is unlikely that major parts of the resort would have been approved.

Sincerely,



Carleton Ryffel, AICP

C: Mayor/Town Council
Frank Shockey

Local Planning Agency

TOWN OF *Manatee*
PORT MYERS BEACH

MAR 23 2009

RECEIVED BY
This letter is in regard to Pink Shells recent request for new zoning and variances to past zoning. I am a Resident at 320 Estero Blvd. in the Cottage next to Pink Shell and I am most concerned about some of their requests. We do not need another Time Square on this end of the Island.

When we purchased this property Pink Shell had signed an agreement to keep the Bayside for parking and green space, now they are asking to turn the park into another dusty sea shell parking lot. I am adamantly opposed to such an action, so as others in the neighborhood have chosen litigation, I am choosing to add my voice as a registered voter of Lee County.

The space should remain a park as they agreed. This is a family area and is consistently used as such and should be kept as it is.

I understand in Pink Shells long term plan that they will be coming to you in the future requesting permission to dock a gambling boat at their Bayside facility. I am also opposed to that.

Thank you for considering my request
COUNCIL MEMBERS
TOWN ATTORNEY
TOWN MANAGER
TOWN CLERK

James H. Bryant
320 Estero Blvd
2397651829 •

March 11, 2009

Pink Shell Properties LLC
648 Elder Lane
Winnetka, IL 60093

Members of the Local Planning Agency (LPA)
Town of Ft. Myers Beach-Town Hall
2523 Estero Blvd.
Ft. Myers Beach, FL 33931

Re: Opposition to Case Numbers FMBDCI2006-0001 and FMBDCI2006-0002
(JABO LLC)

Dear Ladies and Gentlemen:

I am a property owner at 100 Ester Boulevard, Ft. Myers Beach and am aware of the request to amend the zoning at White Sands, Captiva Villas and the Bayside CPD at properties commonly known collectively as the Pink Shell. Based on my understanding of the request and its numerous negative impacts to our area and our specific property I am unalterable opposed to the overall request.

Without exception, our condominium association supported the numerous zoning changes that were requested over many years, primarily by former owners of the Pink Shell. Our support for them was because of the many thoughtful conditions that were placed on these changes to allow the development while at the same time protect the neighborhood against the negative effects of commercial intrusion. The current owners now wish to undo those protections.

The common thread throughout the evolution of the property to what it is today was the condition that the use of the facilities was only for guests staying at the property. The current applicant wants to remove those conditions to allow the general public use of the resort which would adversely change the residential characteristics of this part of Estero Island through the intensification of commercial uses, all at the expense of the resort's neighbors.

Most of the requested changes are intertwined with rescinding the prohibition on serving the public, and to that extent we oppose all of them. Opening to the general public of the bars, restaurants, personal services, outside banquets, company picnics and other commercial uses, for which no parking was ever

provided, would be devastating to our area. This undermines the very reasons that all previous zoning decisions and approvals at the Pink Shell were permitted. This is no time to change the rules on a project that only exists at its current intensity because of those restrictions.

Given this scenario, and in the interests of fair play, the only justification for removal of any existing conditions would be for the applicant to remove all the existing buildings and uses and start afresh.

We cannot attend your meeting but wanted to state our opposition and the reasons why. In our stead, and to express our opinions further, we would like to forego our 3 or 6 minutes presentation time to Carl Bradley who is the President of our Condominium Association or another member of the Board of Directors. They may be reached at 463-0248.

Respectfully,


Pink Shell Properties LLC

C: Members of Town Council
Frank Shockey

March 11, 2009

Peggy Grover
100 Estero Blvd #132
Ft Myers Beach, FL 33931

Members of the Local Planning Agency (LPA)
Town of Ft. Myers Beach-Town Hall
2523 Estero Blvd.
Ft. Myers Beach, FL 33931

Re: Opposition to Case Numbers FMBDCI2006-0001 and FMBDCI2006-0002
(JABO LLC)

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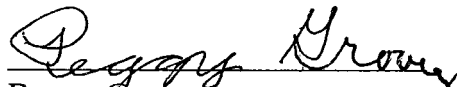
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Respectfully,


Peggy Grover

cc: Members of Town Council
Frank Shockey

March 11, 2009

Jack & Fern Klaasen
100 Estero Blvd #632
Ft. Myers Beach, FL 33931

Members of the Local Planning Agency (LPA)
Town of Ft. Myers Beach-Town Hall
2523 Estero Blvd.
Ft. Myers Beach, FL 33931

Re: Opposition to Case Numbers FMBDCI2006-0001 and FMBDCI2006-0002
(JABO LLC)

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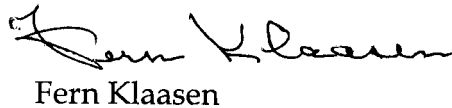
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Respectfully,



Jack Klaasen



Fern Klaasen

C: Members of Town Council
Frank Shockey

Robert and Debra Fitz
100 Estero Blvd. #331
Ft. Myers Beach, FL 33931

March 11, 2009

Members of the Local Planning Agency (LPA)
Town of Ft. Myers Beach-Town Hall
2523 Estero Blvd.
Ft. Myers Beach, FL 33931

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(JABO LLC)

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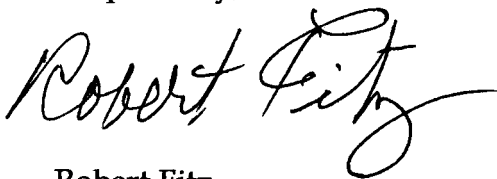
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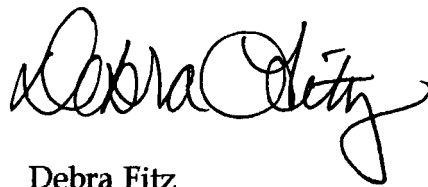
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Respectfully,

A handwritten signature in cursive script, appearing to read "Robert Fitz".

Robert Fitz

A handwritten signature in cursive script, appearing to read "Debra Fitz".

Debra Fitz

C: Members of Town Council
Frank Shockey

March 11, 2009

Bradley Family Limited Partnership
100 Estero Blvd #535
Ft Myers Beach, FL 33931

Members of the Local Planning Agency (LPA)
Town of Ft. Myers Beach-Town Hall
2523 Estero Blvd.
Ft. Myers Beach, FL 33931

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(JABO LLC)

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Respectfully,



Bradley Family Limited Partnership

C: Members of Town Council
Frank Shockey

March 11, 2009

Craig McIntyre
8227 Grady Dr.
Ft. Myers, FL 33917

Members of the Local Planning Agency (LPA)
Town of Ft. Myers Beach-Town Hall
2523 Estero Blvd.
Ft. Myers Beach, FL 33931

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Respectfully,

A handwritten signature in black ink that reads "Craig McIntyre". The signature is written in a cursive, flowing style with a long horizontal line extending from the end of the name.

Craig McIntyre

C: Members of Town Council
Frank Shockey

March 11, 2009

Judith Clifford
9820 Sterling Drive
Miami, FL 33157

Members of the Local Planning Agency (LPA)
Town of Ft. Myers Beach-Town Hall
2523 Estero Blvd.
Ft. Myers Beach, FL 33931

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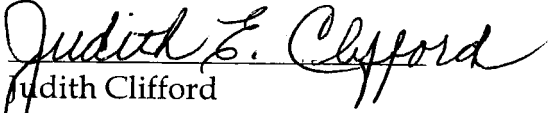
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Respectfully,


Judith Clifford

cc: Members of Town Council
Frank Shockey

March 11, 2009

Charles & Carrie Lucas
1206 Mastique Beach Blvd #1603
Ft. Myers, FL 33908

Members of the Local Planning Agency (LPA)
Town of Ft. Myers Beach-Town Hall
2523 Estero Blvd.
Ft. Myers Beach, FL 33931

Re: Opposition to Case Numbers FMBDCI2006-0001 and FMBDCI2006-0002
(JABO LLC)

