

ROETZEL & ANDRESS

A LEGAL PROFESSIONAL ASSOCIATION

2320 FIRST STREET
SUITE 1000
FORT MYERS, FL 33901-3419
941.338.4207 DIRECT
941.337.3850 MAIN
941.337.0970 FAX
bgrady@ralaw.com

November 14, 2000

RECEIVED
NOV 15 2000
PERMIT COUNTER

Alvin "Chip" Block
Senior Planner
Lee County Department of Community Development
P.O. Box 398
Fort Myers, FL 39902-0398

**Re: Amend Publix Supermarkets, Inc. CPD for a Sign
Case No. DCI2000-0078**

Dear Mr. Block:

Pursuant to our conference with Ginny Ross and you, please find enclosed the Amended Master Concept Plan which adds 2 deviations and the justification. Please include the existing narrative as justification for the deviations.

Very truly yours,


Beverly Grady
For the Firm

BG/umr

cc: Pam Houck
Ginny Ross

78789_1



Case DC2000-00078
Mid Id Marina - Publix

THOMAS SIGN & AWNING COMPANY
4590 118TH Avenue North Clearwater, FL 33762
(727) 573-7757 (800) 526-3325

FAX

To: Rob Irving
FAX #: 941-479-8319
From: Jeff Riggins
Thomas Fax #: 727-573-0328
Pages (Incl cover): 2
Date: 11-9-00
Re: Publix # 740 Ft. Myers Bch.

Rob,

Confirming our conversation of earlier today, The panels for the sign will utilize a dark background with white copy. Publix will have a dark green background. The other two tenants will have either dark blue or black backgrounds.

Should you need any further information, do not hesitate to contact me.

Sincerely,

Jeff Riggins
National Sales

RECEIVED
OCT 31 2000

PERMIT COUNTER

**Exhibit II E 2 Narrative and
Exhibit IV-D Description of Proposed Development**

The subject property, which is 3.736 acres, was rezoned to Commercial Planned Development (CPD) by the Town Council on May 5, 1998. At that time the Council recognized and approved shared access for Mid Island Marina and the Publix Super Market as set forth in Resolution 98-11 and 11a approving the CPD. In the same manner, the sign location, which is approved on the CPD, was intended to be shared by Publix and Mid Island Marina. The sole purpose of this request is to authorize, in the same manner as the access, that the sign location for the ground-mounted sign is hereby approved for use by both Publix and Mid Island Marina including its tenants. In support of this request is the sign easement from Publix to Mid Island Marina. The proposed sign is in conformity with the sign code and Publix and Mid Island Marina (and its tenants) will share the amount of signage 50%/50%, see Exhibit 1 attached hereto. This request is consistent with the Comprehensive Plan of the Town, the Land Development Code.

The purpose of Exhibit 1 is to establish the dimensions of the sign. The sign location is on the Master Concept Plan and was previously approved as part of the CPD approval. Publix and Mid Island Marina reserve the right to change the copy on the sign.

77991_1
102932-0001

DCI 2000-00078

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November 14, 2000

Alvin "Chip" Block

Senior Planner

Lee County Department of Community Development

P.O. Box 398

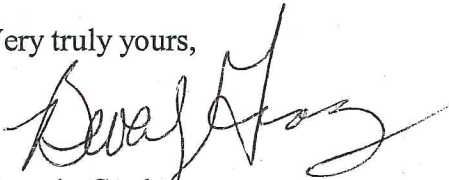
Fort Myers, FL 39902-0398

**Re: Amend Publix Supermarkets, Inc. CPD for a Sign
Case No. DCI2000-0078**

Dear Mr. Block:

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Very truly yours,



Beverly Grady
For the Firm

BG/umr

cc: Pam Houck
Ginny Ross

78789_1

LEE COUNTY
RECEIVED
00 NOV 15 PM 3:33
COMM. DEV.
PUB. WORKS. CNTR.
SECOND FLOOR

JUSTIFICATION

Deviation from Section 30-153(a) to from the limitation from 1 business sign to add a second sign as depicted in the application with a maximum face of 32 square feet (a ground mounted sign).

The CPD was part of a parent tract containing Mid Island Marina. The Town approved a rezoning of a portion of the parent tract to CPD and at that time recognized and approved the access to the remainder parcel with the marina, Mid Island Marina, which would be through the Publix CPD. In addition, a sign location was approved and reflected on the Master Concept Plan. That existing sign was the Mid Island Marina sign. The schedule of uses included "signs in conformance with Chapter 30." At that time two signs were permitted on the property (a ground-mounted sign as well as a wall sign for Publix). Thereafter, the Town revised its regulations and limited the signage to one sign. Publix has obtained a sign permit for the wall sign resulting in this application to amend the CPD with this deviation for a second sign. A fairer solution would have been for the Town to have taken the position that the wall sign which was not reflected on the Master Concept Plan was the sign that required the deviation and amendment to the Plan.

Deviation from Section 30-4(a) to permit an offsite sign limited to serving the adjacent property which was part of the parent tract with the subject CPD parcel and which the Town has already approved deviation for access through the CPD parcel to serve the same adjacent property.

At the direction of the Town, this deviation is requested to permit the sign to advertise services and products from Mid Island Marina or its tenants on the sign. The sign is depicted on the original Master Concept Plan. The owner of the CPD and Mid Island Marina have entered into a sign agreement and a sign easement agreement. In fact, we have requested from the Town that a solution to this particular issue would be to recognize that if Mid Island Marina had an easement contiguous with its property over the access road to Estero Boulevard which included the sign easement that it would fit within the definition of on-site sign. This interpretation has been routinely given by Lee County in interpreting its sign regulations. We have found nothing in the Town's revised sign regulations which would preclude such an interpretation and would have eliminated the need to amend the CPD and ask for this deviation. Currently, the access easement and the sign easement contain a small gap but Publix has offered to make the easement in favor of Mid Island Marina a contiguous parcel which would have included the sign area. We have not pursued this alternative as the Town has informed us that it would not solve the problem.

ROETZEL & ANDRESS

A LEGAL PROFESSIONAL ASSOCIATION

PROVIDING LEGAL SERVICES STATEWIDE IN OHIO AND FLORIDA

FACSIMILE TRANSMISSION COVER SHEET

2320 FIRST STREET
SUITE 1000
FORT MYERS, FL 33901-3419
941.338.4207 DIRECT
941.337.3850 MAIN
941.337.0970 FAX
bgrady@ralaw.com

DATE: December 6, 2000

TO: Ms. Kay DeselemNUMBER OF PAGES (including this cover sheet): 2FROM: Beverly Grady, Roetzel & Andress

We are transmitting from facsimile equipment, which will automatically connect transmissions to Roetzel & Andress twenty-four hours a day. If problems arise during transmission, please contact the operator at the office number listed above. Thank you.

NOTE: Unless otherwise indicated, the information contained in this facsimile transmission is confidential information intended for the use of the individual or entity named above. The information contained in this transmission may also be attorney-client privileged and/or protected as attorney work product. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or are not sure whether it is confidential or otherwise privileged, please immediately notify us by telephone, and return the original message to us at the above address via the U.S. Postal Service at our expense. Thank you.

FACSIMILE INSTRUCTIONSFAX NUMBER: 479-8313CLIENT/MATTER NUMBER: 102932-0001ID#: 8086COMMENTSSee attached.

From: "Grady, Beverly" <bgrady@ralaw.com>
To: 'Kay Deselem' <DESELEKL@leegov.com>
Date: 12/7/00 12:04PM
Subject: RE: wording form Publix, Mid Island Marina, DCI2000-00078

yes, you are right. We do not want to jeopardize 1/9/00 hearing date - so we will go with your language .

> -----Original Message-----

> From: Kay Deselem [SMTP:DESELEKL@leegov.com]
> Sent: Thursday, December 07, 2000 12:02 PM
> To: bgrady@ralaw.com
> Cc: Pam Houck; Rebecca Tatlock
> Subject: RE: wording form Publix, Mid Island Marina, DCI2000-00078

>

> Yes, Chip is in Kentucky.

>

> I don't believe you have a 12/19 hearing date. It is my understanding
> that this case is going on the 1/9/01 agenda. That is what Pam Houck and
> Becky Tatlock told me. You may wish to give either of them a call to
> discuss what appears to be a misunderstanding.

>

> Kay Deselem, Sr. Planner
> Development Services Division
> Dept. of Community Development
> Lee County Government, Ft. Myers, FL
> e-mail address: deselek1@leegov.com
> Phone: 941-479-8336; Fax 941-479-8341

>

> >>> "Grady, Beverly" <bgrady@ralaw.com> 12/07/00 11:47AM >>>

> Isn't Chip in Kentucky? We do not want to lose the hearing date of
> 12/19/00

> - so please advertise as you wrote it without suggestion. Your description
> of request is legally accurate and sufficient. thanks Kay.

> Beverly

> > -----Original Message-----

> > From: Kay Deselem [SMTP:DESELEKL@leegov.com]
> > Sent: Thursday, December 07, 2000 11:52 AM
> > To: bgrady@ralaw.com
> > Cc: Alvin Chip Block
> > Subject: wording form Publix, Mid Island Marina, DCI2000-00078

> >

> > I received your 12/6 letter with suggestions for the language. Since
> this

> > is Chip's case, I will forward your letter to him for further action.

> >

> > Kay Deselem, Sr. Planner
> > Development Services Division
> > Dept. of Community Development
> > Lee County Government, Ft. Myers, FL
> > e-mail address: deselek1@leegov.com
> > Phone: 941-479-8336; Fax 941-479-8341

From: Kay Deselem
To: McCarthy, Walter
Date: 12/13/00 7:58AM
Subject: Re: sign wording for Chip's case at the Beach

Gotcha! Thanks!

Kay Deselem, Sr. Planner
Development Services Division
Dept. of Community Development
Lee County Government, Ft. Myers, FL
e-mail address: deselekl@leegov.com
Phone: 941-479-8336; Fax 941-479-8341

>>> Walter McCarthy 12/13/00 07:57AM >>>
I would say **Commercial Planned Development** instead of CPD.

Walter J. McCarthy, P.E.
Director, Development Services Division
Department of Community Development
E-mail: mccartwj@leegov.com
Telephone: 941-479-8585
Fax: 941-479-8386

>>> Kay Deselem 12/13/00 07:51AM >>>
Walter, I have not done any Beach cases (since the incorporation). Would you please check this wording to see if it is consistent with what we do there?

Thank you.

Kay Deselem, Sr. Planner
Development Services Division
Dept. of Community Development
Lee County Government, Ft. Myers, FL
e-mail address: deselekl@leegov.com
Phone: 941-479-8336; Fax 941-479-8341

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bgrady@ralaw.com

December 6, 2000

Ms. Kay Deselem
Lee County
Board of County Commissioners
Post Office Box 398
Fort Myers, FL 33902-0398

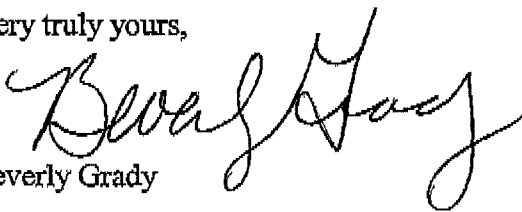
Re: Publix Super Market, Inc. CPD aka Mid Island Marina, Inc.
File No. DCI2000-00078

Dear Ms. Deselem:

The formal request as you worded it is acceptable and sufficient.

As a suggestion (and if time allows) you may want to add to the of the request "limited to the parcel sharing joint access with the CPD". This limitation is not required and if it is too difficult to add, do not worry about it. The purpose is more to inform the neighbors and residents of Fort Myers.

Very truly yours,


Beverly Grady

BG/umr

79644_1

FT. MYERS BEACH, FLORIDA
DEVELOPMENT SERVICES DIVISION
STAFF REPORT

TYPE OF CASE: Variance

CASE NUMBER: VAR2000-00077

FORT MYERS BEACH LPA DATE: January 9, 2001

TIME: 12:00 Noon

I. APPLICATION SUMMARY:

- A. Applicant: Silvia Steiger & Marjan Mlinaric
- B. Request: A variance in the Residential Multiple Family RM-2 district from Land Development Code (LDC) Section 34-715 which requires a minimum side yard setback of 7 feet to allow side setbacks of 5.3 feet for an addition to a single family residence.
- C. Location: The subject property is located at 2686 Estero Blvd., Ft. Myers Beach, in S19-T46S-R24E, Lee County, FL. (District #3)
- D. Land Use Plan Designation: Boulevard
- E. Surrounding Land Use:

| <u>Existing Use & Zoning</u> | <u>Future Land Use Map</u> |
|--|----------------------------|
| North: Estero Boulevard, then Mixed Residential | Boulevard |
| East: Mixed Residential and office uses zoned RM-2 | Boulevard |
| South: Gulf of Mexico | Recreation |
| West: Mixed Residential and motel zoned RM-2 | Boulevard |

II. BACKGROUND INFORMATION AND RECOMMENDATION:

A. Recommendation:

Staff recommends **APPROVAL** of the request with one condition:

1. The variance is limited to the existing single family residence and the proposed addition to the north side of the residence, as shown on the site plan, Attachment B to this report.

Findings & Conclusions

Based upon an analysis of the application and the standards for approval of a variance, staff makes the following findings and conclusions:

1. There are exceptional or extraordinary conditions or circumstances inherent to the property in question.
2. The exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of the ordinance.
3. The variance, if granted, is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property.
4. The granting of the variance, as conditioned, will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
5. The condition or situation of the specific piece of property, or the intended use of the property, for which the variance is sought is not of a general or recurrent nature so as to make it more reasonable and practical to amend the ordinance.

B. Rationale:

Introduction/Synopsis

The subject variance is requested in order to enable a proposed addition to the north side of an existing single family house. The subject parcel is a flag shaped lot, zoned Multiple Family Residential RM-2 and approximately 12,850 SF with 25 feet of frontage on Estero Boulevard. The parcel comprises three 25 foot wide platted lots of record, created in 1930. The property appraiser's records indicate the existing residence was built in 1928. The 40± foot wide house is centered on the parcel, approximately 5.3± feet from both the east and west property lines. The proposed addition includes a 9.5± foot by 27± foot screened porch with stairs, and a 13± foot by 21± foot bedroom which would utilize the same side setbacks as the existing single family residence.

Single family dwelling units in the RM-2 zoning district require a minimum lot size of 6,500 SF, a minimum lot width of 65 feet, a minimum depth of 100 feet and a minimum side yard setback of 7 feet. The subject property is non-conforming in regards to the minimum required width and side setback. Single family residences are permitted on non-conforming lots which comply with the density requirement of the comprehensive plan, were created prior to 1962, have a minimum width of 40 feet, minimum depth of 75 feet and a minimum lot size of 4,000 SF. The subject parcel conforms with these requirements. The proposed addition is landward of the 1978 Coastal Construction Control Line (CCCL), but seaward of the 1991 CCCL. Therefore, permits from the Florida Department of Environmental Protection will be necessary prior to construction.

Town of Fort Myers Beach Comprehensive Plan

The subject property is located in the Boulevard land use category. Policy 4-B-5 describes the Boulevard category as a mixed use district located along portions of Estero Boulevard, including less intense commercial areas, historic cottages, and mixed housing types. For new residential development, the maximum density is 6 dwelling units per acre. The subject property is consistent with the density requirement and the uses intended in the Boulevard land use category.

Surrounding Zoning and Neighborhood Compatibility

The immediately surrounding properties are zoned residential multiple family RM-2 and support a mixture of residential and commercial uses. West of the subject property's driveway on Estero Boulevard is the Bluebill Realty office building. South of the office building, is a single family residence. On the east side of the subject property's driveway, located on Estero Boulevard is the Gulf Motel. South of the motel is a single family residence. The proposed variance, which will allow an addition to the single family residence, is compatible with the existing surrounding uses.

Conclusion

The subject property is a 50 foot wide flag shaped parcel with a 25 foot wide strip which provides access to Estero Boulevard. The individual platted lots were created in 1930 with 25 feet of width, while the existing residence was built in 1926. The 50 foot, non-conforming width of the parcel creates an exceptional condition which is inherent to the property and was not created by the property owner. The comprehensive plan promotes the preservation of historic beach cottages. The applicant has stated they wish to keep the character and appearance of the old-Florida style beach house rather than see the home replaced with a new, larger structure.

Approval of the request will allow a setback 1.7 feet closer than the required 7 foot setback. The variance, if 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. The proposed addition will not place the residence any closer to the side property lines than the existing condition. Approval of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The size of the parcel and requested side setbacks are consistent with the surrounding development pattern. Staff recommends the variance be approved.

III. SUBJECT PROPERTY

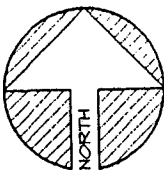
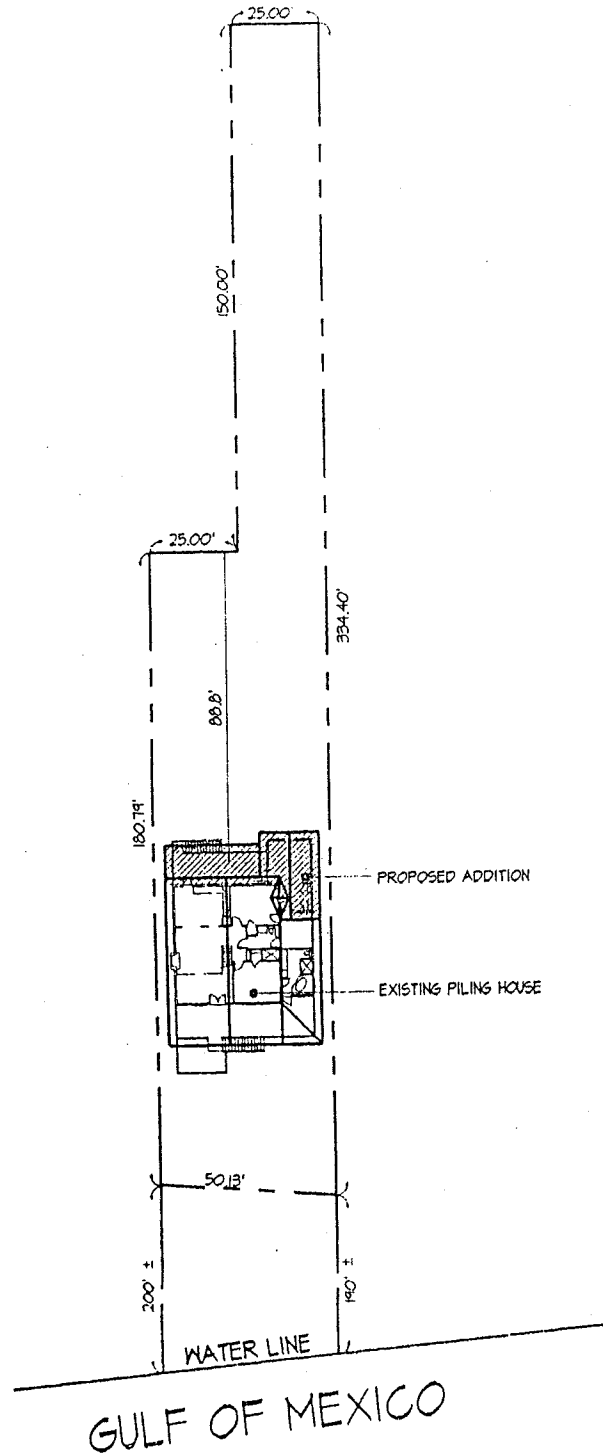
- A. **STRAP:** The applicant indicates the STRAP number is: 19-46-24-W2-0020B.0180.
- B. **LEGAL DESCRIPTION:** Lots 18, 28 & 29, Block B, Winkler SUBDIVISION, as recorded in Plat Book 8, Page 45, of the Public Records of Lee County, Florida, lying in Section 19, Township 46 South, Range 24 East, Lee County, FL.

IV. ATTACHMENTS

- A. Zoning Map
- B. Site Plan
- C. Photograph of Subject Property

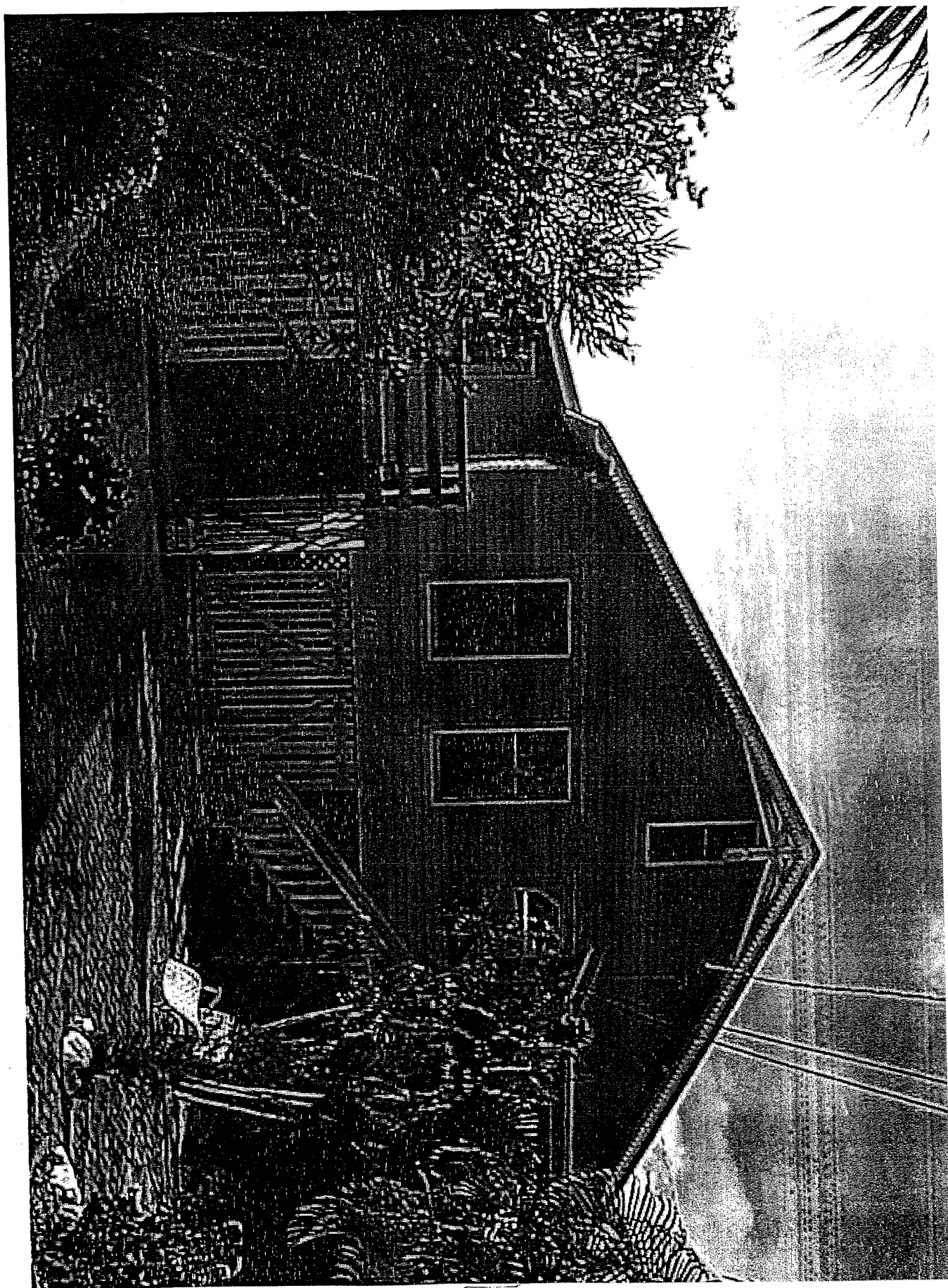
cc: Applicant
Town of Fort Myers Beach LPA
Zoning File

ESTERO BOULEVARD (50' R/W)



SITE PLAN

OWNERS: MARJAN MILINARI & SILVIA STEIGER
ADDRESS: 2686 ESTERO BOULEVARD, FORT MYERS, FLORIDA.





LEE COUNTY

APPLICATION FOR PUBLIC HEARING FOR VARIANCES

Applicant's Name: SILVIA STEIGER / MARIAN KUMARIC Phone #: 941-463-4091

Project Name: 2686 ESTERO BLVD FORT MYERS BEACH

STRAP Number: 194624 W2 0020B.0180

Application Form: ☐ Computer Generated* ☐ County Printed

* By signing this application, the applicant affirms that the form has not been altered.

STAFF USE ONLY

Commission District: 03

Land Use Classification: Recreation Boulevard

Current Zoning: RM-2

Lee Plan Density Range: _____

Hearing Number: VAR 2000-00077

Fee: 700.00

Date of Application: 11-22-00

Date Fee Paid: 11-22-00

Intake By: JA

Receipt Number: _____

Date HEX Public Hearing: _____

Staff Recommendation: _____

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

PART I
APPLICANT/PROPERTY OWNERSHIP INFORMATION

A. Name of applicant: MARIAN MUNARIC & SILVIA STEIGER

Mailing Address: Street: PO BOX 6074 2686 ESTERO BLVD

City: FT. MYERS BEACH State: FL Zip: 33931

Phone Number: Area Code: 941 Number: 463-4091 Ext. _____

Fax Number: Area Code: 941 Number: 463-4091

B. Relationship of applicant to property:

☒ Owner _____ Trustee* _____ Option holder* _____ Lessee*
_____ Contract Purchaser* _____ Other (indicate)* _____

*If applicant is NOT the owner, submit a notarized Authorization Form from the owner to the applicant labeled Exhibit I-B.

C. Name of owner of property: see above

Mailing Address: Street: _____

City: _____ State: _____ Zip: _____

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

Fax Number: Area Code: _____ Number: _____

D. Date property was acquired by present owner(s): 01 / 92

E. Is the property subject to a sales contract or sales option? ☒ NO _____ YES

2 F. Are owner(s) or contract purchasers required to file a disclosure form? _____ NO _____ YES
If yes, please complete and submit Exhibit I-F (attached).

G. Authorized Agent(s): List names of authorized agents.

Name: _____

Address: _____

Phone: _____ Fax: _____

Name: _____

Address: _____

Phone: _____ Fax: _____

Attach list if more space is required.

**PART II
GENERAL INFORMATION**

A. Legal Description: Is property within a platted subdivision recorded in the official Plat Books of Lee County?

_____ NO. Attach a legible copy of the legal description (labeled Exhibit II-A-1.) and a certified sketch of description as set out in chapter 61G 17-6.006, Florida Administrative Code, unless the subject property consists of one or more undivided platted lots. (labeled Exhibit II-A-2.) If the application includes multiple abutting parcels, the legal description must describe the perimeter boundary of the total area, but need not describe each individual parcel. However, the STRAP number for each parcel must be included.

✓ YES. Property is identified as:

Subdivision Name: WINKLERS SUBD BLK B
Plat Book: 8 Page: 45 Unit: _____ Block: _____ Lot: 18 28 + 29

Submit an actual copy of the Plat Book page with subject property clearly marked. Label this Exhibit II-A-3.

STRAP NUMBER: 19 46 24 W2 0020 B 0180

B. Project Street Address: 2686 ESTERO BLVD FT. MYERS BEACH

C. General Location Of Property: FT. MYERS BEACH

D. Vehicular route to the site from the nearest arterial road: 1 mi SOUTH AFTER
SKY-BRIDGE TO FT MYERS BEACH ON
ESTERO BLVD

E: Is this hearing requested as a result of a code violation? ✓ NO _____ YES

F. Nature of Request: (Check and complete the applicable answer)

☒ Variance from:
☒ (Zoning) LDC Section 34- 715
____ (Docks and Shoreline) LDC Section 26-____
____ (Development Standards) LDC Section 10-____
____ (Signs) LDC Section 30-____

G. Specific Variance Request (attach sheet if more space needed)

? Ordinance Section: 34-715 Variance is:
FROM: 7 ft to 5,3 ft on each side
on the other side
TO: _____

H. Property Dimensions

1. Width (average if irregular parcel): ~~37.5~~ 37.5 Feet
2. Depth (average if irregular parcel): ~~15.5~~ 260 Feet
3. Frontage on road or street: 25 Feet
4. Width along waterbody (If applicable): 50 Feet
5. Total land area; 12925 sq. ft. Acres or Square Feet

I: Facilities

1. Fire District: FORT MYERS BEACH
2. Sewer Service Supplier: LEE COUNTY SEWER
3. Water Service Supplier: FLORIDA CITIES WATER COMPANY

J. Present Use of Property: Is the property vacant? _____ Yes ☒ No

Except for County-initiated requests, if the property is not vacant, the owner or applicant's signature on this application indicates that the Owner agrees to either remove all existing buildings and structures, OR that the use of the building or structure(s) will be in compliance with all applicable requirements of the land development code. [Sec.34-202(b)(7)]

Briefly describe current use of the property: OWNERS LIVE THERE
2 ADULTS + 3 CHILDREN

K. Has a Development Order application been filed on the subject property? _____ NO _____ YES -

D.O. Number: _____

PART III

AFFIDAVIT

I, MARTIN MLINARCO certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize 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.

[Signature]
Signature of owner or owner-authorized agent

11/15/00
Date

MARTIN MLINARCO
Typed or printed name

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 15th day of Nov, 2000,
by Martin Mlinarco, who is personally known to me or who has produced
FL. Dr. Lic # M456-540-52-139-0 as identification.

(SEAL)



[Signature]
Signature of notary public.

Terry L. Kennedy
Printed name of notary public

VAR 2000-00077

Why granting the variance will not be injurious to the neighborhood or otherwise be detrimental to the public welfare.

2. For Development Standards Variances (Sec. 10-104), state the basis or reason(s) for the requested variance and include, at a minimum, the following issues:

The section number, and the particular regulation from which relief (variance) is requested; and
The granting of the variance will not threaten the health, safety, welfare of abutting property owners or the general public; and
How the requested variance will not create an undue burden on essential public facilities; and
How the standard from which the variance is being requested is unreasonably burdensome, as applied to the applicant's property and development plans.

- E. Site Plans (Label as Exhibit IV-E): Every request for a variance must include a site plan detailing or illustrating:

1. Existing streets, easements or other reservations of land within the site; and
2. All existing and proposed structures on the site (including structures over water, if applicable); and
3. All existing structures within one hundred (100) feet of the perimeter boundary of the site; and
4. The proposed variance from the adopted standards; and
5. Any other information requested by the Director commensurate with the intent and purpose of the regulations from which the variance is requested.

RECEIVED
NOV 22 2000

PERMIT COUNTER

EXHIBIT I-F
DISCLOSURE OF INTEREST FORM FOR:

STRAP NO. 1946 24 W 2 0020 B. 0180

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

Name and Address

SILVIA STEIGER
MARJAN ULJARIC

Percentage of Ownership

50
50

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

Name, Address, and Office

Percentage of Stock

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

(Applicant)

MARIAN MLINARIC

(Printed or typed name of applicant)

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 15th day of Nov., 2000, by Marian Mlinaric, who is personally known to me or who has produced Fl. Dr. Lx. # M 956-54252-187-0 as identification..

(SEAL)



Terry L. Kennedy

Signature of Notary Public

Terry L. Kennedy

Printed Name of Notary Public

RECEIVED
NOV 22 2000

Page 2 of 2

PERMIT COUNTER

VAR 2000-00077

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

Name and Address

Percentage of Interest

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

Name and Address

Percentage of Ownership

(Over)

Page 1 of 2

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

Name, Address, & Office(if applicable)

Percentage of Stock

Date of Contract: _____

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

Name and Address

RECEIVED
NOV 22 2000

PERMIT COUNTER

- Having family with 3 kids growing bigger we would like to add an additional bedroom to the existing house and enlarge an existing porch in order to connect with the addition. The setback of our house, dating from 1928, is on each side 5 feet 3 inches. We would like to keep the character and appearance of this typical old-Florida style beachhouse and continue with the existing line of the house for the addition, even though we understand that it does not comply with the nowadays existing setback requirements of 7 feet.

VAR 2000-00077

NOTICE TO ADJACENT PROPERTY OWNER

CASE NUMBER: VAR2000-00077

NAME: Steiger & Munaric Variance

REQUEST: A variance in the Residential Multiple Family RM-2 district from Land Development Code (LDC) Section 34-715 which requires a minimum side yard setback of 7 feet to allow side setbacks of 5.3 feet for an addition to a single family residence.

LOCATION: The subject property is located at 2686 Estero Blvd., in S19-T46S-R24E, Lee County, FL.

SIZE OF PROPERTY: 12,925± sq.ft.

STAFF REPORT: Direct inquiries to Dan Folke, Planner, at (941)479-8578, at the Dept. of Community Development, 1500 Monroe St., Ft. Myers, FL 33901.

Notice is hereby given that the Fort Myers Beach Local Planning Agency (LPA) will hold a public hearing on Tuesday, January 9, 2001, at 12:00 noon, on the above case. The public hearing will be held in the Nations Bank Building, 2523 Estero Blvd., Fort Myers Beach, FL 33931.

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

After the LPA has made a written recommendation, the case will be scheduled for a public hearing before the Town of Fort Myers Beach Council who will review the recommendation and make a final decision.

Copies of the staff report may be obtained or the file reviewed at the Offices of the Town of Ft. Myers Beach Administration Building, 2523 Estero Blvd., Ft. Myers Beach, FL.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Rebecca Tatlock at 479-8585.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

19-46-24-W2-0020B.0180
MLINARIC MARJAN +

DABETSWEILER 5

88239 WANGEN GERMANY

19-46-24-W2-0020B.0040
BREESE D R + CAROL J

2630 ESTERO BLVD

FT MYERS BEACH FL 33931

19-46-24-W3-0020B.0140
CORCELLI DONALD N + MARY E

290 IBIS ST

FT MYERS BEACH FL 33931

19-46-24-W3-0020C.0120
MORELLO JOSEPH H + ANDREA

2120 HIBISCUS CIRCLE

MIAMI FL 33181

19-46-24-W3-0020C.0160
CEBULSKI BURTON + JOAN

2633 ESTERO BLVD

FT MYERS BEACH FL 33931

19-46-24-W3-0020C.0210
VELLA JOSEPH I

2651 ESTERO BLVD

FT MYERS BEACH FL 33931

19-46-24-W3-0020C.0270
NYMAN DONALD A TR 1/2 INT +

200 SOVEREIGN CT

ALTAMONTE SPRINGS FL 32701

19-46-24-W3-0020C.0310
STEPNEY LLC

4666 MAIN ST

~~BRIDGEPORT~~ CT 06606

19-46-24-W3-002K0.0010
METHODIST UNITED CHURCH

FORT MYERS BEACH
155 BAY RD
FT MYERS BEACH FL 33931

19-46-24-W3-002K0.0070
ARMSTRONG ROSEMARY
C/O STEPHEN W BUCKLEY ESQ
2709 ESTERO BLVD

FT MYERS BCH FL 33931

19-46-24-W2-0020B.0010
VARGA LOUIS P +

2610 ESTERO BLVD

FT MYERS BCH FL 33931

19-46-24-W2-0020B.019B
SURFUS JOHN

285 VIRGINIA AV

FT MYERS BEACH FL 33931

19-46-24-W3-0020C.0010
TOWN OF FT MYERS BEACH

P O BOX 3077

FT MYERS BEACH FL 33932

19-46-24-W3-0020C.0140
KOZMA J R + SUZANNE M

2621 ESTERO BLVD

FT MYERS BEACH FL 33931

19-46-24-W3-0020C.0180
FRENCH JACK L + YEN CHU

887 FAIRWAY BLVD

COLUMBUS OH 43213

19-46-24-W3-0020C.0230
NYMAN DONALD A TR 1/2 INT +

200 SOVEREIGN CT

~~ALTAMONTE SPRINGS FL 32701~~

19-46-24-W3-0020C.0290
STEPNEY LLC

4666 MAIN ST

BRIDGEPORT CT 06606

19-46-24-W3-0020C.0330
STEPNEY LLC

4666 MAIN ST

~~BRIDGEPORT CT 06606~~

19-46-24-W3-002K0.0040
METHODIST CHURCH FT MYERS BCH

~~155 BAY ROAD~~

~~FT MYERS BEACH FL 33931~~

19-46-24-W3-002K0.0130
FT MYERS BEACH PUB LIBRARY

2755 ESTERO BLVD

FT MYERS BCH FL 33931

19-46-24-W3-02000.000A
ESTERO BEACH CLUB CONDO

2580 ESTERO BLVD

FT MYERS BEACH FL 33931

30-46-24-W2-0020B.0230
HEESE MAX + VICKI

19112 147TH ST NW

ELK RIVER MN 55330

30-46-24-W2-0020B.0260
MOODY JAMES W + DEBORAH H/W

P O BOX 5000

FT MYERS FL 33932

30-46-24-W2-0020B.0320
TOY JAMES N

1250 MYERLEE COUNTRY CLUB BLVD

FORT MYERS FL 33919

30-46-24-W2-0020B.041A
HAHN DANIEL W + LINDA J

64 HILLARY DR

JACKSON TN 39305

19-46-24-W3-02100.000A
ESTERO BEACH CLUB EAST CONDO

~~2650 ESTERO BLVD~~

~~FT MYERS BEACH FL 33931~~

30-46-24-W2-0020B.0240
BABO CORPORATION

53 POMPANO ST

FT MYERS BEACH FL 33931

30-46-24-W2-0020B.0300
CORCELLI DONALD N + MARY E

290 IBIS ST

FT MYERS BEACH FL 33931

30-46-24-W2-0020B.0410
RECKWERDT T A + JOELLYN

30 GULF BEACH DRIVE

FT MYERS BEACH FL 33931

30-46-24-W2-02800.000A
CAPER BEACH CLUB CONDO

2810 ESTERO BLVD

FT MYERS BEACH FL 33931



VAR 2000-00077

PERMIT COURT

194624

FT. MYERS BEACH, FLORIDA
DEVELOPMENT SERVICES DIVISION

STAFF REPORT

Kaestner
Condition approval for
Publix and Mid Island
& tenant

TYPE OF CASE: PLANNED DEVELOPMENT/DCI

CASE NUMBER: DCI2000-00078

FORT MYERS BEACH LPA DATE: January 9, 2001

TIME: 12:00 Noon

I. APPLICATION SUMMARY:

- A. Applicant: Mid Island Marina, Inc., in ref. to Publix Super Market, Inc., CPD
- B. Request: An amendment to the CPD zoning approved in Zoning Resolution Z-98-11 and Z-98-11a, to add deviations from the sign regulations contained in the Town of Ft. Myers Beach Land Development Code Section 30-153(2)a.4 to allow an additional sign, and to allow an off-site sign.