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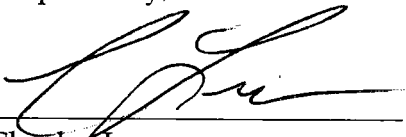
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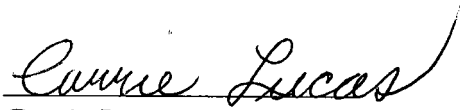
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Respectfully,


Charles Lucas


Carrie Lucas

cc: Members of Town Council
Frank Shockey

March 11, 2009

Robert & Phyllis Scroggie
11224 Callaway Greens Dr.
Fort Myers, FL 33913-8139

Members of the Local Planning Agency (LPA)
Town of Ft. Myers Beach-Town Hall
2523 Estero Blvd.
Ft. Myers Beach, FL 33931

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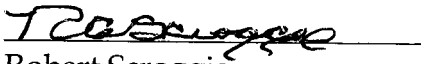
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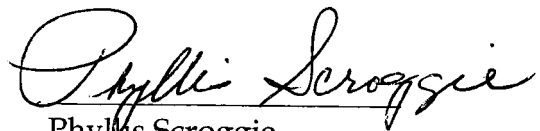
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Respectfully,


Robert Scroggie


Phyllis Scroggie

cc: Members of Town Council
Frank Shockey

Dennis Baxter and Linda Dorn
100 Estero Blvd. #435
Ft. Myers Beach, FL 33931

March 11, 2009

Members of the Local Planning Agency (LPA)
Town of Ft. Myers Beach-Town Hall
2523 Estero Blvd.
Ft. Myers Beach, FL 33931

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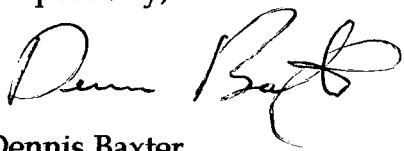
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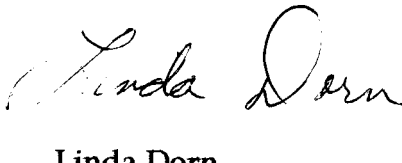
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Respectfully,



Dennis Baxter



Linda Dorn

C: Members of Town Council
Frank Shockey

March 11, 2009

Richard & Carol Oundersluys
7117 Pelican Bay Blvd #1901
Naples, FL 34108

Members of the Local Planning Agency (LPA)
Town of Ft. Myers Beach-Town Hall
2523 Estero Blvd.
Ft. Myers Beach, FL 33931

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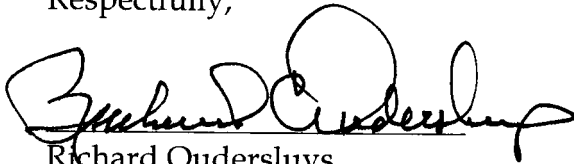
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Respectfully,



Richard Oudersluys



Carol Oudersluys

C: Members of Town Council
Frank Shockey

March 11, 2009

Patty Steder
2 B Street
St. Augustine, FL 32084

Members of the Local Planning Agency (LPA)
Town of Ft. Myers Beach-Town Hall
2523 Estero Blvd.
Ft. Myers Beach, FL 33931

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(JABO LLC)

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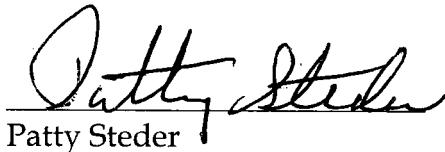
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Respectfully,

A handwritten signature in black ink, appearing to read "Patty Steder", is written over a horizontal line.

Patty Steder

cc: Members of Town Council
Frank Shockey

March 11, 2009

Yancy & Jill Oshita
23 Scarlet Oak Rd.
Flemington, NJ 08822

Members of the Local Planning Agency (LPA)
Town of Ft. Myers Beach-Town Hall
2523 Estero Blvd.
Ft. Myers Beach, FL 33931

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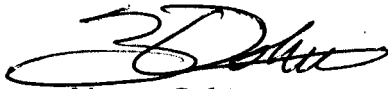
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Yancy Oshita



Jill Oshita

C: Members of Town Council
Frank Shockey

March 11, 2009

Denise Chambre
804 Cape View Dr.
Ft. Myers, FL 33919

Members of the Local Planning Agency (LPA)
Town of Ft. Myers Beach-Town Hall
2523 Estero Blvd.
Ft. Myers Beach, FL 33931

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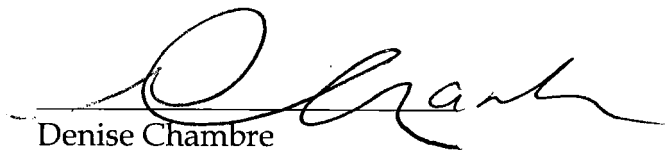
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Denise Chambre

cc: Members of Town Council
Frank Shockey

March 11, 2009

James & Sue Wiser
16520 S. Tamiami Trail #18-255
Ft. Myers, FL 33908

Members of the Local Planning Agency (LPA)
Town of Ft. Myers Beach-Town Hall
2523 Estero Blvd.
Ft. Myers Beach, FL 33931

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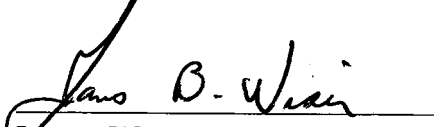
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Respectfully,


James Wiser


Sue Wiser

C: Members of Town Council
Frank Shockey

March 11, 2009

JoAnne Harrington
6000 Riverside Dr #B133
Dublin, Ohio 43017

Members of the Local Planning Agency (LPA)
Town of Ft. Myers Beach-Town Hall
2523 Estero Blvd.
Ft. Myers Beach, FL 33931

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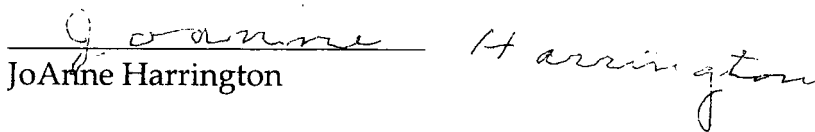
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Respectfully,


JoAnne Harrington

cc: Members of Town Council
Frank Shockey

March 11, 2009

Michael & Anna Flanagan
4719 Thornapple Lane
Lansing, MI 48917

Members of the Local Planning Agency (LPA)
Town of Ft. Myers Beach-Town Hall
2523 Estero Blvd.
Ft. Myers Beach, FL 33931

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Michael Flanagan

C: Members of Town Council
Frank Shockey



Anna Flanagan

March 11, 2009

Wilfried & Angela Scholz
105 Bentley Dr.
Latham, NY 12110

Members of the Local Planning Agency (LPA)
Town of Ft. Myers Beach-Town Hall
2523 Estero Blvd.
Ft. Myers Beach, FL 33931

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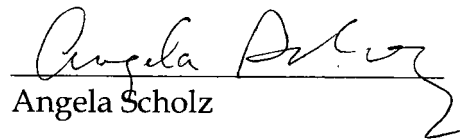
that all previous zoning decisions and approvals at the Pink Shell were permitted. This is no time to change the rules on a project that only exists at its current intensity because of those restrictions.

Given this scenario, and in the interests of fair play, the only justification for removal of any existing conditions would be for the applicant to remove all the existing buildings and uses and start afresh.

We cannot attend your meeting but wanted to state our opposition and the reasons why. In our stead, and to express our opinions further, we would like to forego our 3 or 6 minutes presentation time to Carl Bradley who is the President of our Condominium Association or another member of the Board of Directors. They may be reached at 463-0248.

Respectfully,

 3/16/09
Wilfried Scholz

 3/16/09
Angela Scholz

C: Members of Town Council
Frank Shockey

March 11, 2009

Santo Ciccone
1239 Cedar Road
Southport, CT 06690

Members of the Local Planning Agency (LPA)
Town of Ft. Myers Beach-Town Hall
2523 Estero Blvd.
Ft. Myers Beach, FL 33931

Re: Opposition to Case Numbers FMBDCI2006-0001 and FMBDCI2006-0002
(JABO LLC)

Dear Ladies and Gentlemen:

I am a property owner at 100 Ester Boulevard, Ft. Myers Beach and am aware of the request to amend the zoning at White Sands, Captiva Villas and the Bayside CPD at properties commonly known collectively as the Pink Shell. Based on my understanding of the request and its numerous negative impacts to our area and our specific property I am unalterable opposed to the overall request.