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

- C. Location: The subject property is located at 4791 Estero Blvd, Ft. Myers Beach, in S28-T46S-R24E, Lee County, FL. (District #3)
- D. Land Use Plan Designation: Boulevard
- E. Surrounding Land Use:

| <u>Existing Use & Zoning</u> | <u>Ft. Myers Beach Future Land Use Map</u> |
|--|--|
| North: RM-2, Mid Island Marina | Marina |
| East: RS-1, Holiday Shore, a developed single family subdivision | Low Density |
| South: RM-2, Seaside Condominiums | Mixed Residential |
| West: RM-2, Ocean Harbor Condominiums | Mixed Residential |

- F. Size of Property: 3.736± acres

II. RECOMMENDATION:

Staff recommends **APPROVAL** of the Applicant's request to amend the existing Commercial Planned Development Zoning to add two deviations with the following conditions:

A. Conditions

1. The development of this project must continue to be consistent the original zoning approvals contained in Zoning Resolutions Z-98-11 and Z-98-11a, except as may be approved in this action.
2. The approved sign must be developed in compliance with the submitted sign plan by Thomas Awning and Sign for Publix, Fort Myers, Beach, stamped received on October 31, 2000.
3. The approved sign must be designed with internal illumination and sign panels with opaque backgrounds and white letter copy.
4. The sign must be located to provide adequate and safe line-of-sight at the driveway entrance to Publix and Mid-Island Marina for vehicles and pedestrians entering and leaving the development.

B. Deviations

Deviation from Section 30-153(a) from the limitation of one (1) business sign to add a second sign as depicted in the application with a maximum sign face of 32 square feet (a ground mounted sign).

Recommended for APPROVAL as conditioned in the recommended conditions above.

Deviation from Section 30-4(a) to permit an offsite sign limited to serving the adjacent property which is part of the parent tract with the subject CPD parcel and which the Town has already approved a deviation for access through the CPD to serve the same adjacent property.

Recommended for APPROVAL as conditioned in the recommended conditions above.

Findings and Conclusions:

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

1. The applicant has proven entitlement to the amendment by demonstrating compliance with the Comprehensive Plan, the Land Development Code, and other applicable codes and regulations.
2. The requested amendment, as conditioned:
 - a) is consistent with the densities, intensities and general uses set forth in the Comprehensive Plan; and
 - b) is compatible with existing or planned uses in the surrounding area.
3. Approval of the request, as conditioned, will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.

4. The proposed use or mix of uses is appropriate at the subject location.
5. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.
6. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
7. The deviations granted:
 - a) enhance the objectives of the planned development; and
 - b) preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

III. BACKGROUND INFORMATION AND ANALYSIS:

Introduction/Synopsis

The applicant is seeking an amendment of the existing Commercial Planned Development (CPD) zoning to include two deviations from the Town's Land Development Code Chapter 30 regarding signs. These two deviations combined seek to allow the development of one sign to notice the location of the Mid-Island Marina and tenant located behind the approved CPD for Publix.

Sign Plan

The submitted Plan provides for the development of one free-standing sign. This sign would be just north of the shared combined entrance to the Publix and Mid-Island Marina. The sign plan projects a sign height of 5 foot, 9 inch (5'-9"). The proposed sign area (sign panel) is proposed to have a total area of 32 square feet for each sign face. There are two sign panels, one planned to advertise Publix and the other to advertise Mid-Island Marina and tenant of the marina. Each panel, therefore, contains 16 square feet.

Deviations

The applicant is asking to add two deviations to this planned development with the combined effect of allowing the development of one free-standing sign, containing a maximum sign face area of 32 square feet.

The first deviation asked for by the applicant is a deviation from Section 30-153(a) from the limitation of one (1) business sign to add a second sign as depicted in the application with a maximum sign face of 32 square feet (a ground mounted sign). The applicant proposes a sign with two sign panels, per sign facing. One panel advertises Publix and the other is planned to advertise the marina and its tenant. Publix already has been approved one sign on the building and through this deviation would be permitted a second sign, if approved. This sign is no greater than 32 square feet, is located on the West wall facing Estero Boulevard, and is visible from the road.

The second deviation requested concerns Section 30-4(a) to permit an offsite sign limited to serving the adjacent property (Marina and tenant). The applicant seeks through this deviation to be allowed an off-site sign, which is not permitted by the Land Development Code. Approval

of this request would permit the second sign panel advertising the Marina and the tenant of the marina. The property where the marina is located does not have any direct frontage on Estero Boulevard. The marina is accessed through the supermarket property. The applicant has noted that the owner of the CPD and the Marina have entered into a sign agreement for the sign as proposed.

Approval of these deviations will permit minimal advertisement along the road. This will assist the public in identifying the location of these businesses, in particular the marina and their tenant. This would potentially decrease the probability of an accident for those travelers distracted by looking for the businesses since it would more clearly show where they are to turn for access to the marina and its tenant(s).

Neighborhood Compatibility

The neighborhood is primarily made up of residential uses, both single family and multiple family. Some businesses do exist in the Mixed Residential land use area north and south of the subject property. Compatibility is an important issue since this area of the Town consists of a mixture of uses.

The purpose and intent of Chapter 30 states the Town Council finds and declares that an excess of signs causes visual blight. This blight adversely affects the aesthetic quality of life and traffic safety for the Town. The purpose is to encourage signs that are harmonious to the buildings and site they occupy, eliminate confusing sign displays, preserve the appearance of the Town, and restrict signs which increase the probability of accidents. This Chapter provides the minimum standards to safeguard life, safety, property, and public welfare by providing for reviewing the design, size, construction, location and other elements of signs and sign structures viewed by the public in the Town.

Although this request does seek a sign not allowed by the Codes, this property and land use is unique. Staff finds the proposed sign, though exceeding the number allowed, will in this particular case preserve the appearance of the Town and continue to restrict signage on the subject property. The sign would also safeguard life and provide for the public welfare by noting the location of a business that garners its only access from Estero Boulevard, but is not readily seen from this road. Without this sign, travelers not knowing the location of the marina or the tenant of the marina would not know where to turn. These people could then be making U-turns along Estero Boulevard, driving down the local residential side streets, or driving unsafely with potential negative impacts to the public as a whole.

IV. ATTACHMENTS:

- A. Map of surrounding zoning
- B. Applicant's supporting documentation

cc: Applicant
Town of Fort Myers Beach LPA
Zoning/DCI File

ZONING MAP



Attachment A

JUSTIFICATION

Deviation from Section 30-153(a) to from the limitation from 1 business sign to add a second sign as depicted in the application with a maximum face of 32 square feet (a ground mounted sign).

The CPD was part of a parent tract containing Mid Island Marina. The Town approved a rezoning of a portion of the parent tract to CPD and at that time recognized and approved the access to the remainder parcel with the marina, Mid Island Marina, which would be through the Publix CPD. In addition, a sign location was approved and reflected on the Master Concept Plan. That existing sign was the Mid Island Marina sign. The schedule of uses included "signs in conformance with Chapter 30." At that time two signs were permitted on the property (a ground-mounted sign as well as a wall sign for Publix). Thereafter, the Town revised its regulations and limited the signage to one sign. Publix has obtained a sign permit for the wall sign resulting in this application to amend the CPD with this deviation for a second sign. A fairer solution would have been for the Town to have taken the position that the wall sign which was not reflected on the Master Concept Plan was the sign that required the deviation and amendment to the Plan.

Deviation from Section 30-4(a) to permit an offsite sign limited to serving the adjacent property which was part of the parent tract with the subject CPD parcel and which the Town has already approved deviation for access through the CPD parcel to serve the same adjacent property.

At the direction of the Town, this deviation is requested to permit the sign to advertise services and products from Mid Island Marina or its tenants on the sign. The sign is depicted on the original Master Concept Plan. The owner of the CPD and Mid Island Marina have entered into a sign agreement and a sign easement agreement. In fact, we have requested from the Town that a solution to this particular issue would be to recognize that if Mid Island Marina had an easement contiguous with its property over the access road to Estero Boulevard which included the sign easement that it would fit within the definition of on-site sign. This interpretation has been routinely given by Lee County in interpreting its sign regulations. We have found nothing in the Town's revised sign regulations which would preclude such an interpretation and would have eliminated the need to amend the CPD and ask for this deviation. Currently, the access easement and the sign easement contain a small gap but Publix has offered to make the easement in favor of Mid Island Marina a contiguous parcel which would have included the sign area. We have not pursued this alternative as the Town has informed us that it would not solve the problem.



Case DCI 2000 - 20078
Mid Id Marina - Publix

THOMAS SIGN & AWNING COMPANY
4590 118TH Avenue North Clearwater, FL 33762
(727) 573-7757 (800) 526-3325

FAX

To: Rob Irving
FAX #: 941-479-8319
From: Jeff Riggins
Thomas Fax #: 727-573-0328
Pages (Incl cover): 2
Date: 11-9-00
Re: Publix # 740 Ft. Myers Bch.

Rob,

Confirming our conversation of earlier today, The panels for the sign will utilize a dark background with white copy. Publix will have a dark green background. The other two tenants will have either dark blue or black backgrounds.

Should you need any further information, do not hesitate to contact me.

Sincerely,

Jeff Riggins
National Sales

**Exhibit II E 2 Narrative and
Exhibit IV-D Description of Proposed Development**

The subject property, which is 3.736 acres, was rezoned to Commercial Planned Development (CPD) by the Town Council on May 5, 1998. At that time the Council recognized and approved shared access for Mid Island Marina and the Publix Super Market as set forth in Resolution 98-11 and 11a approving the CPD. In the same manner, the sign location, which is approved on the CPD, was intended to be shared by Publix and Mid Island Marina. The sole purpose of this request is to authorize, in the same manner as the access, that the sign location for the ground-mounted sign is hereby approved for use by both Publix and Mid Island Marina including its tenants. In support of this request is the sign easement from Publix to Mid Island Marina. The proposed sign is in conformity with the sign code and Publix and Mid Island Marina (and its tenants) will share the amount of signage 50%/50%, see Exhibit 1 attached hereto. This request is consistent with the Comprehensive Plan of the Town, the Land Development Code.

The purpose of Exhibit 1 is to establish the dimensions of the sign. The sign location is on the Master Concept Plan and was previously approved as part of the CPD approval. Publix and Mid Island Marina reserve the right to change the copy on the sign.

77991_1
102932-0001

DCI 2000-00078



LEE COUNTY

OCT 31 2000

PERMIT COUNTY

APPLICATION FOR PUBLIC HEARING FOR PLANNED DEVELOPMENT

Applicant's Name: MID ISLAND MARINA, INC.

Project Name: PUBLIX SUPER MARKET, INC. CPD

STRAP Number(s): 28-46-24W400001.0040

Application Form: X Computer Generated* County Printed

* By signing this application, the applicant affirms that the form has not been altered.

STAFF USE ONLY

Commission District: 03

Land Use Classification(s): Marina Blvd

Current Zoning: CPD

Lee Plan Density Range:

Case Number: DCI 2000-00078

Fee: 3,000

Date of Application: 10-31-00

Date Fee Paid: 10-31-00

Date HEX Public Hearing:

Receipt Number:

Intake By:

TYPE OF APPLICATION

 DRI

 PD - Existing Development

 DCI - Major

 PD - Amendment

✓ DCI - Minor

 OPTION 1 ✓ OPTION 2

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

PART I

APPLICANT PROPERTY OWNERSHIP INFORMATION

- A. Name(s) of applicant(s): Mid Island Marina, Inc., c/o Roetzel & Andress, a Legal Professional Association

Mailing Address: Street: 2320 First Street, Suite 1000

City: Fort Myers State: FL Zip: 33901

Phone Number: Area Code: 941 Number: 337-3850 Ext:

Fax Number: Area Code: 941 Number: 337-0970

- B. Relationship of applicant to property:

☐ Owner ☐ Trustee ☐ Option holder
☐ Lessee ☐ Contract Purchaser
☒ Other (indicate): Agent

If applicant is NOT the owner or the person authorized by the Covenant of Unified Control, submit a Notarized Authorization Form from the owner or his authorized representative. Label as Exhibit I-B.

** If the application is County-initiated, enter the date the action was initiated by the Board:
Attach a copy of the "blue sheet" and a list of all property owners, and their mailing addresses, for all properties within the area described. Names and addresses must be those appearing on the latest tax rolls of Lee County. Label the "blue sheet" as "Exhibit I-B-2" and the list as "Exhibit I-B-3". [Sec. 34-202(a)(5)]*

- C. Name of owner(s) of property: PUBLIX SUPER MARKETS, INC.

Mailing Address: Street: Post Office Box 407

City: Lakeland State: FL Zip: 33931

Phone Number: Area Code: 941 Number: 337-3850 Ext:

Fax Number: Area Code: 941 Number: 337-0970

- D. Date property was acquired by present owner(s): 10/22/1999

- E. Is the property subject to a sales contract or sales option? ☒ NO ☐ YES

- F. Is owner(s) or contract purchaser(s) required to file a disclosure form? ☒ NO ☐ YES. If yes, please complete and submit Exhibit I-F (attached).

- G. Are there any existing deed restrictions or other covenants on this property which may affect this request? ☒ NO ☐ YES. If yes, submit a copy of the deed restrictions or other covenants and a statement explaining how the restrictions may affect the requested action. Label as "Exhibit I-G".

- H. Authorized Agent(s): List names of authorized agents (submit additional sheets if necessary).

Name: Beverly Grady, c/o Roetzel & Andress, a legal professional association

Address: 2320 First Street, Suite 100, Fort Myers, FL 33901

Phone: (941) 337-3850 Fax: (941) 337-0970

PART II
GENERAL INFORMATION

A. Request:

1. Rezoning from CPD To (check all applicable)

| | |
|--|--|
| <input type="checkbox"/> RPD - Residential | <input type="checkbox"/> MPD - Mixed Use |
| <input type="checkbox"/> MHPD - Mobile Home | <input type="checkbox"/> RVPD - Recreational Vehicle |
| <input checked="" type="checkbox"/> CPD - Commercial | <input type="checkbox"/> CFPD - Community Facilities |
| <input type="checkbox"/> IPD - Industrial | <input type="checkbox"/> AOPD - Airport Operations |

2. Option Chosen: ☐ Option 1 [34-373(a)(6)a] ☒ Option 2 [34-373(a)(6)b]

3. Other - Provide specific details. Amendment to CPD-Commercial

B. Legal Description and Boundary Sketch: Is property within a platted subdivision recorded in the official Plat Books of Lee County?

☐ NO. Attach a legible copy of the legal description (label it Exhibit II-B-1.) and Certified sketch of description as set out in chapter 61G 17-6.006 FAC. (labeled Exhibit II-B-2.). **If the legal description is available on computer disc (Word or Word Perfect) please provide a copy at time of application.**

☒ YES. Property is identified as:

Subdivision Name: Holiday Shores

Plat Book: 9 Page: 33 Unit: Block: Lots:

Section: Township: Range:

Attach a copy of the Plat Book page with subject property clearly marked. Label this Exhibit II-B-3.

C. Project Street Address: 4791 ~~4765~~ Estero Boulevard, Fort Myers Beach, FL 33931

D. General Location Of Property (referenced to major streets): East side of Estero Boulevard

E. Lee Plan Information

1. Lee Plan Land Use Classification: Boulevard

2. Are you proposing any Lee Plan amendments which could affect the subject property? ☒ NO
☐ YES. If yes, submit a copy of the proposed amendment (labeled as "Exhibit II-E-1") along with a statement as to how the proposed amendment will affect your property (labeled as "Exhibit II-E-2").

F. Drainage, Water Control and Other Environmental Issues

1. Is the property within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s? ☐ NO ☐ YES. If yes, specify the minimum elevation required for the first habitable floor). NGVD (MSL) NOT APPLICABLE

2. Are there any environmentally sensitive lands such as, but not limited to: wetlands (as defined in the Lee Plan); flow-ways, creek beds, sand dunes, other unique land forms [see Lee Plan Policy 77.1 (2)] or listed species occupied habitat (see Sec. 10-474 of the Land Development Code) on the subject property? x NO YES If yes, delineate these areas on a map or aerial photo and label it Exhibit II-F-1. Also, complete Exhibit II-F-2. attached hereto.

G. Present Use of Property: Is the property vacant? x NO YES

If the property is not vacant, the owner or applicant's signature on this application indicates that the Owner agrees to either remove all existing buildings and structures, OR that the proposed use of the building or structure(s) will be in compliance with all applicable requirements of the Land Development Code. [Sec. 34-202(b)(3)]

Briefly describe current use of the property: Super Market store

H. Property Dimensions

1. Width (average if irregular parcel): 585.67 Feet

2. Depth (average if irregular parcel): 284.55 Feet

3. Frontage on road or street: 195.10 Feet on Estero Boulevard
(Name of street)

4. Total land area: 3.736 ± Acres

I. Land Area Calculations

1. Undevelopable Areas:

a. Freshwater wetland areas 0

b. Other wetland areas 0

c. Submerged land subject to tidal influence: 0

d. Total (a + b + c): 0

2. Remaining developable land (H.4 less I.1.d): 3.736

PART III
PROPOSED DEVELOPMENT

A. Nature of Request - _____

1. Will the development contain living units? X NO YES. If the answer is yes, please indicate the total number of living units proposed, by type:

_____ Single Family _____ Mobile Homes _____ Recreational Vehicles
_____ Zero-Lot-Line _____ Duplex/Two Family _____ Townhouses
_____ Multiple Family _____ TOTAL ALL TYPES

2. If the development will contain living units, please complete Exhibit III-A-2 (attached) and enter the following information:

a. PERMITTED total units (from Exhibit III-A-2): n/a
b. PROPOSED total units (from A-1. above): n/a
c. PROPOSED density (from Exhibit III-A-2): n/a

3. Will the development contain non-residential areas? NO x* YES. If the answer is yes, please indicate the size [gross square footage (gsf) unless indicated otherwise] of each general class of uses below:

*There are no additional non-residential areas being added by this request; there are no changes to original CPD intensity of use.

Retail: _____ Total gsf

Offices: _____ Total gsf

Medical: _____ gsf Non-medical: _____ gsf

Hotel/Motel: _____ Total units (Resort – 6750 sq. ft. per floor)

Size of units: _____ 0-425 sq. Ft. _____ 426-725 sq. Ft. _____ 726 or more sq. Ft.
(number) (number) (number)

Industrial: _____ Total gsf

Under roof: _____ gsf Not under roof: _____ gsf

Mines, Quarries, or General Excavation:

Acres to be excavated: _____

Other-specify: This is a request for the ground mounted sign to serve the Mid Island Marina and Publix Super Markets, Inc.

Number of Beds (if applicable): _____ OR: _____ gsf

4. Building Height

_____ Maximum height of buildings (in feet above grade) NO CHANGE FROM ORIGINAL CPD

_____ Number of Habitable Floors

5. Aviation Hazard: Do you propose any structures, lighting, or other features that might affect safe flight conditions? x NO YES. If yes, please submit an explanation and label it

Exhibit III-A-5.

B. Facilities

1. Fire District: Fort Myers Beach Fire District
2. Water Supply * Not applicable, addition of sign has no water requirements
 - a. Estimated daily consumption of potable water:
 1. Residential units: gpd
 2. Mobile Home units: gpd
 3. Rec. Vehicle units: gpd
 4. Commercial: gpd
 5. Industrial: gpd
 - b. Source of potable water: Florida Cities
 - c. Do you have a written agreement from the utility company to serve your project? NO YES. If yes, please submit a copy of the agreement.
 - d. Source of Non-potable water: Lee County
3. Sanitary Sewer Service
 - a. Estimated daily production of wastewater:
 1. Residential units: gpd
 2. Mobile Home units: gpd
 3. Recreational Vehicles: gpd
 4. Commercial: gpd
 5. Industrial: gpd
 - b. Is any special effluent anticipated? x NO YES. If yes, please complete Exhibit III-B-3 (attached).
 - c. Source of sanitary sewer service: Not applicable, addition to sign has no sanitary sewer requirements
 - d. Do you have a written agreement from the utility company to serve your project? NO YES. If yes, please submit a copy of the agreement.
 - e. Will a private on-site disposal facility be used? NO YES. If yes, please complete Exhibit III-B-3 (attached).
 - f. Are individual sewage disposal systems proposed? NO YES.

C. Transportation

1. Has this project been exempted from filing a Traffic Impact Statement? NO YES X NOT REQUIRED (Exist. development). If it has been exempted, attach a copy of the exemption and label it Exhibit III-C. Not A - This request is for a sign and has no traffic impact

PART V

AFFIDAVIT

I, Beverly Grady, on behalf of Roetzel & Andress, a legal professional association, for Mid Island Marina, Inc., certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize 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.

Beverly Grady
Signature of Owner or Owner-authorized Agent

10-24-00
Date

Beverly Grady, on behalf of Roetzel & Andress,
a legal professional association, for Mid Island Marina, Inc.
Typed or printed name and title

RECEIVED
OCT 31 2000

PERMIT COUNTER

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 24th day of October 2000, by BEVERLY GRADY, who is personally known to me.

(SEAL)



Sandra E. Noble
Commission # CC 928983
Expires April 17, 2004
Bonded Thru
Atlantic Bonding Co., Inc.

Sandra E. Noble
Signature of notary public

SANDRA E. NOBLE
Printed name of notary public

LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT
TOWN OF FORT MYERS BEACH

The undersigned does hereby swear or affirm that it is the fee simple title holder and owner of record of property commonly known as 4791 ESTERO BOULEVARD, FORT MYERS BEACH, FL 33931, and legally described in exhibit A attached hereto. We hereby designate BEVERLY GRADY, on behalf of Roetzel & Andress, a legal professional association and Mid-Island Beach Marina, Inc., as the legal representatives of the property for this purpose, and as such, authorizes the filing of an application to amend the CPD approved pursuant to Resolution No. 98-11 to permit the owner of the Marina and Restaurant referenced in the subject resolution regarding access to and also place a sign on the CPD as specified in the sign easement by the legal description of the area attached as Exhibit "B".

These representatives will remain the only entities to authorize the above development activity on the property until such time as a new or amended authorization is delivered to Lee County.

PUBLIX SUPER MARKETS, INC.

BY: [Signature]
PRINTED NAME: John Frazier
TITLE: Vice President
Real Estate

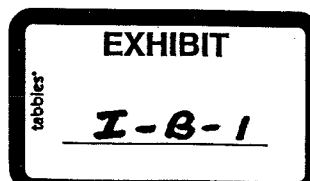
STATE OF FLORIDA
COUNTY OF Polk

The foregoing instrument was acknowledged before me this 23rd day of October, 2000, by John Frazier, as Vice President, of PUBLIX SUPER MARKETS, INC., who is personally known to me or who has produced _____ as identification.



[Signature]
Signature of Notary Public

*If more than one owner then all owners must sign. See explanation on back.



DCI 2000-00078

IMAGE01 : FL-00-24983-2 10/04/2000 11:47:52am

Page 1 of 3

15.0002
1139.11 10 35
43006.70

INSTR 6 4741635

OR BK 03161 PG 2220

RECORDED 10/25/99 31:43 PM
CHARLIE GREEN CLERK OF COURT
LEE COUNTY
RECORDING FEE 15.00
DOC TRX PD (F.S.201.02) 11,391.00
DEPUTY CLERK C Keller

Prepared By:
Thomas E. Moore, Esq.
1430 Royal Palm St. Blvd., #105
Fort Myers, FL 33919

Parcel ID Number: 28-46-24-W4-00001.0030

WARRANTY DEED

This Indenture, made this 22 day of Oct. of June, 1999 Between

James Figuerado, Jr. and Deborah Figuerado, Husband and Wife,

of the County of Lee, State of Florida, Grantor, and

Publix Super Markets, Inc., a Florida corporation,

whose address is: P.O. Box 487 LAKELAND FL. 33802
of the County of Polk, State of Florida, Grantee.

WITNESSETH that the Grantors, for and in consideration of the sum of _____ Dollars

and other good and valuable consideration to Grantors in hand paid by Grantee, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said Grantee and Grantee's heirs and assigns forever, the following described land, situate, lying &-1 being in the County of Lee, State of Florida, to wit:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE WESTERLYMOST CORNER OF LOT 6, BLOCK "A" OF HOLIDAY SHORES SUBDIVISION AS RECORDED IN PLAT BOOK 9 AT PAGE 33 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ALSO BEING A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD (STATE ROAD 845), 32.5 FEET FROM THE CENTERLINE OF ESTERO BOULEVARD; THENCE RUN N 49°57'33"W, ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 195.10 FEET; THENCE RUN N 20°45'47"E FOR A DISTANCE OF 396.34 FEET; THENCE RUN S 51°46'07"E FOR A DISTANCE OF 374.01 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID HOLIDAY SHORES SUBDIVISION; THENCE RUN S 38°13'53"W ALONG THE NORTHWESTERLY LINE OF SAID HOLIDAY SHORES SUBDIVISION, FOR A DISTANCE OF 575.00 FEET TO THE POINT OF BEGINNING, CONTAINING 3.736 ACRES, MORE OR LESS.

Subject to all matters listed on attached Exhibit "A" without intending to reimpose same.

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

In Witness Whereof, the Grantors have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:

Nancy E. Phoner
Witness Signature

NANCY E. RISNER
Printed Name

Barbara M. Dodson
Witness Signature

BARBARA M. DODSON
Witness Printed Name

James Figuerado, Jr.
James Figuerado, Jr.

Deborah Figuerado
Deborah Figuerado



IMAGE01 : FL-00-24983-2 10/04/2000 11:47:52am

Page 2 of 3

02 BK 03161 PG 2221

Warranty Deed
Page 2

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 22 day of JUNE, 1999 by
James Figuerado, Jr. and Deborah Figuerado, Husband and Wife, who are personally known to me or who provided
_____ as Identification.

Randy E. Phelan
Notary Public
My Commission Expires:

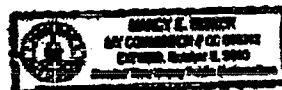


IMAGE01 : FL-00-24983-2 10/04/2000 11:47:52am

Page 3 of 3

OR SE 00101 PG 2222

Warranty Deed
Page 3

SCHEDULE "A"

1. Taxes for the year 1999 and subsequent years.
2. Zoning and any other ordinances of a local governmental authority.
3. Any claim that any part of said land is owned by the State of Florida by right of sovereignty.
4. Subject land lies within the boundaries of the Fort Myers Beach Sewer District and is subject to any acts or future assessments thereof.
5. Resolution No. 78-3-16 as recorded in O.R. Book 1438, Page 1739, Public Records of Lee County, Florida.
6. Lee County Ordinance No. 86-14 as recorded in O.R. Book 2169, Page 3261; and amended by Ordinance No. 86-38 as recorded in O.R. Book 2169, Page 3334, Public Records of Lee County, Florida.
7. Agreement by and between Mid Island Marine, Inc. and the State of Florida, Department of Environmental Regulation, recorded in O.R. Book 2118, Page 358, Public Records of Lee County, Florida.
8. Notice of Development Order recorded in O.R. Book 2201, Page 4157, Public Records of Lee County, Florida.
9. Exclusive and Perpetual Water Pipeline Easement Grant recorded in O.R. Book 2721, Page 358, public Records of Lee County, Florida.

PROPERTY DESCRIPTION
A 5-FOOT WIDE SIGN EASEMENT

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 48 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE WESTERLYMOST CORNER OF LOT 6, BLOCK "A" OF HOLIDAY SHORES SUBDIVISION AS RECORDED IN PLAT BOOK 9, AT PAGE 33 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ALSO BEING A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD (COUNTY ROAD 885), 32.50 FEET FROM THE CENTERLINE OF ESTERO BOULEVARD; THENCE RUN N 49°57'33" W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 75.54 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE CONTINUE N 49°57'33" W. ALONG SAID NORTHERLY RIGHT-OF-WAY OF ESTERO BOULEVARD, FOR A DISTANCE OF 5.00 FEET; THENCE RUN N 38°13'53" E FOR A DISTANCE OF 25.00 FEET; THENCE RUN S 49°57'33" E FOR A DISTANCE OF 5.00 FEET; THENCE RUN S 38°13'53" W FOR A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED CONTAINING 123 SQUARE FEET, MORE OR LESS.

BEARINGS SHOWN HEREON REFER TO THE NORTHWESTERLY LINE OF HOLIDAY SHORES SUBDIVISION AS RECORDED IN PLAT BOOK 9, AT PAGE 33 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS BEING N 38°13'53"E.

EXHIBIT

B

EXHIBIT I-F
DISCLOSURE OF INTEREST FORM FOR:

STRAP NO. 28-46-24-W4-00001.0040 **CASE NO.** _____

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

Name and Address

Percentage of Ownership

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

Name, Address, and Office

Percentage of Stock

WILLIAM E. CRENSHAW, 1936 GEORGE JENKINS BLVD., PRESIDENT

LESS THAN 1%

HOWARD JENKINS, 1936 GEORGE JENKINS BLVD., CEO

5.77%

JOHN A. ATTAWAY, JR, 1936 GEORGE JENKINS BLVD, CS

LESS THAN 1%

DAVID P. PHILLIPS, 1936 GEORGE JENKINS BLVD., CFOT

LESS THAN 1%

CHARLES H. JENKINS, JR., 1936 GEORGE JENKINS BLVD., VCEO

LESS THAN 1%

ALL OF THE ABOVE, LOCATED AT 1936 GEORGE JENKINS BLVD.
LAKELAND, FL 33801

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

Name and Address

Percentage of Interest

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

Name and Address

Percentage of Ownership

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(over)

DCI 2000-00078

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

Name, Address, & Office(if applicable)

Percentage of Stock

Date of Contract: _____

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

Name and Address

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

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

PUBLIX SUPER MARKETS, INC.

BY: _____

PRINTED NAME: _____

John Frazier
Vice President
Real Estate

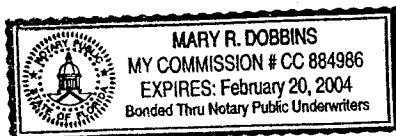
TITLE: _____

STATE OF FLORIDA
COUNTY OF Polk

The foregoing instrument was acknowledged before me this 23rd day of October, 2000, by John Frazier, as Vice President, of PUBLIX SUPER MARKETS, INC., who is personally known to me or who has produced _____ as identification.

Mary R. Dobbins
Signature of Notary Public

(SEAL)



DCI 2000-00078

NOTICE TO ADJACENT PROPERTY OWNER

CASE NUMBER: DCI2000-00078

NAME: Mid Island Marina, Inc., in ref. to Publix Super Market, Inc., CPD

REQUEST: An amendment to the CPD zoning approved in Zoning Resolution Z-98-11 and Z-98-11a, to add deviations from the sign regulations contained in the Town of Ft. Myers Beach Land Development Code Section 30-153(2)a.4 to allow an additional sign, and to allow an off-site sign.

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

LOCATION: The subject property is located at 4791 Estero Blvd, in S28-T46S-R24E, Lee County, FL.

SIZE OF PROPERTY: 3.736± acres

STAFF REPORT: Direct inquiries to Alvin "Chip" Block, AICP, Planner, at (941)479-8371, at the Dept. of Community Development, 1500 Monroe St., Ft. Myers, FL 33901.

Notice is hereby given that the Fort Myers Beach Local Planning Agency (LPA) will hold a public hearing on Tuesday, January 9, 2001, at 12:00 noon, on the above case. The public hearing will be held in the Nations Bank Building, 2523 Estero Blvd., Fort Myers Beach, FL 33931.

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

After the LPA has made a written recommendation, the case will be scheduled for a public hearing before the Town of Fort Myers Beach Council who will review the recommendation and make a final decision.