Without exception, our condominium association supported the numerous zoning changes that were requested over many years, primarily by former owners of the Pink Shell. Our support for them was because of the many thoughtful conditions that were placed on these changes to allow the development while at the same time protect the neighborhood against the negative effects of commercial intrusion. The current owners now wish to undo those protections.

The common thread throughout the evolution of the property to what it is today was the condition that the use of the facilities was only for guests staying at the property. The current applicant wants to remove those conditions to allow the general public use of the resort which would adversely change the residential characteristics of this part of Estero Island through the intensification of commercial uses, all at the expense of the resort's neighbors.

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Respectfully,

A handwritten signature in black ink that reads "Santo Ciccone". The signature is written in a cursive, flowing style with a large initial "S".

Santo Ciccone

C: Members of Town Council
Frank Shockey

Carleton Ryffel
100 Estero Blvd. #434
Ft. Myers Beach, FL 33931

March 11, 2009

Members of the Local Planning Agency (LPA)
Town of Ft. Myers Beach-Town Hall
2523 Estero Blvd.
Ft. Myers Beach, FL 33931

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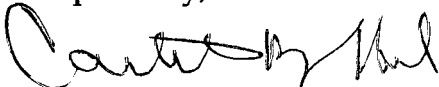
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Respectfully,



Carleton Ryffel

C: Members of Town Council
Frank Shockey

February 23, 2009

FORT MYERS BEACH

FEB 23 2009

Scott Janke, Manager
Town of Fort Myers Beach
2523 Estero Boulevard
Fort Myers Beach, FL 33931

RECEIVED BY

Re: North Estero Improvement Project

Mr. Janke:

I am writing to make you aware that a portion of the additional right-of-way proposed to be given by the Pink Shell Resort for the reference project is, in fact, part of a parking easement previously granted and recorded in favor of the Pink Shell Vacation Villas Condominium Association, Inc. The Pink Shell Resort cannot unilaterally give it away. I am enclosing a copy of the easement.

While it is possible to relocate the easement within certain parameters with the approval of Pink Shell Vacation Villas, that is a step that will have to be taken before the right-of-way can be acquired by the Town.

We are very much in favor of the Improvement Project and are not in any way seeking to delay its implementation. We will, however, need to take all necessary measures to preserve our easement.

Cordially yours,



Carl Bradley, President
Pink Shell Vacation Villas Condominium Association
100 Estero Boulevard, #535
Fort Myers Beach, FL 33931

Cc: Jack Green
Frank Shockey

THIS INSTRUMENT WAS PREPARED BY:
 Norman A. Hartman, Jr., P.A.
 Goetz, Hartman & Landsteiner
 P. O. Box 6844
 Fort Myers, FL 33911
 813-936-2841

Documentary Tax Pd. \$ 1.59
 Intangible Tax Pd.
 CHARLIE GREEN, CLERK, LEE COUNTY
 By L. Tolone Deputy Clerk

GRANT OF PARKING EASEMENT

2763775

STATE OF FLORIDA
 COUNTY OF LEE

THIS INDENTURE made and entered into this 15th day of December, 19 89, by and between FLORIDA INCOME FUND III, LIMITED PARTNERSHIP, a Delaware Limited Partnership, "Grantor", and PINK SHELL VACATION VILLAS CONDOMINIUM ASSOCIATION, INC., a Florida Corporation, "Grantee":

WHEREAS, Grantor is seized in fee simple and in possession of lands lying in Section 24, Township 46 South, Range 23 East, more particularly described as Lot 39, of Block D, of Island Shores Club Section, according to the map or plat thereof on file and recorded in Plat Book 9, Page 41, in the Public Records of Lee County, Florida; and

WHEREAS, Grantor and all others claiming by, through or under Grantor, have agreed that in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, to grant to Grantee an easement over the land described below, for the purposes and in the manner expressed below:

NOW THIS INDENTURE WITNESSETH:

In the pursuance of this agreement and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants unto Grantee, PINK SHELL VACATION VILLAS CONDOMINIUM ASSOCIATION, INC., and its successors and assigns,

Full and free right and liberty for it and its tenants, servants and visitors, at all times hereafter, the land from time to time may lawfully be used and enjoyed as a vehicle parking area only, including therein the right of Grantee to improve, maintain and insure said property at Grantee's expense, said right of improvement being subject to approval of Grantor, its successors or assigns, said approval not being unreasonably withheld, said easement being on land more particularly described as follows:

An easement in Lot 39, Block "D", Island Shores Club Section, in Section 24, Township 46 South, Range 23 East, Estero Island, Lee County, Florida, which is described as follows:

From the point of beginning at the Northwestern corner of said Lot 39; thence N 71° 51' 58" E radially for 45.00 feet along a line common with Lot 40 and said Lot 39; thence S 18° 08' 02" E for 27.60 feet; thence S 61° 51' 30" W for 24.19 feet along the Northwestern side of a tennis court; thence S 28° 08' 30" E for 27.00 feet along the Southwestern side of said tennis court; thence S 66° 01' 25" W radially for 22.89 feet to a curve to the right, concave Northeasterly, central angle 05° 50' 34", chord 60.80 feet, chord bearing N 21° 03' 19" W; thence Northwesternly along the Northeasterly line of Block "F" and Estero Boulevard (25.00 feet from the centerline) and along the arc of said curve for 60.83 feet to the point of beginning.

Containing 1,978 square feet, more or less.

Subject to any easements, restrictions, reservations or rights of way of record.

GRANT OF PARKING EASEMENT
Florida Income Fund III/Pink Shell
Page 2

Grantors shall have the right, including its successors or assigns, to use said property upon which said easement is granted for purposes of ingress, egress and the placing of underground utilities so long as said usages do not unreasonably interfere with Grantee's rights as granted above.

TO HAVE AND TO HOLD this exclusive for parking only easement hereby granted unto Grantee, PINK SHELL VACATION VILLAS CONDOMINIUM ASSOCIATION, INC., a Florida Corporation, and its successors and assigns.

It is further understood that Grantor, its successors and assigns, shall not be bound to improve, maintain or to keep in repair, the parking area as described by the borders of said easement; nor does Grantor, its successors and assigns assume any liability or responsibility to Grantee, its successors and assigns, or others likely situated, or their heirs and assigns, or any person on the land by invitation, expressed or implied, or by reason of any use by Grantee or any other person or entity upon said land as a result of Grantee's use of the property or at the Grantee's request or invitation.

The Grantor specifically reserves the right unto itself, or its successors and assigns, to relocate this easement to land for five parking spaces which are adjacent and contiguous to either the easement granted herein or other property of the Pink Shell Vacation Villas Condominium so long as the easement is for a parking area of the same size and provides rights for ingress and egress. This right to relocate the easement is subject to the following conditions precedent:

- A. The Grantor obtains from Lee County explicit written approval that the Grantor's proposed relocation of the easement and parking does not violate any and all development codes, including but not limited to zoning and building regulations as applied to the Grantee's property and present usage of it;
- B. The Grantor obtains from Lee County explicit written approval that the Grantor's proposed relocation shall not cause or create any nonconformity to the Grantee's property or present usage of it;
- C. After such County approvals, Grantee shall review the plans for its approval, such approval not being unreasonably withheld. Then the Grantor shall have the right to relocate the easement.

Neither the Grantor nor the Grantee shall have any obligation to improve the property from its present condition. However, the Grantee, its successors and assigns, at its expense, shall keep the property clean and should the Grantee improve the property, then the Grantee, its successors and assigns, at its expense, shall maintain such improvements. The Grantee, its successors and assigns, at its expense, shall maintain liability insurance on said easement in an amount equal to at least \$1,000,000.00, which shall name the Grantee and its successors and assigns as additional insureds. The Grantee, or its successors, shall provide to the Grantor, its successors or assigns, copies of any such policy and all renewals thereof.