Copies of the staff report may be obtained or the file reviewed at the Offices of the Town of Ft. Myers Beach Administration Building, 2523 Estero Blvd., Ft. Myers Beach, FL.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Rebecca Tatlock at 479-8585.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

28-46-24-W4-00001.0040
PUBLIX SUPER MARKETS INC

P O BOX 407

LAKELAND FL 33931

28-46-24-W4-0010A.0070
GRATKOWSKI WALTER F + HELEN M

4838 CORAL RD

FT MYERS BEACH FL 33931

28-46-24-W4-0010B.0010
HENNEBERGER NANCY S TR

313 BAYLAND ROAD

FT MYERS BEACH FL 33931

28-46-24-W4-0010B.0030
WELSH FRANK W + DONNA J

125 MANGO ST

FT MYERS FL 33931

28-46-24-W4-0010B.0050
MORRISON JAMES K + SARAH S

4821 CORAL ST

FT MYERS BEACH FL 33931

28-46-24-W4-0010B.0070
SMALLWOOD GARY DEAN +

12740 EQUESTRIAN #2908

FORT MYERS FL 33907

28-46-24-W4-0010B.0090
WHYTE JEANNE A

4850 COQUINA RD

FT MYERS BEACH FL 33931

28-46-24-W4-0010B.0120
OCONNELL MAURICE

4880 COQUINA RD

FT MYERS BEACH FL 33931

28-46-24-W4-0010C.0010
SIMMONS CARLEEN J

315 BAYLAND RD

FT MYERS BCH FL 33931

28-46-24-W4-0010C.0030
ZUBEK DONALD R + ELAINE M

4861 COQUINA RD

FT MYERS BEACH FL 33931

28-46-24-W4-00001.0030
MID-ISLAND BEACH MARINA INC

4765 ESTERO BLVD

FT MYERS BCH FL 33931

28-46-24-W4-0010A.0080
HICKERSON RALPH C + TEENA M

68 GULF BLVD

INDIAN ROCKS BEACH FL 33785

28-46-24-W4-0010B.0020
GOODBREAD STEVEN + LESLEY

17660 BROADWAY AV

FT MYERS BEACH FL 33931

28-46-24-W4-0010B.0040
COOK DONALD W +

623 CONCORD AVE

BOULDER CO 80304

28-46-24-W4-0010B.0060
MACLEOD KATHRYN +

4811 CORAL RD

FORT MYERS BEACH FL 33931

28-46-24-W4-0010B.0080
RAYMOND ROBERT L + DONNA M

5 TSIENNETO RD #100

DERRY NH 03038

28-46-24-W4-0010B.0110
STOUT FRANCES R

4870 COQUINA RD

FT MYERS BEACH FL 33931

28-46-24-W4-0010B.0130
HICKERSON RALPH C + TEENA M

68 GULF BLVD

INDIAN ROCKS BEACH FL 33785

28-46-24-W4-0010C.0020
PARMER ANITA G

4870 DOLPHIN LN

FT MYERS BEACH FL 33931

28-46-24-W4-0010C.0040
SEYMOUR JANET G

4841 COQUINA RD

FT MYERS BEACH FL 33931

28-46-24-W4-0010C.0050
ROSA CHESTER B

EASTMAN BERNARDINE R J/T
PO BOX 66441
SAINT PETERSBURG FL 33736

28-46-24-W4-0010D.0010
FREEMAN PHILIP E + NADINE M
375 BAYLAND RD

FT MYERS BEACH FL 33931

28-46-24-W4-0010D.0020
VEHMEIER JOYCE F

1140 WOODSIDE DR

FREEPORT IL 61032

28-46-24-W4-0010D.0030
ACKERT ROBT P + MARY LEE CO-TR

4851 DOLPHIN LN

FT MYERS BEACH FL 33931

28-46-24-W4-02600.000A
OCEAN HARBOR CONDO

4741 ESTERO BLVD

FT MYERS BEACH FL 33931

28-46-24-W4-0010C.0060
CALLAHAN MARGARET

P O BOX 13131

LAS VEGAS NV 89112

28-46-24-W4-0010D.001A
HORNACK R M + CAROL J

395 BAYLAND RD

FT MYERS BCH FL 33931

28-46-24-W4-0010D.002A
ACKERT ROBT P + MARY LEE CO-TR

4851 DOLPHIN LN

FT MYERS BEACH FL 33931

28-46-24-W4-0010D.0040
AMOS CONSTANCE B

4841 DOLPHIN LN

FT MYERS BEACH FL 33931

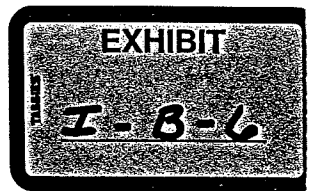
28-46-24-W4-02700.000A
OCEAN HARBOR YACHT CLUB

4745-4753 ESTERO BLVD

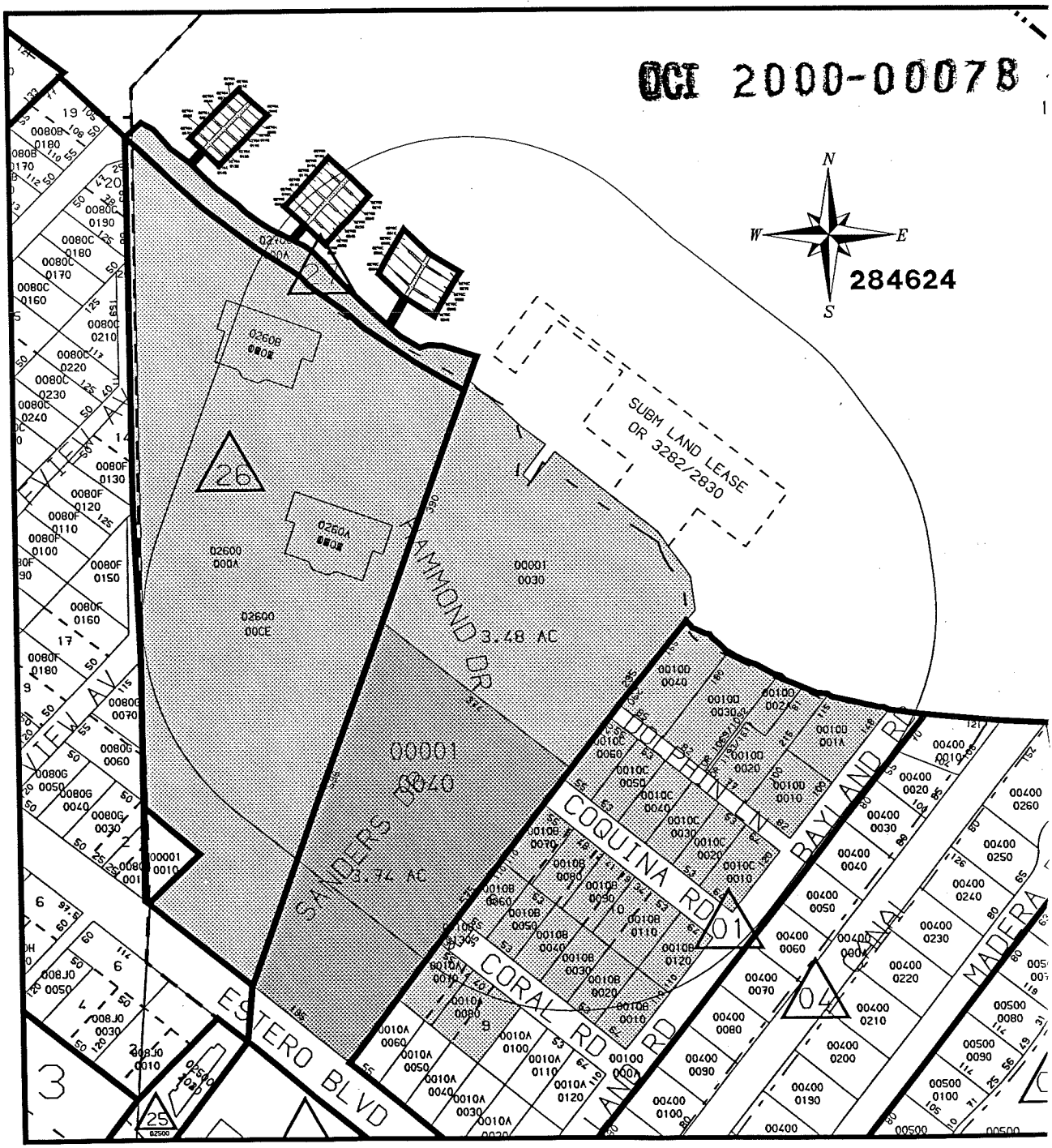
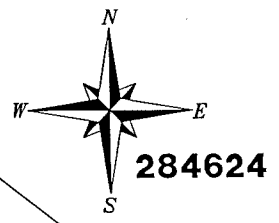
FT MYERS BEACH FL 33931

OCT 31 2000

PERMIT COUNTER



OCI 2000-00078



traffic. See land development code sea turtle protection.

- f. The sign should be incorporated into accessory entrance structural features such as a project wall or landscaping.

(c) **Schools, churches, day care centers, parks, recreational facilities and libraries.** A school, church, day care center, park, recreational facility, library or any other similar use permitted by right or by special exception in accordance with the town's zoning regulations shall be permitted one ground-mounted or wall-mounted identification sign and one directory sign, subject to the following limitations:

- (1) Maximum sign area shall be 24 square feet per sign face.
- (2) Signs shall be located within the property line.
- (3) No sign shall exceed 8 feet in height.

(d) **On-site directional signs.**

- (1) **Permitted signs.** Permanent wall or ground-mounted signs, for directional purposes only, may be permitted within any residential development which consists of several distinctly separate subdivisions, clusters or other sub-units of development.

- (2) **Location.** On-site directional signs may be permitted within any such residential development along any interior collector street at intersections with other interior streets.

(3) **Limitations.**

- a. The development shall have a homeowners association or similar entity responsible for maintenance of the sign.
- b. The face of each permitted directional sign shall not exceed 4 square feet in area.
- c. Maximum permitted height shall be a 3-foot by 4-foot monument style sign.
- d. Signs shall be located within the property line.
- e. The signs may be illuminated.

Sec. 30-153. Permanent signs in commercial areas.

In order to provide fair, equal and adequate exposure to the public, and to prevent any single property owner from visually dominating neighboring properties with signs, all

nonresidential uses shall be limited to a total permissible sign area in accordance with the provisions of this section.

- (a) Each business shall be allowed 32 square feet of signage for each frontage providing vehicle access.

(b) **Nonresidential subdivisions and multiple-occupancy complexes.**

- (1) **Identification sign.** A nonresidential subdivision or a multiple-occupancy complex shall be permitted ground-mounted identification signage along any street which provides access to the property as follows:

- a. One 32-square-foot identification sign for buildings with less than 10 occupants.
- b. One 64-square-foot identification sign or two 32-square-foot identification signs for buildings with more than ten occupants.
- c. Identification signs must contain the address in a minimum of 8 inch letters.
- d. In the absence of free-standing identification signage each business shall have the address prominently displayed on the building in 8 inch letters minimum, 24 square foot maximum.
- e. The maximum height for any identification sign shall be 8 feet in height including supports for 32-square-foot signs. The maximum height for any identification sign shall be 8 feet including supports for 64-square-foot signs.
- f. The identification sign may be illuminated with a steady light, but the sign shall not be animated. See land development code sea turtle protection.
- g. Identification signs shall be located within the property line.
- h. No sign permitted by this subsection shall contain any advertising message concerning any business, goods, products, services or facilities which are not manufactured, produced, sold, provided or located on the premises upon which the sign is erected or maintained.

- billboard shall not require a permit.
- b. *Maintenance.* Painting, repainting, cleaning or other normal maintenance and repair of a sign not involving change or copy, structural or electrical changes.
 - c. *Window displays.* Changes in the content of show window displays, provided all such displays are within the building.

Sec. 30-4. Prohibited signs.

No commercial advertising signs by whatever name designated, shall be erected in the town of Fort Myers Beach, except those expressly authorized by the provisions of this chapter. The following specific types of signs are expressly prohibited, but this enumeration shall not be construed to limit the general prohibition set forth in this subsection:

(a) *On-site signs and off-site signs which are not designed, located, constructed or maintained in accordance with the provisions of this chapter,* or which do not meet the requirements of all applicable Town of Fort Myers Beach, state and federal codes.

(b) *Lights and signs that resemble any traffic control device,* official traffic control signs or emergency vehicle markings.

(c) *Signs and other advertising matter as regulated by this chapter at the intersection of any street right-of-way* in such a manner as to obstruct free and clear vision, or at any location where, by reason of the position, shape or color, the sign may interfere with or obstruct the view of any authorized traffic sign, signal or device; or which make use of the word "stop," "look," "drive-in," "danger," or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse vehicular traffic.

(d) *Abandoned signs.*

(e) *Animated signs.* Animated signs except those displaying only cycling time or temperature.

(f) *Signs which visible smoke, vapor, particles or odor,* or which produce noise or sounds capable of being heard, even though the sounds produced are not understandable sounds.

(g) *Balloon signs.*

(h) *Banners, pennants or other flying paraphernalia,* except an official federal state, county or Town of Fort Myers Beach flag, or one symbolic flag not to exceed 15 square feet in area for each institution or business, except holiday

decorations and banners of special events.

(i) *Billboards.*

(j) *Changing sign (automatic):* off-site and on-site residential areas only.

(k) *Figure-structured signs* as defined in this chapter.

(l) *Motion picture mechanisms* in conjunction with any outdoor advertising structure, accessory sign or advertising statuary used in such a manner as to permit or allow the images to be visible from any public street or sidewalk.

(m) *Vehicle signs.* The parking of advertising vehicles is prohibited as more fully described in § 30-6. This prohibition is not intended to apply to standard advertising or identification practices where such signs or advertising devices are painted on or permanently attached to a business or commercial vehicle.

(n) *Portable signs.*

(o) *Projecting signs.*

(p) *Signs with any lighting or control mechanism* which causes radio or television or other communication interference.

(q) *Signs erected, constructed, or maintained so as to obstruct or be attached to any fire-fighting equipment* or any window, door or opening used as a means of ingress or egress or for fire-fighting purposes, or placed so as to interfere with any opening required for proper light and ventilation.

(r) *Signs, except "posted property" signs, which are erected or maintained upon trees* or painted or drawn upon rocks or other natural features.

(s) *Any sign which is placed on any curb, sidewalk, post pole,* electrolier, hydrant, bridge, tree or other surface located on public property or over or across any street or public street except as may otherwise expressly be authorized by this chapter.

(t) *Snipe signs.*

(u) *Unshielded illuminated devices* that produce glare or are a hazard or a nuisance to motorists or occupants of adjacent properties.

(v) *Window signs* which identify or advertise activities, services, goods or products available within the building, and which collectively cover more than 30 per-cent of the window glass surface area.

(w) *No commercial signage is allowed on inland waterways.*

(x) *Upper level signs.*

(y) *Pole signs.*

traffic. See land development code sea turtle protection.

- f. The sign should be incorporated into accessory entrance structural features such as a project wall or landscaping.

(c) *Schools, churches, day care centers, parks, recreational facilities and libraries.* A school, church, day care center, park, recreational facility, library or any other similar use permitted by right or by special exception in accordance with the town's zoning regulations shall be permitted one ground-mounted or wall-mounted identification sign and one directory sign, subject to the following limitations:

- (1) Maximum sign area shall be 24 square feet per sign face.
- (2) Signs shall be located within the property line.
- (3) No sign shall exceed 8 feet in height.

(d) *On-site directional signs.*

- (1) *Permitted signs.* Permanent wall or ground-mounted signs, for directional purposes only, may be permitted within any residential development which consists of several distinctly separate subdivisions, clusters or other sub-units of development.
- (2) *Location.* On-site directional signs may be permitted within any such residential development along any interior collector street at intersections with other interior streets.
- (3) *Limitations.*
 - a. The development shall have a homeowners association or similar entity responsible for maintenance of the sign.
 - b. The face of each permitted directional sign shall not exceed 4 square feet in area.
 - c. Maximum permitted height shall be a 3-foot by 4-foot monument style sign.
 - d. Signs shall be located within the property line.
 - e. The signs may be illuminated.

Sec. 30-153. Permanent signs in commercial areas.

In order to provide fair, equal and adequate exposure to the public, and to prevent any single property owner from visually dominating neighboring properties with signs, all

nonresidential uses shall be limited to a total permissible sign area in accordance with the provisions of this section.

(a) Each business shall be allowed 32 square feet of signage for each frontage providing vehicle access.

(b) *Nonresidential subdivisions and multiple-occupancy complexes.*

(1) *Identification sign.* A nonresidential subdivision or a multiple-occupancy complex shall be permitted ground-mounted identification signage along any street which provides access to the property as follows:

- a. One 32-square-foot identification sign for buildings with less than 10 occupants.
- b. One 64-square-foot identification sign or two 32-square-foot identification signs for buildings with more than ten occupants.
- c. Identification signs must contain the address in a minimum of 8 inch letters.
- d. In the absence of free-standing identification signage each business shall have the address prominently displayed on the building in 8 inch letters minimum, 24 square foot maximum.
- e. The maximum height for any identification sign shall be 8 feet in height including supports for 32-square-foot signs. The maximum height for any identification sign shall be 8 feet including supports for 64-square-foot signs.
- f. The identification sign may be illuminated with a steady light, but the sign shall not be animated. See land development code sea turtle protection.
- g. Identification signs shall be located within the property line.
- h. No sign permitted by this subsection shall contain any advertising message concerning any business, goods, products, services or facilities which are not manufactured, produced, sold, provided or located on the premises upon which the sign is erected or maintained.

- billboard shall not require a permit.
- b. *Maintenance.* Painting, repainting, cleaning or other normal maintenance and repair of a sign not involving change or copy, structural or electrical changes.
 - c. *Window displays.* Changes in the content of show window displays, provided all such displays are within the building.

Sec. 30-4. Prohibited signs.

No commercial advertising signs by whatever name designated, shall be erected in the town of Fort Myers Beach, except those expressly authorized by the provisions of this chapter. The following specific types of signs are expressly prohibited, but this enumeration shall not be construed to limit the general prohibition set forth in this subsection:

- (a) *On-site signs and off-site signs which are not designed, located, constructed or maintained in accordance with the provisions of this chapter,* or which do not meet the requirements of all applicable Town of Fort Myers Beach, state and federal codes.
- (b) *Lights and signs that resemble any traffic control device,* official traffic control signs or emergency vehicle markings.
- (c) *Signs and other advertising matter as regulated by this chapter at the intersection of any street right-of-way* in such a manner as to obstruct free and clear vision, or at any location where, by reason of the position, shape or color, the sign may interfere with or obstruct the view of any authorized traffic sign, signal or device; or which make use of the word "stop," "look," "drive-in," "danger," or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse vehicular traffic.
- (d) *Abandoned signs.*
- (e) *Animated signs.* Animated signs except those displaying only cycling time or temperature.
- (f) *Signs which visible smoke, vapor, particles or odor,* or which produce noise or sounds capable of being heard, even though the sounds produced are not understandable sounds.
- (g) *Balloon signs.*
- (h) *Banners, pennants or other flying paraphernalia,* except an official federal state, county or Town of Fort Myers Beach flag, or one symbolic flag not to exceed 15 square feet in area for each institution or business, except holiday

decorations and banners of special events.

- (i) *Billboards.*
- (j) *Changing sign (automatic):* off-site and on-site residential areas only.
- (k) *Figure-structured signs* as defined in this chapter.
- (l) *Motion picture mechanisms* in conjunction with any outdoor advertising structure, accessory sign or advertising statuary used in such a manner as to permit or allow the images to be visible from any public street or sidewalk.
- (m) *Vehicle signs.* The parking of advertising vehicles is prohibited as more fully described in § 30-6. This prohibition is not intended to apply to standard advertising or identification practices where such signs or advertising devices are painted on or permanently attached to a business or commercial vehicle.
- (n) *Portable signs.*
- (o) *Projecting signs.*
- (p) *Signs with any lighting or control mechanism* which causes radio or television or other communication interference.
- (q) *Signs erected, constructed, or maintained so as to obstruct or be attached to any fire-fighting equipment* or any window, door or opening used as a means of ingress or egress or for fire-fighting purposes, or placed so as to interfere with any opening required for proper light and ventilation.
- (r) *Signs, except "posted property" signs, which are erected or maintained upon trees* or painted or drawn upon rocks or other natural features.
- (s) *Any sign which is placed on any curb, sidewalk, post pole,* electrolier, hydrant, bridge, tree or other surface located on public property or over or across any street or public street except as may otherwise expressly be authorized by this chapter.
- (t) *Snipe signs.*
- (u) *Unshielded illuminated devices* that produce glare or are a hazard or a nuisance to motorists or occupants of adjacent properties.
- (v) *Window signs* which identify or advertise activities, services, goods or products available within the building, and which collectively cover more than 30 per-cent of the window glass surface area.
- (w) *No commercial signage is allowed on inland waterways.*
- (x) *Upper level signs.*
- (y) *Pole signs.*

traffic. See land development code sea turtle protection.

- f. The sign should be incorporated into accessory entrance structural features such as a project wall or landscaping.

(c) *Schools, churches, day care centers, parks, recreational facilities and libraries.* A school, church, day care center, park, recreational facility, library or any other similar use permitted by right or by special exception in accordance with the town's zoning regulations shall be permitted one ground-mounted or wall-mounted identification sign and one directory sign, subject to the following limitations:

- (1) Maximum sign area shall be 24 square feet per sign face.
- (2) Signs shall be located within the property line.
- (3) No sign shall exceed 8 feet in height.

(d) *On-site directional signs.*

- (1) *Permitted signs.* Permanent wall or ground-mounted signs, for directional purposes only, may be permitted within any residential development which consists of several distinctly separate subdivisions, clusters or other sub-units of development.
- (2) *Location.* On-site directional signs may be permitted within any such residential development along any interior collector street at intersections with other interior streets.
- (3) *Limitations.*
 - a. The development shall have a homeowners association or similar entity responsible for maintenance of the sign.
 - b. The face of each permitted directional sign shall not exceed 4 square feet in area.
 - c. Maximum permitted height shall be a 3-foot by 4-foot monument style sign.
 - d. Signs shall be located within the property line.
 - e. The signs may be illuminated.

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- c. Identification signs must contain the address in a minimum of 8 inch letters.
- d. In the absence of free-standing identification signage each business shall have the address prominently displayed on the building in 8 inch letters minimum, 24 square foot maximum.
- e. The maximum height for any identification sign shall be 8 feet in height including supports for 32-square-foot signs. The maximum height for any identification sign shall be 8 feet including supports for 64-square-foot signs.
- f. The identification sign may be illuminated with a steady light, but the sign shall not be animated. See land development code sea turtle protection.
- g. Identification signs shall be located within the property line.
- h. No sign permitted by this subsection shall contain any advertising message concerning any business, goods, products, services or facilities which are not manufactured, produced, sold, provided or located on the premises upon which the sign is erected or maintained.

- billboard shall not require a permit.
- b. *Maintenance*. Painting, repainting, cleaning or other normal maintenance and repair of a sign not involving change or copy, structural or electrical changes.
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- (c) *Signs and other advertising matter as regulated by this chapter at the intersection of any street right-of-way* in such a manner as to obstruct free and clear vision, or at any location where, by reason of the position, shape or color, the sign may interfere with or obstruct the view of any authorized traffic sign, signal or device; or which make use of the word "stop," "look," "drive-in," "danger," or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse vehicular traffic.
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- (l) *Motion picture mechanisms* in conjunction with any outdoor advertising structure, accessory sign or advertising statuary used in such a manner as to permit or allow the images to be visible from any public street or sidewalk.
- (m) *Vehicle signs*. The parking of advertising vehicles is prohibited as more fully described in § 30-6. This prohibition is not intended to apply to standard advertising or identification practices where such signs or advertising devices are painted on or permanently attached to a business or commercial vehicle.
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- (v) *Window signs* which identify or advertise activities, services, goods or products available within the building, and which collectively cover more than 30 per-cent of the window glass surface area.
- (w) *No commercial signage is allowed on inland waterways*.
- (x) *Upper level signs*.
- (y) *Pole signs*.

traffic. See land development code sea turtle protection.

- f. The sign should be incorporated into accessory entrance structural features such as a project wall or landscaping.

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- (2) *Location.* On-site directional signs may be permitted within any such residential development along any interior collector street at intersections with other interior streets.

(3) *Limitations.*

- a. The development shall have a homeowners association or similar entity responsible for maintenance of the sign.
- b. The face of each permitted directional sign shall not exceed 4 square feet in area.
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- d. In the absence of free-standing identification signage each business shall have the address prominently displayed on the building in 8 inch letters minimum, 24 square foot maximum.
- e. The maximum height for any identification sign shall be 8 feet in height including supports for 32-square-foot signs. The maximum height for any identification sign shall be 8 feet including supports for 64-square-foot signs.
- f. The identification sign may be illuminated with a steady light, but the sign shall not be animated. See land development code sea turtle protection.
- g. Identification signs shall be located within the property line.
- h. No sign permitted by this subsection shall contain any advertising message concerning any business, goods, products, services or facilities which are not manufactured, produced, sold, provided or located on the premises upon which the sign is erected or maintained.

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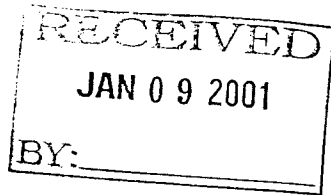
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(y) *Pole signs.*



5630 Williams Drive
Fort Myers Beach, FL 33931

January 9, 2001

Town of Fort Myers Beach

Dear Town of Fort Myers Beach:

I apologize for the lateness of this letter. I just learned of the Publix request to change the existing ordinances to allow them to erect a sign on Estero Boulevard.

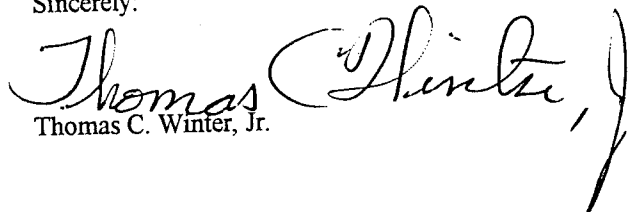
I oppose this variance. It is another step in commercial interests subtly changing the residential character of our community. (For that matter, the lights that Publix have erected along Estero Blvd create a garish insult to the character of the surrounding neighborhood. I recommend that these lights be removed.)

We residents are not organized and depend on our council and the existing ordinances to preserve the character of our community. Publix and other commercial interests often have a staff of full-time employees/attorneys to push their interests. I suggest that a poll be taken by the Town of the Beach residents to determine their feelings on matters such as these. Please don't grant variances such as these to existing ordinances and against the will of your residents.

Publix, after great controversy, was allowed to build on their present Beach site. They knew the ordinances before they started. I suggest that they now blend into the existing community. Don't offend the Beach residents with further displays of lights and signs. After all, their residential neighbors form a significant portion of their customer base.

Thank you for your consideration.

Sincerely:


Thomas C. Winter, Jr.

FORT MYERS BEACH LAND DEVELOPMENT CODE

CHAPTER 30 SIGNS

- Sec. 30-1 Purpose and intent of chapter.*
Sec. 30-2 Definitions and rules of construction.
Sec. 30-3 Applicability of chapter.
Sec. 30-4 Prohibited signs.
Sec. 30-5 Permitted signs.
Sec. 30-6. Parking of advertising vehicles.
Secs. 30-7–30-50. Reserved.
Sec. 30-51. Violation of chapter; penalty.
Sec. 30-52. Reserved.
Sec. 30-53. Powers and duties of building official.
Sec. 30-54 Variances.
Sec. 30-55. Permits; inspections.
Sec. 30-56. Non-conforming signs.
Secs. 30-57–30-90. Reserved.
Sec. 30-91. Measurement of sign area.
Sec. 30-92. Measurement of sign height.
Sec. 30-93. Location.
Sec. 30-94. Construction standards; landscaping.
Sec. 30-95. Sign identification and marking.
Sec. 30-96. Maintenance.
Secs. 30-97–30-150. Reserved.
Sec. 30-151. Temporary signs.
Sec. 30-152. Permanent signs in residential areas.
Sec. 30-153. Permanent signs in commercial areas.
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Sec. 30-1. Purpose and intent of chapter.

The town council finds and declares:

(a) An excess of signs causes a visual blight on the appearance of the town by detracting from views of structures and open space. This visual blight adversely affects the aesthetic quality of life and traffic safety on Fort Myers Beach for residents, businesses, pedestrians, and persons in vehicles. In order to promote the appearance of the town, while protecting the rights of sign owners to expression and identification, the regulation of existing and proposed signs is necessary to protect the public health, safety, and general welfare.

(b) The purpose of the Fort Myers Beach sign code is to encourage signs which are integrated with and harmonious to the buildings and sites which they occupy, to eliminate excessive and confusing sign displays, to preserve and improve the appearance of the town as a place in which to live and work and as an attraction to nonresidents who come to visit or trade, and to restrict signs which increase the probability of accidents by distracting attention or obstructing vision.

(c) The Fort Myers Beach sign code provides minimum standards to safeguard life, safety, property, and public welfare by reviewing design and by regulating size, construction, location, electrification, operation, and maintenance of all signs and sign structures exposed to public view within the town. The visual appearance and traffic safety of the town cannot be achieved by measures less restrictive than the procedures and standards of this chapter.

Sec. 30-2. Definitions and rules of construction.

(a) In case of any difference of meaning or implication between the text of this chapter and any other law or regulation, this chapter shall control.

(b) The following words, terms and phrase, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.

(c) No lighting is authorized by the sign ordinance that is otherwise prohibited in the sea turtle lighting ordinance.

Abandoned sign. A sign which no longer advertises or identifies a legal business establishment, product or activity. See § 30-4(d).

Advertising message. Copy on a sign describing commodities, products or services being offered to the public.

Alteration. Any change in copy, color, size or shape, which changes appearance of a sign, or a change in position, location, construction or

supporting structure or a sign, except that a copy change on an attraction or reader board is not an alteration.

Animated sign. Any sign which has any visible moving part, flashing or osculating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means. See § 30-4(e).

Building frontage. The linear dimensions of a building which faces upon a public street projected along the street property line. Where a building faces two or more streets, the frontage containing the principal street address shall be designated as the building frontage.

Building identification sign. Any sign containing the name or address of a building and may include hours of operation, information to customers such as business hours and telephone number, "open" and "closed," "shirts and shoes required," "no soliciting," "no loitering," and emergency information such as sign being located on the same site as the structure.

Building official. The administrative director of the division of community development.

Bulletin board. A sign which identifies an institution or organization on the premises on which it is located and which contains the names of individuals connected with it and general announcements or events or activities occurring at the institution or similar messages. It shall not be interpreted to include movie theaters or other similar commercial activities.

Business affiliation sign. Signs displayed upon the premises denoting professional and trade associations with which the occupant is affiliated, including each credit card accepted by the occupant.

Canopy. A permanent roof-like shelter open on four sides, to protect an area from the elements, such as over gasoline pumps.

Canopy sign. Any permanent sign attached to or constructed in or on a canopy.

Changeable copy sign (manual). A sign on which copy is changeable manually in the field, i.e. reader boards with changeable letters or changeable pictorial panels.

Changing sign (automatic). See Electronic changing message center.

Commercial advertising sign. Any structure, poster board, bulletin board, neon sign, screen, surface or wall with characters, letters or illustrations affixed thereto, thereon or thereunder, by any method or means whatsoever, where the matter displayed would be used for the purpose of publicly advertising the legal or exact firm or organization name or the name of the business carried therein or thereon.

Construction sign. A non-permanent sign identifying the persons, firms or businesses directly connected with a construction project.

Convenience sign. A sign which conveys information such as "no parking," "entrance," "service entrance," "restroom," "manager," "exit," and the like, but does not contain brand, trade, or business identification, and is designed to be viewed on-site or adjacent to the site by pedestrians and motorists.

Development sign. A sign designed and intended to advertise and promote the sale or rental or lease of lots or homes in any residential development, and also in commercial areas for sale or rental or lease of units in the development.

Directional sign. Any sign which serves solely to designate the location of or direction to any place or area.

Double-faced sign. A single plane with items of information identical on both sides and mounted as a single structure.

Electronic changing message center. See animated sign.

Emitting sign. A sign which emits sound, odor, or visible matter such as smoke or steam.

Erect. To build, construct, attach, hang, place, suspend or painting of wall signs.

Facade. The face of a building most nearly parallel with the right-of-way line under consideration. Facade includes the area of the building between principal front building corners from the ground to the roof line.

Face of sign. The entire area of a sign on which copy could be placed.

Figure-structured sign. A sign which consists of any body form, impression or frame. Or cylindrical or other form, sculptured or otherwise constructed, emblematic or symbolic of a personage or the characteristic or quality of either, which is used commercially to attract or draw attention to a business or commercial establishment.

Free-standing sign. Any sign which is permanently affixed in or upon the ground, supported by one or more structural members, with air space between the sign and the ground space.

Frontage. The distance measured along a public street right-of-way or a private street easement between the points of intersection of the side lot lines with the right-of-way of the easement line.

Government sign. Any sign erected and maintained pursuant to and in discharge of any governmental function, or required by law, ordinance or other governmental regulation.

Grade. The level of the site at the property line located at the closest distance to the sign.

Ground sign. Any sign which is neither attached to nor part of a structure and which is permanently affixed in or upon the ground where the sign support is no greater than 1/3 of the height of the sign off the ground. An illustration would be as follows: a 4-foot by 6-foot sign could be placed a maximum of 16 inches off the ground.

Hearing board. That board appointed by the Town of Fort Myers Beach to hear matters pertaining to the town.

Height of sign. See § 30-92, pertaining to measurement of sign height.

Holiday decorations. Signs or displays including lighting which are a non-permanent installation

celebrating national, state and local holidays or holiday seasons.

Identification sign. Any sign where the matter displayed is used only to indicate the name, address, number of building or character of the primary land use.

Illegal sign. Any sign placed without proper approval or permits as required by the Fort Myers Beach code at the time of sign placement. Illegal sign shall also mean any sign placed contrary to the terms or time limits of any permit and any non-conforming sign which has not been brought into compliance with the provisions of this chapter.

Illuminated sign. Any sign for which an artificial source is used in order to make readable the sign's message, including internally and externally lighted signs and reflectorized, glowing or radiating signs.

Licensed contractor. A person holding a valid contractor's license issued by the Lee County construction board.

Light bulb string. A display consisting of a row or rows of bare light bulbs.

Maintain. To preserve from decline, keep in an existing state or retain in possession or control.

Marquee. A permanent roof-like structure extending from part or all of a building face and constructed of some durable material which may or may not project over a public right-of-way.

Marquee sign. A sign, painted on or attached to or supported by a marquee.

Monument sign. A ground sign having a horizontal dimension greater than its vertical dimension.

Nameplate. See identification sign.

Neon sign. A sign with tubing that is internally illuminated by neon or other electrically charged gas.

Non-conforming sign. A sign which was validly installed under laws or ordinances in effect at the time of its installation, but which is in conflict with

the provisions of the Fort Myers Beach sign code.

Off-premises sign. Any sign normally used for promoting a business, individual, products, or service available on the premises other than the premises where the sign is located.

Pennant. Any flag-like piece of cloth, plastic or paper attached to any staff, cord, building or other structure at only one or two edges with the remainder hanging loosely.

Plane. Any surface capable of carrying items of information, such as a rectangle, square, triangle, circle, or sphere; or any area enclosed by an imaginary line describing a rectangle, square, triangle or circle, which includes freestanding letters, numbers, or symbols.

Pole or post sign. A free-standing sign made up of a single, double or multiple structure or pole, that is not a solid monument style support, and is in excess of 2 feet in height.

Political and non-commercial temporary signs. Any sign designed for the purpose of supporting or opposing a candidate, proposition or other measure at an election or for any other noncommercial expression not related to the advertisement of any product or service or the identification of any business.

Portable sign. Any movable sign not permanently attached to the ground or a building.

Posted property sign. Signs used to indicate "no trespassing," "beware of dog," "no dumping," "towing" and other similar warnings.

Premises. Any property owned, leased or controlled by the person actively engaged in business and so connected with the business as to form a contiguous component or integral part of it, or owned, leased or controlled by a person for living accommodations.

Projecting sign. A sign which projects from and is supported by a wall or parapet of a building with the display surface of the sign in a plane perpendicular to or approximately perpendicular to the wall.

Public body. Any government or governmental agency of the United States, the state, the county, or the Town of Fort Myers Beach.

Pylon sign. A ground sign having a vertical dimension greater than its horizontal dimension.

Real estate sign. Any non-permanent sign pertaining to the sale, exchange, lease, rental, or availability of land, buildings, condominium and similar units, or apartments. Such signs may include building name and address, price and amenities, identity of seller or broker, and similar information.

Roof sign. Any sign erected upon a roof, parapet or roof-mounted equipment structure and extending above a roof, parapet or roof-mounted equipment structure of building or structure.

Sandwich sign. A sandwich sign, "A" frame sign or other types of portable signs, single or double-faced, which are portable and readily movable from place to place. No more than 6 square feet per side; no more than one per business location.

Seawall sign. Any sign with characters, letters, figures, designs or outlines painted on the face of the bulkhead or seawall.

Sign. Any name, figure, character, outline, display, announcement, or device, or structure supporting the same, or any other device of similar nature designed to attract attention outdoors, and shall include all parts, portions, units, and materials composing the same, together with the frame, background, and supports or anchoring thereof.

Sign face. An exterior display surface of a sign including non-structural trim exclusive of the supporting structure.

Site. All the contiguous ground area legally assembled into one development location.

Snipe sign. A sign of any material, including paper, cardboard, wood and metal, when tacked, nailed or attached in any way to trees, telephone poles or other objects where such sign may or may not apply to the premises.

Special event sign. Any temporary or non-permanent sign advertising or pertaining to any civic, patriotic or special event of general public interest. Special event signs are governed by Ordinance No. 98-1.

Special occasion sign. Temporary outdoor on-site signs that address grand openings, sale events, shopping center craft shows, carnivals, parking lot sales or similar events. It does not include special events as defined in Special Events Ordinance No. 98-1.

Statutory graphic. Graphics required by a law of the Town of Fort Myers Beach, the county, or the United States government.

Statue. A three (3) dimensional representation, including a sculpture. A statue that is related to the advertisement of any product or service or the identification of any business is a sign.

Temporary sign. Any sign which is installed for a period not to exceed 60 days, in any consecutive 12 month period, unless otherwise authorized herein.

Town. The incorporated areas within the Town of Fort Myers Beach.

Under-canopy or under-marquee sign. A sign suspended below the ceiling of a canopy or marquee.

Upper level sign. Any sign mounted on a building that is placed in whole or in part between thirty (30) inches above the second floor line and the top of a parapet or roof line.

Vehicle sign. Any sign permanently or temporarily attached to or placed on a vehicle, including a motor vehicle, boat, trailer, or bicycle or human powered vehicle. See § 30-6.

Visibility triangle. A triangular-shaped portion of land established at street intersections or street and driveway intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Wall sign. Any sign attached to or painted on the wall of a building or structure in a plane parallel or approximately parallel to the plane of said wall.

Window sign. Any sign viewable through and/or affixed in any manner to a window or exterior glass door such that it is viewable from the exterior, including signs located inside a building but visible primarily from the outside of the building.

Cross-reference--Definitions and rules of construction generally, 1-2.

Sec. 30-3. Applicability of chapter.

(a) Ordinance 96-20 adopted the Fort Myers Beach core area overlay zoning district. Certain signage is addressed at §§ 34-1143(e) and 34-1145(g) and with greater specificity within the design guidelines for the core area adopted as section 1 of the administrative code. This chapter is to be read in coordination with the rules and regulations which govern the Fort Myers Beach overlay zoning district.

(b) Generally, except as otherwise provided in this chapter, it shall be unlawful for any person to erect, construct, enlarge, move, or convert any sign in the Town of Fort Myers Beach, or cause such work to be done, without first obtaining a sign permit for each such sign from the building official as required by this chapter.

(c) Exceptions.

(1) This chapter shall not apply to any sign erected by the federal, state or Town of Fort Myers Beach government.

(2) The following operations shall not be considered as creating a sign insofar as requiring the issuance of a sign permit, but such signs which are subject to the following operations must be in conformance with all other building, sign, structural and electrical codes and regulations of the Town of Fort Myers Beach:

a. *Change of copy.* Changing of the advertising copy of a message on an existing approved changeable copy sign, whether electrical, illuminated, electronic changing message center or non-illuminated message, which are specifically designed for the use of replaceable copy. A change of copy for a

- billboard shall not require a permit.
- b. *Maintenance.* Painting, repainting, cleaning or other normal maintenance and repair of a sign not involving change or copy, structural or electrical changes.
- c. *Window displays.* Changes in the content of show window displays, provided all such displays are within the building.

Sec. 30-4. Prohibited signs.

No commercial advertising signs by whatever name designated, shall be erected in the town of Fort Myers Beach, except those expressly authorized by the provisions of this chapter. The following specific types of signs are expressly prohibited, but this enumeration shall not be construed to limit the general prohibition set forth in this subsection:

(a) *On-site signs and off-site signs which are not designed, located, constructed or maintained in accordance with the provisions of this chapter,* or which do not meet the requirements of all applicable Town of Fort Myers Beach, state and federal codes.

(b) *Lights and signs that resemble any traffic control device,* official traffic control signs or emergency vehicle markings.

(c) *Signs and other advertising matter as regulated by this chapter at the intersection of any street right-of-way* in such a manner as to obstruct free and clear vision, or at any location where, by reason of the position, shape or color, the sign may interfere with or obstruct the view of any authorized traffic sign, signal or device; or which make use of the word "stop," "look," "drive-in," "danger," or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse vehicular traffic.

(d) *Abandoned signs.*

(e) *Animated signs.* Animated signs except those displaying only cycling time or temperature.

(f) *Signs which visible smoke, vapor, particles or odor,* or which produce noise or sounds capable of being heard, even though the sounds produced are not understandable sounds.

(g) *Balloon signs.*

(h) *Banners, pennants or other flying paraphernalia,* except an official federal, state, county or Town of Fort Myers Beach flag, or one symbolic flag not to exceed 15 square feet in area for each institution or business, except holiday

decorations and banners of special events.

(i) *Billboards.*

(j) *Changing sign (automatic):* off-site and on-site residential areas only.

(k) *Figure-structured signs* as defined in this chapter.

(l) *Motion picture mechanisms* in conjunction with any outdoor advertising structure, accessory sign or advertising statuary used in such a manner as to permit or allow the images to be visible from any public street or sidewalk.

(m) *Vehicle signs.* The parking of advertising vehicles is prohibited as more fully described in § 30-6. This prohibition is not intended to apply to standard advertising or identification practices where such signs or advertising devices are painted on or permanently attached to a business or commercial vehicle.

(n) *Portable signs.*

(o) *Projecting signs.*

(p) *Signs with any lighting or control mechanism* which causes radio or television or other communication interference.

(q) *Signs erected, constructed, or maintained so as to obstruct or be attached to any fire-fighting equipment* or any window, door or opening used as a means of ingress or egress or for fire-fighting purposes, or placed so as to interfere with any opening required for proper light and ventilation.

(r) *Signs, except "posted property" signs, which are erected or maintained upon trees* or painted or drawn upon rocks or other natural features.

(s) *Any sign which is placed on any curb, sidewalk, post pole, electrolier, hydrant, bridge, tree or other surface* located on public property or over or across any street or public street except as may otherwise expressly be authorized by this chapter.

(t) *Snipe signs.*

(u) *Unshielded illuminated devices* that produce glare or are a hazard or a nuisance to motorists or occupants of adjacent properties.

(v) *Window signs* which identify or advertise activities, services, goods or products available within the building, and which collectively cover more than 30 per-cent of the window glass surface area.

(w) *No commercial signage is allowed on inland waterways.*

(x) *Upper level signs.*

(y) *Pole signs.*

Sec. 30-5. Permitted signs.

Permitted signs are classified into two categories: signs not requiring a permit and signs requiring a construction permit.

(a) **Signs not requiring a permit:**

- (1) **Bench signs**, providing signage does not exceed a 2-foot by 4½-foot sponsorship plaque.
- (2) **Awning signs**. Signs consisting of one line of letters, which are painted, placed or installed upon the hanging border only of any awning legally permitted, erected and maintained in accordance with the Town of Fort Myers Beach laws. An identification maintained in accordance with the Town of Fort Myers Beach laws. An identification emblem, insignia, initial or other feature not exceeding an area of eight square feet may be painted, placed, or installed elsewhere on any awning, provided that any sign emblem, insignia or other such similar item shall comply with other provisions of this chapter.
- (3) **Business affiliation**. Signs displayed by businesses, upon the premises, denoting professional and trade associations with which the business is affiliated, requiring statutory signs and other signs pertaining to public safety and law enforcement provided such graphics do not contain lettering more than two inches high.
- (4) **Business information signs**. Business information signs provided that such signs are posted on the entrance doors or within a window.
- (5) **Flags or insignias of governmental or nonprofit organizations**. Flags or insignias of a governmental, religious, charitable or fraternal organization, except when displayed in connection with a commercial promotion.
- (6) **Garage sale signs**. Garage sale signs, provided they are erected not more than 24 hours prior to the sale and are removed within 72 hours of the time they were erected.
- (7) **Governmental and public safety signs**. Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, signs of public service companies indicating danger, and aids to service or safety which are erected by or on the order of a public official in the performance of his public duty.
- (8) **Holiday decorations**. Signs of a primarily decorative nature, clearly incidental and customary and commonly associated with any national, local or religious holiday, provided that such signs shall be displayed for a period of not more than 60 consecutive days and such signs shall not be displayed for more than 60 days in any one year. Such signs may be of any type, number, area, height, illumination or animation and shall be set back ten feet from all boundary lines of the lot, provided that clear visibility shall be maintained on a corner lot.
- (9) **Instructional signs** or symbols located on and pertaining to a parcel of private property, not to exceed four square feet in area per sign.
- (10) **Interior signs**. Signs located within the interior of any building or stadium, or within the inner or outer lobby, court or entrance of any theater. This does not, however, exempt such signs from the structural, electrical or material specifications as set out in this land development code and the Southern Standard Building Code,
- (11) **Legal notices**. Legal notices and official instruments.
- (12) **Memorial signs or tablets**. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.
- (13) **Nameplates**. Any sign not exceeding 1½ square feet in area per sign and not exceeding 2 in number per lot, except that special permission may be obtained from the building official for additional signs under proven special circumstances. Such signs shall not be illuminated, and they shall not project over any public right-of-way.
- (14) **Posted property signs**. Posted property signs, not to exceed 1½ square feet in area per sign and not exceeding 2 in number per lot, except that special permission may be obtained from the building official for additional signs under proven special

circumstances. Such signs shall not be illuminated, and they shall not project over any public right-of-way.

- (15) **Promotional signs.** Promotional signs, not exceeding four square feet in area, provided that such signs are posted only during such drive or no more than 30 days before the event and are removed no more than 2 days after the event. See § (b) of this section.
- (16) **Public information signs.** Any sign used for public information or direction erected either by or at the direction of a public body.
- (17) **Real estate, open house and model signs.** Real estate, open house and model signs, subject to § 30-151(f).
- (18) **Signs incorporated on machinery or equipment.** Signs incorporated on machinery or equipment at the manufacturer's or distributor's level, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths and gasoline pumps.
- (19) **Symbols or insignia of religious orders,** historical agencies, or identification emblems of religious orders or historical agencies, provided that no such symbol, plaque or identification emblem shall exceed 16 square feet in area.
- (20) **Warning signs.** Signs warning the public of the existence of danger, but containing no advertising material, of a size as may be necessary, to be removed upon subsidence of danger.
- (21) **Waterway signs.** Directional signs along inland waterways.
- (22) **Window signs.** Interior window signs which identify or advertise activities, services, goods or products available within the building.

(b) **Signs requiring a sign permit.** No sign that meets or exceeds one or more of the following criteria shall be erected prior to issuance of a sign permit in accordance with § 30-55.

- (1) **Announcement signs,** see § 30-151(a).
- (2) **Construction signs,** see § 30-151(b).
- (3) **Development signs,** see § 30-151(c).
- (4) **Directory signs (on-site only),** § 30-152(d).

- (5) **Identification signs,** see §§ 30-152 and 30-153.
- (6) **Wall-mounted signs,** see § 30-153 930d.
- (7) **Any illuminated sign** if the source of the illumination has not been previously approved.
- (8) **Any sign not specifically exempted** from requiring a sign permit as delineated under § 30-5(a).

Sec. 30-6. Parking of advertising vehicles.

(a) No person shall park any vehicle, trailer or boat on a public right-of-way, public beach or public property so as to be clearly visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the primary purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises.

(b) This section is not intended to prohibit any form of public vehicular signage such as a sign attached to a bus. Neither shall this section prohibit a sign lettered or attached to a motor vehicle in such a manner as to primarily identify the vehicle with the business it serves and which is less than 6 square feet of total surface area. This section shall not be interpreted as prohibiting company names which are customarily and normally on interstate or local delivery trucks.

(c) The parking of vehicles or the use of any other device or contrivance visible from a public or private street or right-of-way for advertising or commercial purposes, shall be deemed to be prohibited by this section.

Secs. 30-7–30-50. Reserved.

Sec. 30-51. Violation of chapter; penalty.

(a) Any owner, agent, lessee, tenant or contractor, or any other person using the land, building or premises where such violation has been committed or shall exist; any person who knowingly commits, takes part in or assists in such violation; any person who maintains any sign or sign structure in violation of this ordinance shall be subject to the following penalties:

- (1) **Criminal penalties, upon conviction:**

- a. A fine not to exceed \$500.00 per day.

(2) **Civil penalties:**

- a. The town shall be entitled to injunctive relief to enjoin and restrain any person from violating the provisions of the ordinance, and
- b. Prosecution before the Lee County Code Enforcement Board pursuant to a current executed interlocal agreement between the Town of Fort Myers Beach and Lee County.
- c. Any other relief available pursuant to law.

(b) In addition to the criminal penalties and enforcement procedures provided in subsection (a) of this section, the violation of any of the regulations, restrictions and limitations promulgated under the provisions of this chapter may be restricted by injunction, including a mandatory injunction, and otherwise abated in any manner provided by law, and each suit or action may be instituted and maintained by the Council of the Town of Fort Myers Beach or by any citizen of the Town of Fort Myers Beach or by any person affected by the violation of these regulations, restrictions or limitations. No sign or sign structure shall hereafter be erected, constructed, reconstructed, altered or relocated except in conformity with the provisions of this chapter.

(c) No person shall erect on any premises owned or controlled by him any sign which does not comply with the provisions of this chapter.

(d) No person shall erect on any premises owned or controlled by him any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign or the owner of the premises, or as otherwise provided for in this chapter.

Sec. 30-52. Reserved.

Sec. 30-53. Powers and duties of building official.

(a) **Generally.** The Town of Fort Myers Beach building official is hereby authorized and directed to administer and enforce the regulations and procedures set forth in this chapter. The building official is further empowered to delegate the duties

and powers granted to and imposed upon him under this chapter.

(b) **Specific powers and duties.**

(1) **Issuance or denial of permits and certificates.**

- a. It shall be the duty of the building official, upon receipt of a completed application for a sign permit to examine such plans and specifications and other data and, if the proposed structure is in compliance with the requirements of this section and all other applicable Provisions of this chapter, to issue to the applicant a written permit evidencing the applicant's compliance therewith. Issuance of the permit shall in no way prevent the building official from later declaring the sign to be illegal if, upon further review of the information submitted with the application or of newly acquired information, the sign is found not to comply with the requirements of this chapter.
- b. No sign permit or certificate of compliance shall be issued by the building official except in compliance with this chapter and any other applicable ordinances and laws, decisions of the zoning board, board of adjustments, construction board, or Town of Fort Myers Beach council, or court decisions.

(2) **Revocation of permits and certificates.** The building official may revoke a sign permit or certificate of compliance in those cases where an administrative determination has been duly made that false statements or misrepresentations existed as to material facts in the application or plans upon which the permit or approval was based.

(3) **Suspension of permits and certificates.** The building official may suspend a sign permit or certificate of compliance where and administrative determination has been duly made that an error or omission on the part of either the permit applicant or a government agency existed in the issuance of the permit or certificate. A new permit or certificate shall be issued in place of the incorrect permit or certificate after correction of the error or omission.

- (4) *Cease and desist orders.* The building official shall have the authority to issue cease and desist orders in the form of written official notices given to any person.
- (5) *Complaints.*
 - a. Complaints on any violations of this chapter shall be filed with the building official.
 - b. Upon inspection, where it is found that any sign or sign structure is in violation of this chapter, the building official should take the appropriate action as set forth in § 30-8.

Sec. 30-54. Variances.

Requests for variances from the terms of this chapter shall be administered and decided in conformance with the requirements for variances which are set forth in ch. 34.

Sec. 30-55. Permits; inspections.

(a) *Sign permit required; modifications.*

- (1) Except as otherwise provided for in this chapter, it shall be unlawful for any person to erect, construct, replace, enlarge, move or convert any sign in the Town of Fort Myers Beach, or cause such work to be done, without first obtaining a sign permit for each sign from the building officials.
- (2) In addition to any other permit required by this code, a sign permit shall be obtained prior to placing, changing, altering, or displaying any sign unless specifically exempted by this code. No sign permit shall be required where the only work to be performed is the repair, maintenance, or maintenance of a lawful non-conforming sign, or the replacement or repair of a destroyed sign except when such sign is required to be removed by this code.
- (3) When a sign permit has been issued, it shall be unlawful to change, modify, alter or otherwise deviate from the terms or conditions of the permit without prior approval of the building official. A written record of such approval shall be entered upon the original permit application and maintained in the files of the building official. All such approvals shall be consistent with the terms of this chapter.

(b) *Application for sign permit.* In order to obtain a permit to erect alter or relocate any sign under the provisions of this chapter, an applicant therefore shall submit to the building official a sign permit application, which shall include:

- (1) A completed application form containing but not limited to:
 - a. The name, address and telephone number of the applicant.
 - b. The name, address and telephone number of the person constructing the sign, as well as the name, address and telephone number of the owner of the sign.
 - c. For off-site signs only, the name, address, telephone number and signature of the owner of the premises granting permission for the construction, operation, maintenance or displaying of the sign structure, including:
 1. Proof of ownership of the property upon which the sign is to be erected on the subject parcel; or
 2. A copy of the executed lease or agreement permitting the sign to be erected on the subject parcel, or
 3. A signed statement from the property owner of the subject property granting permission for the erection of the sign and recognizing that a lien may be filed against the subject property if the sign is required to be removed for violation of this chapter.
 - d. For off-site bench signs, in addition to the requirements of subsection (b)(1)c.-f. this section, a statement signed by the Town of Fort Myers Beach engineer approving the location.
 - e. Information as to the type of sign to be erected, e.g., ground-mounted, projecting, wall-sign, illuminated or non-illuminated, temporary or permanent.
 - f. The approximate value of the sign to be installed, including the installation cost, some representation as to design and copy with regard to the sign requested.
- (2) *A site location plan* including the following:
 - a. Location by street number and legal description (tract, block and lot) of the building, structure or lot to which or

- upon which the sign is to be installed; or
- b. A fully dimensioned plot plan, to scale, indicating the location of the sign relative to property lines, rights-of-way, streets, easements, sidewalks and other buildings or structures on the premises, as well as the location, size and type of any other existing signs whose construction requires a sign permit, when such signs are on the same premises.
- (3) *Bond or other security for certain type signs.* Town of Fort Myers Beach shall adopt a bond or other security schedule for certain type signs requiring a bond or other security as specified in this chapter. Such signs include, but are not limited to certain temporary signs and such others as Council deems necessary. If the signs are not removed within a specified time period, the signs will be removed by the Town of Fort Myers Beach and the bond will be forfeited.
 - (4) *Application fee.* Applications for a permit to erect, construct, alter or extend a sign or sign structure shall be accompanied by a fee in the amount to be established by the town.
 - (5) Such other information as the building official may require which is necessary to secure full compliance with this chapter, the Southern Standard Building Code and any other applicable ordinance.
 - (6) *A drawing to scale* showing the design of the sign, including dimensions, sign size method of attachment and source of illumination, and showing the relationship to any building or structure to which it is or is proposed to be installed or affixed, or to which it relates.
 - (7) Plans indicating the scope and structural detail of the work to be done, including details of all connection, supports and footings and materials to be used.
 - (8) Where determined to be necessary, a copy of stress sheets and calculations indicating that the sign is properly designed for dead load and wind pressure in any direction, if required by the building official.
 - (9) Where determined to be necessary, a listing of all materials to be utilized in the construction of the sign, or, in the alternative, a statement that all materials are in compliance with the Southern Standard Building Code.
 - (10) A sea turtle lighting plan is required for all new lighted signs that are visible from the beach.
 - (11) If applicable, an application, and required information for such application, for an electric permit for all electric signs, if the sign is to be illuminated. Electrical work must be UL-approved or installed by a licensed electrician.
 - (12) *Sign contractor's license.* Certain types of signs are required to be installed or erected only by a licensed contractor. No person shall perform any work or service in connection with the erection, construction, enlargement alteration, repair, moving, improvement, maintenance, conversion or manufacture of any such sign in the Town of Fort Myers Beach unless such person shall first have obtained a contractor's license from the building official and paid the license fees provided by the Town of Fort Myers Beach, or shall be represented by a duly licensed agent or subcontractor. All persons engaged in the business of installing or maintaining signs involving, in whole or part, the erection, alteration, relocation or maintenance of a sign or other sign work in or over or immediately adjacent to a public right-of-way or public property is used or encroached upon by the sign installer shall agree to hold harmless and indemnify the Town of Fort Myers Beach and its officers, agents and employees from any and all claims of negligence resulting from the erection, alteration, relocation or maintenance of a sign or other sign work insofar as this chapter has not specifically directed the placement of a sign.
 - (13) *Expiration of sign permit.* A sign permit shall expire and become null and void six months from the date of issuance, except that it may be extended for good cause by the building official.
 - (14) *Inspections.* All signs for which a permit is required by this chapter are subject to inspection by the building official. Failure to obtain a final satisfactory inspection within the permit period or any renewal shall render the permit invalid, and the applicant shall be required to reapply for a permit or remove the sign or sign or

structure.

- (15) *Identification number.* New signs permitted after the effective date of this ordinance will carry a sign permit number on the right corner of the permitted sign. The town will begin a process of photographing all signs within the town by digital camera and such record will be kept in town hall.

Sec. 30-56. Non-conforming signs.

For further clarification, see land development code §§ 34-3201 through 34-3275.

(a) *Status.* Every sign, as of the effective date of the ordinance from which this chapter is derived, which is a permitted legally existing sign shall be deemed a legal non-conforming sign. A permitted sign means a sign that was constructed or is in place with a valid permit from the Town of Fort Myers Beach. All non-conforming signs shall be subject to the provisions of this section. All existing signs which are not legal non-conforming signs must comply with the terms of this chapter.

- (1) A non-conforming sign may not be enlarged or altered in a way which increases its nonconformity.
- (2) Nothing in this section shall relieve the owner or user of a legal non-conforming sign or owner of the property on which the legal non-conforming sign is located from the provisions of this chapter regarding safety, maintenance and repair of signs. Any repair or refurbishing of a sign that exceeds 50 percent of the replacement value of the sign in its preexisting state shall be considered as an act of placing a new sign and not an act of customary maintenance. It shall be the responsibility of the permittee to provide the division of community development with adequate proof of the cost of such work in the form of an itemized statement of the direct repair cost whenever such information is requested by the division.
- (3) If any non-conforming sign is destroyed to an extent exceeding 50 percent or more of its replacement value at the time of destruction, the sign shall not be replaced or repaired, in part or full, except upon full compliance with this chapter.

(b) *Designation of historically significant and/or landmark signs.* Pursuant to the Fort Myers Beach Comprehensive Plan, the town's vision for preserving its history is set out in ch. 13. This historic preservation element has two major goals. The first is to preserve "the best of the old" as the community evolves and redevelops over time. The second goal is to share the legacy left by previous residents with today's visitors and the broader community and to do so in a way that preserves the local culture and environment and enriches visitors' experiences. The local planning agency is designated to serve as the historic preservation board as required by the land development code.

- (1) A sign may be nominated for designation as historically significant or having landmark status to the local planning agency.
- (2) A nomination letter would be prepared documenting the historical background of the sign and listing reasons for possible landmark status. The historic preservation element sets out historic and archaeological criteria that should be incorporated into a nomination letter.
- (3) The local planning agency will hold a public hearing on any nomination requests received and will use the historic preservation element as a guideline for approving or denying such requests.
- (4) The town council will serve as the appeal board for signs that are denied historical and/or landmark status
- (5) A sign that is designated as historical or having landmark status will receive a legal non-conforming status for as long as the sign remains. If the sign is destroyed in any way, it may be re-constructed to its legal non-conforming historical and/or landmark status. Similarly, if the underlying business is sold, or "copy" or "use" is changed, the sign continues to hold its legal non-conforming designation and remains as a historical or landmark designated sign.

(c) *Loss of legal nonconformity.*

- (1) A legal non-conforming sign shall become an illegal sign which must comply with this chapter if:
 - a. More than 50 percent of the sign is removed or unassembled for a period of more than six months.
 - b. The sign is altered or relocated in any

manner which increases its nonconformity or causes it to be less in compliance with the provisions of this chapter.

- c. Any change of use or change of ownership of a sign loses legal non-conformity and must comply with current regulations.
 - d. Repair or refurbishing exceeds 50 percent of the value of the sign in its preexisting state.
 - e. The sign is replaced.
- (2) When a sign face remains blank, which as defined as void of advertising for a period of 12 months it loses its non-conforming status and must be treated as a sign which must comply with all the requirements of this chapter. Signs displaying an "available for lease" message or similar message and partially obliterating signs which do not identify a particular product, service or facility are considered to be blank signs.
- (3) A non-conforming sign that has lost its legal non-conforming status shall be immediately brought into compliance with this chapter, or the sign shall be removed.
- (4) The existence of an illegal sign or a legal non-conforming sign does not constitute a hardship warranting the issuance of a variance from the provisions of this chapter.

(d) **Time for compliance.** All signs shall be brought into compliance with the standards of this section according to the following schedule which follows:

- (1) *Real estate signs* shall be removed or made lawful hereunder within 24 months after the effective date of this ordinance.
- a. The town finds that in view of the inexpensive nature of these signs and the administrative burden which would be imposed by elaborate procedural prerequisites prior to removal, any procedure other than summary removal of these signs when unlawfully erected and maintained would defeat the purpose of regulating such signs. Therefore, the building official is hereby authorized summarily to remove such signs when unlawfully erected and maintained, subject to the provisions contained in subsection (3) of this section.

- b. After summary removal of a sign pursuant to this section, the building official shall notify, either in person or by first class postage, prepaid, the occupant of the property from which the sign was removed, and if the sign identified a party other than the occupant of the property, the party so identified. The notice shall advise that the sign has been removed, and shall state that the sign may be retrieved within 30 days of the date of the notice and that if the sign is not retrieved within 30 days it will be disposed of by the town. If the sign is removed from public property, the party, if any identified on the sign shall be notified; if no party is identified on the sign, then no notice prior to disposition is required. The town shall dispose of all unclaimed signs after the expiration of the 30-day period.

- (2) *Other non-conforming signs.* Any other non-conforming sign shall be brought in compliance with this ordinance upon any alteration (but not routine maintenance) of the sign, or 8 years after the effective date of this ordinance, whichever comes first.

- (3) *Other unlawful signs.* Signs which are or have been erected or maintained unlawfully but do not fall under the provisions set forth in subsection (1) of this section shall be subject to the following procedures:

- a. The building official shall prepare a notice which shall describe the sign and specify the violation involved, and which shall state that, if the sign is not removed or the violation is not corrected within 15 days, the sign shall be removed in accordance with the provisions of this section.
- b. All notices mailed by the building official shall be sent by certified mail, return receipt requested. Any time periods provided in this section shall be deemed to commence on the date of the receipt requested. Any time periods provided in this section shall be deemed to commence on the date of receipt of the certified mail.
- c. The notice shall be mailed to the owner of the property on which the sign is located as shown on the last equalized

- assessment roll. If the owner of the sign and the occupant of the property are known, or with reasonable care should be known, the notice shall be mailed to or delivered to the owner of the sign and the occupant of the property.
- d. Failing determination of the sign owner or user or owner of the property on which the sign is located, the notice may be affixed in a conspicuous place to the sign or to the business premises with which the sign is associated. The building official shall require new sign permits to be issued for each existing sign so classified and shall be attached to the Town of Fort Myers Beach's copy of the permit application.
 - e. Any person having an interest in the sign or the property may appeal the determination of the administrator ordering removal or compliance by filing a written notice of appeal with the town within 15 days after the date of receiving the notice.
 - f. Upon completion of the notification procedures and after the expiration of the 15-day appeal period, if no appeal has been filed, the building official shall have the authority to remove or contract with a contractor to remove the unlawful sign. All costs associated with the removal of the unlawful sign shall be assessed against the property owner. Each such assessment shall be a lien against the property until paid.
- (4) *Emergency work.* When it is determined by the building official that a sign would cause an imminent danger to the public safety, and contact cannot be made with a sign owner or building owner no written notice shall have to be served. In this emergency situation, the building official may correct the danger, with all costs being assessed against the property owner.
- (5) *Assessment of costs.*
- a. As soon after the offending condition is corrected or removed by the building official and the expense thereof can finally be determined, the building official shall render a statement to the property owner or permittee or person having possession or right to use, by

regular United States mail, addressed to the last known address of any such persons, informing the person of the sums due the town.

- b. If such sums are not paid within 45 days, the town shall, by resolution, levy a special assessment lien in the amount of all sums due the town, plus interest on the amount at a rate of 12 percent per annum, plus all expenses which may be incurred incident to the enforcement of such lien, including any court costs or attorney's fees, until final payment of all sums have been made.
- c. Liens shall be recorded in the official records of the Town of Fort Myers Beach and shall remain in full force and effect until finally paid. The Town of Fort Myers Beach shall furnish releases of the subject upon proper satisfaction having been made. The lien may be enforced in the manner provided by the general law of the state for the enforcement of liens or the foreclosure of mortgages.

Secs. 30-57-30-90. Reserved.

Sec. 30-91. Measurement of sign area.

(a) The sign area shall be measured from the outside edges of the sign or the sign frame, whichever is greater, excluding the area of the supporting structures provided that the supporting structures are not used for advertising purposes and are of an equal to or less than the permitted sign area. In the case of wall signs without a border or frame, the surface shall include such reasonable and proportionate space as would be required if a border or frame were used.

(b) When a single sign structure is used to support two or more signs, or unconnected elements of a single sign, the surface area shall comprise the square footage within the perimeter of a regular geometric form enclosing the outer edges of all the separate signs or sign elements.

(c) Where signs are installed back-to-back, one face only is considered as the sign area. If unequal in size, the larger face will be counted.

Sec. 30-92. Measurement of sign height.

The height of a sign shall be considered to be the vertical distance measured from the crown of the road.

Sec. 30-93. Location.

(a) **Visibility triangle.** No sign shall be erected which would impair visibility at a street intersection or driveway entrance. Within the area formed by the right-of-way lines of intersecting streets or streets and driveways, and a straight line connecting points on such right-of-way lines at a distance of 25 feet from their point of intersection.

(b) **Clearance from high voltage power lines.** Signs shall be located in such a way that they maintain a clearance of ten feet to all overhead electrical conductors and a three foot clearance on all secondary voltage service drops.

Sec. 30-94. Construction standards; landscaping.

(a) **Generally.** All signs shall comply with the appropriate detailed provisions of the Southern Standard Building Code relating to design, structural members and connections. Illuminated signs shall also comply with provisions of the National Electrical Code, and all electrical work shall be Underwriters' Laboratories approved or be certified by an electrician licensed by the Town of Fort Myers Beach. Signs shall also comply with the additional standards set forth in this section.

(b) **Structural design.**

- (1) The building official may request wind load calculations for signs less than 24 square feet prior to issuing a permit.
- (2) A wall must be designed for and have sufficient strength to support any sign which is attached thereto.

(c) **Materials for ground signs.**

- (1) All ground sign structures shall be self-supporting structures erected on and permanently attached to the ground.
- (2) All wood permitted to be used, whether for new permanent signs, for replacement of existing permanent signs, or for any part thereof, shall be rot and termite resistant through open-cell preservation methods as

specified by the American Wood Preservation Association, or by any other open-cell preservation treatment approved by the Town of Fort Myers Beach building department.

(d) **Electric signs.**

- (1) All electric signs shall be certified by a licensed electrical contractor that the sign meets the standards established by National Electric Code as adopted in § 6-191. All electric signs shall be erected and installed by a licensed sign contractor. The electrical connection to a power source shall be performed by a licensed electrical contractor.
- (2) Artificial light used to illuminate any sign from outside the boundaries of the sign shall be screened in a manner which prevents the light source from being visible from any abutting right-of-way or adjacent property. See land development code ch. 14 sea turtle lighting restrictions.

(e) **Supports and braces.** Metal supports or braces shall be adequate for wind loading. All metal wire cable supports and braces and all bolts used to attach signs to brackets or brackets and signs to the supporting building or structure shall be of galvanized steel or of an equivalent corrosive resistant material. All such sign supports shall be an integral part of the sign.

(f) **Anchoring.** No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that would cause wear on supporting members or connections.

(g) **Maximum angle for double faced signs.**

Double faced signs with opposing faces having an interior angle greater than 30 degrees shall not be permitted.

(h) **Landscaping.**

- (1) Approved landscaping, which includes xeriscape, shall be functional and decorative. It should be designed for minimal maintenance and capable of withstanding vandalism. It may be of many materials, including flowers, shrubs, trees, rockwork, brickwork or other constructional elements in an attractive combination and appropriate

to the specific location. The support structure of the sign may, if properly designed, be included as part of the landscaping.

- (2) The least dimension of the landscaped area shall be the greatest dimension of the sign, and the sign shall not extend beyond the landscaped area. The area enclosed by the sign shall be landscaped with shrubs and ground cover.

Sec. 30-95. Sign identification and marking.

(a) Unless specifically exempted from permit requirements of this chapter, all signs shall be photographed and filed with permit numbers in town hall. Within 1 year of the effective date of this chapter (September 13, 1999) ordinance, the town will use a digital camera to record all signs within the town. In the interim, all signs permitted under this ordinance will display the sign permit number issued for that sign at the right lower corner of the sign so that it is easily visible for inspection.

Sec. 30-96. Maintenance.

(a) All signs, including their supports, braces, guys and anchors, shall be maintained so as to present a neat, clean appearance. Painted areas and sign surfaces shall be kept in good condition, and illumination, if provided, shall be maintained in safe and good working order.

(b) Weeds and grass shall be kept cut in front of, behind, underneath and around the base of ground signs for a distance of ten feet and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near such signs.

Secs. 30-97–30-150. Reserved.

Sec. 30-151. Temporary signs.

The following temporary signs are permitted in all zoning districts subject to the following regulations. It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained any temporary sign which fails to comply with the following regulations.

(a) ***Announcement signs.***

- (1) A temporary sign announcing a project to be

under construction or an intended use of the premises in the immediate future shall be permitted in accordance with the following:

- a. One ground-mounted sign is allowed per street frontage per project. The sign shall be confined to the site of the project.
- b. Sign area shall not exceed 16 square feet, and signs shall not exceed 8 feet in height above the crown of any abutting street.
- c. A sign announcing a project to be under construction or an intended use of the premises in the immediate future may include only the project name, the nature of development (e.g., professional office, villas, townhouse condominium, etc.), the name of the owner or agent, and one telephone number. Such sign may be posted for a 180-day period, at the end of which time continued use of the sign shall be subject to approval by the building official. Such sign shall be removed upon issuance of a certificate of occupancy for the project.

- (2) Temporary announcement signs for a new business, or a business in a new location with no permanent signs, may be permitted up to 16 square feet in sign area or the maximum permitted sign are for any one ground-mounted permanent sign, whichever is lesser, for a period of not more than 60 days or until installation of permanent signs, whichever occurs first. The temporary sign shall not exceed 8 feet in height. No temporary announcement sign shall be permitted if the sign would exceed either the number or size of permanent signs otherwise permitted by this chapter for the occupant or location.

(b) ***Construction signs.***

- (1) One construction sign shall be permitted per construction project on each street frontage. The sign shall be erected no more than five days prior to any construction of the project shall be confined to the site of construction, and shall be removed prior to issuance of a certificate of occupancy.
- (2) Construction signs may denote the architect, engineer, contractor, subcontractor, owner, future tenant financing agency, or other persons performing services or labor or

supplying materials to the premises.

- (3) Maximum size limitations for construction signs shall be as follows:
 - a. For all residences and nonresidential developments, one non-illuminated wall or ground-mounted sign not exceeding 16 square feet in sign area and 8 feet in height, including supports, may be erected on each street frontage.
 - b. All construction signs must be located within the property line.

(c) Development signs.

- (1) A development sign may be permitted in any residential development wherein more than 20 percent of the lots, homes or living units remain unsold, subject to the following regulations:
 - a. One non-illuminated development sign not exceeding 16 square feet in sign area may be permitted for each street entrance into the subject subdivision or development.
 - b. The sign shall be located within the confines of the property being developed.
 - c. Permits for such signs shall be issued for one year and may be renewed annually until 20 percent or less of the total lots, homes or living units remain unsold.
- (2) One non-illuminated development sign per street frontage may be permitted in any commercially zoned district to promote the sale or rental or lease of units within the development. The maximum size shall be 16 square feet and the maximum height shall be ten feet plus 10 feet, including supports.

(d) Temporary political signs. Temporary political signs shall only be erected in accordance with the following standards:

- (1) *Area and height.* Temporary political signs shall have a maximum sign face area of 4 square feet and if a ground sign, a maximum height of 3 feet.
- (2) *Timing and removal.* For signs pertaining to any matter relating to an election: a period beginning 25 days prior to the election to which they relate and ending 5 days after said election.

(e) Promotional signs. Except as provided in § 30-5(a), no person, civic club or other organization shall post any sign for special events or promotions until such person, civic club or organization obtains a permit from the building official and a bond or other security deposit acceptable to the Town of Fort Myers Beach is posted to insure the proper maintenance or removal of the sign in accordance with § 30-55(b)(3), and the following regulations.

- (1) Promotional signs may be erected within 14 days prior to a proposed event and must be removed within 2 days after the event.
- (2) Promotional signs shall not exceed 16 square feet in area and 8 feet in height.
- (3) Banners may be strung after obtaining the proper permit. The banner may be placed up to two weeks before the event and must be taken down no later than one week after the event.

(f) Real estate signs. Real estate signs shall be permitted on properties where the owner is actively attempting to sell, rent or lease such property, either personally or through an agent, as follows:

- (1) All properties for sale will be allowed one non-illuminated ground sign, perpendicular to the roadway, that is 24 inches in height and 24 inches in width. Lots may have one sign for each street frontage. Waterfront (canal, bay, lagoon or beach) properties may have more than one additional monument sign which is 12 inches in height and 24 inches in width on water frontage visible from the water.
- (2) The sign face will have the name of the licensed real estate professional, the real estate company or other licensed entity, any required professional indicia, and a phone number and/or address. The sign face may additionally state, "For Rent" or "For Lease" or both, but such statements must be included on the 24-inch by 24-inch sign face.
- (3) No riders (such as name of agent, "sold," "sale pending," "pool," "price reduced," etc.) shall be attached.
- (4) If a property is both for sale and for rent, only one sign is allowed.
- (5) No signs may be fastened to trees.
- (6) No "goal post" supports are allowed.
- (7) *"Open house" signs.* One ground-mounted "open house" sign per property per street frontage. Sign area shall not exceed four

square feet, and the sign shall be placed upon the property to be sold or leased. The sign shall be displayed only when the premises are actually available for inspection by a prospective buyer or tenant.

- (8) *"Model" signs.* New developments may place the words "Model Open" within the 16 square foot temporary construction sign permitted for the project under § 30-151(b), "Construction Signs."

(g) *Special occasion signs.* Temporary outdoor on-site signs shall be allowed to address grand openings or special occasions such as car, boat or craft shows, carnivals, parking lot sales, annual and semi-annual promotions or other similar events, provided that:

- (1) A special occasion sign permit is issued by the building official;
- (2) The permit shall be for the duration of the event only, with a maximum of 3 consecutive days;
- (3) No business shall be permitted more than two such permits in a calendar year;
- (4) Signs shall be located on-site only and in such a manner as to not create any traffic or pedestrian hazard;
- (5) No animated or portable signs shall be permitted; and
- (6) Signs shall be constructed and secured in accordance with all applicable standards.

Sec. 30-152. Permanent signs in residential areas.

Permanent signs in residential areas shall be subject to the following:

(a) *Definition.* For purposes of this section, the term "subdivision" shall be interpreted to include mobile home and recreational vehicle developments, condominiums and multiple family buildings containing five or more dwelling units.

(b) Residential development identification signs.

- (1) *Entrance signs.* Permanent wall or ground-mounted signs for identification purposes only, giving only the name of the subdivision or residential development, may be permitted at each main entrance into such subdivision or development, subject to the following

regulations:

- a. Subdivision or residential development entrances which contain a boulevard entrance, i.e., a median strip separating the entrance and exit lanes, may be permitted:
 1. A single ground-mounted sign located in the median strip of the entrance, provided that it is set back a minimum of 15 feet from the right-of-way of the public access road and a minimum of five feet from the edge of the pavement of the entrance and exit lanes, or
 2. Two single-faced signs equal in size and located on each side of the entranceway.
- (2) *Internal subdivision signs.* Permanent wall or ground-mounted signs for identification purposes may be permitted at one main entrance into each internal subdivision or development, subject to the following:
 - a. Subdivision entrances which contain a boulevard entrance, i.e. a median strip separating the entrance and exit lanes, would be permitted:
 1. A single ground-mounted sign located in the median strip of the entrance and exit lanes would be permitted;
 2. Two single-faced signs equal in size and located on each side of the entranceway.
- (3) *Limitations.*
 - a. The subdivision shall have a homeowners, association or similar entity which will be responsible for maintenance of the sign.
 - b. The face of each permitted main entrance identification sign shall not exceed 24 square feet. The sign shall not be more than 8 feet high, from the crown of the road.
 - c. The face of each permitted internal identification sign shall not exceed 24 square feet in area.
 - d. Except when permitted in the entrance median strip, the sign shall be located within the property line.
 - e. The sign may be illuminated with a steady light so shielded as to not allow the light to interfere with vehicular

traffic. See land development code sea turtle protection.