Grantor expressly agrees to cooperate reasonably in all functions necessary to allow Grantee the above-described usage of said easement, including but not limited to governmental permitting of said parking area, which shall be obtained by Grantee, at Grantee's expense.

IN WITNESS WHEREOF, Grantor has set its hand and seal on this day and year first above written.

GRANT OF PARKING EASEMENT
Florida Income Fund III/Pink Shell
Page 3

Signed, Sealed and Delivered
in our presence as witnesses:

FLORIDA INCOME FUND III,
LIMITED PARTNERSHIP

By: MARINER CAPITAL MANAGEMENT,
INC., as General Partner

Barbara A. Wozniak
Witness

Marjorie Jackson
Witness

By: Lawrence A. Raimondi
Lawrence A. Raimondi,
Executive Vice President

(Corporate Seal)

STATE OF FLORIDA
COUNTY OF LEE

BEFORE ME personally appeared LAWRENCE A. RAIMONDI, as Executive Vice President of MARINER CAPITAL MANAGEMENT, INC., a Florida Corporation, as General Partner of FLORIDA INCOME FUND III, LIMITED PARTNERSHIP, to me well known and known by me to be the person described in and who executed the foregoing instrument, and acknowledged to and before me that he executed said instrument for the purposes therein expressed on behalf of said corporation.

WITNESS my hand and official seal this 15th day of December, 1989.

(Notary Seal)

Edwina L. Veillette
Notary Public
NOTARY PUBLIC, STATE OF FLORIDA.
MY COMMISSION EXPIRES JULY 23, 1993.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.
My Commission Expires: _____

THIS INSTRUMENT WAS PREPARED BY:
Norman A. Hartman, Jr., P.A.
Goetz, Hartman & Landsteiner
P. O. Box 6844
Fort Myers, FL 33911
813-936-2841

BEARINGS ARE BASED UPON
N 40° 26' 45" W ON A LINE
BETWEEN E-5 & E-6
MONUMENTS OF THE COASTAL
CONSTRUCTION SETBACK
LINE.

PINK SHELL
VACATION VILLAS

LOT 44

LOT 43

ESTERO

BLVD.

PAV'T

BLOCK "F"

P.O.B.
NW 1/4 CORNER
LOT 39

LOT 40

N 71° 51' 58" E (R)

E-EASEMENT

24.19' S
S 61° 51' 30" W

LOT 39

TENNIS COURTS
W / FENCE

LOT 38

BLOCK "D"

CONC.
SEAWALL

INGRESS - EGRESS EASEMENT
IN LOT 39, BLOCK "D" ISLAND
SHORES, CLUB SECTION
SEC. 24 - 46 - 23
ESTERO ISLAND
LEE COUNTY FLA.

CURVE DATA

1	2	3
R = 596.48	R = 596.48	R = 596.48
A = 83.0'	A = 83.0'	A = 60.83'
C = 82.93'	C = 82.93'	C = 60.80'
		CB, N 21° 03' 19"

MATANZAS PASS

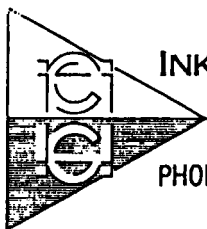
OR 2116 PG 0149

68. HD 95 h 81 330

CLERK CIRCUIT COURT
LEE COUNTY, FLA.

Charlief...
RECORDED & RETURNED VERIFIED

SCALE : 1" = 30'
DATE : 4-5-88



INK ENGINEERING INC.

ENGINEERS

SURVEYORS

PLANNERS

PHONE (813) 995-8500

6320 BEAU DRIVE

NORTH FORT MYERS, FLORIDA 33903

APRIL 5, 1988
JOB NUMBER 2988-1095

INGRESS-EGRESS EASEMENT IN
LOT 39, BLOCK "D"
ISLAND SHORES, CLUB SECTION
SEC. 24-46-23
ESTERO ISLAND
LEE COUNTY, FLORIDA

DESCRIPTION

AN INGRESS-EGRESS EASEMENT IN LOT 39, BLOCK "D", ISLAND SHORES, CLUB SECTION IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST, ESTERO ISLAND, LEE COUNTY, FLORIDA, WHICH IS DESCRIBED AS FOLLOWS:

FROM THE POINT OF BEGINNING AT THE NORTHWESTERLY CORNER OF SAID LOT 39; THENCE N.71°51'58"E. RADially FOR 45.00 FEET ALONG A LINE COMMON WITH LOT 40 AND SAID LOT 39; THENCE S.18°08'02"E. FOR 27.60 FEET; THENCE S.61°51'30"W. FOR 24.19 FEET ALONG THE NORTHWESTERLY SIDE OF A TENNIS COURT; THENCE S.28°08'30"E. FOR 27.00 FEET ALONG THE SOUTHWESTERLY SIDE OF SAID TENNIS COURT; THENCE S.66°01'25"W. RADially FOR 22.89 FEET TO A CURVE TO THE RIGHT, CONCAVE NORTHEASTERLY, CENTRAL ANGLE 05°50'34", CHORD 60.80 FEET, CHORD BEARING N.21°03'19"W.; THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY LINE OF BLOCK "F" AND ESTERO BLVD. (25.00 FEET FROM CENTERLINE) AND ALONG THE ARC OF SAID CURVE FOR 60.83 FEET TO THE POINT OF BEGINNING.
CONTAINING 1978 SQUARE FEET MORE OR LESS.

SUBJECT TO ANY EASEMENTS, RESTRICTIONS, RESERVATIONS OR RIGHTS OF WAY OF RECORD.

BEARINGS ARE BASED UPON N.40°26'45"W. ON A LINE BETWEEN E-5 AND E-6 MONUMENTS OF THE COASTAL CONSTRUCTION SETBACK LINE.
REFER TO 8 1/2" X 14" SKETCH.

PINK SHELL RESORT PARKING REQUIREMENTS

Required Parking Spaces Per Section 34-2020

	<u>White Sands</u>	<u>Captiva Villas</u>	<u>Total</u>
Restaurants	2000 sf @ 8/1000 = 16	6463 sf @ 8/1000 = 52	68
Bar/Cocktail Lounge	1000 sf @ 15/1000 = 15	???	15
Personal Services	4000 sf @ 5/1000 = 20	3110 sf @ 5/1000 = 16	36
Retail	1000 sf @ 3/1000 = 3		3
Offices		241 sf @ 2/1000 = 1	1
Conference	1500 sf @ 2/1000 = 3	747 sf @ 2/1000 = 1	4
Rooms	92 @ 1.5 = 138	43 @ 1.5 = 65	203
Boat Slips	Existing 30 @ ½ = 15	Proposed 20 @ ½ = 10	25
		<u>Total Required</u>	<u>355</u>

Proposed Parking Spaces Per CPD Revisions, 2/5/09

Existing Gulf Side	83
Existing Bay Side	126
Tennis Court	36
Expanded Valet	20
	<u>Total Proposed</u>
	<u>265</u>

DEVELOPMENT CODE DEFICIT **90**

May 5, 2009

Mr. Frank Shockey, Ph.D.
Chair and Members of the Town of Ft. Myers Beach LPA
2523 Estero Blvd. – Town Hall
Ft. Myers Beach, FL 33931

Re: **Pink Shell Resort / JABO LLC**
Case # FMBDCI2006-0002 and #FMBDCI2006-0001
Public Comment

Dear Ladies and Gentlemen:

The purpose of this letter is to give public comment regarding the proposed zoning amendment pertaining to the Pink Shell Resort (PSR). We have been original owners of the Estero Island Beach Villa Unit 7405 since 1995. The main concern of the proposed zoning amendment is Condition #9 of the Staff Report (Subordinate Commercial Uses). In summary, our comments are as follows:

- o As background, the Estero Island Beach Villas were zoned and constructed as part of the overall PSR and sold as "hotel/condo" units to individual owners. For the first 7-10 years in existence, the Beach Villas were all under leases to the PSR as envisioned and master-planned for in their zoning and accompanying Master Concept Plan (MCP). Once these leases expired, most owners did not renew their leases with the PSR for various reasons. Currently approximately half of the 42 Beach Villa units have a lease arrangement with JABO/PSR and the other half have other arrangements. The latter half of units are in essence stand-alone units and do not share any of the common PSR facilities such as pools, boat docks, landscaping, signage, and parking. This fractional arrangement has been confusing and troublesome to manage by all parties, especially when involving the parking.
- o On many occasions over the past 1-2 years, we have witnessed first hand the overflow of PSR parking throughout the immediate area including the Beach Villa parking lot when having special commercial events such as weddings, conventions, picnics, etc where it was obvious the attendees were not guests to the resort.
- o It seems with any typical zoning case, certain deviations can be requested by the applicant and are then reviewed by staff and their governing bodies as to their possible impact to the surrounding public prior its approval or denial. Here is a case where the requested deviation has been "field-tested" on many occasions and found to be detrimental to the adjacent owners/residents. This should be cause for careful and thorough evaluation of the proposed zoning request, along with any decision to error on the side of caution.
- o If the town finds it acceptable to intensify the commercial uses as proposed, we request the onsite PSR parking be increased by the staff-recommended 316 spaces as a minimum along with the following conditions:
 - a) Minimize the reduction of previously approved open space.
 - b) The previous approved valet parking must be enforced within the designated valet areas.
 - c) The applicant will be responsible for a monitoring program that will consist of an independent parking occupancy survey prepared by a qualified licensed engineer that would monitor all large special events for one (1) year in order to determine the success of the additional commercial uses and if applicable provide remedies for any shortfall of parking. The parking survey data, along with the engineer's conclusions and recommendations regarding the adequacy of the PSR parking supply, must be provided to the town for review and recommendation.
- o As a corrective measure, the proposed MCP shows a north/south parking aisle connection within the parking lot between the PSR and the Beach Villas. This has been removed and is fenced/landscaped.

Thank you for considering these comments.

Sincerely,


Janice R. Dewhirst
Ned & Renee Dewhirst


Shellie Oehler
Shellie Oehler of the Shellie Oehler Trust

MAR 30 2009

ESTERO ISLAND BEACH VILLAS

RECEIVED BY

c/o Suitor & Associates, Inc.

15751 San Carlos Blvd #8, Fort Myers, FL 33908

239/437-0340 * FAX: 239/437-9378 * email: dgsuitor@comcast.net

March 19, 2009

Case Number: FMBDC12006-0001 and FMBDC12006-0002 (White Sands, Captiva Villas, and Bayside CPD Amendments)

Local Planning Agency,

The above referenced application includes signage for "Beach Villas" (sign "G") This signage is intended to reference "Estero Island Beach Villas", a Condominium. The applicant has NO ownership in Estero Island Beach Villas. Nor does the applicant have any authority at Estero Island Beach Villas. All existing signage for Estero Island Beach Villas is the property of Estero Island Beach Villas and none is located on the property of the applicant.

The Board of Directors of Estero Island Beach Villas asks for the Local Planning Agency to respect the rights of the individual owners of the Condominium and to DENY any, and all, signage in the above referenced application that refers to "Estero Island Beach Villas" or "Beach Villas."

In addition sign "K" appears to be nonconforming in size. The location of this sign near Gulf Shore Court rather than near the applicants' registration entrance is misleading to arriving guests and misdirects a substantial amount of traffic. This sign lost any possible legal nonconforming status under LDC Sec. 30-56 (c) (1) (c) (Any change of use or change of ownership of a sign loses legal non-conformity and must comply with current regulations.) when the applicant purchased the above referenced property from a publicly traded Real Estate Investment Trust after the effective date of the chapter (September 13, 1999). The Board of directors of Estero Island Beach Villas asks that you deny applicants request to keep, and alter, sign "K".

Sincerely,

Board of Directors of Estero Island Beach Villas
250 Estero Blvd.

Association Managed by Suitor and Associates
15751 San Carlos Blvd. #8
Fort Myers FL 33908
239-437-0340

March 24, 2009

Attn: Dr. Frank Shockey
To: Town of Fort Myers Beach LPA
Public Comment given March 24, 2009

From: Kevin and Sharon Faircloth
11711 Isle of Palms Drive. Fort Myers Beach, Fl. 33931
Owners of Holiday Water Sports Fort Myers Beach at the Pink Shell Beach Resort and Spa

Good morning. My name is Sharon Faircloth. My husband, Kevin , and I have three children and are the owners of Holiday Water Sports Fort Myers Beach and Holiday Adventure Tours and Boat Rental. We are the watersports and boat rental vendor at the Pink Shell Beach Resort and Spa. We opened our business at the Pink Shell in 1991. We have lived, worked and raised our family in this community for almost 20 years. We have watched the Pink Shell go through many changes, positive changes, that have made it into the great resort it is today. The Pink Shell has always been a family resort. I can remember a time when there were bonfires and pig roasts in front of the beach cottages that used to be on the property. Generations of families have enjoyed gathering at the Pink Shell for parties and reunions. It was a great resort then and now it is even better. We have had a front row seat to watch all the construction take place and have always been in favor of the vision the Boykins have for the Pink Shell. We are here today to pledge our support for the requested changes you have before you.

These changes will have a direct impact on how our businesses are run on a day to day basis, and on our potential to hire and keep staff. In today's faltering and uncertain economy we have been unable to hire the same number of employees as in previous years. We have not been able to give the staff we have hired, many of them beach residents, a guaranteed schedule. And we have had to cut benefits for several of our long term, full-time staff. If the Pink Shell is given permission to allow off-property guests to use our services, we will be in a position to give our current employees more stability, better wages, and possibly hire more staff. Thereby giving beach residents another opportunity for employment on the island. It would also allow the owners of surrounding rental homes and condos the ability to tell their guests that the North end has a restaurant and watersports concession, just steps away, for their guests to use. This could help increase the number of rentals for these nearby property owners as well.

As I mentioned before, we own the water sports concession on the beach side of the property and we also own the boat rental concession on the bay side of the property. We currently use the boat ramp located next to the Harbor Master building on a daily basis for launching our kayaks. And each week our rental boats are taken out of the water via the boat ramp for maintenance and cleaning. We also manage the boat ramp and can assure you it is not used by the public and is only for our business use. The boat ramp is crucial for our business to run properly, and we are asking that it not be removed or altered in any way.

I hope you will agree that these changes are positive changes and have the potential to help not only our business, but our fellow beach residents looking for jobs, and nearby rental property owners. Thank You.

April 10, 2009

Name:

Address:

Fort Myers Beach, FL 33931

Dear Members of the Local Planning Council,

I would like to express my SUPPORT of Captiva Villas, LLC and/or JABO, LLC to their requests for amendments to the Pink Shell Commercial Planned Development and Master Concept Plan for the following:

1. Relocation of existing public walkway beach access easement from between Captiva Villa and White Sands to the north side of Captiva Villas.
2. Provide additional parking in existing location of tennis courts (on Bay side).
3. Additional 20 spots in the current valet parking lot.
4. Approval of parking lot control gates.
5. Non removal of the boat ramp.
6. Approval of a trash compactor, where current dumpster is now located.
7. Allow advertising of the restaurant located within Captiva Villas and the restaurant and spa located within White Sands.
8. Approval of a permanent sign theme for Pink Shell.
9. Approval of a landscape plan for the right-of-way along Captiva Villas.
10. Approval of existing cottages and condominiums to be used as group quarters.
11. Modifications to the accessory marina to the resort

The Pink Shell is an asset to the community and we support these common sense requests.

Signature

Print Name

CC: Members of Town Council
Town Staff

TO: Local Planning Council

April 10, 2009

Carol Bach
140 Estero Blvd. Unit 305
Fort Myers Beach, FL 33931

Dear Members of the Local Planning Council,

I would like to express my SUPPORT of Captiva Villas, LLC and/or JABO, LLC to their requests for amendments to the Pink Shell Commercial Planned Development and Master Concept Plan for the following:

1. Relocation of existing public walkway beach access easement from between Captiva Villa and White Sands to the north side of Captiva Villas.
2. Provide additional parking in existing location of tennis courts (on Bay side).
3. Additional 20 spots in the current valet parking lot.
4. Approval of parking lot control gates.
5. Non removal of the boat ramp.
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7. Allow advertising of the restaurant located within Captiva Villas and the restaurant and spa located within White Sands.
8. Approval of a permanent sign theme for Pink Shell.
9. Approval of a landscape plan for the right-of-way along Captiva Villas.
10. Approval of existing cottages and condominiums to be used as group quarters.
11. Modifications to the accessory marina to the resort

The Pink Shell is an asset to the community and we support these common sense requests.