- f. The sign should be incorporated into accessory entrance structural features such as a project wall or landscaping.

(c) *Schools, churches, day care centers, parks, recreational facilities and libraries.* A school, church, day care center, park, recreational facility, library or any other similar use permitted by right or by special exception in accordance with the town's zoning regulations shall be permitted one ground-mounted or wall-mounted identification sign and one directory sign, subject to the following limitations:

- (1) Maximum sign area shall be 24 square feet per sign face.
- (2) Signs shall be located within the property line.
- (3) No sign shall exceed 8 feet in height.

(d) *On-site directional signs.*

- (1) *Permitted signs.* Permanent wall or ground-mounted signs, for directional purposes only, may be permitted within any residential development which consists of several distinctly separate subdivisions, clusters or other sub-units of development.
- (2) *Location.* On-site directional signs may be permitted within any such residential development along any interior collector street at intersections with other interior streets.
- (3) *Limitations.*
 - a. The development shall have a homeowners association or similar entity responsible for maintenance of the sign.
 - b. The face of each permitted directional sign shall not exceed 4 square feet in area.
 - c. Maximum permitted height shall be a 3-foot by 4-foot monument style sign.
 - d. Signs shall be located within the property line.
 - e. The signs may be illuminated.

Sec. 30-153. Permanent signs in commercial areas.

In order to provide fair, equal and adequate exposure to the public, and to prevent any single property owner from visually dominating neighboring properties with signs, all

nonresidential uses shall be limited to a total permissible sign area in accordance with the provisions of this section.

(a) Each business shall be allowed 32 square feet of signage for each frontage providing vehicle access.

(b) *Nonresidential subdivisions and multiple-occupancy complexes.*

- (1) *Identification sign.* A nonresidential subdivision or a multiple-occupancy complex shall be permitted ground-mounted identification signage along any street which provides access to the property as follows:
 - a. One 32-square-foot identification sign for buildings with less than 10 occupants.
 - b. One 64-square-foot identification sign or two 32-square-foot identification signs for buildings with more than ten occupants.
 - c. Identification signs must contain the address in a minimum of 8 inch letters.
 - d. In the absence of free-standing identification signage each business shall have the address prominently displayed on the building in 8 inch letters minimum, 24 square foot maximum.
 - e. The maximum height for any identification sign shall be 8 feet in height including supports for 32-square-foot signs. The maximum height for any identification sign shall be 8 feet including supports for 64-square-foot signs.
 - f. The identification sign may be illuminated with a steady light, but the sign shall not be animated. See land development code sea turtle protection.
 - g. Identification signs shall be located within the property line.
 - h. No sign permitted by this subsection shall contain any advertising message concerning any business, goods, products, services or facilities which are not manufactured, produced, sold, provided or located on the premises upon which the sign is erected or maintained.

(c) **Individual occupants within multiple-occupancy complex.** Individual offices, institutions, or business establishments located within a multiple-occupancy complex shall not be permitted individual ground-mounted identification signs, but may display wall-mounted, marquee or under-canopy signs as follows:

- (1) *Sign content.* No sign permitted by this subsection shall contain any advertising message concerning any business, goods, products, services or facilities which are not manufactured, produced, sold, provided or located on the premises upon which the sign is erected or maintained.

(d) **Individual office, institution, or business establishments.** The following regulations shall apply for any office, institution, or business establishment which is not located within a multiple-occupancy complex:

- (1) One 32-square-foot sign.
- (2) Maximum height of a ground-mounted identification sign shall be 8 feet.

- (3) Identification signs may be illuminated, but shall not be animated.
- (4) Wall-mounted, marquee or canopy signs may be displayed provided the total sign area of such signs plus any permitted ground-mounted identification sign does not exceed 32 square feet.
- (5) Identification signs shall be located within the property line.

(e) **Emergency medical facilities.** Emergency medical facilities shall be allowed the same size identification sign as permitted for individual establishments not located within a multiple occupancy complex (see subsection (c) of this section). In addition, one additional illuminated monument sign, not to exceed 3 feet by 4 feet, to identify emergency entrances, shall be permitted.

(f) **Motion picture theaters.** Motion picture theaters shall be allowed one sixty-four (64) square-foot illuminated sign.

DCI2000-00078
Mid-Island Marina in ref to Publix Super Market

Request seeks an amendment of existing Commercial Planned Development zoning to add two deviations to the planned development.

The effect of the two deviations would be to add one additional sign to the planned development. This sign would be a ground sign with a height of 5'-9". It would contain 32 square feet with two separate sign panels per side. One advertises Publix and the other would be the marina and their tenant. Each of these would be 16 square feet.

The first deviation added would be from LDC Section 30-153(a) which limits each business to a maximum of 32 square feet of signage for each frontage. The sign would be a second sign for Publix on the site. Thus the need for the deviation.

Publix has been granted one sign permit for a building sign on the west wall of the building facing Estero Boulevard. This sign contains 32 square feet.

The second deviation added would be from LDC Section 30-4. This Section relates to signs that are not specifically allowed in the Code. A sign advertising a business not on the premises where the sign is located is not allowed by the Code. Thus the need for this second deviation since it advertises the marina and tenant.

This is a UNIQUE site. The property fronting on Estero Boulevard is a CPD for a supermarket. The site to the rear, zoned RM-2 and used as a marina and restaurant, is not a part of the CPD but garners its access through the supermarket property. The marina property is not accessed from any other road.

Staff recommends APPROVAL of this request with the conditions offered in the staff report. This allows for minimal signage for the businesses while not adversely impacting the adjoining residential areas. The conditions limit the size of the sign. Furthermore, it is recommended that the background be opaque with white lettering. This limits lighting of the sign at night internally to the sign and makes the business name stand out only. This protects the nearby residential areas from excessive lighting and offensive colors, at night. The sign must also be placed such that it does not block the line-of-sight for traffic entering or leaving the site.

(over)

FORT MYERS BEACH LOCAL PLANNING AGENCY

AGENDA

TUESDAY, January 9, 2001

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NOTICE
OF PUBLIC HEARING

Notice is hereby given that on Tuesday, January 9, 2001, at 12:00 noon, the Fort Myers Beach Local Planning Agency will hold public hearings in the Nations Bank Building, 2523 Estero Blvd., Ft. Myers Beach, FL on the cases listed below.

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

After the Local Planning Agency has made a written recommendation, the case will be scheduled for a public hearing before the Town of Fort Myers Beach Council who will review the recommendation and make a final decision.

Copies of the staff report may be obtained or the file reviewed at the Offices of the Town of Fort Myers Beach Administrative Bldg., 2523 Estero Blvd., Ft. Myers Beach, FL. Call 765-0202 for additional information.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Rebecca Tatlock at 479-8585.

The following cases will be heard:

| | |
|--------------------------|---|
| <u>CASE NUMBER:</u> | VAR2000-00077 |
| <u>NAME:</u> | Steiger & Mlinaric Variance |
| <u>TIME SCHEDULED:</u> | 12:00 pm |
| <u>REQUEST:</u> | A variance in the Residential Multiple Family RM-2 district from Land Development Code (LDC) Section 34-715 which requires a minimum side yard setback of 7 feet to allow side setbacks of 5.3 feet for an addition to a single family residence. |
| <u>LOCATION:</u> | The subject property is located at 2686 Estero Blvd., Ft. Myers Beach, in S19-T46S-R24E, Lee County, FL. |
| <u>STRAP NUMBER:</u> | The applicant indicates the STRAP number is: 19-46-24-W2-0020B.0180 |
| <u>SIZE OF PROPERTY:</u> | 12,925± sq.ft. |
| <u>STAFF REPORT:</u> | Direct inquiries to Dan Folke, Planner, 479-8578, at the Dept. of Community Development, 1500 Monroe St., Ft. Myers, FL |
| <u>CASE NUMBER:</u> | DCI2000-00078 |
| <u>NAME:</u> | Mid Island Marina, Inc., in ref. to Publix Super Market, Inc., CPD |

TIME SCHEDULED: 12:00 pm

REQUEST: An amendment to the CPD zoning approved in Zoning Resolution Z-98-11 and Z-98-11a, to add deviations from the sign regulations contained in the Town of Ft. Myers Beach Land Development Code Section 30-153(2)a.4 to allow an additional sign, and to allow an off-site sign.

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

LOCATION: The subject property is located at 4791 Estero Blvd, Ft. Myers Beach, in S28-T46S-R24E, Lee County, FL.

STRAP NUMBER: The applicant indicates the STRAP number is: 28-46-24--W4-00001.0040

SIZE OF PROPERTY: 3.736± acres

STAFF REPORT: Direct inquiries to Alvin "Chip" Block, AICP, Planner, 479-8371, at the Dept. of Community Development, 1500 Monroe St., Ft. Myers, FL.

CASE NUMBER: VAR2000-00076

NAME: Burandt Variance

TIME SCHEDULED: 12:00 pm

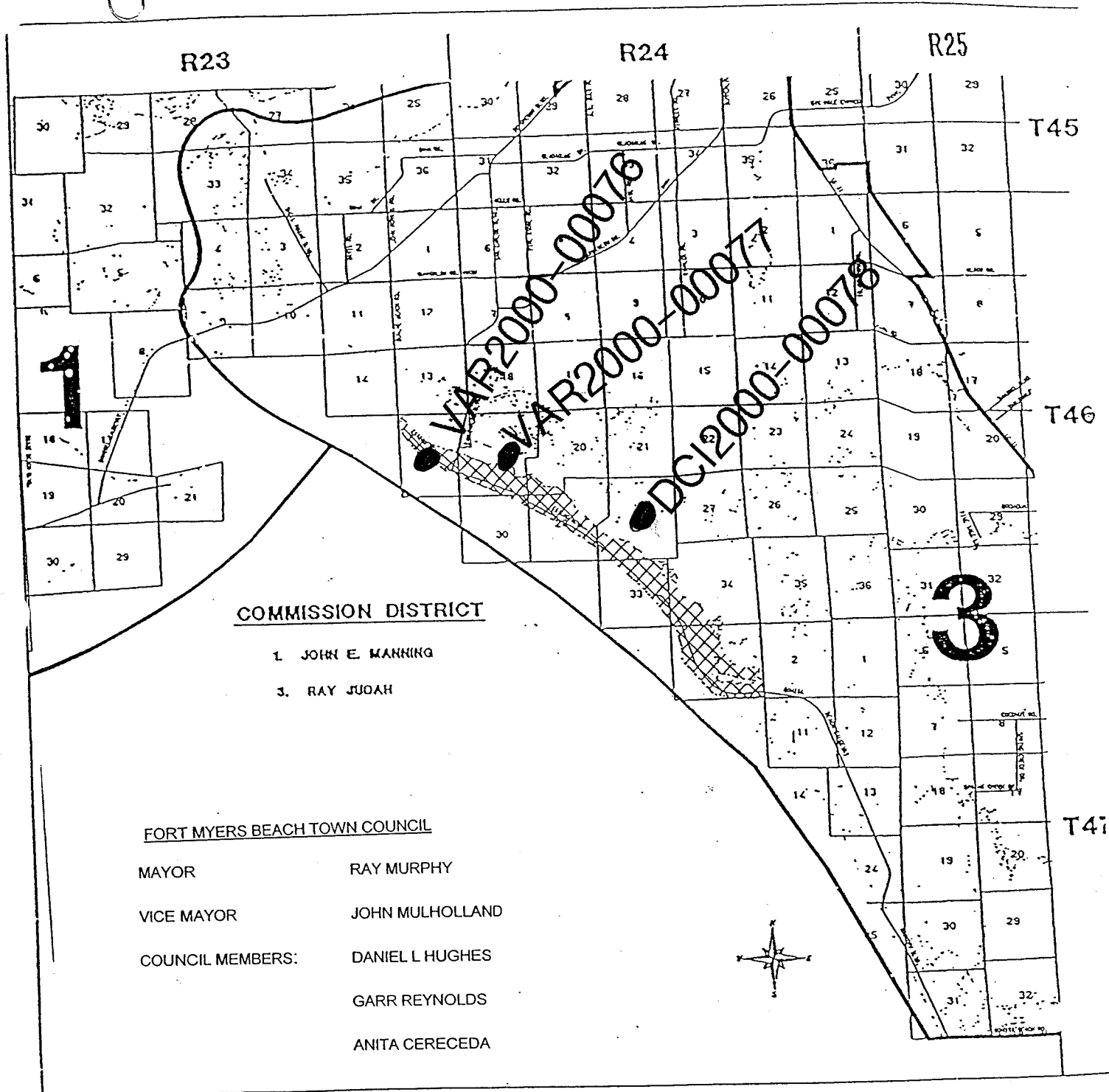
REQUEST: A variance in the Two Family Conservation TFC-2 district from Land Development Code (LDC) Section 34-695 which requires a minimum waterbody setback of 25 feet to allow a waterbody setback of 5 feet for the relocation and addition to a single family residence.

LOCATION: The subject property is located at 457 Estero Blvd., Ft. Myers Beach, in S24-T46S-R23E, Lee County, FL.

STRAP NUMBER: The applicant indicates the STRAP number is: 24-46-23-W1-0070D.021A

SIZE OF PROPERTY: 13,125± sq.ft.

STAFF REPORT: Direct inquiries to Dan Folke, Planner, 479-8578, at the Dept. of Community Development, 1500 Monroe St., Ft. Myers, FL.



FORT MYERS BEACH LOCAL PLANNING AGENCY MEETING

TUESDAY, JANUARY 9, 2001

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 2001- 01

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF FORT MYERS BEACH

WHEREAS, Silvia Steiger & Marjan Mlinaric have requested that the Town approve a variance in the (RM-2) district from LDC Section 34-715 which requires a minimum side yard setback of 7 feet and to allow instead a side setback of 5.3 feet to facilitate an addition to a single family residence; and

WHEREAS, the subject property is located at 2686 Estero Blvd., Ft. Myers Beach, in S19-T46S-R24E, Lee County, FL.; and

WHEREAS, the applicant has indicated the property's current STRAP number is: 19-46-24-W2-0020B.0180; and

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on January 9, and,

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

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

That the LPA recommends that the Town Council approve the requested variance to permit a minimum side setback of 5.3 feet conditioned on the variance being limited to the existing single family residence and the proposed addition to the north side of the residence, as shown on the site plan, Attachment B to the Staff Report dated January 3, 2001, which is attached hereto and incorporated herein by reference.

Pursuant to this recommendation, the LPA finds the following;

Findings & Conclusions;

1. There are exceptional or extraordinary conditions or circumstances inherent to the property in question due to the unique 50 foot non-conforming width of the parcel
2. The exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of the ordinance.
3. The granting of the variance would not be injurious to the neighborhood or otherwise detrimental to the public welfare and in fact complies with the Comprehensive Plan's desire to preserve historic beach cottages.
4. The applicant has demonstrated that the request is the minimum variance required and that the use of the property for a single family home is consistent with the uses intended in the Boulevard Category.

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

| | |
|-------------------|--------|
| Jennifer Kaestner | yes |
| Dave Smith | yes |
| Betty Simpson | yes |
| Roxie Smith | yes |
| Bill Van Duzer | yes |
| Jodi Hester | yes |
| Linda Beasley | absent |
| Harold Huber | yes |
| Jane Plummer | yes |

DULY PASSED AND ADOPTED THIS 9th day of January, 2001.

ATTEST:

By:

Marsha Segal-George
Secretary to the LPA

LPA of the Town of Fort Myers Beach

By:

Roxie Smith, Chairman

FT. MYERS BEACH, FLORIDA
DEVELOPMENT SERVICES DIVISION
STAFF REPORT

TYPE OF CASE: Variance

CASE NUMBER: VAR2000-00077

FORT MYERS BEACH LPA DATE: January 9, 2001

TIME: 12:00 Noon

I. APPLICATION SUMMARY:

- A. **Applicant:** Silvia Steiger & Marjan Mlinaric
- B. **Request:** A variance in the Residential Multiple Family RM-2 district from Land Development Code (LDC) Section 34-715 which requires a minimum side yard setback of 7 feet to allow side setbacks of 5.3 feet for an addition to a single family residence.
- C. **Location:** The subject property is located at 2686 Estero Blvd., Ft. Myers Beach, in S19-T46S-R24E, Lee County, FL. (District #3)
- D. **Land Use Plan Designation:** Boulevard
- E. **Surrounding Land Use:**

| <u>Existing Use & Zoning</u> | <u>Future Land Use Map</u> |
|--|----------------------------|
| North: Estero Boulevard, then Mixed Residential | Boulevard |
| East: Mixed Residential and office uses zoned RM-2 | Boulevard |
| South: Gulf of Mexico | Recreation |
| West: Mixed Residential and motel zoned RM-2 | Boulevard |

II. BACKGROUND INFORMATION AND RECOMMENDATION:

A. Recommendation:

Staff recommends **APPROVAL** of the request with one condition:

1. The variance is limited to the existing single family residence and the proposed addition to the north side of the residence, as shown on the site plan, Attachment B to this report.

Findings & Conclusions

Based upon an analysis of the application and the standards for approval of a variance, staff makes the following findings and conclusions:

1. There are exceptional or extraordinary conditions or circumstances inherent to the property in question.
2. The exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of the ordinance.
3. The variance, if granted, is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property.
4. The granting of the variance, as conditioned, will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
5. The condition or situation of the specific piece of property, or the intended use of the property, for which the variance is sought is not of a general or recurrent nature so as to make it more reasonable and practical to amend the ordinance.

B. Rationale:

Introduction/Synopsis

The subject variance is requested in order to enable a proposed addition to the north side of an existing single family house. The subject parcel is a flag shaped lot, zoned Multiple Family Residential RM-2 and approximately 12,850 SF with 25 feet of frontage on Estero Boulevard. The parcel comprises three 25 foot wide platted lots of record, created in 1930. The property appraiser's records indicate the existing residence was built in 1928. The 40± foot wide house is centered on the parcel, approximately 5.3± feet from both the east and west property lines. The proposed addition includes a 9.5± foot by 27± foot screened porch with stairs, and a 13± foot by 21± foot bedroom which would utilize the same side setbacks as the existing single family residence.

Single family dwelling units in the RM-2 zoning district require a minimum lot size of 6,500 SF, a minimum lot width of 65 feet, a minimum depth of 100 feet and a minimum side yard setback of 7 feet. The subject property is non-conforming in regards to the minimum required width and side setback. Single family residences are permitted on non-conforming lots which comply with the density requirement of the comprehensive plan, were created prior to 1962, have a minimum width of 40 feet, minimum depth of 75 feet and a minimum lot size of 4,000 SF. The subject parcel conforms with these requirements. The proposed addition is landward of the 1978 Coastal Construction Control Line (CCCL), but seaward of the 1991 CCCL. Therefore, permits from the Florida Department of Environmental Protection will be necessary prior to construction.

Town of Fort Myers Beach Comprehensive Plan

The subject property is located in the Boulevard land use category. Policy 4-B-5 describes the Boulevard category as a mixed use district located along portions of Estero Boulevard, including less intense commercial areas, historic cottages, and mixed housing types. For new residential development, the maximum density is 6 dwelling units per acre. The subject property is consistent with the density requirement and the uses intended in the Boulevard land use category.

Surrounding Zoning and Neighborhood Compatibility

The immediately surrounding properties are zoned residential multiple family RM-2 and support a mixture of residential and commercial uses. West of the subject property's driveway on Estero Boulevard is the Bluebill Realty office building. South of the office building, is a single family residence. On the east side of the subject property's driveway, located on Estero Boulevard is the Gulf Motel. South of the motel is a single family residence. The proposed variance, which will allow an addition to the single family residence, is compatible with the existing surrounding uses.

Conclusion

The subject property is a 50 foot wide flag shaped parcel with a 25 foot wide strip which provides access to Estero Boulevard. The individual platted lots were created in 1930 with 25 feet of width, while the existing residence was built in 1926. The 50 foot, non-conforming width of the parcel creates an exceptional condition which is inherent to the property and was not created by the property owner. The comprehensive plan promotes the preservation of historic beach cottages. The applicant has stated they wish to keep the character and appearance of the old-Florida style beach house rather than see the home replaced with a new, larger structure.

Approval of the request will allow a setback 1.7 feet closer than the required 7 foot setback. The variance, if 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. The proposed addition will not place the residence any closer to the side property lines than the existing condition. Approval of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The size of the parcel and requested side setbacks are consistent with the surrounding development pattern. Staff recommends the variance be approved.

III. SUBJECT PROPERTY

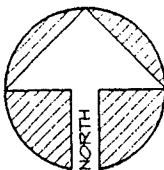
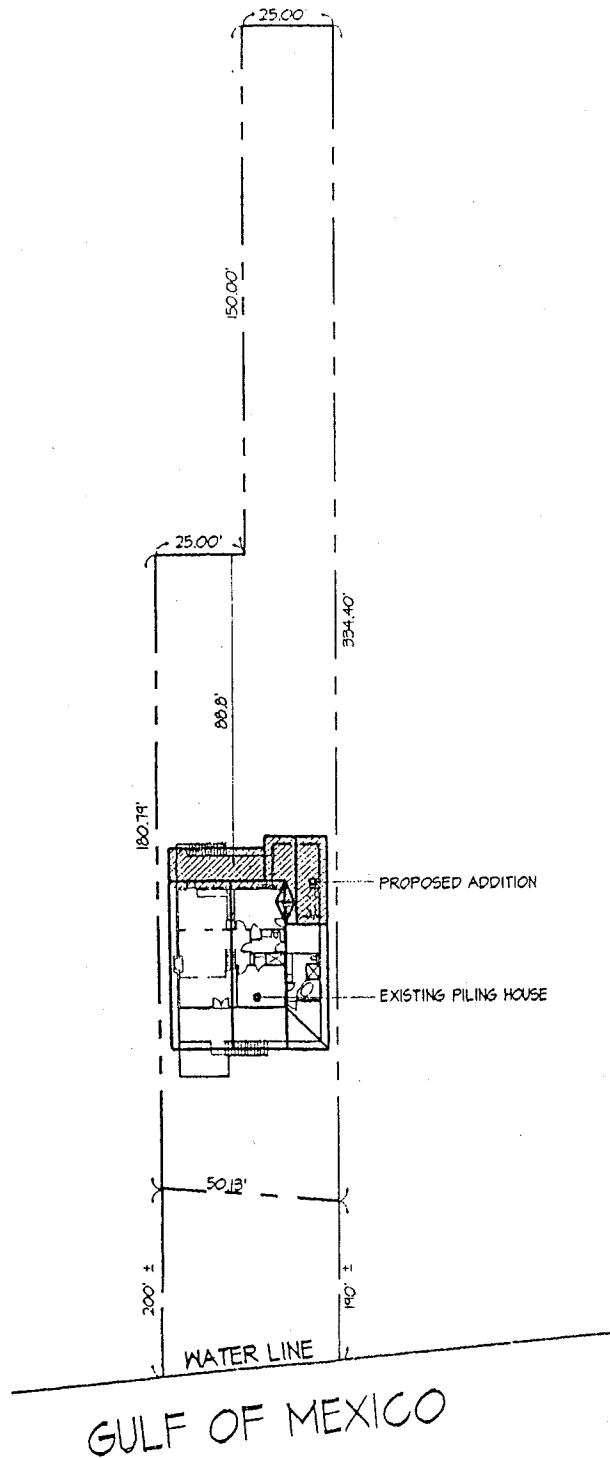
- A. **STRAP:** The applicant indicates the STRAP number is: 19-46-24-W2-0020B.0180.
- B. **LEGAL DESCRIPTION:** Lots 18, 28 & 29, Block B, Winkler SUBDIVISION, as recorded in Plat Book 8, Page 45, of the Public Records of Lee County, Florida, lying in Section 19, Township 46 South, Range 24 East, Lee County, FL.

IV. ATTACHMENTS

- A. Zoning Map
- B. Site Plan
- C. Photograph of Subject Property

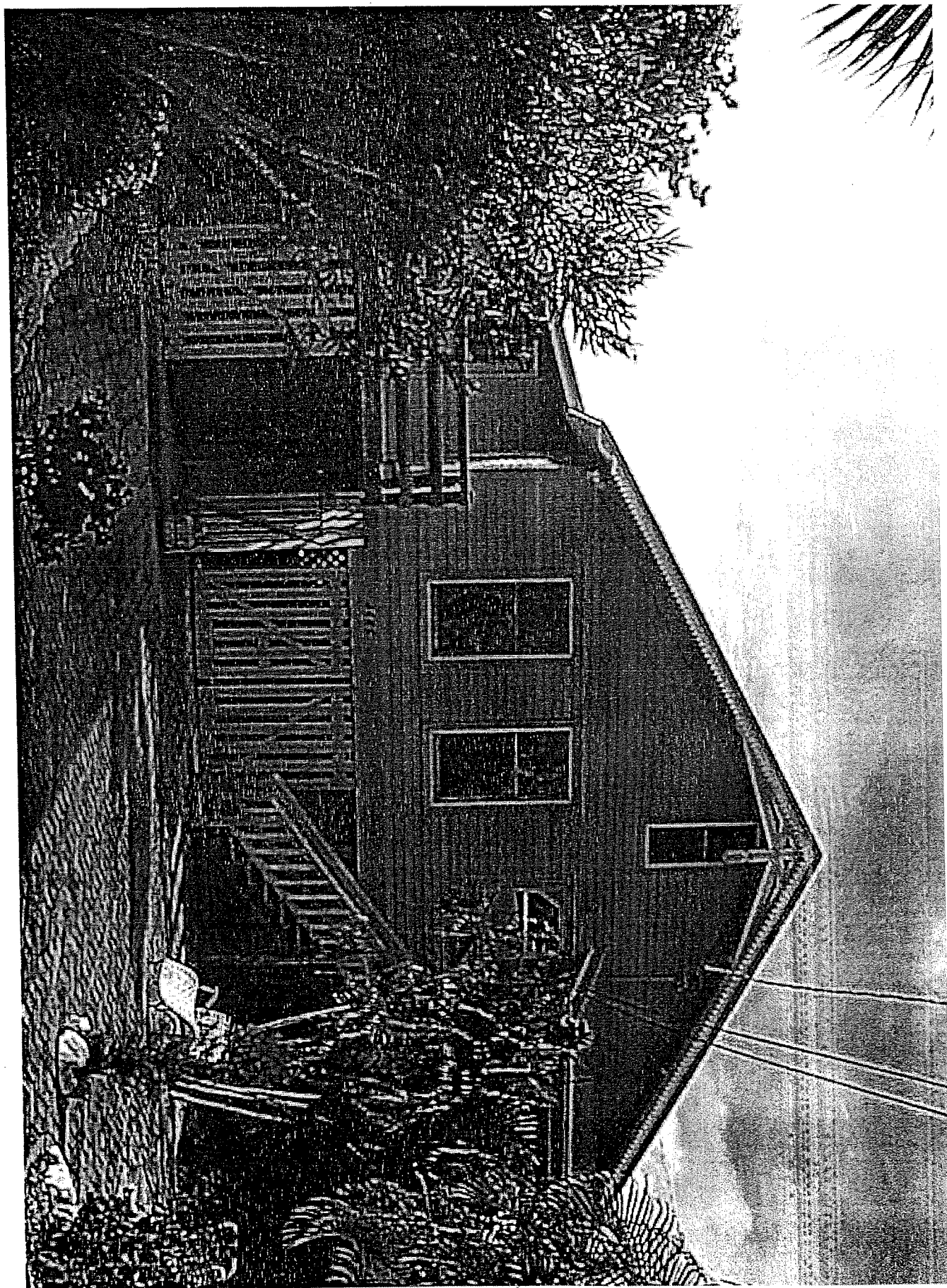
cc: Applicant
Town of Fort Myers Beach LPA
Zoning File

ESTERO BOULEVARD (50' R/W)



SITE PLAN

OWNERS: MARJAN MILINARI & SILVIA STEIGER
ADDRESS: 2686 ESTERO BOULEVARD, FORT MYERS, FLORIDA.





LEE COUNTY

APPLICATION FOR PUBLIC HEARING FOR VARIANCES

Applicant's Name: SILVIA STEIGER / MARIAN KUZARIC Phone #: 941-463-4091

Project Name: 2686 ESTERO BLVD FORT MYERS BEACH

STRAP Number: 194624 W2 0020B.0180

Application Form: ☐ Computer Generated* ☐ County Printed

* By signing this application, the applicant affirms that the form has not been altered.

STAFF USE ONLY

Commission District: 03

Land Use Classification: Recreation Boulevard

Current Zoning: RM-2

Lee Plan Density Range: _____

Hearing Number: VAR2000-00077

Fee: 700.00

Date of Application: 11-22-00

Date Fee Paid: 11-22-00

Intake By: JA

Receipt Number: _____

Date HEX Public Hearing: _____

Staff Recommendation: _____

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

PART I
APPLICANT/PROPERTY OWNERSHIP INFORMATION

A. Name of applicant: MARIAN MUNARIC & SILVIA STEIGER

Mailing Address: Street: PO BOX 6074 2686 ESTERO BLVD

City: FT. MYERS BEACH State: FL Zip: 33931

Phone Number: Area Code: 941 Number: 463-4091 Ext. _____

Fax Number: Area Code: 941 Number: 463-4091

B. Relationship of applicant to property:

☒ Owner _____ Trustee* _____ Option holder* _____ Lessee*
_____ Contract Purchaser* _____ Other (indicate)* _____

*If applicant is NOT the owner, submit a **notarized** Authorization Form from the owner to the applicant labeled Exhibit I-B.

C. Name of owner of property: see above

Mailing Address: Street: _____

City: _____ State: _____ Zip: _____

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

Fax Number: Area Code: _____ Number: _____

D. Date property was acquired by present owner(s): 01/92

E. Is the property subject to a sales contract or sales option? ☒ NO _____ YES

2 F. Are owner(s) or contract purchasers required to file a disclosure form? _____ NO _____ YES
If yes, please complete and submit Exhibit I-F (attached).

G. Authorized Agent(s): List names of authorized agents.

Name: _____

Address: _____

Phone: _____ Fax: _____

Name: _____

Address: _____

Phone: _____ Fax: _____

Attach list if more space is required.

**PART II
GENERAL INFORMATION**

A. Legal Description: Is property within a platted subdivision recorded in the official Plat Books of Lee County?

_____ NO. Attach a legible copy of the legal description (labeled Exhibit II-A-1.) and a certified sketch of description as set out in chapter 61G 17-6.006, Florida Administrative Code, unless the subject property consists of one or more undivided platted lots. (labeled Exhibit II-A-2.) If the application includes multiple abutting parcels, the legal description must describe the perimeter boundary of the total area, but need not describe each individual parcel. However, the STRAP number for each parcel must be included.

✓ YES. Property is identified as:

Subdivision Name: WINKLERS SUBD BLK B
Plat Book: 8 Page: 45 Unit: _____ Block: _____ Lot: 18 28 + 29

Submit an actual copy of the Plat Book page with subject property clearly marked. Label this Exhibit II-A-3.

STRAP NUMBER: 19 46 24 W2 0020 B 0180

B. Project Street Address: 2686 ESTERO BLVD FT. MYERS BEACH

C. General Location Of Property: FT. MYERS BEACH

D. Vehicular route to the site from the nearest arterial road: 1 mi SOUTH AFTER
SKY-BRIDGE TO FORT MYERS BEACH ON
ESTERO BLVD

? E: Is this hearing requested as a result of a code violation? ✓ NO _____ YES

F. Nature of Request: (Check and complete the applicable answer)

☒ Variance from:
☒ (Zoning) LDC Section 34- 715
____ (Docks and Shoreline) LDC Section 26-____
____ (Development Standards) LDC Section 10-____
____ (Signs) LDC Section 30-____

G. Specific Variance Request (attach sheet if more space needed)

? Ordinance Section: 34-715 Variance is:
FROM: 7 ft to 5, 3 ft on each side
on the other side
TO: _____

H. Property Dimensions

1. Width (average if irregular parcel): ~~37.5~~ 37.5 Feet
2. Depth (average if irregular parcel): ~~133.50~~ 260 Feet
3. Frontage on road or street: 25 Feet
4. Width along waterbody (If applicable): 50 Feet
5. Total land area; 12925 sq. ft. Acres or Square Feet

I: Facilities

1. Fire District: FORT MYERS BEACH
2. Sewer Service Supplier: LEE COUNTY SEWER
3. Water Service Supplier: FLORIDA CITIES WATER COMPANY

J. Present Use of Property: Is the property vacant? _____ Yes ☒ No

Except for County-initiated requests, if the property is not vacant, the owner or applicant's signature on this application indicates that the Owner agrees to either remove all existing buildings and structures, OR that the use of the building or structure(s) will be in compliance with all applicable requirements of the land development code. [Sec.34-202(b)(7)]

Briefly describe current use of the property: OWNERS LIVE THERE
2 ADULTS + 3 CHILDREN

K. Has a Development Order application been filed on the subject property? _____ NO _____ YES -

D.O. Number: _____

PART III

AFFIDAVIT

I, MARTIN MLINAROS certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize 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.

[Signature]
Signature of owner or owner-authorized agent

11/15/00
Date

MARTIN MLINAROS
Typed or printed name

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 15th day of Nov 2000,
by Martin Mlinaros, who is personally known to me or who has produced
Fl. Dr. Lic # M456-540-52-139-0 as identification.

(SEAL)



[Signature]
Signature of notary public

Terry L. Kennedy
Printed name of notary public

VAR 2000-00077

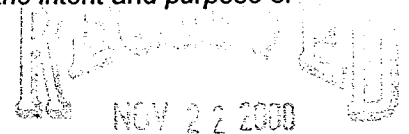
Why granting the variance will not be injurious to the neighborhood or otherwise be detrimental to the public welfare.

2. For Development Standards Variances (Sec. 10-104), state the basis or reason(s) for the requested variance and include, at a minimum, the following issues:

The section number, and the particular regulation from which relief (variance) is requested; and
The granting of the variance will not threaten the health, safety, welfare of abutting property owners or the general public; and
How the requested variance will not create an undue burden on essential public facilities; and
How the standard from which the variance is being requested is unreasonably burdensome, as applied to the applicant's property and development plans.

- E. Site Plans (Label as Exhibit IV-E): Every request for a variance must include a site plan detailing or illustrating:

1. Existing streets, easements or other reservations of land within the site; and
2. All existing and proposed structures on the site (including structures over water, if applicable); and
3. All existing structures within one hundred (100) feet of the perimeter boundary of the site; and
4. The proposed variance from the adopted standards; and
5. Any other information requested by the Director commensurate with the intent and purpose of the regulations from which the variance is requested.



PERMIT COUNTER

EXHIBIT I-F
DISCLOSURE OF INTEREST FORM FOR:

STRAP NO. 1946 24 W 2 0020 B. 0180

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

Name and Address

Percentage of Ownership

SILVIA STEIGER
MARIAN KLIMARIC

50
50

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

Name, Address, and Office

Percentage of Stock

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

(Applicant)

MARJAN MLINARIC

(Printed or typed name of applicant)

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 15th day of NOV., 2000, by Marjan Mlinaric, who is personally known to me or who has produced FL. Dr. Lic. # M 956-54052-182 as identification. .

(SEAL)



Terry L. Kennedy
Signature of Notary Public

Terry L. Kennedy
Printed Name of Notary Public

RECEIVED
NOV 22 2000

Page 2 of 2

PERMIT COUNTER

VAR 2000-00077

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

Name and Address

Percentage of Interest

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

Name and Address

Percentage of Ownership

(Over)

Page 1 of 2

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

Name, Address, & Office(if applicable)

Percentage of Stock

Date of Contract: _____

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

Name and Address

157 2 2 2000

PERMIT COUNTER

- Having family with 3 kids growing bigger we would like to add an additional bedroom to the existing house and enlarge an existing porch in order to connect with the addition. The setback of our house, dating from 1928, is on each side 5 feet 3 inches. We would like to keep the character and appearance of this typical old-Florida style beachhouse and continue with the existing line of the house for the addition, even though we understand that it does not comply with the nowadays existing setback requirements of 7 feet.

VAR 2000-00077

NOTICE TO ADJACENT PROPERTY OWNER

CASE NUMBER: VAR2000-00077

NAME: Steiger & Munaric Variance

REQUEST: A variance in the Residential Multiple Family RM-2 district from Land Development Code (LDC) Section 34-715 which requires a minimum side yard setback of 7 feet to allow side setbacks of 5.3 feet for an addition to a single family residence.

LOCATION: The subject property is located at 2686 Estero Blvd., in S19-T46S-R24E, Lee County, FL.

SIZE OF PROPERTY: 12,925± sq.ft.