Carol Bach
Signature

Carol Bach
Print Name

CC: Members of Town Council
Town Staff

April 23, 2009

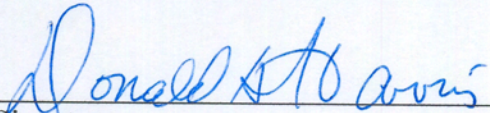
Name: Donald Harris
Address: 5570 Avenida Pescadora
Fort Myers Beach, FL 33931

Dear Members of the Local Planning Council,

I would like to express my SUPPORT of Captiva Villas, LLC and/or JABO, LLC to their requests for amendments to the Pink Shell Commercial Planned Development and Master Concept Plan for the following:

1. Relocation of existing public walkway beach access easement from between Captiva Villa and White Sands to the north side of Captiva Villas.
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Signature

DONALD A. HARRIS
Print Name

CC: Members of Town Council
Town Staff

April 10, 2009

James F. Bryant
320 Estero Blvd.
Fort Myers Beach, FL 33931

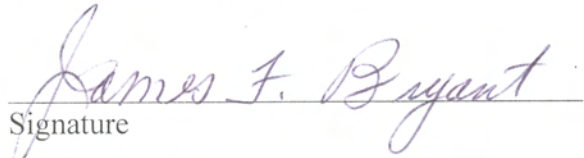
Dear Members of the Local Planning Council,

~~I would like to rescind my original letter of disapproval of the amendments the Captiva Villas, LLC and/or JABO, LLC are submitting to the town of Fort Myers Beach.~~

After further discussion and understanding I **SUPPORT** Captiva Villas, LLC and/or JABO, LLC to their requests for amendments to the Pink Shell Commercial Planned Development and Master Concept Plan for the following:

1. Relocation of existing public walkway beach access easement from between Captiva Villa and White Sands to the north side of Captiva Villas.
2. Provide additional parking in existing location of tennis courts (on Bay side).
3. ~~Additional 20 spots in the current valet parking lot.~~ *Sorry I'm not in favor of giving up our park spaces*
4. Approval of parking lot control gates.
5. Non removal of the boat ramp.
6. Approval of a trash compactor, where current dumpster is now located.
7. Allow advertising of the restaurant located within Captiva Villas and the restaurant and spa located within White Sands.
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Signature

JAMES F. BRYANT
Print Name

CC: Members of Town Council
Town Staff

Dear Local Planning Agency,

RECEIVED
APR 09 2009

March 26, 2009

BY:.....

My name is John Petty, I'm a owner of a condo at the Estero Island Beach Villas located at 250 Estero Blvd. I've been coming to Fort Myers Beach for thirty five years and owned my condo since it was built in 1995. I'm writing this letter to inform you folks of my total opposition to the request of JABO, LLC (Case # FMBDCI2006-0001 and FMBDCI2006-0002) to change, modify, revise or deviate from the current zoning , current restrictions, and or requirements of the Fort Myers Beach Land Development Code. JABO, LLC (i. e. the Pink Shell) has not show good faith toward its neighbors, they are only out for themselves. We at The Estero Island Beach Villas have been constantly hassled by the pink shell of them parking in our parking lot. We need to keep control of our neighborhood, by granting the propose pink shell changes , in effect, the pink shell wants to change the neighborhood into a commerical zone with all the negative effects that come along with it. THIS IS NOT WHAT FORT MYERS BEACH IS ALL ABOUT!. The JABO, LLC request should be denied.

Thank you for your attention,

Sincerely , John Petty

Notice of Public Hearing

Notice is hereby given that the Local Planning Agency of the Town of Fort Myers Beach will hold a public hearing at 10:30 AM on March 24, 2009 regarding the cases listed below. This hearing will take place in the council chambers at Fort Myers Beach Town Hall, 2523 Estero Boulevard, Fort Myers Beach, Florida, 33931.

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence to become a participant in the hearing.

At this hearing the Local Planning Agency of Fort Myers Beach will review the cases and make a recommendation to the Town Council. If any person should choose to appeal a decision made at this public hearing, such person would need a record of the proceedings, and for that purpose may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Copies of the staff report are available at Fort Myers Beach Town Hall. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM.

Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you are in need of reasonable accommodation, contact Frank Shockey at 239-765-0202.

Case Number: FMBDCI2006-0001 and FMBDCI2006-0002

Case Name: White Sands, Captiva Villas, and Bayside CPD Amendments

Applicant: JABO, LLC (Beverly Grady, Esq., authorized agent) with authorization from at least 75% of the unit owners of White Sands Villas Condominium and at least 75% of the unit owners of Captiva Villas Condominium

Request: Amend White Sands, Captiva Villas, and Bayside CPD zoning districts to approve a revised, unified, and updated Master Concept Plan (MCP), schedule of uses, conditions, and deviations, reflecting the terminology and regulations of the current LDC, as required by LDC Section 34-214, for the Pink Shell Resort on approximately 9.6 acres (including adjacent beaches not rezoned), and to make certain changes including the addition of uses to the schedule of uses and MCP, clearly indicating all relevant deviations previously approved, altering prior limiting conditions, and to have a current and complete resolution for the Pink Shell CPD that does not require references to a previous resolution on the same property, in accordance with LDC Section 34-214. If approved as proposed, the development will deviate from requirements of the Fort Myers Beach Land Development Code.

Location: Both sides of North Estero Boulevard including 190 and 200 Estero Boulevard. Turn right (north) at the base of the Sky Bridge and head north on Estero Boulevard for about 0.7 miles

Staff Report: Inquire at Fort Myers Beach Town Hall, 239-765-0202, 2523 Estero Boulevard, Fort Myers Beach, FL 33931.

TOWN OF
FORT MYERS BEACH

MAY 11 2009

John Petty
974 Tealwood Lane
South Bend, IN 46614

RECEIVED BY

May 1, 2009

Members of the Local Planning Agency (LPA)
Town of Ft. Myers Beach-Town Hall
2523 Estero Blvd.
Ft. Myers Beach, FL 33931

Re: Opposition to Case Numbers FMBDCI2006-0001 and FMBDCI2006-0002
(JABO LLC)

Dear Ladies and Gentlemen:

I am a property owner at Estero Island Beach Villas located at 250 Estero Boulevard, Ft. Myers Beach and am aware of the request to amend the zoning at White Sands, Captiva Villas and the Bayside CPD at properties commonly known collectively as the Pink Shell. Based on my understanding of the request and its numerous negative impacts to our area and our specific property I am unalterably opposed to the overall request.

To gain support for past changes on the property, there were many thoughtful conditions placed on these changes to allow the development while at the same time protect the neighborhood against the negative effects of commercial intrusion. The current owners now wish to undo those protections.

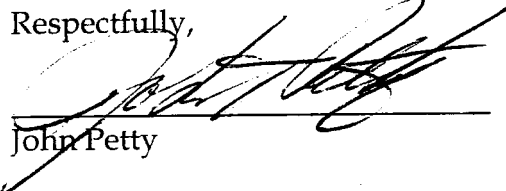
The common thread throughout the evolution of the property to what it is today was the condition that the use of the facilities was only for guests staying at the property. The current applicant wants to remove those conditions to allow the general public use of the resort which would adversely change the residential characteristics of this part of Estero Island through the intensification of commercial uses, all at the expense of the resort's neighbors.