STAFF REPORT: Direct inquiries to Dan Folke, Planner, at (941)479-8578, at the Dept. of Community Development, 1500 Monroe St., Ft. Myers, FL 33901.

Notice is hereby given that the Fort Myers Beach Local Planning Agency (LPA) will hold a public hearing on Tuesday, January 9, 2001, at 12:00 noon, on the above case. The public hearing will be held in the Nations Bank Building, 2523 Estero Blvd., Fort Myers Beach, FL 33931.

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

After the LPA has made a written recommendation, the case will be scheduled for a public hearing before the Town of Fort Myers Beach Council who will review the recommendation and make a final decision.

Copies of the staff report may be obtained or the file reviewed at the Offices of the Town of Ft. Myers Beach Administration Building, 2523 Estero Blvd., Ft. Myers Beach, FL.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Rebecca Tatlock at 479-8585.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

19-46-24-W2-0020B.0180
MLINARIC MARJAN +

DABETSWEILER 5

88239 WANGEN GERMANY

19-46-24-W2-0020B.0040
BREESE D R + CAROL J

2630 ESTERO BLVD

FT MYERS BEACH FL 33931

19-46-24-W3-0020B.0140
CORCELLI DONALD N + MARY E

290 IBIS ST

FT MYERS BEACH FL 33931

19-46-24-W3-0020C.0120
MORELLO JOSEPH H + ANDREA

2120 HIBISCUS CIRCLE

MIAMI FL 33181

19-46-24-W3-0020C.0160
CEBULSKI BURTON + JOAN

2633 ESTERO BLVD

FT MYERS BEACH FL 33931

19-46-24-W3-0020C.0210
VELLA JOSEPH I

2651 ESTERO BLVD

FT MYERS BEACH FL 33931

19-46-24-W3-0020C.0270
NYMAN DONALD A TR 1/2 INT +

200 SOVEREIGN CT

ALTAMONTE SPRINGS FL 32701

19-46-24-W3-0020C.0310
STEPNEY LLC

4666 MAIN ST

~~BRIDGEPORT CT 06606~~

19-46-24-W3-002K0.0010
METHODIST UNITED CHURCH

FORT MYERS BEACH
155 BAY RD
FT MYERS BEACH FL 33931

19-46-24-W3-002K0.0070
ARMSTRONG ROSEMARY
C/O STEPHEN W BUCKLEY ESQ
2709 ESTERO BLVD

FT MYERS BCH FL 33931

19-46-24-W2-0020B.0010
VARGA LOUIS P +

2610 ESTERO BLVD

FT MYERS BCH FL 33931

19-46-24-W2-0020B.019B
SURFUS JOHN

285 VIRGINIA AV

FT MYERS BEACH FL 33931

19-46-24-W3-0020C.0010
TOWN OF FT MYERS BEACH

P O BOX 3077

FT MYERS BEACH FL 33932

19-46-24-W3-0020C.0140
KOZMA J R + SUZANNE M

2621 ESTERO BLVD

FT MYERS BEACH FL 33931

19-46-24-W3-0020C.0180
FRENCH JACK L + YEN CHU

887 FAIRWAY BLVD

COLUMBUS OH 43213

19-46-24-W3-0020C.0230
NYMAN DONALD A TR 1/2 INT +

200 SOVEREIGN CT

~~ALTAMONTE SPRINGS FL 32701~~

19-46-24-W3-0020C.0290
STEPNEY LLC

4666 MAIN ST

BRIDGEPORT CT 06606

19-46-24-W3-0020C.0330
STEPNEY LLC

4666 MAIN ST

~~BRIDGEPORT CT 06606~~

19-46-24-W3-002K0.0040
METHODIST CHURCH FT MYERS BCH

155 BAY ROAD

~~FT MYERS BEACH FL 33931~~

19-46-24-W3-002K0.0130
FT MYERS BEACH PUB LIBRARY

2755 ESTERO BLVD

FT MYERS BCH FL 33931

19-46-24-W3-02000.000A
ESTERO BEACH CLUB CONDO

2580 ESTERO BLVD

FT MYERS BEACH FL 33931

30-46-24-W2-0020B.0230
HEESE MAX + VICKI

19112 147TH ST NW

ELK RIVER MN 55330

30-46-24-W2-0020B.0260
MOODY JAMES W + DEBORAH H/W

P O BOX 5000

FT MYERS FL 33932

30-46-24-W2-0020B.0320
TOY JAMES N

1250 MYERLEE COUNTRY CLUB BLVD

FORT MYERS FL 33919

30-46-24-W2-0020B.041A
HAHN DANIEL W + LINDA J

64 HILLARY DR

JACKSON TN 39305

19-46-24-W3-02100.000A
ESTERO BEACH CLUB EAST CONDO

~~2650 ESTERO BLVD~~

~~FT MYERS BEACH FL 33931~~

30-46-24-W2-0020B.0240
BABO CORPORATION

53 POMPAÑO ST

FT MYERS BEACH FL 33931

30-46-24-W2-0020B.0300
CORCELLI DONALD N + MARY E

290 IBIS ST

FT MYERS BEACH FL 33931

30-46-24-W2-0020B.0410
RECKWERDT T A + JOELLYN

30 GULF BEACH DRIVE

FT MYERS BEACH FL 33931

30-46-24-W2-02800.000A
CAPER BEACH CLUB CONDO

2810 ESTERO BLVD

FT MYERS BEACH FL 33931

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 2001-02

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF FORT MYERS BEACH

WHEREAS, Mid Island Marina, Inc., in ref. To Publix super Market, Inc., CPD has filed a request to amend the CPD zoning approved in zoning Resolution Z-98-11 and Z-98-11a, to add deviations from the sign regulations contained in the Town's LDC section 30-153(2)a.4 to allow an additional sign, and to allow an off-site sign; and

WHEREAS, the subject property is located at 4791 Estero Blvd., Ft. Myers Beach, Florida, and is described more particularly as:

LEGAL DESCRIPTION: In Section 28, Township 46 South, Range 24 East, Lee County, Florida:

WHEREAS, the applicant has indicated the property's current STRAP number is: 28-46-24-W4-00001.0040; and

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on January 9, and,

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

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

That the LPA recommends that the Town Council approve the Applicant's request to amend the existing Commercial Planned Development zoning to add two deviations with the conditions and deviations as recommended on Pages 2-3 of the Staff Report dated December 29, 2000 which is attached hereto and incorporated herein by reference and one additional condition that requires that all existing temporary signs including but not limited to a mailbox sign are removed prior to completion of the additional requested ground sign.

As grounds for this recommendation the LPA would offer the findings and Conclusions as found on Pages 3-4 of the Staff Report dated December 29, 2000 which is attached hereto and incorporated herein by reference.

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

| | |
|-------------------|--------|
| Jennifer Kaestner | yes |
| Dave Smith | yes |
| Jane Plummer | yes |
| Betty Simpson | yes |
| Roxie Smith | yes |
| Bill Van Duzer | yes |
| Jodi Hester | yes |
| Linda Beasley | absent |
| Harold Huber | yes |

DULY PASSED AND ADOPTED THIS 9th day of January, 2001.

ATTEST:

By:

Marsha Segal-George
Secretary to the LPA

LPA of the Town of Fort Myers Beach

By:

Roxie Smith, Chairman

FT. MYERS BEACH, FLORIDA
DEVELOPMENT SERVICES DIVISION
STAFF REPORT

TYPE OF CASE: PLANNED DEVELOPMENT/DCI
CASE NUMBER: DCI2000-00078
FORT MYERS BEACH LPA DATE: January 9, 2001
TIME: 12:00 Noon

I. APPLICATION SUMMARY:

- A. Applicant: Mid Island Marina, Inc., in ref. to Publix Super Market, Inc., CPD
- B. Request: An amendment to the CPD zoning approved in Zoning Resolution Z-98-11 and Z-98-11a, to add deviations from the sign regulations contained in the Town of Ft. Myers Beach Land Development Code Section 30-153(2)a.4 to allow an additional sign, and to allow an off-site sign.

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

- C. Location: The subject property is located at 4791 Estero Blvd, Ft. Myers Beach, in S28-T46S-R24E, Lee County, FL. (District #3)
- D. Land Use Plan Designation: Boulevard
- E. Surrounding Land Use:

| <u>Existing Use & Zoning</u> | <u>Ft. Myers Beach Future Land Use Map</u> |
|--|--|
| North: RM-2, Mid Island Marina | Marina |
| East: RS-1, Holiday Shore, a developed single family subdivision | Low Density |
| South: RM-2, Seaside Condominiums | Mixed Residential |
| West: RM-2, Ocean Harbor Condominiums | Mixed Residential |

- F. Size of Property: 3.736± acres

II. RECOMMENDATION:

Staff recommends **APPROVAL** of the Applicant's request to amend the existing Commercial Planned Development Zoning to add two deviations with the following conditions:

A. Conditions

1. The development of this project must continue to be consistent the original zoning approvals contained in Zoning Resolutions Z-98-11 and Z-98-11a, except as may be approved in this action.
2. The approved sign must be developed in compliance with the submitted sign plan by Thomas Awning and Sign for Publix, Fort Myers, Beach, stamped received on October 31, 2000.
3. The approved sign must be designed with internal illumination and sign panels with opaque backgrounds and white letter copy.
4. The sign must be located to provide adequate and safe line-of-sight at the driveway entrance to Publix and Mid-Island Marina for vehicles and pedestrians entering and leaving the development.

B. Deviations

Deviation from Section 30-153(a) from the limitation of one (1) business sign to add a second sign as depicted in the application with a maximum sign face of 32 square feet (a ground mounted sign).

Recommended for APPROVAL as conditioned in the recommended conditions above.

Deviation from Section 30-4(a) to permit an offsite sign limited to serving the adjacent property which is part of the parent tract with the subject CPD parcel and which the Town has already approved a deviation for access through the CPD to serve the same adjacent property.

Recommended for APPROVAL as conditioned in the recommended conditions above.

Findings and Conclusions:

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

1. The applicant has proven entitlement to the amendment by demonstrating compliance with the Comprehensive Plan, the Land Development Code, and other applicable codes and regulations.
2. The requested amendment, as conditioned:
 - a) is consistent with the densities, intensities and general uses set forth in the Comprehensive Plan; and
 - b) is compatible with existing or planned uses in the surrounding area.
3. Approval of the request, as conditioned, will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.

4. The proposed use or mix of uses is appropriate at the subject location.
5. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.
6. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
7. The deviations granted:
 - a) enhance the objectives of the planned development; and
 - b) preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

III. BACKGROUND INFORMATION AND ANALYSIS:

Introduction/Synopsis

The applicant is seeking an amendment of the existing Commercial Planned Development (CPD) zoning to include two deviations from the Town's Land Development Code Chapter 30 regarding signs. These two deviations combined seek to allow the development of one sign to notice the location of the Mid-Island Marina and tenant located behind the approved CPD for Publix.

Sign Plan

The submitted Plan provides for the development of one free-standing sign. This sign would be just north of the shared combined entrance to the Publix and Mid-Island Marina. The sign plan projects a sign height of 5 foot, 9 inch (5'-9"). The proposed sign area (sign panel) is proposed to have a total area of 32 square feet for each sign face. There are two sign panels, one planned to advertise Publix and the other to advertise Mid-Island Marina and tenant of the marina. Each panel, therefore, contains 16 square feet.

Deviations

The applicant is asking to add two deviations to this planned development with the combined effect of allowing the development of one free-standing sign, containing a maximum sign face area of 32 square feet.

The first deviation asked for by the applicant is a deviation from Section 30-153(a) from the limitation of one (1) business sign to add a second sign as depicted in the application with a maximum sign face of 32 square feet (a ground mounted sign). The applicant proposes a sign with two sign panels, per sign facing. One panel advertises Publix and the other is planned to advertise the marina and its tenant. Publix already has been approved one sign on the building and through this deviation would be permitted a second sign, if approved. This sign is no greater than 32 square feet, is located on the West wall facing Estero Boulevard, and is visible from the road.

The second deviation requested concerns Section 30-4(a) to permit an offsite sign limited to serving the adjacent property (Marina and tenant). The applicant seeks through this deviation to be allowed an off-site sign, which is not permitted by the Land Development Code. Approval

of this request would permit the second sign panel advertising the Marina and the tenant of the marina. The property where the marina is located does not have any direct frontage on Estero Boulevard. The marina is accessed through the supermarket property. The applicant has noted that the owner of the CPD and the Marina have entered into a sign agreement for the sign as proposed.

Approval of these deviations will permit minimal advertisement along the road. This will assist the public in identifying the location of these businesses, in particular the marina and their tenant. This would potentially decrease the probability of an accident for those travelers distracted by looking for the businesses since it would more clearly show where they are to turn for access to the marina and its tenant(s).

Neighborhood Compatibility

The neighborhood is primarily made up of residential uses, both single family and multiple family. Some businesses do exist in the Mixed Residential land use area north and south of the subject property. Compatibility is an important issue since this area of the Town consists of a mixture of uses.

The purpose and intent of Chapter 30 states the Town Council finds and declares that an excess of signs causes visual blight. This blight adversely affects the aesthetic quality of life and traffic safety for the Town. The purpose is to encourage signs that are harmonious to the buildings and site they occupy, eliminate confusing sign displays, preserve the appearance of the Town, and restrict signs which increase the probability of accidents. This Chapter provides the minimum standards to safeguard life, safety, property, and public welfare by providing for reviewing the design, size, construction, location and other elements of signs and sign structures viewed by the public in the Town.

Although this request does seek a sign not allowed by the Codes, this property and land use is unique. Staff finds the proposed sign, though exceeding the number allowed, will in this particular case preserve the appearance of the Town and continue to restrict signage on the subject property. The sign would also safeguard life and provide for the public welfare by noting the location of a business that garners its only access from Estero Boulevard, but is not readily seen from this road. Without this sign, travelers not knowing the location of the marina or the tenant of the marina would not know where to turn. These people could then be making U-turns along Estero Boulevard, driving down the local residential side streets, or driving unsafely with potential negative impacts to the public as a whole.

IV. ATTACHMENTS:

- A. Map of surrounding zoning
- B. Applicant's supporting documentation

cc: Applicant
Town of Fort Myers Beach LPA
Zoning/DCI File

[illegible]

Attachment A

JUSTIFICATION

Deviation from Section 30-153(a) to from the limitation from 1 business sign to add a second sign as depicted in the application with a maximum face of 32 square feet (a ground mounted sign).

The CPD was part of a parent tract containing Mid Island Marina. The Town approved a rezoning of a portion of the parent tract to CPD and at that time recognized and approved the access to the remainder parcel with the marina, Mid Island Marina, which would be through the Publix CPD. In addition, a sign location was approved and reflected on the Master Concept Plan. That existing sign was the Mid Island Marina sign. The schedule of uses included "signs in conformance with Chapter 30." At that time two signs were permitted on the property (a ground-mounted sign as well as a wall sign for Publix). Thereafter, the Town revised its regulations and limited the signage to one sign. Publix has obtained a sign permit for the wall sign resulting in this application to amend the CPD with this deviation for a second sign. A fairer solution would have been for the Town to have taken the position that the wall sign which was not reflected on the Master Concept Plan was the sign that required the deviation and amendment to the Plan.

Deviation from Section 30-4(a) to permit an offsite sign limited to serving the adjacent property which was part of the parent tract with the subject CPD parcel and which the Town has already approved deviation for access through the CPD parcel to serve the same adjacent property.

At the direction of the Town, this deviation is requested to permit the sign to advertise services and products from Mid Island Marina or its tenants on the sign. The sign is depicted on the original Master Concept Plan. The owner of the CPD and Mid Island Marina have entered into a sign agreement and a sign easement agreement. In fact, we have requested from the Town that a solution to this particular issue would be to recognize that if Mid Island Marina had an easement contiguous with its property over the access road to Estero Boulevard which included the sign easement that it would fit within the definition of on-site sign. This interpretation has been routinely given by Lee County in interpreting its sign regulations. We have found nothing in the Town's revised sign regulations which would preclude such an interpretation and would have eliminated the need to amend the CPD and ask for this deviation. Currently, the access easement and the sign easement contain a small gap but Publix has offered to make the easement in favor of Mid Island Marina a contiguous parcel which would have included the sign area. We have not pursued this alternative as the Town has informed us that it would not solve the problem.



Case DC12000-00078
Mid Id Marina - Publix

THOMAS SIGN & AWNING COMPANY
4590 118TH Avenue North Clearwater, FL 33762
(727) 573-7757 (800) 526-3325

FAX

To: Rob Irving
FAX #: 941-479-8319
From: Jeff Riggins
Thomas Fax #: 727-573-0328
Pages (Incl cover): 2
Date: 11-9-00
Re: Publix # 740 Ft. Myers Bch.

Rob,

Confirming our conversation of earlier today, The panels for the sign will utilize a dark background with white copy. Publix will have a dark green background. The other two tenants will have either dark blue or black backgrounds.

Should you need any further information, do not hesitate to contact me.

Sincerely,

Jeff Riggins
National Sales

**Exhibit II E 2 Narrative and
Exhibit IV-D Description of Proposed Development**

The subject property, which is 3.736 acres, was rezoned to Commercial Planned Development (CPD) by the Town Council on May 5, 1998. At that time the Council recognized and approved shared access for Mid Island Marina and the Publix Super Market as set forth in Resolution 98-11 and 11a approving the CPD. In the same manner, the sign location, which is approved on the CPD, was intended to be shared by Publix and Mid Island Marina. The sole purpose of this request is to authorize, in the same manner as the access, that the sign location for the ground-mounted sign is hereby approved for use by both Publix and Mid Island Marina including its tenants. In support of this request is the sign easement from Publix to Mid Island Marina. The proposed sign is in conformity with the sign code and Publix and Mid Island Marina (and its tenants) will share the amount of signage 50%/50%, see Exhibit 1 attached hereto. This request is consistent with the Comprehensive Plan of the Town, the Land Development Code.

The purpose of Exhibit 1 is to establish the dimensions of the sign. The sign location is on the Master Concept Plan and was previously approved as part of the CPD approval. Publix and Mid Island Marina reserve the right to change the copy on the sign.

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102932-0001

DCI 2000-00078



LEE COUNTY

OCT 31 2000

PLANNED DEVELOPMENT

APPLICATION FOR PUBLIC HEARING FOR PLANNED DEVELOPMENT

Applicant's Name: MID ISLAND MARINA, INC.

Project Name: PUBLIX SUPER MARKET, INC. CPD

STRAP Number(s): 28-46-24W400001.0040

Application Form: ☒ Computer Generated* ☐ County Printed

* By signing this application, the applicant affirms that the form has not been altered.

STAFF USE ONLY

Commission District: 03

Land Use Classification(s): Marina Blue

Current Zoning: CPD

Lee Plan Density Range: _____

Case Number: DCI 2000-00078

Fee: 3,000

Date of Application: 10-31-00

Date Fee Paid: 10-31-00

Date HEX Public Hearing: _____

Receipt Number: _____

Intake By: A

TYPE OF APPLICATION

☐ DRI

☐ PD - Existing Development

☐ DCI - Major

☐ PD - Amendment

☒ DCI - Minor

☐ OPTION 1 ☒ OPTION 2

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

PART I

APPLICANT PROPERTY OWNERSHIP INFORMATION

- A. Name(s) of applicant(s): Mid Island Marina, Inc., c/o Roetzel & Andress, a Legal Professional Association

Mailing Address: Street: 2320 First Street, Suite 1000

City: Fort Myers State: FL Zip: 33901

Phone Number: Area Code: 941 Number: 337-3850 Ext:

Fax Number: Area Code: 941 Number: 337-0970

- B. Relationship of applicant to property:

Owner Trustee Option holder
 Lessee Contract Purchaser
x Other (indicate): Agent

If applicant is NOT the owner or the person authorized by the Covenant of Unified Control, submit a Notarized Authorization Form from the owner or his authorized representative. Label as Exhibit I-B.

** If the application is County-initiated, enter the date the action was initiated by the Board:
Attach a copy of the "blue sheet" and a list of all property owners, and their mailing addresses, for all properties within the area described. Names and addresses must be those appearing on the latest tax rolls of Lee County. Label the "blue sheet" as "Exhibit I-B-2" and the list as "Exhibit I-B-3". [Sec. 34-202(a)(5)]*

- C. Name of owner(s) of property: PUBLIX SUPER MARKETS, INC.

Mailing Address: Street: Post Office Box 407

City: Lakeland State: FL Zip: 33931

Phone Number: Area Code: 941 Number: 337-3850 Ext:

Fax Number: Area Code: 941 Number: 337-0970

- D. Date property was acquired by present owner(s): 10/22/1999

- E. Is the property subject to a sales contract or sales option? x NO YES

- F. Is owner(s) or contract purchaser(s) required to file a disclosure form? X NO YES. If yes, please complete and submit Exhibit I-F (attached).

- G. Are there any existing deed restrictions or other covenants on this property which may affect this request? x NO YES. If yes, submit a copy of the deed restrictions or other covenants and a statement explaining how the restrictions may affect the requested action. Label as "Exhibit I-G".

- H. Authorized Agent(s): List names of authorized agents (submit additional sheets if necessary).

Name: Beverly Grady, c/o Roetzel & Andress, a legal professional association

Address: 2320 First Street, Suite 100, Fort Myers, FL 33901

Phone: (941) 337-3850 Fax: (941) 337-0970

PART II
GENERAL INFORMATION

A. Request:

1. Rezoning from CPD To (check all applicable)

| | |
|--|--|
| <input type="checkbox"/> RPD - Residential | <input type="checkbox"/> MPD - Mixed Use |
| <input type="checkbox"/> MHPD - Mobile Home | <input type="checkbox"/> RVPD - Recreational Vehicle |
| <input checked="" type="checkbox"/> CPD - Commercial | <input type="checkbox"/> CFPD - Community Facilities |
| <input type="checkbox"/> IPD - Industrial | <input type="checkbox"/> AOPD - Airport Operations |

2. Option Chosen: ☐ Option 1 [34-373(a)(6)a] ☒ Option 2 [34-373(a)(6)b]

3. Other - Provide specific details. Amendment to CPD-Commercial

B. Legal Description and Boundary Sketch: Is property within a platted subdivision recorded in the official Plat Books of Lee County?

☐ NO. Attach a legible copy of the legal description (label it Exhibit II-B-1.) and Certified sketch of description as set out in chapter 61G 17-6.006 FAC. (labeled Exhibit II-B-2.). **If the legal description is available on computer disc (Word or Word Perfect) please provide a copy at time of application.**

☒ YES. Property is identified as:

Subdivision Name: Holiday Shores

Plat Book: 9 Page: 33 Unit: Block: Lots:

Section: Township: Range:

Attach a copy of the Plat Book page with subject property clearly marked. Label this Exhibit II-B-3.

C. Project Street Address: ⁴⁷⁹¹
~~4765~~ Estero Boulevard, Fort Myers Beach, FL 33931

D. General Location Of Property (referenced to major streets): East side of Estero Boulevard

E. Lee Plan Information

1. Lee Plan Land Use Classification: Boulevard

2. Are you proposing any Lee Plan amendments which could affect the subject property? ☒ NO
☐ YES. If yes, submit a copy of the proposed amendment (labeled as "Exhibit II-E-1") along with a statement as to how the proposed amendment will affect your property (labeled as "Exhibit II-E-2").

F. Drainage, Water Control and Other Environmental Issues

1. Is the property within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s? ☐ NO ☐ YES. If yes, specify the minimum elevation required for the first habitable floor). ☐ NGVD (MSL) **NOT APPLICABLE**

2. Are there any environmentally sensitive lands such as, but not limited to: wetlands (as defined in the Lee Plan); flow-ways, creek beds, sand dunes, other unique land forms [see Lee Plan Policy 77.1 (2)] or listed species occupied habitat (see Sec. 10-474 of the Land Development Code) on the subject property? x NO YES If yes, delineate these areas on a map or aerial photo and label it Exhibit II-F-1. Also, complete Exhibit II-F-2. attached hereto.

G. Present Use of Property: Is the property vacant? x NO YES

If the property is not vacant, the owner or applicant's signature on this application indicates that the Owner agrees to either remove all existing buildings and structures, OR that the proposed use of the building or structure(s) will be in compliance with all applicable requirements of the Land Development Code. [Sec. 34-202(b)(3)]

Briefly describe current use of the property: Super Market store

H. Property Dimensions

1. Width (average if irregular parcel): 585.67 Feet

2. Depth (average if irregular parcel): 284.55 Feet

3. Frontage on road or street: 195.10 Feet on Estero Boulevard
(Name of street)

4. Total land area: 3.736 ± Acres

I. Land Area Calculations

1. Undevelopable Areas:

a. Freshwater wetland areas 0

b. Other wetland areas 0

c. Submerged land subject to tidal influence: 0

d. Total (a + b + c): 0

2. Remaining developable land (H.4 less I.1.d): 3.736

PART III
PROPOSED DEVELOPMENT

A. Nature of Request - _____

1. Will the development contain living units? X NO YES. If the answer is yes, please indicate the total number of living units proposed, by type:

_____ Single Family _____ Mobile Homes _____ Recreational Vehicles
_____ Zero-Lot-Line _____ Duplex/Two Family _____ Townhouses
_____ Multiple Family _____ TOTAL ALL TYPES

2. If the development will contain living units, please complete Exhibit III-A-2 (attached) and enter the following information:

a. PERMITTED total units (from Exhibit III-A-2): n/a

b. PROPOSED total units (from A-1. above): n/a

c. PROPOSED density (from Exhibit III-A-2): n/a

3. Will the development contain non-residential areas? NO x* YES. If the answer is yes, please indicate the size [gross square footage (gsf) unless indicated otherwise] of each general class of uses below:

*There are no additional non-residential areas being added by this request; there are no changes to original CPD intensity of use.

Retail: _____ Total gsf

Offices: _____ Total gsf

Medical: _____ gsf Non-medical: _____ gsf

Hotel/Motel: _____ Total units (Resort – 6750 sq. ft. per floor)

Size of units: _____ 0-425 sq. Ft. _____ 426-725 sq. Ft. _____ 726 or more sq. Ft.
(number) (number) (number)

Industrial: _____ Total gsf

Under roof: _____ gsf Not under roof: _____ gsf

Mines, Quarries, or General Excavation:

Acres to be excavated: _____

Other-specify: This is a request for the ground mounted sign to serve the Mid Island Marina and Publix Super Markets, Inc.

Number of Beds (if applicable): _____ OR: _____ gsf

4. Building Height

_____ Maximum height of buildings (in feet above grade) NO CHANGE FROM ORIGINAL CPD

_____ Number of Habitable Floors

5. Aviation Hazard: Do you propose any structures, lighting, or other features that might affect safe flight conditions? x NO YES. If yes, please submit an explanation and label it

Exhibit III-A-5.

B. Facilities

1. Fire District: Fort Myers Beach Fire District
2. Water Supply * Not applicable, addition of sign has no water requirements
 - a. Estimated daily consumption of potable water:
 1. Residential units: _____ gpd
 2. Mobile Home units: _____ gpd
 3. Rec. Vehicle units: _____ gpd
 4. Commercial: _____ gpd
 5. Industrial: _____ gpd
 - b. Source of potable water: Florida Cities
 - c. Do you have a written agreement from the utility company to serve your project? _____ NO
_____ YES. If yes, please submit a copy of the agreement.
 - d. Source of Non-potable water: Lee County

3. Sanitary Sewer Service

- a. Estimated daily production of wastewater:
 1. Residential units: _____ gpd
 2. Mobile Home units: _____ gpd
 3. Recreational Vehicles: _____ gpd
 4. Commercial: _____ gpd
 5. Industrial: _____ gpd
- b. Is any special effluent anticipated? x NO _____ YES. If yes, please complete Exhibit III-B-3 (attached).
- c. Source of sanitary sewer service: Not applicable, addition to sign has no sanitary sewer requirements
- d. Do you have a written agreement from the utility company to serve your project? _____ NO
_____ YES. If yes, please submit a copy of the agreement.
- e. Will a private on-site disposal facility be used? _____ NO _____ YES. If yes, please complete Exhibit III-B-3 (attached).
- f. Are individual sewage disposal systems proposed? _____ NO _____ YES.

C. Transportation

1. Has this project been exempted from filing a Traffic Impact Statement? _____ NO _____ YES
X NOT REQUIRED (Exist. development). If it has been exempted, attach a copy of the exemption and label it Exhibit III-C. Not A - This request is for a sign and has no traffic impact

PART V

AFFIDAVIT

I, Beverly Grady, on behalf of Roetzel & Andress, a legal professional association, for Mid Island Marina, Inc., certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize 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.

Beverly Grady
Signature of Owner or Owner-authorized Agent

10-24-00
Date

Beverly Grady, on behalf of Roetzel & Andress,
a legal professional association, for Mid Island Marina, Inc.
Typed or printed name and title

RECEIVED
OCT 31 2000

PERMIT COUNTER

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 24th day of October 2000, by BEVERLY GRADY, who is personally known to me.

(SEAL)



Sandra E. Noble
Commission # CC 928983
Expires April 17, 2004
Bonded Thru
Atlantic Bonding Co., Inc.

Sandra E. Noble
Signature of notary public

SANDRA E. NOBLE
Printed name of notary public

LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT
TOWN OF FORT MYERS BEACH

The undersigned does hereby swear or affirm that it is the fee simple title holder and owner of record of property commonly known as 4791 ESTERO BOULEVARD, FORT MYERS BEACH, FL 33931, and legally described in exhibit A attached hereto. We hereby designate BEVERLY GRADY, on behalf of Roetzel & Andress, a legal professional association and Mid-Island Beach Marina, Inc., as the legal representatives of the property for this purpose, and as such, authorizes the filing of an application to amend the CPD approved pursuant to Resolution No. 98-11 to permit the owner of the Marina and Restaurant referenced in the subject resolution regarding access to and also place a sign on the CPD as specified in the sign easement by the legal description of the area attached as Exhibit "B".

These representatives will remain the only entities to authorize the above development activity on the property until such time as a new or amended authorization is delivered to Lee County.

PUBLIX SUPER MARKETS, INC.

BY: _____

PRINTED NAME: _____

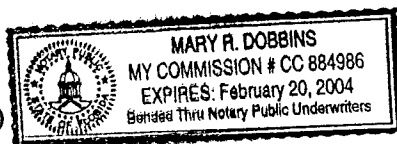
John Frazier
Vice President
Real Estate

TITLE: _____

STATE OF FLORIDA
COUNTY OF POLK

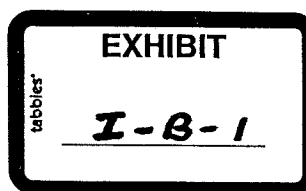
The foregoing instrument was acknowledged before me this 23rd day of October, 2000, by John Frazier, as Vice President, of PUBLIX SUPER MARKETS, INC., who is personally known to me or who has produced _____ as identification.

(SEAL)



Mary R. Dobbins
Signature of Notary Public

*If more than one owner then all owners must sign. See explanation on back.



DCI 2000-00078

IMAGE01 : FL-00-24983-2 10/04/2000 11:47:52am

Page 1 of 3

15.00
439.43
454.43

Prepared By:
Thomas B. Moorey, Esq.
1430 Royal Palm So. Blvd., #105
Fort Myers, FL 33919

(RECORDED & INDEXED)

INSTR # 4741635
OR BK 03161 PG 2220
RECORDED 10/25/99 3:14:43 PM
CHARLIE GREEN CLECK OF COURT
LEE COUNTY
RECORDING FEE 15.00
DOC TAX PD (F.S. 204.02) 11,391.00
DEPUTY CLERK C Keller

Parcel ID Number: 28-46-24-W4-00001.0030

WARRANTY DEED

This Indenture, made this 22 day of OCT. 1999 Between

James Figuerado, Jr. and Deborah Figuerado, Husband and Wife,
of the County of Lee, State of Florida, Grantor, and

Publix Super Markets, Inc., a Florida corporation,
whose address is: P.O. Box 407 LAKELAND FL. 33802
of the County of POLK, State of Florida, Grantee.

WITNESSETH that the Grantors, for and in consideration of the sum of _____ Dollars
Ten and no/100 _____
and other good and valuable consideration to Grantors in hand paid by Grantee, the receipt whereof is hereby
acknowledged, have granted, bargained and sold to the said Grantee and Grantee's heirs and assigns forever, the
following described land, situate, lying &-1 being in the County of Lee, State of Florida, to wit:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 23,
TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE WESTERLYMOST CORNER OF LOT 6, BLOCK "A" OF HOLIDAY SHORES
SUBDIVISION AS RECORDED IN PLAT BOOK 9 AT PAGE 33 OF THE PUBLIC RECORDS
OF LEE COUNTY, FLORIDA, ALSO BEING A POINT ON THE NORTHEASTERLY RIGHT-OF-
WAY LINE OF ESTERO BOULEVARD (STATE ROAD 865), 32.5 FEET FROM THE
CENTERLINE OF ESTERO BOULEVARD; THENCE RUN N 49°57'33"W, ALONG SAID
NORTHEASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 193.10 FEET; THENCE RUN
N 20°45'47"E FOR A DISTANCE OF 596.34 FEET; THENCE RUN S 51°46'07"E FOR A
DISTANCE OF 374.01 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID
HOLIDAY SHORES SUBDIVISION; THENCE RUN S 38°13'53"W ALONG THE
NORTHWESTERLY LINE OF SAID HOLIDAY SHORES SUBDIVISION, FOR A DISTANCE
OF 575.00 FEET TO THE POINT OF BEGINNING, CONTAINING 3.736 ACRES, MORE OR
LESS.

Subject to all matters listed on attached Exhibit "A" without intending to reimpose same.

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

In Witness Whereof, the Grantors have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:

Nancy E. Risner
Witness Signature
NANCY E. RISNER
Printed Name
Barbara M. Dodson
Witness Signature
BARBARA M. DODSON
Witness Printed Name

James Figuerado, Jr.
James Figuerado, Jr.
Deborah Figuerado
Deborah Figuerado



IMAGE01 : FL-00-24983-2 10/04/2000 11:47:52am

Page 2 of 3

02 BX 03161 PG 2221

Warranty Deed
Page 2

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 22 day of June, 1999 by
James Figuerado, Jr. and Deborah Figuerado, Husband and Wife, who are personally known to me or who provided
_____ as identification.

Nancy E. Pharis
Notary Public
My Commission Expires:

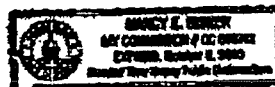


IMAGE01 : FL-00-24983-2 10/04/2000 11:47:52am

Page 3 of 3

OR 88 83181 PG 2222

Warranty Deed
Page 3

SCHEDULE "A"

1. Taxes for the year 1990 and subsequent years.
2. Zoning and any other ordinances of a local governmental authority.
3. Any claim that any part of said land is owned by the State of Florida by right of sovereignty.
4. Subject land lies within the boundaries of the Fort Myers Beach Sower District and is subject to any acts or future assessments thereof.
5. Resolution No. 78-3-16 as recorded in O.R. Book 1438, Page 1739, Public Records of Lee County, Florida.
6. Lee County Ordinance No. 86-14 as recorded in O.R. Book 2189, Page 3281; and amended by Ordinance No. 86-38 as recorded in O.R. Book 2189, Page 3334, Public Records of Lee County, Florida.
7. Agreement by and between Mid Island Marine, Inc. and the State of Florida, Department of Environmental Regulation, recorded in O.R. Book 2118, Page 358, Public Records of Lee County, Florida.
8. Notice of Development Order recorded in O.R. Book 2201, Page 4157, Public Records of Lee County, Florida.
9. Exclusive and Perpetual Water Pipeline Easement Grant recorded in O.R. Book 2721, Page 358, public Records of Lee County, Florida.

PROPERTY DESCRIPTION
A 5-FOOT WIDE SIGN EASEMENT

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 48 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE WESTERLYMOST CORNER OF LOT 6, BLOCK "A" OF HOLIDAY SHORES SUBDIVISION AS RECORDED IN PLAT BOOK 9, AT PAGE 33 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ALSO BEING A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD (COUNTY ROAD 885), 32.50 FEET FROM THE CENTERLINE OF ESTERO BOULEVARD; THENCE RUN N 49°57'33" W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 75.54 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE CONTINUE N 49°57'33" W. ALONG SAID NORTHERLY RIGHT-OF-WAY OF ESTERO BOULEVARD, FOR A DISTANCE OF 5.00 FEET; THENCE RUN N 38°13'53" E FOR A DISTANCE OF 25.00 FEET; THENCE RUN S 49°57'33" E FOR A DISTANCE OF 5.00 FEET; THENCE RUN S 38°13'53" W FOR A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED CONTAINING 123 SQUARE FEET, MORE OR LESS.

BEARINGS SHOWN HEREON REFER TO THE NORTHWESTERLY LINE OF HOLIDAY SHORES SUBDIVISION AS RECORDED IN PLAT BOOK 9, AT PAGE 33 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS BEING N 38°13'53" E.