Most of the requested changes are intertwined with rescinding the prohibition on serving the public, and to that extent we oppose all of them. Opening to the general public of the bars, restaurants, personal services, outside banquets, company picnics and other commercial uses, for which no parking was ever provided, would be devastating to our area. This undermines the very reasons that all previous zoning decisions and approvals at the Pink Shell were permitted. This is no time to change the

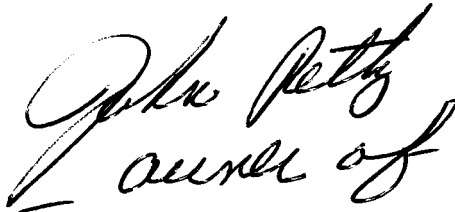
rules on a project that only exists at its current intensity because of those restrictions. Given this scenario, and in the interests of fair play, the only justification for removal of any existing conditions would be for the applicant to remove all the existing buildings and uses and start afresh.

We cannot attend your meeting but wanted to state our opposition and the reasons why. In our stead, and to express our opinions further, we would like to forego our 3 or 6 minute presentation time to Carleton Ryffel who is a professional planner and a neighbor.

Respectfully,


John Petty

C: Members of Town Council
Frank Shockey

 owner of Estero Island Beach Villas
#303



Valet Parking
\$8.00











April 10, 2009

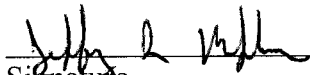
Name: Jeff Mephorson
Address: P.O. Box 2304, Ft Myers Beach Fl, 33932
Fort Myers Beach, FL 33931

Dear Members of the Local Planning Council,

I would like to express my SUPPORT of Captiva Villas, LLC and/or JABO, LLC to their requests for amendments to the Pink Shell Commercial Planned Development and Master Concept Plan for the following:

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5. Non removal of the boat ramp.
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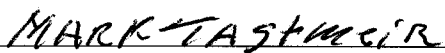
The Pink Shell is an asset to the community and we support these common sense requests.


Signature

Jeffery L Mephorson
Print Name

CC: Members of Town Council
Town Staff

Signature


Print Name

April 10, 2009

Name: Robert Alvarez

Address:

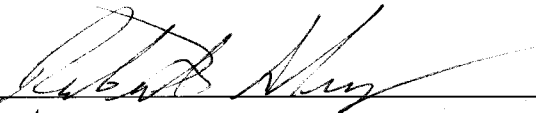
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Signature



Print Name

CC: Members of Town Council
Town Staff

April 10, 2009

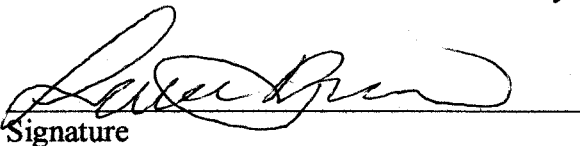
Name: Sara Brown
Address: 135 Gulfview Ave #2
Fort Myers Beach, FL 33931

Dear Members of the Local Planning Council,

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Signature

Sara Brown
Print Name

CC: Members of Town Council
Town Staff

April 10, 2009

Name: Bennie Albright
Address: 3001 E STERO BLVD
Fort Myers Beach, FL 33931

Dear Members of the Local Planning Council,

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Bennie Albright
Signature

Bennie Albright
Print Name

CC: Members of Town Council
Town Staff

April 10, 2009

Name:

Address: 11420 Bourgeois Village Ln
Fort Myers Beach, FL 33931

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Signature

Print Name

CC: Members of Town Council
Town Staff

April 10, 2009

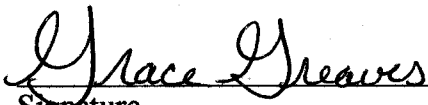
Name: GRACE GREAVES
Address: 13 AVENIDA CARITA
Fort Myers Beach, FL 33931

Dear Members of the Local Planning Council,

I would like to express my SUPPORT of Captiva Villas, LLC and/or JABO, LLC to their requests for amendments to the Pink Shell Commercial Planned Development and Master Concept Plan for the following:

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Signature

GRACE GREAVES
Print Name

CC: Members of Town Council
Town Staff

April 10, 2009

Name: Laverne F Kosinski
Address: 135 Gulfview Ave
Fort Myers Beach, FL 33931

Dear Members of the Local Planning Council,

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Laverne F Kosinski
Signature

Laverne F Kosinski
Print Name

CC: Members of Town Council
Town Staff

April 10, 2009

Name: Lucille Hunter
Address: 29 Emily Lane
Fort Myers Beach, FL 33931

Dear Members of the Local Planning Council,

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Lucille M Hunter
Signature

Lucille M. Hunter
Print Name

CC: Members of Town Council
Town Staff

April 10, 2009

Roger Blauwkamp
140 Estero Blvd. Unit 403
Fort Myers Beach, FL 33931

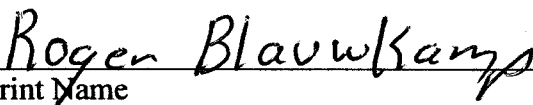
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Signature


Print Name

CC: Members of Town Council
Town Staff

April 10, 2009

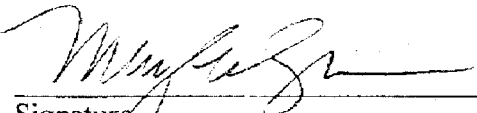
Mary Spellman
140 Estero Blvd. Unit 302
Fort Myers Beach, FL 33931

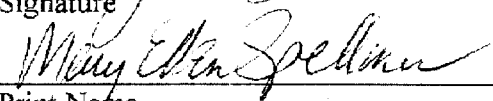
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Signature

Print Name

CC: Members of Town Council
Town Staff

Peggy Scarpati - PSR

From: Bill Waichulis - PSR
Sent: Thursday, April 16, 2009 3:42 PM
To: Peggy Scarpati - PSR
Subject: FW: Holiday Water Sports letter to LPA

For the file...

From: skfaircl@aol.com [mailto:skfaircl@aol.com]
Sent: Thursday, April 16, 2009 3:23 PM
To: Bill Waichulis - PSR
Subject: Fwd: Holiday Water Sports letter to LPA

From Windward Passage.

Sharon Faircloth
 Holiday Water Sports Fort Myers Beach

-----Original Message-----

From: Windward Passage Resort <windwardpassage@embarqmail.com>
To: skfaircl@aol.com
Sent: Thu, 16 Apr 2009 2:35 pm
Subject: Re: Holiday Water Sports letter to LPA

I hope this helps
 Dear Dr. Shockey,

Windward Passage Resort is located at 418 Estero Blvd., Fort Myers Beach. We are neighbors of the Pink Shell Beach Resort and Spa and support the changes the Pink Shell has before the LPA. Our guests benefit greatly from having a restaurant, watersports and boat rental within walking distance of our resort. If they could no longer utilize these facilities, they would have to drive on Estero Blvd. to find these amenities, thus creating an even greater traffic problem. They would also have to use valuable public parking spaces.

This is the only service of its kind at the North end of Fort Myers Beach and is very much needed.

The Pink Shell has been a great neighbor and we support them in their zoning change requests.

Thank you.

Windward Passage Resort
 Management and Owners

----- Original Message -----

From: skfaircl@aol.com
To: windwardpassage@embarqmail.com
Sent: Thursday, April 16, 2009 12:22 PM
Subject: Holiday Water Sports letter to LPA

Hi Trisha,

Please email or fax a letter to Dr. Frank Shockey at the Town of Fort Myers Beach. Make sure and ask him to distribute the letter to all members of the LPA before the next meeting. I pasted his email address below. If you could say something like...

Dear Dr. Shockey,

Windward Passage Resort is located at 418 Estero Blvd., Fort Myers Beach. We are neighbors of the Pink Shell Beach Resort and Spa and support the changes the Pink Shell has before the LPA. Our guests benefit greatly from having a restaurant, watersports and boat rental within walking distance of our resort. If they could no longer utilize these facilities, they would have to drive on Estero Blvd. to find these amenities, thus creating an even greater traffic

4/16/2009

problem. They would also have to use valuable public parking spaces. The Pink Shell has been a great neighbor and we support them in their zoning change requests.

Thank you.