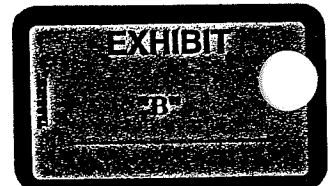


EXHIBIT I-F
DISCLOSURE OF INTEREST FORM FOR:

STRAP NO. 28-46-24-W4-00001.0040 CASE NO. 2000-00078

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

Name and Address

Percentage of Ownership

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

Name, Address, and Office

Percentage of Stock

WILLIAM E. CRENSHAW, 1936 GEORGE JENKINS BLVD., PRESIDENT
HOWARD JENKINS, 1936 GEORGE JENKINS BLVD., CEO
JOHN A. ATTAWAY, JR, 1936 GEORGE JENKINS BLVD, CS
DAVID P. PHILLIPS, 1936 GEORGE JENKINS BLVD., CFOT
CHARLES H. JENKINS, JR., 1936 GEORGE JENKINS BLVD., VCEO
ALL OF THE ABOVE, LOCATED AT 1936 GEORGE JENKINS BLVD.
LAKELAND, FL 33801

Less Than 1%
5.77%
Less Than 1%
Less Than 1%
Less Than 1%

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

Name and Address

Percentage of Interest

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

Name and Address

Percentage of Ownership

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(over)

DCI 2000-00078

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

Name, Address, & Office(if applicable)

Percentage of Stock

Date of Contract: _____

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

Name and Address

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

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

PUBLIX SUPER MARKETS, INC.

BY: _____

PRINTED NAME: _____

John Frazier
Vice President
Real Estate

TITLE: _____

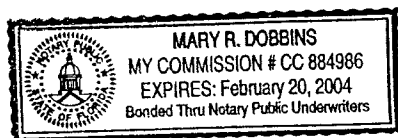
STATE OF FLORIDA

COUNTY OF Polk

The foregoing instrument was acknowledged before me this 23rd day of October, 2000, by John Frazier, as Vice President, of PUBLIX SUPER MARKETS, INC., who is personally known to me or who has produced _____ as identification.

Signature of Notary Public

(SEAL)



DCI 2000-00078

NOTICE TO ADJACENT PROPERTY OWNER

CASE NUMBER: DCI2000-00078

NAME: Mid Island Marina, Inc., in ref. to Publix Super Market, Inc., CPD

REQUEST: An amendment to the CPD zoning approved in Zoning Resolution Z-98-11 and Z-98-11a, to add deviations from the sign regulations contained in the Town of Ft. Myers Beach Land Development Code Section 30-153(2)a.4 to allow an additional sign, and to allow an off-site sign.

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

LOCATION: The subject property is located at 4791 Estero Blvd, in S28-T46S-R24E, Lee County, FL.

SIZE OF PROPERTY: 3.736± acres

STAFF REPORT: Direct inquiries to Alvin "Chip" Block, AICP, Planner, at (941)479-8371, at the Dept. of Community Development, 1500 Monroe St., Ft. Myers, FL 33901.

Notice is hereby given that the Fort Myers Beach Local Planning Agency (LPA) will hold a public hearing on Tuesday, January 9, 2001, at 12:00 noon, on the above case. The public hearing will be held in the Nations Bank Building, 2523 Estero Blvd., Fort Myers Beach, FL 33931.

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

After the LPA has made a written recommendation, the case will be scheduled for a public hearing before the Town of Fort Myers Beach Council who will review the recommendation and make a final decision.

Copies of the staff report may be obtained or the file reviewed at the Offices of the Town of Ft. Myers Beach Administration Building, 2523 Estero Blvd., Ft. Myers Beach, FL.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Rebecca Tatlock at 479-8585.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

28-46-24-W4-00001.0040
PUBLIX SUPER MARKETS INC

P O BOX 407

LAKELAND FL 33931

28-46-24-W4-0010A.0070
GRATKOWSKI WALTER F + HELEN M

4838 CORAL RD

FT MYERS BEACH FL 33931

28-46-24-W4-0010B.0010
HENNEBERGER NANCY S TR

313 BAYLAND ROAD

FT MYERS BEACH FL 33931

28-46-24-W4-0010B.0030
WELSH FRANK W + DONNA J

125 MANGO ST

FT MYERS FL 33931

28-46-24-W4-0010B.0050
MORRISON JAMES K + SARAH S

4821 CORAL ST

FT MYERS BEACH FL 33931

28-46-24-W4-0010B.0070
SMALLWOOD GARY DEAN +

12740 EQUESTRIAN #2908

FORT MYERS FL 33907

28-46-24-W4-0010B.0090
WHYTE JEANNE A

4850 COQUINA RD

FT MYERS BEACH FL 33931

28-46-24-W4-0010B.0120
OCONNELL MAURICE

4880 COQUINA RD

FT MYERS BEACH FL 33931

28-46-24-W4-0010C.0010
SIMMONS CARLEEN J

315 BAYLAND RD

FT MYERS BCH FL 33931

28-46-24-W4-0010C.0030
ZUBEK DONALD R + ELAINE M

4861 COQUINA RD

FT MYERS BEACH FL 33931

28-46-24-W4-00001.0030
MID-ISLAND BEACH MARINA INC

4765 ESTERO BLVD

FT MYERS BCH FL 33931

28-46-24-W4-0010A.0080
HICKERSON RALPH C + TEENA M

68 GULF BLVD

INDIAN ROCKS BEACH FL 33785

28-46-24-W4-0010B.0020
GOODBREAD STEVEN + LESLEY

17660 BROADWAY AV

FT MYERS BEACH FL 33931

28-46-24-W4-0010B.0040
COOK DONALD W +

623 CONCORD AVE

BOULDER CO 80304

28-46-24-W4-0010B.0060
MACLEOD KATHRYN +

4811 CORAL RD

FORT MYERS BEACH FL 33931

28-46-24-W4-0010B.0080
RAYMOND ROBERT L + DONNA M

5 TSIENNETO RD #100

DERRY NH 03038

28-46-24-W4-0010B.0110
STOUT FRANCES R

4870 COQUINA RD

FT MYERS BEACH FL 33931

28-46-24-W4-0010B.0130
HICKERSON RALPH C + TEENA M

68 GULF BLVD

INDIAN ROCKS BEACH FL 33785

28-46-24-W4-0010C.0020
PARMER ANITA G

4870 DOLPHIN LN

FT MYERS BEACH FL 33931

28-46-24-W4-0010C.0040
SEYMOUR JANET G

4841 COQUINA RD

FT MYERS BEACH FL 33931

28-46-24-W4-0010C.0050
ROSA CHESTER B

EASTMAN BERNARDINE R J/T
PO BOX 66441
SAINT PETERSBURG FL 33736

28-46-24-W4-0010D.0010
FREEMAN PHILIP E + NADINE M

375 BAYLAND RD

FT MYERS BEACH FL 33931

28-46-24-W4-0010D.0020
VEHMEIER JOYCE F

1140 WOODSIDE DR

FREEPORT IL 61032

28-46-24-W4-0010D.0030
ACKERT ROBT P + MARY LEE CO-TR

4851 DOLPHIN LN

FT MYERS BEACH FL 33931

28-46-24-W4-02600.000A
OCEAN HARBOR CONDO

4741 ESTERO BLVD

FT MYERS BEACH FL 33931

28-46-24-W4-0010C.0060
CALLAHAN MARGARET

P O BOX 13131

LAS VEGAS NV 89112

28-46-24-W4-0010D.001A
HORNACK R M + CAROL J

395 BAYLAND RD

FT MYERS BCH FL 33931

28-46-24-W4-0010D.002A
ACKERT ROBT P + MARY LEE CO-TR

4851 DOLPHIN LN

FT MYERS BEACH FL 33931

28-46-24-W4-0010D.0040
AMOS CONSTANCE B

4841 DOLPHIN LN

FT MYERS BEACH FL 33931

28-46-24-W4-02700.000A
OCEAN HARBOR YACHT CLUB

4745-4753 ESTERO BLVD

FT MYERS BEACH FL 33931

FORT MYERS BEACH TOWN COUNCIL

ZONING HEARING

Monday, February 12, 2001

| | | Page |
|---------------|--|------|
| VAR2000-00077 | Steiger & Mlinaric Variance | 2 |
| DCI2000-00078 | Mid Island Marina, Inc., in ref. to Publix Super Market, Inc., CPD | 2 |

NOTICE
OF PUBLIC HEARING

Notice is hereby given that at 9:00 am on Monday, February 12, 2001, the Fort Myers Beach Town Council will hold public hearings in the Nations Bank Building, 2523 Estero Blvd., Fort Myers Beach, to review the written recommendations made by the Local Planning Agency and make a final decision on the cases below.

If a participant decides to appeal a decision made by the Town Council with respect to any matter considered at this hearing, that person will need a record of the proceedings. For such purpose, that person may need to ensure that a verbatim record of the proceeding is made that includes the testimony and evidence upon which the appeal is to be based.

Statements before the Town Council will not be limited to statements previously made to the Local Planning Agency.

Copies of the Local Planning Agency's recommendation may be obtained or the file reviewed at the Offices of the Town of Fort Myers Beach Administrative Building, 2523 Estero Blvd., Ft. Myers Beach, FL. Telephone 765-0202 for additional information.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Rebecca Tatlock at 479-8585.

The following cases will be heard:

| | |
|--------------------------|---|
| <u>CASE NUMBER:</u> | VAR2000-00077 |
| <u>NAME:</u> | Steiger & Mlinaric Variance |
| <u>REQUEST:</u> | A variance in the Residential Multiple Family RM-2 district from Land Development Code (LDC) Section 34-715 which requires a minimum side yard setback of 7 feet to allow side setbacks of 5.3 feet for an addition to a single family residence. |
| <u>LOCATION:</u> | The subject property is located at 2686 Estero Blvd. |
| <u>STRAP NUMBER:</u> | The applicant indicates the STRAP number is: 19-46-24-W2-0020B.0180. |
| <u>SIZE OF PROPERTY:</u> | 12,925± sq.ft. |

| | |
|---------------------|--|
| <u>CASE NUMBER:</u> | DCI2000-00078 |
| <u>NAME:</u> | Mid Island Marina, Inc., in ref. to Publix Super Market, Inc., CPD |

Fort Myers Beach Town Council Zoning Hearing for February 12, 2001

REQUEST: An amendment to the CPD zoning approved in Zoning Resolution Z-98-11 and Z-98-11a, to add deviations from the sign regulations contained in the Town of Ft. Myers Beach Land Development Code Section 30-153(2)a.4 to allow an additional sign, and to allow an off-site sign.

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

LOCATION: The subject property is located at 4791 Estero Blvd.

STRAP NUMBER: The applicant indicates the STRAP number is: 28-46-24--W4-00001.0040.

SIZE OF PROPERTY: 3.736± acres

From: Rebecca Tatlock
To: Deselem, Kay; Folke, Daniel
Date: 12/11/00 2:30PM
Subject: Friendly reminder

I need sign wording for the following cases:

Dan — VAR2000-00076 Burandt's Variance
VAR2000-00077 Steiger and Munaric Variance

Kay — DCI2000-00078 Publix Super Market, Inc., CPD

Rebecca Tatlock
Secretary
DCD - Internal Services
(tatlocra@leegov.com)
(941)479-8585 ext. 5915
(941)479-8386 (fax)

DEVELOPMENT SERVICES DIVISION

SUBSTANTIVE REVIEW

TRANSMITTAL SHEET

TO: Distribution FROM: Chip Block DATE: December 1, 2000
Walter McCarthy, Director
John Fredyma, Asst. County Attorney
Don Blackburn, Development Services
Bob Rentz, Development Services
Kim Trebatoski, Environmental Sciences
~~Elaine Mettauer, LCDOT~~
Paul O'Connor/Matt Noble, Planning Division

PROJECT NAME: **PUBLIX SUPER MARKET**
aka MID ISLAND MARINA AMENDMENT

CASE: **DCI2000-00078**

INFORMATION SUMMARY:

- ☒ To update your file
☒ Please provide substantive comments

**Please provide your
written comments by
12/11/00**

Additional Comments:

Attached you will find a copy of the draft request letter that was sent to the applicant's agent. Please address your written comments to the request as shown. If you see an error or omission, please contact me immediately. This case will be scheduled for public hearing at Ft. Myers Beach in January. If you need additional information, please contact me.

cc: DCI File



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: **941-479-8371**

John E. Manning
District One

November 30, 2000

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

Ms. Beverly Grady
Roetzel & Andress
2320 First Street, Suite 100
Fort Myers, FL 33901

Faxed for Expediency

Re: PUBLIX SUPER MARKET, INC. CPD aka Mid Island Marina, Inc.; File #DCI2000-00078

Dear Ms. Grady:

The Development Services Division has reviewed the information provided on October 31, 2000 and supplemented on November 14, 2000 and November 15, 2000 for the request referenced above. The application is now sufficient and ready to be scheduled for public hearings. Please note that a finding of sufficiency only recognizes that enough information has been provided to allow staff to adequately review the request. The finding does not imply that staff will be recommending approval of the request or any deviation. I have drafted the formal request from your application as follows:

An amendment to the CPD zoning approved in Zoning Resolution Z-98-11 and Z-98-11a, to add deviations from the sign regulations contained in the Town of Ft. Myers Beach Land Development Code Section 30-153(2)a.4 to allow an additional sign, and to allow an off-site sign.

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

Please review this language carefully and notify me in writing by December 8, 2000 whether this wording is satisfactory. The pre-hearing conference has been waived and a hearing will be scheduled for the next available agenda. Contact me if you have any questions or if you would like to meet informally prior to the public hearings.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

Ray Deschem (in Chip's absence)

Chip Block, AICP
Senior Planner

cc: Walter McCarthy, Division Director
Don Blackburn Development Services
John Fredyma, Asst. County Attorney
Kim Trebatoski, Environmental Sciences
Zoning/DCI Files

Paul O'Connor, Director, Planning Division
Bob Rentz, Development Services
Elaine Mettauer, LCDOT
Donna Dilg, ISA Secretary

U:\200011\DCI20000.007\8\Mid Island Marina Publix request ltr1.wpd

*** TX REPORT ***

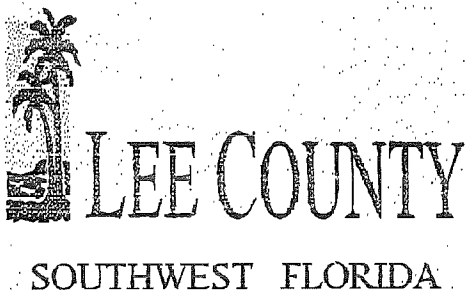
TRANSMISSION OK

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| TX/RX NO | 0303 | |
| CONNECTION TEL | | 93370970 |
| CONNECTION ID | | |
| ST. TIME | 12/01 10:14 | |
| USAGE T | 00'45 | |
| PGS. SENT | 2 | |
| RESULT | OK | |

FAX

FAX

FAX



**DEPARTMENT OF COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES DIVISION**

P.O. BOX 398

Fort Myers, Florida 33902-0398

Internet Address: deselek1@leegov.com

FAX: (941) 479-8341

Direct Phone: 941-479-8336

**TO: Beverly Grady
Roetzel & Andress
337-0970**

DATE: December 1, 2000

FROM: Kay Deselem, Sr. Planner

NUMBER OF PAGES: 2
(including cover sheet)

PROJECT: Publix and Mid Island Marina, #DCI2000-00078

ATTACHED: Letter of Sufficiency

Chip is out of the office, so I have prepared this letter for him. He will be the reviewer for the case. If you have questions, please contact Chip.

ROETZEL & ANDRESS

A LEGAL PROFESSIONAL ASSOCIATION

2320 FIRST STREET
SUITE 1000
FORT MYERS, FL 33901-3419
941.338.4203 DIRECT
941.337.3850 MAIN
941.337.0970 FAX
snoble@ralaw.com

November 15, 2000

RECEIVED
NOV 15 2000
PERMIT COUNTER

HAND DELIVERY

Alvin "Chip" Block, Senior Planner
Lee County Development Services
1500 Monroe Street
Fort Myers, FL 33901

RE: **Case No. DCI2000-00078**
Publix Supermarket, Inc. CPD

Dear Mr. Block:

Attached please find the original Request for Public Hearing Submittal Requirement Waiver and Approval regarding the above referenced matter.

If you have any questions concerning the above, please feel free to contact me.

Very truly yours,



Sandra E. Noble, CLA
Certified Legal Assistant

Attachment (Waiver)
78863_1

DCI 2000-00078



LEE COUNTY

REQUEST FOR PUBLIC HEARING SUBMITTAL REQUIREMENT WAIVER

Upon written request, the director may modify the submittal requirements for Public Hearings where it can be clearly demonstrated that the submission will have no bearing on the review and processing of the application. The request and the director's written response must accompany the application submitted and will become a part of the permanent file.

APPLICATION FOR WAIVER OF SUBMITTAL ITEMS REQUIRED FOR PUBLIC HEARING

- _____ Public Hearing - General Requirements (34-202)
_____ Public Hearing - Additional requirements for:
_____ Development of Regional Impact (34-203(a))
_____ X Planned Developments (34-203(b))
_____ Rezoning other than Planned Developments (34-203 (c))
_____ Mobile Home Park (34-203(d))
_____ Special Exception (34-203(e))
_____ Variances (34-203(f))

RECEIVED
NOV 15 2000

PERMIT COUNTER

PLEASE PRINT OR TYPE:

STRAP Number: 28-46-24-W4-00001.0040
Name of Project: Publix Supermarket, Inc. CPD
Name of Applicant*: Beverly Grady c/o Roetzel & Andress, P.A.
Street Address: 2320 First Street, Suite 1000
City: Fort Myers State: FL Zip: 33901
Phone #: 337-3850 Fax #: 337-0970 E-mail: _____

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

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

| Section Number | Requirement |
|------------------|---------------------------------|
| 34-373(a)(6)b.10 | Zoning Traffic Impact Statement |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

Over

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

SCOPE OF PROJECT AND REASON(s) FOR REQUEST

Please provide an explanation of the scope of the project and the reason(s) why you think the request for submittal waiver should be approved. Use additional sheets if necessary.

(Please print or type)

(See attachment)

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

Signature of Applicant:

Directors Decision: X **Request Approved** **Request Denied**

Comments: This CPD amendment request is only for the purpose of requesting relief from
sign regulations, and will have no effect on traffic. Therefore, the request to waive the Zoning
Traffic Impact Statement requirement is approved.

Signature:



Date:

11-7-00

cc: *Walter J. McCarthy, P.E., Development Services Director*



LEE COUNTY

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REQUEST FOR PUBLIC HEARING SUBMITTAL REQUIREMENT WAIVER

Upon written request, the director may modify the submittal requirements for Public Hearings where it can be clearly demonstrated that the submission will have no bearing on the review and processing of the application. The request and the director's written response must accompany the application submitted and will become a part of the permanent file.

APPLICATION FOR WAIVER OF SUBMITTAL ITEMS REQUIRED FOR PUBLIC HEARING

- Public Hearing - General Requirements (34-202)
Public Hearing - Additional requirements for:
Development of Regional Impact (34-203(a))
☒ Planned Developments (34-203(b))
Rezoning other than Planned Developments (34-203 (c))
Mobile Home Park (34-203(d))
Special Exception (34-203(e))
Variances (34-203(f))

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PLEASE PRINT OR TYPE:

STRAP Number: 28-46-24-W4-00001.0040

Name of Project: PUBLIX SUPER MARKET, INC. CPD

Name of Applicant*: Beverly Grady, Roetzel & Andress, a legal professional association, on behalf of Publix Super Market, Inc. CPD

Street Address: 2320 First Street, Suite 1000

| | | |
|-------------------------|-----------------------|------------|
| City: Fort Myers | State: FL | Zip: 33901 |
| Phone #: (941) 337-3850 | Fax #: (941) 337-0970 | E-mail: |

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

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

| Section Number | Requirement |
|------------------|---------------------------------|
| 34-373(a)(6)b.10 | Zoning Traffic Impact Statement |
| | |
| | |

Over

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

SCOPE OF PROJECT AND REASON(s) FOR REQUEST

Please provide an explanation of the scope of the project and the reason(s) why you think the request for submittal waiver should be approved. Use additional sheets if necessary.

(Please print or type)

This is an amendment to a CPD to ask for a sign relief and have no traffic impact

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

Beverly Grady, Roetzel & Andress, a legal professional assoc. on behalf of Publix Super Market, Inc.

Signature of Applicant:

Directors Decision:

Request Approved

Request Denied

Comments:

Signature:

Date:

78069_1

LETTER OF AUTHORIZATION
TO LEE COUNTY COMMUNITY DEVELOPMENT
TOWN OF FORT MYERS BEACH

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NOV 15 2000

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The undersigned does hereby swear or affirm that it is the fee simple title holder and owner of record of property commonly known as 4791 ESTERO BOULEVARD, FORT MYERS BEACH, FL 33931, and legally described in exhibit A attached hereto. We hereby designate BEVERLY GRADY, on behalf of Roetzel & Andress, a legal professional association and Mid-Island Beach Marina, Inc., as the legal representatives of the property for this purpose, and as such, authorizes the filing of an application to amend the CPD approved pursuant to Resolution No. 98-11 to permit the owner of the Marina and Restaurant referenced in the subject resolution regarding access to and also place a sign on the CPD as specified in the sign easement by the legal description of the area attached as Exhibit "B".

These representatives will remain the only entities to authorize the above development activity on the property until such time as a new or amended authorization is delivered to Lee County.

PUBLIX SUPER MARKETS, INC.

BY: _____

PRINTED NAME: _____

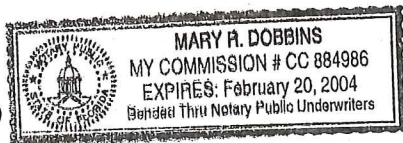
John Frazier
Vice President
Real Estate

TITLE: _____

STATE OF FLORIDA
COUNTY OF Polk

The foregoing instrument was acknowledged before me this 23rd day of October, 2000, by John Frazier, as Vice President, of PUBLIX SUPER MARKETS, INC., who is personally known to me or who has produced _____ as identification.

(SEAL)



Mary A. Dobbins
Signature of Notary Public

*If more than one owner then all owners must sign. See explanation on back.

EXPLANATORY NOTES

Where there is more than one owner, either legal or equitable, then all such owners must jointly initiate the application. Exceptions to this are:

- 1) It is not required that both husband and wife initiate the application on private real property owned by them.
- 2) Where the property is subject to a land trust agreement, the trustee may initiate the application.
- 3) Where the fee owner is a corporation, any duly authorized corporate official may initiate the application.
- 4) Where the fee owner is a partnership, the general partner may initiate the application.
- 5) Where the fee owner is an association, the association may appoint an agent to initiate the application on behalf of the association.
- 6) Where the property is a condominium or time-share condominium, refer to Sec. 34-201(a)(1)b. for rules.
- 7) Where the property is a subdivision, refer to Sec. 34-201(a)(1)c. for rules.
- 8) Rezoning initiated by the Board of County Commissioners on property not owned by the county.

IMAGE01 : FL-00-24983-2 10/04/2000 11:47:52am

Page 1 of 3

15.000
1139.11
11/06/00

Prepared By:
Thomas B. Moorey, Esq.
1430 Royal Palm Dr. Blvd., #105
Fort Myers, FL 33919

Parcel ID Number: 28-46-24-W4-00001.0030**WARRANTY DEED**This Indenture, made this 22 day of ^{OCT.} June, 1999 Between

James Figuerado, Jr. and Deborah Figuerado, Husband and Wife,

of the County of Lee, State of Florida, Grantor, and

Publix Super Markets, Inc., a Florida corporation,

whose address is: P.O. Box 407 LAKELAND FL. 33802
of the County of POLK, State of Florida, Grantee.

WITNESSETH that the Grantors, for and in consideration of the sum of _____

_____ Dollars
and other good and valuable consideration to Grantors in hand paid by Grantee, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said Grantee and Grantee's heirs and assigns forever, the following described land, situate, lying & being in the County of Lee, State of Florida, to wit:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 23,
TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE WESTERLYMOST CORNER OF LOT 6, BLOCK "A" OF HOLIDAY SHORES
SUBDIVISION AS RECORDED IN PLAT BOOK 9 AT PAGE 33 OF THE PUBLIC RECORDS
OF LEE COUNTY, FLORIDA, ALSO BEING A POINT ON THE NORTHEASTERLY RIGHT-OF-
WAY LINE OF ESTERO BOULEVARD (STATE ROAD 845), 32.5 FEET FROM THE
CENTERLINE OF ESTERO BOULEVARD; THENCE RUN N 49°57'33"W, ALONG SAID
NORTHEASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 193.10 FEET; THENCE RUN
N 20°45'47"E FOR A DISTANCE OF 596.34 FEET; THENCE RUN S 51°46'07"E FOR A
DISTANCE OF 374.01 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID
HOLIDAY SHORES SUBDIVISION; THENCE RUN S 38°13'53"W ALONG THE
NORTHWESTERLY LINE OF SAID HOLIDAY SHORES SUBDIVISION, FOR A DISTANCE
OF 575.00 FEET TO THE POINT OF BEGINNING, CONTAINING 3.736 ACRES, MORE OR
LESS.

Subject to all matters listed on attached Exhibit "A" without intending to reimpose same.

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

In Witness Whereof, the Grantors have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:

Nancy E. Risner
Witness Signature
NANCY E. RISNER

Barbara M. Dodson
Witness Signature
BARBARA M. DODSON
Witness Printed Name

James Figuerado, Jr.
James Figuerado, Jr.

Deborah Figuerado
Deborah Figuerado

RECORDED

INSTR # 4741635

CR BK 03161 PG 2220

RECORDED 10/25/99 3:43 PM

CHARLIE GREEN CLERK OF COURT

LEE COUNTY

RECORDING FEE 15.00

DOC TAX PD (F.S.201.02) 11,391.00

DEPUTY CLERK C Koller

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NOV 15 2000

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DCI 2000-00078

IMAGE01 : FL-00-24983-2 10/04/2000 11:47:52am

Page 2 of 3

02 EE 03181 PS 2221

Warranty Deed
Page 2

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 22 day of June, 1999 by
James Figuerado, Jr. and Deborah Figuerado, Husband and Wife, who are personally known to me or who provided
_____ as identification.

Nancy E. Proulx
Notary Public
My Commission Expires:



IMAGE01 : FL-00-24983-2 10/04/2000 11:47:52am

Page 3 of 3

OR 22 23181 PG 2222

Warranty Deed
Page 3

SCHEDULE "A"

1. Taxes for the year 1999 and subsequent years.
2. Zoning and any other ordinances of a local governmental authority.
3. Any claim that any part of said land is owned by the State of Florida by right of sovereignty.
4. Subject land lies within the boundaries of the Fort Myers Beach Sewer District and is subject to any acts or future assessments thereof.
5. Resolution No. 78-3-16 as recorded in O.R. Book 1438, Page 1739, Public Records of Lee County, Florida.
6. Lee County Ordinance No. 86-14 as recorded in O.R. Book 2189, Page 3281; and amended by Ordinance No. 86-38 as recorded in O.R. Book 2189, Page 3334, Public Records of Lee County, Florida.
7. Agreement by and between Mid Island Marine, Inc. and the State of Florida, Department of Environmental Regulation, recorded in O.R. Book 2118, Page 358, Public Records of Lee County, Florida.
8. Notice of Development Order recorded in O.R. Book 2201, Page 6157, Public Records of Lee County, Florida.
9. Exclusive and Perpetual Water Pipeline Easement Grant recorded in O.R. Book 2721, Page 358, public Records of Lee County, Florida.

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NOV 15 2000

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PROPERTY DESCRIPTION
A 5-FOOT WIDE SIGN EASEMENT

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 48 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE WESTERLYMOST CORNER OF LOT 8, BLOCK "A" OF HOLIDAY SHORES SUBDIVISION AS RECORDED IN PLAT BOOK 9, AT PAGE 33 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ALSO BEING A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD (COUNTY ROAD 885), 32.50 FEET FROM THE CENTERLINE OF ESTERO BOULEVARD; THENCE RUN N 49°57'33" W, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 75.54 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE CONTINUE N 49°57'33" W, ALONG SAID NORTHERLY RIGHT-OF-WAY OF ESTERO BOULEVARD, FOR A DISTANCE OF 5.00 FEET; THENCE RUN N 38°13'53" E FOR A DISTANCE OF 25.00 FEET; THENCE RUN S 49°37'33" E FOR A DISTANCE OF 5.00 FEET; THENCE RUN S 38°13'53" W FOR A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED CONTAINING 125 SQUARE FEET, MORE OR LESS.

BEARINGS SHOWN HEREON REFER TO THE NORTHWESTERLY LINE OF HOLIDAY SHORES SUBDIVISION AS RECORDED IN PLAT BOOK 9, AT PAGE 33 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS BEING N 38°13'53" E.

EXHIBIT

"B"

DCI 2000-00078

DEVELOPMENT SERVICES DIVISION
DCI SUFFICIENCY REVIEW - COMMERCIAL PLANNED DEVELOPMENT
TRANSMITTAL SHEET

TO: Distribution FROM: Chip Block DATE: 10/30/00
Walter J. McCarthy - Xmittal sheet only
DS Reviewer - Don Blackburn
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Planning
Elaine Mettauer, LCDOT
Samy Faried, Lee County Regional Water Supply Authority
Roland Ottolini, Natural Resources

PROJECT NAME: Mid Island Marina, Inc., in ref. to Publix Super Market, Inc. CASE #: DCI2000-00078

INFORMATION SUMMARY:

NEW SUBMITTAL

☐ To update your file RESPONSE REQUIRED BY: 11/14/00
☒ Review and forward sufficiency
questions or make finding of
sufficiency

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).

Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI File/ZONE File

LEE COUNTY

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OCT 31 2000

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APPLICATION FOR PUBLIC HEARING FOR PLANNED DEVELOPMENT

Applicant's Name: MID ISLAND MARINA, INC.

Project Name: PUBLIX SUPER MARKET, INC. CPD

STRAP Number(s): 24-46-24W400001.0040

Application Form: X Computer Generated* County Printed

*** By signing this application, the applicant affirms that the form has not been altered.**

STAFF USE ONLY

Commission District: _____ **Land Use Classification(s):** _____

Current Zoning: _____ **Lee Plan Density Range:** _____

Case Number: _____ **Fee:** _____

Date of Application: _____ **Date Fee Paid:** _____

Date HEX Public Hearing: _____ **Receipt Number:** _____

Intake By: _____

TYPE OF APPLICATION

DRI

PD - Existing Development

DCI - Major

PD - Amendment

DCI - Minor

| OPTION 1 | OPTION 2 |
|----------|----------|
|----------|----------|

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

DCI 2000-00078

PART I

APPLICANT PROPERTY OWNERSHIP INFORMATION

- A. Name(s) of applicant(s): Mid Island Marina, Inc., c/o Roetzel & Andress, a Legal Professional Association

Mailing Address: Street: 2320 First Street, Suite 1000

City: Fort Myers State: FL Zip: 33901

Phone Number: Area Code: 941 Number: 337-3850 Ext: _____

Fax Number: Area Code: 941 Number: 337-0970

- B. Relationship of applicant to property:

____ Owner _____ Trustee _____ Option holder
____ Lessee _____ Contract Purchaser
☒ Other (indicate): Agent

If applicant is NOT the owner or the person authorized by the Covenant of Unified Control, submit a Notarized Authorization Form from the owner or his authorized representative. Label as Exhibit I-B.

** If the application is County-initiated, enter the date the action was initiated by the Board: _____ Attach a copy of the "blue sheet" and a list of all property owners, and their mailing addresses, for all properties within the area described. Names and addresses must be those appearing on the latest tax rolls of Lee County. Label the "blue sheet" as "Exhibit I-B-2" and the list as "Exhibit I-B-3". [Sec. 34-202(a)(5)]*

- C. Name of owner(s) of property: PUBLIX SUPER MARKETS, INC.

Mailing Address: Street: Post Office Box 407

City: Lakeland State: FL Zip: 33931

Phone Number: Area Code: 941 Number: 337-3850 Ext: _____

Fax Number: Area Code: 941 Number: 337-0970

- D. Date property was acquired by present owner(s): 10/22/1999

- E. Is the property subject to a sales contract or sales option? ☒ NO ☐ YES

- F. Is owner(s) or contract purchaser(s) required to file a disclosure form? ☒ NO ☐ YES. If yes, please complete and submit Exhibit I-F (attached).

- G. Are there any existing deed restrictions or other covenants on this property which may affect this request? ☒ NO ☐ YES. If yes, submit a copy of the deed restrictions or other covenants and a statement explaining how the restrictions may affect the requested action. Label as "Exhibit I-G".

- H. Authorized Agent(s): List names of authorized agents (submit additional sheets if necessary).

Name: Beverly Grady, c/o Roetzel & Andress, a legal professional association

Address: 2320 First Street, Suite 100, Fort Myers, FL 33901

Phone: (941) 337-3850 Fax: (941) 337-0970

**PART II
GENERAL INFORMATION**

A. Request:

1. Rezoning from CPD To (check all applicable)

| | |
|--|--|
| <input type="checkbox"/> RPD - Residential | <input type="checkbox"/> MPD - Mixed Use |
| <input type="checkbox"/> MHPD - Mobile Home | <input type="checkbox"/> RVPD - Recreational Vehicle |
| <input checked="" type="checkbox"/> CPD - Commercial | <input type="checkbox"/> CFPD - Community Facilities |
| <input type="checkbox"/> IPD - Industrial | <input type="checkbox"/> AOPD - Airport Operations |

2. Option Chosen: ☐ Option 1 [34-373(a)(6)a] ☒ Option 2 [34-373(a)(6)b]

3. Other - Provide specific details. Amendment to CPD-Commercial

B. Legal Description and Boundary Sketch: Is property within a platted subdivision recorded in the official Plat Books of Lee County?

☐ NO. Attach a legible copy of the legal description (label it Exhibit II-B-1.) and Certified sketch of description as set out in chapter 61G 17-6.006 FAC. (labeled Exhibit II-B-2.). **If the legal description is available on computer disc (Word or Word Perfect) please provide a copy at time of application.**

☒ YES. Property is identified as:

Subdivision Name: Holiday Shores

Plat Book: 9 Page: 33 Unit: Block: Lots:

Section: Township: Range:

Attach a copy of the Plat Book page with subject property clearly marked. Label this Exhibit II-B-3.

C. Project Street Address: ⁴⁷⁹¹~~4765~~ Estero Boulevard, Fort Myers Beach, FL 33931

D. General Location Of Property (referenced to major streets): East side of Estero Boulevard

E. Lee Plan Information

1. Lee Plan Land Use Classification: Boulevard

2. Are you proposing any Lee Plan amendments which could affect the subject property? ☒ NO ☐ YES. If yes, submit a copy of the proposed amendment (labeled as "Exhibit II-E-1") along with a statement as to how the proposed amendment will affect your property (labeled as "Exhibit II-E-2").

F. Drainage, Water Control and Other Environmental Issues

1. Is the property within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s? ☐ NO ☐ YES. If yes, specify the minimum elevation required for the first habitable floor. NGVD (MSL) **NOT APPLICABLE**

2. Are there any environmentally sensitive lands such as, but not limited to: wetlands (as defined in the Lee Plan); flow-ways, creek beds, sand dunes, other unique land forms [see Lee Plan Policy 77.1 (2)] or listed species occupied habitat (see Sec. 10-474 of the Land Development Code) on the subject property? x NO YES If yes, delineate these areas on a map or aerial photo and label it Exhibit II-F-1. Also, complete Exhibit II-F-2. attached hereto.

G. Present Use of Property: Is the property vacant? x NO YES

If the property is not vacant, the owner or applicant's signature on this application indicates that the Owner agrees to either remove all existing buildings and structures, OR that the proposed use of the building or structure(s) will be in compliance with all applicable requirements of the Land Development Code. [Sec. 34-202(b)(3)]

Briefly describe current use of the property: Super Market store

H. Property Dimensions

1. Width (average if irregular parcel): 585.67 Feet
2. Depth (average if irregular parcel): 284.55 Feet
3. Frontage on road or street: 195.10 Feet on Estero Boulevard
(Name of street)
4. Total land area: 3.736 ± Acres

I. Land Area Calculations

1. Undevelopable Areas:

- a. Freshwater wetland areas 0
- b. Other wetland areas 0
- c. Submerged land subject to tidal influence: 0
- d. Total (a + b + c): 0

2. Remaining developable land (H.4 less I.1.d): 3.736

**PART III
PROPOSED DEVELOPMENT**

A. Nature of Request - _____

1. Will the development contain living units? X NO YES. If the answer is yes, please indicate the total number of living units proposed, by type:

_____ Single Family _____ Mobile Homes _____ Recreational Vehicles
_____ Zero-Lot-Line _____ Duplex/Two Family _____ Townhouses
_____ Multiple Family _____ TOTAL ALL TYPES

2. If the development will contain living units, please complete Exhibit III-A-2 (attached) and enter the following information:

a. PERMITTED total units (from Exhibit III-A-2): n/a
b. PROPOSED total units (from A-1. above): n/a
c. PROPOSED density (from Exhibit III-A-2): n/a

3. Will the development contain non-residential areas? NO x* YES. If the answer is yes, please indicate the size [gross square footage (gsf) unless indicated otherwise] of each general class of uses below:

*There are no additional non-residential areas being added by this request; there are no changes to original CPD intensity of use.