Feel free to add anything else. Thanks for your help!!

frank@fortmyersbeachfl.gov

Sharon Faircloth
Holiday Water Sports Fort Myers Beach

Great deals on Dell's most popular laptops - Starting at \$479

Great deals on Dell's most popular laptops - Starting at \$479

April 10, 2009

Murray Oltman
250 Estero Blvd. Unit 205
Fort Myers Beach, FL 33931

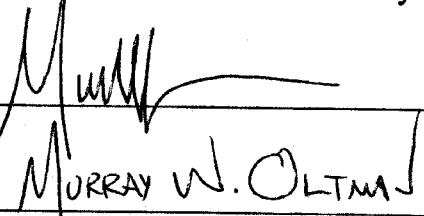
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The Pink Shell is an asset to the community and we support these common sense requests.

Signature



Print Name

CC: Members of Town Council
Town Staff

April 10, 2009

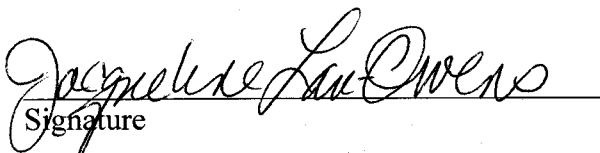
Jacqueline Lau-Owens
290 Pearl Stredet
Fort Myers Beach, FL 33931

Dear Members of the Local Planning Council,

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10. Approval of existing cottages and condominiums to be used as group quarters.
11. Modifications to the accessory marina to the resort

The Pink Shell is an asset to the community and we support these common sense requests.


Signature

JACQUELINE LAU-OWENS
Print Name

CC: Members of Town Council
Town Staff

April 10, 2009

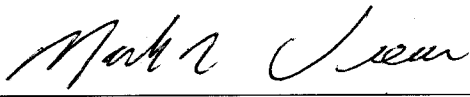
Mark Vieau
140 Estero Blvd. Unit 304
Fort Myers Beach, FL 33931

Dear Members of the Local Planning Council,

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Signature



Print Name

CC: Members of Town Council
Town Staff

April 10, 2009

Mark Vieau
250 Estero Blvd. Unit 505
Fort Myers Beach, FL 33931

Dear Members of the Local Planning Council,

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Print Name

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Town Staff

April 10, 2009

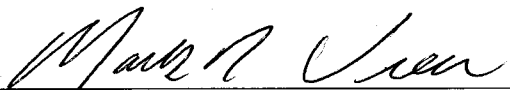
Mark Vieau
250 Estero Blvd. Unit 705
Fort Myers Beach, FL 33931

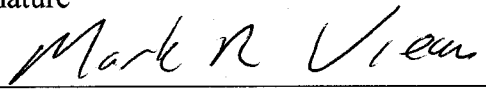
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Town Staff

April 10, 2009

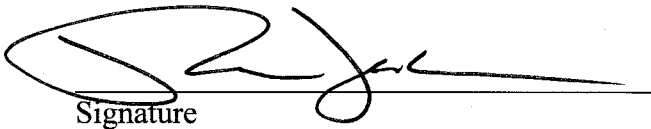
Robbinn Jorden
21531 Widgon Terrace
Fort Myers Beach, FL 33931

Dear Members of the Local Planning Council,

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Signature



Print Name

CC: Members of Town Council
Town Staff

April 13, 2009

Carol & Stu Levee
250 Estero Blvd. Unit 602
Ft. Myers Beach, Fl. 33931

Dear Members of the Local Planning Council,

I would like to express my SUPPORT of Captiva Villas, LLC and/or JABO, LLC to their requests for amendments to the Pink Shell Commercial Planned Development and Master Concept Plan for the following:

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Carol A. Levee

Stuart E. Levee

Signature

Carol A. Levee

Stuart E. Levee

Print Name

CC: Members of Town Council
Town Staff

April 10, 2009

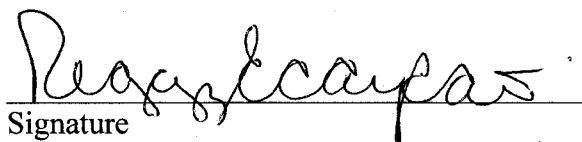
Peggy Scarpati
1 Avenida Carita
Fort Myers Beach, FL 33931

Dear Members of the Local Planning Council,

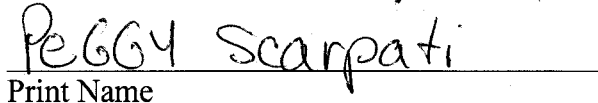
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Signature



Print Name

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Town Staff

April 10, 2009

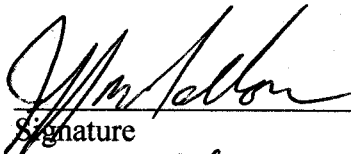
Best Western Beach Resort
684 Estero Blvd
Fort Myers Beach, FL 33931

Dear Members of the Local Planning Council,

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Signature

Jeff M. Malbon
Print Name

CC: Members of Town Council
Town Staff

April 10, 2009

Tim Schlachter
Estero Island Beach Villas
250 Estero Blvd Unit 202
Fort Myers Beach, FL 33931

Dear Members of the Local Planning Council,

I would like to express my **SUPPORT** of Captiva Villas, LLC and/or JABO, LLC to their requests for amendments to the Pink Shell Commercial Planned Development and Master Concept Plan for the following:

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Signature

TIM SCHLACHTER

Print Name

CC: Members of Town Council
Town Staff

April 10, 2009

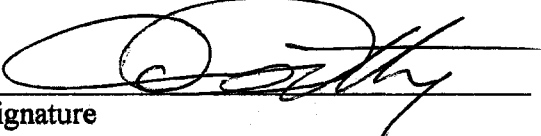
David Petty
250 Estero Blvd. Unit 601
Fort Myers Beach, FL 33931

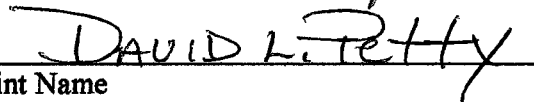
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Signature


Print Name

CC: Members of Town Council
Town Staff

April 10, 2009

Name: Steve & Doris Colgate
Address: Offshore Sailing School tenant of Pink Shell Resort
Fort Myers Beach, FL 33931

Dear Members of the Local Planning Council,

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Signature

Print Name

CC: Members of Town Council
Town Staff

April 10, 2009

Name: Doug Sparks - OFFSHORE SAILING SCHOOL
Address: 100 ESTERO BLVD.
Fort Myers Beach, FL 33931

Dear Members of the Local Planning Council,

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Signature

Douglas Sparks
Print Name

CC: Members of Town Council
Town Staff

April 10, 2009

Name: MARK TASTMICR
Address: 8201 EMILY LN
Fort Myers Beach, FL 33931

Dear Members of the Local Planning Council,

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Mark Tastmicr
Signature

MARK TASTMICR
Print Name

CC: Members of Town Council
Town Staff

April 10, 2009

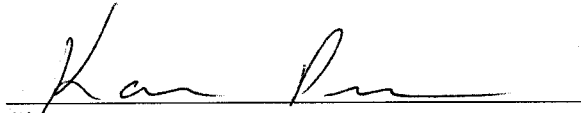
Name: Karen Prease
Address: 88 Oyster Bay Ln
Fort Myers Beach, FL 33931

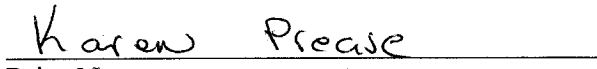
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Town Staff

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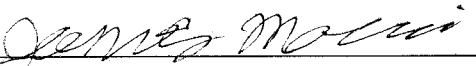
Name: JAMES MORRIS
Address: 1011 3rd St
Fort Myers Beach, FL 33931

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Signature

JAMES MORRIS
Print Name

CC: Members of Town Council
Town Staff

April 10, 2009

Beverly Thomas
140 Estero Blvd. Unit 310
Fort Myers Beach, FL 33931

Dear Members of the Local Planning Council,

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Beverly N. Thomas

Signature
Beverly N. Thomas

Print Name

CC: Members of Town Council
Town Staff

April 13, 2009

Jeffrey Wentworth
3630 Lower Springboro Road
Waynesville, Oh 45068

250 Estero Blvd Unit 501
Ft Myers Beach, FL 33931

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