Retail: _____ Total gsf

Offices: _____ Total gsf

Medical: _____ gsf Non-medical: _____ gsf

Hotel/Motel: _____ Total units (Resort – 6750 sq. ft. per floor)

Size of units: _____ 0-425 sq. Ft. _____ 426-725 sq. Ft. _____ 726 or more sq. Ft.
(number) (number) (number)

Industrial: _____ Total gsf

Under roof: _____ gsf Not under roof: _____ gsf

Mines, Quarries, or General Excavation:

Acres to be excavated: _____

Other-specify: This is a request for the ground mounted sign to serve the Mid Island Marina and Publix Super Markets, Inc.

Number of Beds (if applicable): _____ OR: _____ gsf

4. Building Height

_____ Maximum height of buildings (in feet above grade) NO CHANGE FROM ORIGINAL CPD

_____ Number of Habitable Floors

5. Aviation Hazard: Do you propose any structures, lighting, or other features that might affect safe flight conditions? x NO YES. If yes, please submit an explanation and label it

Exhibit III-A-5.

B. Facilities

1. Fire District: Fort Myers Beach Fire District
2. Water Supply * Not applicable, addition of sign has no water requirements
 - a. Estimated daily consumption of potable water:
 1. Residential units: gpd
 2. Mobile Home units: gpd
 3. Rec. Vehicle units: gpd
 4. Commercial: gpd
 5. Industrial: gpd
 - b. Source of potable water: Florida Cities
 - c. Do you have a written agreement from the utility company to serve your project? NO YES. If yes, please submit a copy of the agreement.
 - d. Source of Non-potable water: Lee County

3. Sanitary Sewer Service

- a. Estimated daily production of wastewater:
 1. Residential units: gpd
 2. Mobile Home units: gpd
 3. Recreational Vehicles: gpd
 4. Commercial: gpd
 5. Industrial: gpd
- b. Is any special effluent anticipated? x NO YES. If yes, please complete Exhibit III-B-3 (attached).
- c. Source of sanitary sewer service: Not applicable, addition to sign has no sanitary sewer requirements
- d. Do you have a written agreement from the utility company to serve your project? NO YES. If yes, please submit a copy of the agreement.
- e. Will a private on-site disposal facility be used? NO YES. If yes, please complete Exhibit III-B-3 (attached).
- f. Are individual sewage disposal systems proposed? NO YES.

C. Transportation

1. Has this project been exempted from filing a Traffic Impact Statement? NO YES X NOT REQUIRED (Exist. development). If it has been exempted, attach a copy of the exemption and label it Exhibit III-C. Not A - This request is for a sign and has no traffic impact

PART IV **SUBMITTAL REQUIREMENTS**

| COPIES REQUIRED | | | | Exhibit | Item |
|-----------------|--------|-------|-------|---------|--|
| SUB | DR\DCI | EXIST | MINOR | | |
| | 10 | 10 | 10 | | Completed application [34-201(b)] |
| | 1 | 1 | 1 | | Application Fee [34-202(a)(9)] |
| | 2 | 2 | 2 | I-B-1 | Notarized Authorization Form (if applicable) [34-201(a)(1)] |
| | 2 | 2 | 2 | I-B-2 | Blue Sheet (If applicable) [34-201(a)(2)] |
| | 2 | 2 | 2 | I-B-3 | List of Property Owners (If applicable) [34-202(a)(5)] |
| | 2 | 2 | 2 | I-B-4 | Notarized Covenant & doc. Of Unified Control [34-373(a)(3)] |
| | 2 | 2 | 2 | I-B-5 | Surrounding Property Owners List [34-202(a)(6)] |
| | 2 | 2 | 2 | I-B-6 | Property Owners Map [34-202(a)(7)] |
| | 2 | 2 | 2 | I-F | Notarized Disclosure Form (if applicable) [34-201(b)(1)] |
| | 2 | 2 | 2 | I-G | Deed Restrictions & Narrative (if applicable) [34-202(b)(2)] |
| | 10 | 10 | 10 | II-B-1 | Legal Description [34-202(a)(1)] |
| | 10 | 10 | 10 | II-B-2 | Certified sketch of description (if applicable) [34-202(a)(2)] |
| | 2 | 2 | 2 | II-B-3 | Plat Book Page (if applicable) [34-202(a)(1)] |
| | 10 | 10 | 10 | II-D | Area Location Map [34-202(a)(4)] |
| | 10 | 10 | 10 | II-E-1 | Lee Plan Amendment (if applicable) [34-373(a)(5) & 34-491] |
| | 10 | 10 | 10 | II-E-2 | Narrative/how prop. complies with Lee Plan, etc. [34- |
| | 10 | 10 | 10 | II-F-1 | Environ. Sensitive Lands map (if app.) [34-373(a)(5)] |
| | 4 | 4 | 4 | II-F-2 | Environmental Assessment [34-1573] |
| | 10 | 4 | 4 | II-F-3 | Exist. zoning & current land use map/photo [34-373(a)(4)] |
| | 10 | 4 | 4 | II-F-4 | Soils, vegetation and ground cover maps [34-373(a)(4)b.] |
| | 10 | 4 | 4 | II-F-5 | Topography map (if available) [34-373(a)(4)b.] |
| | 10 | - | - | III-A-2 | Density Calcs (if applicable) [34-373(a)(6)a.3 & (6)b.3 & (7)a.] |
| | 10 | - | - | III-A-5 | Aviation Hazard (if applicable) [34-1001 et seq.] |
| | 10 | - | - | III-B-3 | Sanitary Sewer Facilities(if applicable) [34-442 (1)n] |
| | 4 | - | 4 | III-C | Traffic Imp. Statement (if applicable) [34-373(a)(6)a.11 or |
| | 4 | - | 4 | III-C | TIS Exemption Form (if applicable) [34-373(a)(6)a.11 or b.10] |
| | 10 | 4 | 4 | IV-A | Public transit routes map (if applicable) [34-373(a)(4)d.] |
| | 10 | 4 | 4 | IV-B | Protected Species Survey (if applicable) [34-373(a)(4)e.] |
| | 10 | 4 | 4 | IV-B | Prot. Spec. Survey Exemption (if applicable) [34-373(a)(4)e.] |
| | 10 | 4 | 4 | IV-C | Existing easements and r-o-w map. [34-373(a)(4)f.] |
| | 10 | 10 | 10 | IV-D | Description of proposed development. [34-373(a)(6)] |
| | 10 | 10 | 10 | IV-E | Master Concept Plan (Option 1) [34-373(a)(6)a.] |
| | 10 | 10 | 10 | IV-F | Master Concept Plan (Option 2) [34-373(a)(6)b.] |
| | 1 | 1 | 1 | | 11 inch by 17 inch copy of the Master Concept Plan |
| | 10 | 10 | 10 | IV-G | Schedule of Uses [34-373(a)(6)a.3. or b.3 and 34-373(a)(7)] |
| | 10 | 10 | 10 | IV-H | Schedule of Dev. & Justification [34-373(a)(6)a.9 or b.9 & |
| | 4 | - | - | IV-I | Surface Water Management Plan [34-373(b)(1)] |
| | 4 | - | - | IV-J | Protected Species Management Plan [34-373(b)(2)] |
| | 10 | 10 | 0 | IV-K | Program for phased development (if applicable) [34- |
| | 10 | 10 | 10 | IV-L | Haz. Mat Emer Plan (if applicable) [34-202(b)(4)] |
| | - | 4 | - | IV-M | Mobile Home Park Rezoning Information [34-373(d)] |

PART V

AFFIDAVIT

I, Beverly Grady, on behalf of Roetzel & Andress, a legal professional association, for Mid Island Marina, Inc., certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize 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.

Beverly Grady
Signature of Owner or Owner-authorized Agent

Beverly Grady, on behalf of Roetzel & Andress,
a legal professional association, for Mid Island Marina, Inc.
Typed or printed name and title

10-24-00

Date

RECEIVED
OCT 31 2000

PERMIT COUNTER

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 24th day of October, 2000, by BEVERLY GRADY, who is personally known to me.

(SEAL)



Sandra E. Noble
Commission # CC 928983
Expires April 17, 2004
Bonded Thru
Atlantic Bonding Co., Inc.

Sandra E. Noble
Signature of notary public

SANDRA E. NOBLE
Printed name of notary public

OCI 2000-00078

RECEIVED
OCT 31 2000

LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT
TOWN OF FORT MYERS BEACH

PERMIT COUNTER

The undersigned does hereby swear or affirm that it is the fee simple title holder and owner of record of property commonly known as 4791 ESTERO BOULEVARD, FORT MYERS BEACH, FL 33931, and legally described in exhibit A attached hereto. We hereby designate BEVERLY GRADY, on behalf of Roetzel & Andress, a legal professional association and Mid-Island Beach Marina, Inc., as the legal representatives of the property for this purpose, and as such, authorizes the filing of an application to amend the CPD approved pursuant to Resolution No. 98-11 to permit the owner of the Marina and Restaurant referenced in the subject resolution regarding access to and also place a sign on the CPD as specified in the sign easement by the legal description of the area attached as Exhibit "B".

These representatives will remain the only entities to authorize the above development activity on the property until such time as a new or amended authorization is delivered to Lee County.

PUBLIX SUPER MARKETS, INC.

BY: _____

PRINTED NAME: _____

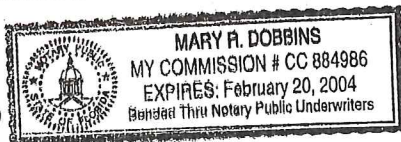
John Frazier
Vice President
Real Estate

TITLE: _____

STATE OF FLORIDA
COUNTY OF Polk

The foregoing instrument was acknowledged before me this 23rd day of October, 2000, by John Frazier, as Vice President, of PUBLIX SUPER MARKETS, INC., who is personally known to me or who has produced _____ as identification.

(SEAL)



Mary R. Dobbins
Signature of Notary Public

*If more than one owner then all owners must sign. See explanation on back.



DCI 2000-00078

EXPLANATORY NOTES

Where there is more than one owner, either legal or equitable, then all such owners must jointly initiate the application. Exceptions to this are:

- 1) It is not required that both husband and wife initiate the application on private real property owned by them.
- 2) Where the property is subject to a land trust agreement, the trustee may initiate the application.
- 3) Where the fee owner is a corporation, any duly authorized corporate official may initiate the application.
- 4) Where the fee owner is a partnership, the general partner may initiate the application.
- 5) Where the fee owner is an association, the association may appoint an agent to initiate the application on behalf of the association.
- 6) Where the property is a condominium or time-share condominium, refer to Sec. 34-201(a)(1)b. for rules.
- 7) Where the property is a subdivision, refer to Sec. 34-201(a)(1)c. for rules.
- 8) Rezoning initiated by the Board of County Commissioners on property not owned by the county.

IMAGE01 : FL-00-24983-2 10/04/2000 11:47:52am

Page 1 of 3

15.00
1139.40
4406.40

Prepared By:
Thomas B. Moorey, Esq.
1470 Royal Palm So. Blvd., #103
Fort Myers, FL 33919

Parcel ID Number: 28-46-24-W4-00001.0030**WARRANTY DEED**This Indenture, made this 22 day of June, 1999 Between

James Figuerado, Jr. and Deborah Figuerado, Husband and Wife,
of the County of Lee, State of Florida, Grantor, and

Public Super Markets, Inc., a Florida corporation,

whose address is: P.O. Box 407 LAKELAND FL. 33802
of the County of Polk, State of Florida, Grantee.

WITNESSETH that the Grantors, for and in consideration of the sum of _____ Dollars
Ten and no/100

and other good and valuable consideration to Grantors in hand paid by Grantee, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said Grantee and Grantee's heirs and assigns forever, the following described land, situate, lying and being in the County of Lee, State of Florida, to wit:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 23,
TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE WESTERLYMOST CORNER OF LOT 6, BLOCK "A" OF HOLIDAY SHORES
SUBDIVISION AS RECORDED IN PLAT BOOK 9 AT PAGE 33 OF THE PUBLIC RECORDS
OF LEE COUNTY, FLORIDA, ALSO BEING A POINT ON THE NORTHEASTERLY RIGHT-OF-
WAY LINE OF ESTERO BOULEVARD (STATE ROAD 865), 32.5 FEET FROM THE
CENTERLINE OF ESTERO BOULEVARD; THENCE RUN N 49°57'33"W, ALONG SAID
NORTHEASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 193.10 FEET; THENCE RUN
N 20°45'47"E FOR A DISTANCE OF 596.34 FEET; THENCE RUN S 51°46'07"E FOR A
DISTANCE OF 374.01 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID
HOLIDAY SHORES SUBDIVISION; THENCE RUN S 38°13'53"W ALONG THE
NORTHWESTERLY LINE OF SAID HOLIDAY SHORES SUBDIVISION, FOR A DISTANCE
OF 575.00 FEET TO THE POINT OF BEGINNING, CONTAINING 3.736 ACRES, MORE OR
LESS.

Subject to all matters listed on attached Exhibit "A" without intending to reimpose same.

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

In Witness Whereof, the Grantors have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:

Nancy E. Phoner
Witness Signature
NANCY E. AISNER

Barbara M. Dodson
Witness Signature
BARBARA M. DODSON
Witness Printed Name

James Figuerado, Jr.
James Figuerado, Jr.

Deborah Figuerado
Deborah Figuerado

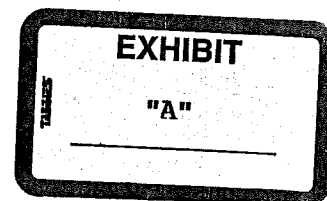


IMAGE01 : FL-00-24983-2 10/04/2000 11:47:52am

Page 2 of 3

02 5X 03161 PG 2221

Warranty Deed
Page 2

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 22 day of June, 1999 by
James Figuerado, Jr. and Deborah Figuerado, Husband and Wife, who are personally known to me or who provided
_____ as identification.

James E. Phelan
Notary Public
My Commission Expires:



IMAGE01 : FL-00-24983-2 10/04/2000 11:47:52am

Page 3 of 3

OR BE 60161 PG 2222

Warranty Deed
Page 3

SCHEDULE "A"

1. Taxes for the year 1999 and subsequent years.
2. Zoning and any other ordinances of a local governmental authority.
3. Any claim that any part of said land is owned by the State of Florida by right of sovereignty.
4. Subject land lies within the boundaries of the Fort Myers Beach Sewer District and is subject to any acts or future assessments thereof.
5. Resolution No. 78-3-16 as recorded in O.R. Book 1438, Page 1739, Public Records of Lee County, Florida.
6. Lee County Ordinance No. 86-14 as recorded in O.R. Book 2169, Page 3281; and amended by Ordinance No. 86-38 as recorded in O.R. Book 2169, Page 3334, Public Records of Lee County, Florida.
7. Agreement by and between Mid Island Marine, Inc. and the State of Florida, Department of Environmental Regulation, recorded in O.R. Book 2118, Page 358, Public Records of Lee County, Florida.
8. Notice of Development Order recorded in O.R. Book 2201, Page 4157, Public Records of Lee County, Florida.
9. Exclusive and Perpetual Water Pipeline Easement Grant recorded in O.R. Book 2721, Page 352, public Records of Lee County, Florida.

PROPERTY DESCRIPTION
A 5-FOOT WIDE SIGN EASEMENT

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 48 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE WESTERLYMOST CORNER OF LOT 6, BLOCK "A" OF HOLIDAY SHORES SUBDIVISION AS RECORDED IN PLAT BOOK 9, AT PAGE 33 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ALSO BEING A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD (COUNTY ROAD 885), 32.50 FEET FROM THE CENTERLINE OF ESTERO BOULEVARD; THENCE RUN N 49°57'33" W, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 75.54 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE CONTINUE N 49°57'33" W, ALONG SAID NORTHERLY RIGHT-OF-WAY OF ESTERO BOULEVARD, FOR A DISTANCE OF 5.00 FEET; THENCE RUN N 38°13'53" E FOR A DISTANCE OF 25.00 FEET; THENCE RUN S 49°57'33" E FOR A DISTANCE OF 5.00 FEET; THENCE RUN S 38°13'53" W FOR A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED CONTAINING 123 SQUARE FEET, MORE OR LESS.

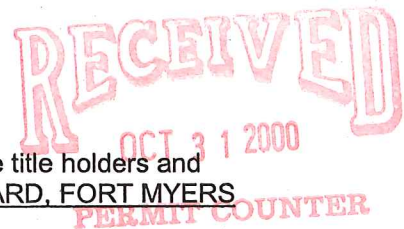
BEARINGS SHOWN HEREON REFER TO THE NORTHWESTERLY LINE OF HOLIDAY SHORES SUBDIVISION AS RECORDED IN PLAT BOOK 9, AT PAGE 33 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS BEING N 38°13'53"E.

EXHIBIT

"B"

EXHIBIT I-B-4
COVENANT OF UNIFIED CONTROL

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as 4765 ESTERO BOULEVARD, FORT MYERS BEACH, FL 33931 legally described in exhibit A attached hereto.



The property described herein is the subject of an application to amend the CPD specifically regarding the sign easement. We hereby designate MID-ISLAND BEACH MARINA, INC. and BEVERLY GRADY, on behalf of Roetzel & Andress, a legal professional association, as the legal representative of the property for this purpose, and as such, is authorized to legally bind all owners of the property in the course of seeking the necessary approvals in the filing of an application to amend the CPD approved pursuant to Resolution No. 98-11 to permit the owner of the Marina and Restaurant referenced in the subject resolution regarding access to and also place a sign on the CPD as specified in the sign easement by the legal description of the area attached as Exhibit "B". This representative will remain the only entity to authorize the above development activity on the property until such time as a new or amended authorization is delivered to Lee County.

The undersigned recognize the following and will be guided accordingly in the pursuit of development of the project:

1. The property will be developed and used in conformity with the approved master concept plan including all conditions placed on the development and all commitments agreed to by the applicant in connection with the planned development rezoning.
2. The legal representative identified herein is responsible for compliance with all terms, conditions, safeguards, and stipulations made at the time of approval of the master concept plan, even if the property is subsequently sold in whole or in part, unless and until a new or amended covenant of unified control is delivered to and recorded by Lee County.
3. A departure from the provisions of the approved plans or a failure to comply with any requirements, conditions, or safeguards provided for in the planned development process will constitute a violation of the Land Development Code.
4. All terms and conditions of the planned development approval will be incorporated into covenants and restrictions which run with the land so as to provide notice to subsequent owners that all development activity within the planned development must be consistent with those terms and conditions.
5. So long as this covenant is in force, Lee County can, upon the discovery of noncompliance with the terms, safeguards, and conditions of the planned development, seek equitable relief as necessary to compel compliance. The County will not issue permits, certificates, or licenses to occupy or use any part of the planned development and the County may stop ongoing construction activity until the project is brought into compliance with all terms, conditions and safeguards of the planned development.

PUBLIX SUPER MARKETS, INC..

BY: 

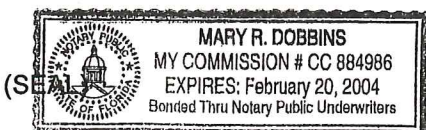
PRINTED NAME: John Frazier

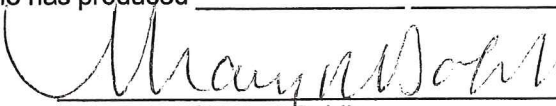
Vice President
Real Estate

TITLE: _____

STATE OF FLORIDA
COUNTY OF Polk

The foregoing instrument was acknowledged before me this 23rd day of October, 2000, by John Frazier, as Vice President, of PUBLIX SUPER MARKETS, INC., who is personally known to me or who has produced _____ as identification.




Signature of Notary Public



DCI 2000-00078

IMAGE01 : FL-00-24983-2 10/04/2000 11:47:52am

Page 1 of 3

15.00 R
1139.00
4406.80

Prepared By:
Thomas B. Moorey, Esq.
1430 Royal Palm So. Blvd., #103
Fort Myers, FL 33919

(RECORDED & INDEXED)

INSTR # 4741635

OR BK 03161 PG 2220

RECORDED 10/25/99 8:13 PM

CHARLIE GREEN CLERK OF COURT

LEE COUNTY

RECORDING FEE 15.00

DOC TAX PD (F.S. 201.02) 11,391.80

DEPUTY CLERK C Keller

Parcel ID Number: 28-46-24-W4-00001.0030**WARRANTY DEED**

OCT.

This Indenture, made this 22 day of June, 1999 Between

James Figuerado, Jr. and Deborah Figuerado, Husband and Wife,

of the County of Lee, State of Florida, Grantor, and

Publix Super Markets, Inc., a Florida corporation,

whose address is: P.O. Box 407 LAKELAND FL. 33802
of the County of Polk, State of Florida, Grantee.

WITNESSETH that the Grantors, for and in consideration of the sum of

Ten and no/100

Dollars

and other good and valuable consideration to Grantors in hand paid by Grantee, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said Grantee and Grantee's heirs and assigns forever, the following described land, situate, lying & being in the County of Lee, State of Florida, to wit:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE WESTERLYMOST CORNER OF LOT 6, BLOCK "A" OF HOLIDAY SHORES SUBDIVISION AS RECORDED IN PLAT BOOK 9 AT PAGE 33 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ALSO BEING A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD (STATE ROAD 865), 32.5 FEET FROM THE CENTERLINE OF ESTERO BOULEVARD; THENCE RUN N 49°57'33"W, ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 195.10 FEET; THENCE RUN N 20°45'47"E FOR A DISTANCE OF 596.34 FEET; THENCE RUN S 51°46'07"E FOR A DISTANCE OF 374.01 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID HOLIDAY SHORES SUBDIVISION; THENCE RUN S 38°13'53"W ALONG THE NORTHWESTERLY LINE OF SAID HOLIDAY SHORES SUBDIVISION, FOR A DISTANCE OF 575.00 FEET TO THE POINT OF BEGINNING, CONTAINING 3.736 ACRES, MORE OR LESS.

Subject to all matters listed on attached Exhibit "A" without intending to reimpose same.

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

In Witness Whereof, the Grantors have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:

Nancy E. Pinner
Witness Signature

NANCY E. RISNER
Printed Name

Barbara M. Dodson
Witness Signature

BARBARA M. DODSON
Witness Printed Name

James Figuerado, Jr.
James Figuerado, Jr.

Deborah Figuerado
Deborah Figuerado

EXHIBIT

"A"

IMAGE01 : FL-00-24983-2 10/04/2000 11:47:52am

Page 2 of 3

02 DE 03161 PG 2221

Warranty Deed
Page 2

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 22 day of JUNE, 1999 by
James Figuerado, Jr. and Deborah Figuerado, Husband and Wife, who are personally known to me or who provided
_____ as identification.

Nancy E. Phelan
Notary Public
My Commission Expires:

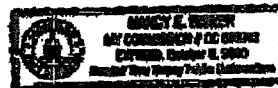


IMAGE01 : FL-00-24983-2 10/04/2000 11:47:52am

Page 3 of 3

OR SR 00101 PG 2222

Warranty Deed
Page 3

SCHEDULE "A"

1. Taxes for the year 1999 and subsequent years.
2. Zoning and any other ordinances of a local governmental authority.
3. Any claim that any part of said land is owned by the State of Florida by right of sovereignty.
4. Subject land lies within the boundaries of the Fort Myers Beach Sewer District and is subject to any acts or future assessments thereof.
5. Resolution No. 78-3-16 as recorded in O.R. Book 1438, Page 1739, Public Records of Lee County, Florida.
6. Lee County Ordinance No. 86-14 as recorded in O.R. Book 2189, Page 3281; and amended by Ordinance No. 86-38 as recorded in O.R. Book 2189, Page 3334, Public Records of Lee County, Florida.
7. Agreement by and between Mid Island Marine, Inc. and the State of Florida, Department of Environmental Regulation, recorded in O.R. Book 2118, Page 358, Public Records of Lee County, Florida.
8. Notice of Development Order recorded in O.R. Book 2201, Page 4157, Public Records of Lee County, Florida.
9. Exclusive and Perpetual Water Pipeline Easement Grant recorded in O.R. Book 2721, Page 358, public Records of Lee County, Florida.

*** VARIANCE REPORT ***

*** Prepared By ***
*** LEE COUNTY PROPERTY APPRAISER ***
*** Kenneth M. Wilkinson ***

Page 1 of 8

DATE OF REPORT : 23OCT00
SUBJECT PROPERTY : 28-46-24-W4-00001.0040
VARIANCE DISTANCE : 375(ft)
PARCELS AFFECTED : 30

RECEIVED
OCT 31 2000
PERMIT COUNTER

28-46-24-W4-00001.0040

PAR IN SW 1/4 DESC
OR 3181 PG 2220

***** OWNER *****
PUBLIX SUPER MARKETS INC

***** SITE *****

P O BOX 407

4791 ESTERO BLVD

LAKELAND

FL 33931

FORT MYERS BEACH

33931

28-46-24-W4-00001.0030

PARL IN SW 1/4 DESC OR 328
0 PG 2023

***** OWNER *****
MID-ISLAND BEACH MARINA INC

***** SITE *****

4765 ESTERO BLVD

4761/4765 ESTERO BLVD

FT MYERS BCH

FL 33931

Fort Myers Beach

33931

28-46-24-W4-0010A.0070

HOLIDAY SHORES BLK A PB 9
PG 33 LOT 7 + NWLRY 13.5
FT OF LOT 8

***** OWNER *****
GRATKOWSKI WALTER F + HELEN M

***** SITE *****

4838 CORAL RD

4838 CORAL RD

FT MYERS BEACH

FL 33931

Fort Myers Beach

33931

28-46-24-W4-0010A.0080

HOLIDAY SHORES BLK A PB 9
PG 33 LOT 8 SWLRY 39.5 F
T + LOT 9

***** OWNER *****
HICKERSON RALPH C + TEENA M

***** SITE *****

68 GULF BLVD

4830 CORAL RD

INDIAN ROCKS BEACH

FL 33785

Fort Myers Beach

33931

DCI 2000-00078

EXHIBIT

I-B-5

 *** VARIANCE REPORT ***

 *** Prepared By ***
 *** LEE COUNTY PROPERTY APPRAISER ***
 *** Kenneth M. Wilkinson ***

DATE OF REPORT : 23OCT00
 SUBJECT PROPERTY : 28-46-24-W4-00001.0040
 VARIANCE DISTANCE : 375(ft)
 PARCELS AFFECTED : 30

 28-46-24-W4-0010B.0010

HOLIDAY SHORES BLK B
 PB 9 PG 33 LOT 1.

***** OWNER *****
 HENNEBERGER NANCY S TR

***** SITE *****

313 BAYLAND ROAD

313 BAYLAND RD

FT MYERS BEACH FL 33931

Fort Myers Beach
 33931

 28-46-24-W4-0010B.0020

HOLIDAY SHORES BLK B
 PB 9 PG 33 LOT 2.

***** OWNER *****
 GOODBREAD STEVEN + LESLEY

***** SITE *****

17660 BROADWAY AV

4871 CORAL RD

FT MYERS BEACH FL 33931

Fort Myers Beach
 33931

 28-46-24-W4-0010B.0030

HOLIDAY SHORES BLK B
 PB 9 PG 33 LOT 3

***** OWNER *****
 WELSH FRANK W + DONNA J

***** SITE *****

125 MANGO ST

4841 CORAL RD

FT MYERS FL 33931

Fort Myers Beach
 33931

 28-46-24-W4-0010B.0040

HOLIDAY SHORES BLK.B
 PB 9 PG 33 LOT 4

***** OWNER *****
 COOK DONALD W +

***** SITE *****

623 CONCORD AVE

4831 CORAL RD

BOULDER CO 80304

Fort Myers Beach
 33931

 *** VARIANCE REPORT ***

 *** Prepared By ***
 *** LEE COUNTY PROPERTY APPRAISER ***
 *** Kenneth M. Wilkinson ***

DATE OF REPORT : 23OCT00
 SUBJECT PROPERTY : 28-46-24-W4-00001.0040
 VARIANCE DISTANCE : 375(ft)
 PARCELS AFFECTED : 30

 28-46-24-W4-0010B.0050

HOLIDAY SHORES BLK B
 PB 9 PG 33 LOT 5

***** OWNER *****
 MORRISON JAMES K + SARAH S

***** SITE *****

4821 CORAL ST

4821 CORAL RD

FT MYERS BEACH FL 33931

Fort Myers Beach
 33931

 28-46-24-W4-0010B.0060

HOLIDAY SHORES BLK B PB 9
 PG 33 LOT 6

***** OWNER *****
 MACLEOD KATHRYN +

***** SITE *****

4811 CORAL RD

4811 CORAL RD

FORT MYERS BEACH FL 33931

Fort Myers Beach
 33931

 28-46-24-W4-0010B.0070

HOLIDAY SHORES BLK B
 PB 9 PG 33 PT LOT 8 ALL 7

***** OWNER *****
 SMALLWOOD GARY DEAN +

***** SITE *****

12740 EQUESTRIAN #2908

4810 COQUINA RD

FORT MYERS FL 33907

Fort Myers Beach
 33931

 28-46-24-W4-0010B.0080

HOLIDAY SHORES BLK.B
 PB 9 PG 33 LOTS PT 8 + 9

***** OWNER *****
 RAYMOND ROBERT L + DONNA M.

***** SITE *****

5 TSIENNETO RD #100

4830 COQUINA RD

DERRY NH 03038

Fort Myers Beach
 33931

 *** VARIANCE REPORT ***

 *** Prepared By ***
 *** LEE COUNTY PROPERTY APPRAISER ***
 *** Kenneth M. Wilkinson ***

DATE OF REPORT : 23OCT00
 SUBJECT PROPERTY : 28-46-24-W4-00001.0040
 VARIANCE DISTANCE : 375 (ft)
 PARCELS AFFECTED : 30

 28-46-24-W4-0010B.0090

HOLIDAY SHORES BLK B
 PB 9 PG 33 LOTS PT 9 + 10

***** OWNER *****
 WHYTE JEANNE A

***** SITE *****

4850 COQUINA RD

4850 COQUINA RD

FT MYERS BEACH FL 33931

Fort Myers Beach
 33931

 28-46-24-W4-0010B.0110

HOLIDAY SHORES BLK.B
 PB 9 PG 33 LOT 11 + SELY
 34 FT LOT 10

***** OWNER *****
 STOUT FRANCES R

***** SITE *****

4870 COQUINA RD

4870 COQUINA RD

FT MYERS BEACH FL 33931

Fort Myers Beach
 33931

 28-46-24-W4-0010B.0120

HOLIDAY SHORES BLK B
 PB 9 PG 33 LOT 12

***** OWNER *****
 OCONNELL MAURICE

***** SITE *****

4880 COQUINA RD

4880 COQUINA RD

FT MYERS BEACH FL 33931

Fort Myers Beach
 33931

 28-46-24-W4-0010B.0130

HOLIDAY SHORES BLK B
 PB 9 PG 33 LOT 13

***** OWNER *****
 HICKERSON RALPH C +TEENA M

***** SITE *****

68 GULF BLVD

4809 CORAL RD

INDIAN ROCKS BEACH FL 33785

Fort Myers Beach
 33931

 *** VARIANCE REPORT ***

 *** Prepared By ***
 *** LEE COUNTY PROPERTY APPRAISER ***
 *** Kenneth M. Wilkinson ***

Page 5 of 8

DATE OF REPORT : 23OCT00
 SUBJECT PROPERTY : 28-46-24-W4-00001.0040
 VARIANCE DISTANCE : 375(ft)
 PARCELS AFFECTED : 30

 28-46-24-W4-0010C.0010

HOLIDAY SHORES BLK C
 PB 9 PG 33 LOT 1.

***** OWNER *****
 SIMMONS CARLEEN J

***** SITE *****

315 BAYLAND RD

315 BAYLAND RD

FT MYERS BCH FL 33931

Fort Myers Beach
 33931

 28-46-24-W4-0010C.0020

HOLIDAY SHORES BLK C
 PB 9 PG 33 LOT 2

***** OWNER *****
 PARMER ANITA G

***** SITE *****

4870 DOLPHIN LN

4870 DOLPHIN LN

FT MYERS BEACH FL 33931

Fort Myers Beach
 33931

 28-46-24-W4-0010C.0030

HOLIDAY SHORES BLK C
 PB 9 PG 33 LOT 3.

***** OWNER *****
 ZUBEK DONALD R + ELAINE M

***** SITE *****

4861 COQUINA RD

4861 COQUINA RD

FT MYERS BEACH FL 33931

Fort Myers Beach
 33931

 28-46-24-W4-0010C.0040

HOLIDAY SHORES BLK.C
 PB 9 PG 33 LOT 4

***** OWNER *****
 SEYMOUR JANET G

***** SITE *****

4841 COQUINA RD

4841 COQUINA RD

FT MYERS BEACH FL 33931

Fort Myers Beach
 33931

 *** VARIANCE REPORT ***

 *** Prepared By ***
 *** LEE COUNTY PROPERTY APPRAISER ***
 *** Kenneth M. Wilkinson ***

Page 6 of 8

DATE OF REPORT : 23OCT00
 SUBJECT PROPERTY : 28-46-24-W4-00001.0040
 VARIANCE DISTANCE : 375(ft)
 PARCELS AFFECTED : 30

 28-46-24-W4-0010C.0050

HOLIDAY SHORES BLK.C
 PB 9 PG 33 LOT 5

***** OWNER *****
 ROSA CHESTER B

***** SITE *****

EASTMAN BERNARDINE R J/T
 PO BOX 66441
 SAINT PETERSBURG FL 33736

4831 COQUINA RD
 Fort Myers Beach
 33931

 28-46-24-W4-0010C.0060

HOLIDAY SHORES BLK C
 PB 9 PG 33 LOT 6.

***** OWNER *****
 CALLAHAN MARGARET

***** SITE *****

P O BOX 13131
 LAS VEGAS NV 89112

4811 COQUINA RD
 Fort Myers Beach
 33931

 28-46-24-W4-0010D.0010

HOLIDAY SHORES BLK D PB 9
 PG 33 LOT 1 LESS PARL .0
 01A

***** OWNER *****
 FREEMAN PHILIP E + NADINE M

***** SITE *****

375 BAYLAND RD
 FT MYERS BEACH FL 33931

375 BAYLAND RD
 Fort Myers Beach
 33931

 28-46-24-W4-0010D.001A

HOLIDAY SHORES BLK D PB 9
 PG 33 NLY PT LOT 1 PER S
 ERVEY

***** OWNER *****
 HORNACK R M + CAROL J

***** SITE *****

395 BAYLAND RD
 FT MYERS BCH FL 33931

395 BAYLAND RD
 Fort Myers Beach
 33931

PROPERTY DESCRIPTION
A 5-FOOT WIDE SIGN EASEMENT

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 48 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE WESTERLYMOST CORNER OF LOT 6, BLOCK "A" OF HOLIDAY SHORES SUBDIVISION AS RECORDED IN PLAT BOOK 9, AT PAGE 33 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ALSO BEING A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD (COUNTY ROAD 883), 32.50 FEET FROM THE CENTERLINE OF ESTERO BOULEVARD; THENCE RUN N 49°57'33" W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 75.54 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE CONTINUE N 49°57'33" W. ALONG SAID NORTHERLY RIGHT-OF-WAY OF ESTERO BOULEVARD, FOR A DISTANCE OF 5.00 FEET; THENCE RUN N 38°13'53" E FOR A DISTANCE OF 25.00 FEET; THENCE RUN S 49°57'33" E FOR A DISTANCE OF 5.00 FEET; THENCE RUN S 38°13'53" W FOR A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED CONTAINING 125 SQUARE FEET, MORE OR LESS.

BEARINGS SHOWN HEREON REFER TO THE NORTHWESTERLY LINE OF HOLIDAY SHORES SUBDIVISION AS RECORDED IN PLAT BOOK 9, AT PAGE 33 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS BEING N 38°13'53"E.

EXHIBIT

"B"

 *** VARIANCE REPORT ***

 *** Prepared By ***
 *** LEE COUNTY PROPERTY APPRAISER ***
 *** Kenneth M. Wilkinson ***

DATE OF REPORT : 23OCT00
 SUBJECT PROPERTY : 28-46-24-W4-00001.0040
 VARIANCE DISTANCE : 375 (ft)
 PARCELS AFFECTED : 30

 28-46-24-W4-02600.000A

OCEAN HARBOR CONDO DESC O
 R 2265 PG 538

***** OWNER *****
 OCEAN HARBOR CONDO

***** SITE *****

4741 ESTERO BLVD

0

HDR: OCEAN HARBOR

FT MYERS BEACH FL 33931

Fort Myers Beach

33931

 28-46-24-W4-02700.000A

OCEAN HARBOR YACHT CLUB D
 ESC OR 2265-0538 + OR 229
 7-4720

***** OWNER *****
 OCEAN HARBOR YACHT CLUB

***** SITE *****

4745-4753 ESTERO BLVD

0

HDR: OCEAN HARBOR

FT MYERS BEACH FL 33931

Fort Myers Beach

33931

 *** END OF REPORT ***

DCI 2000-00078

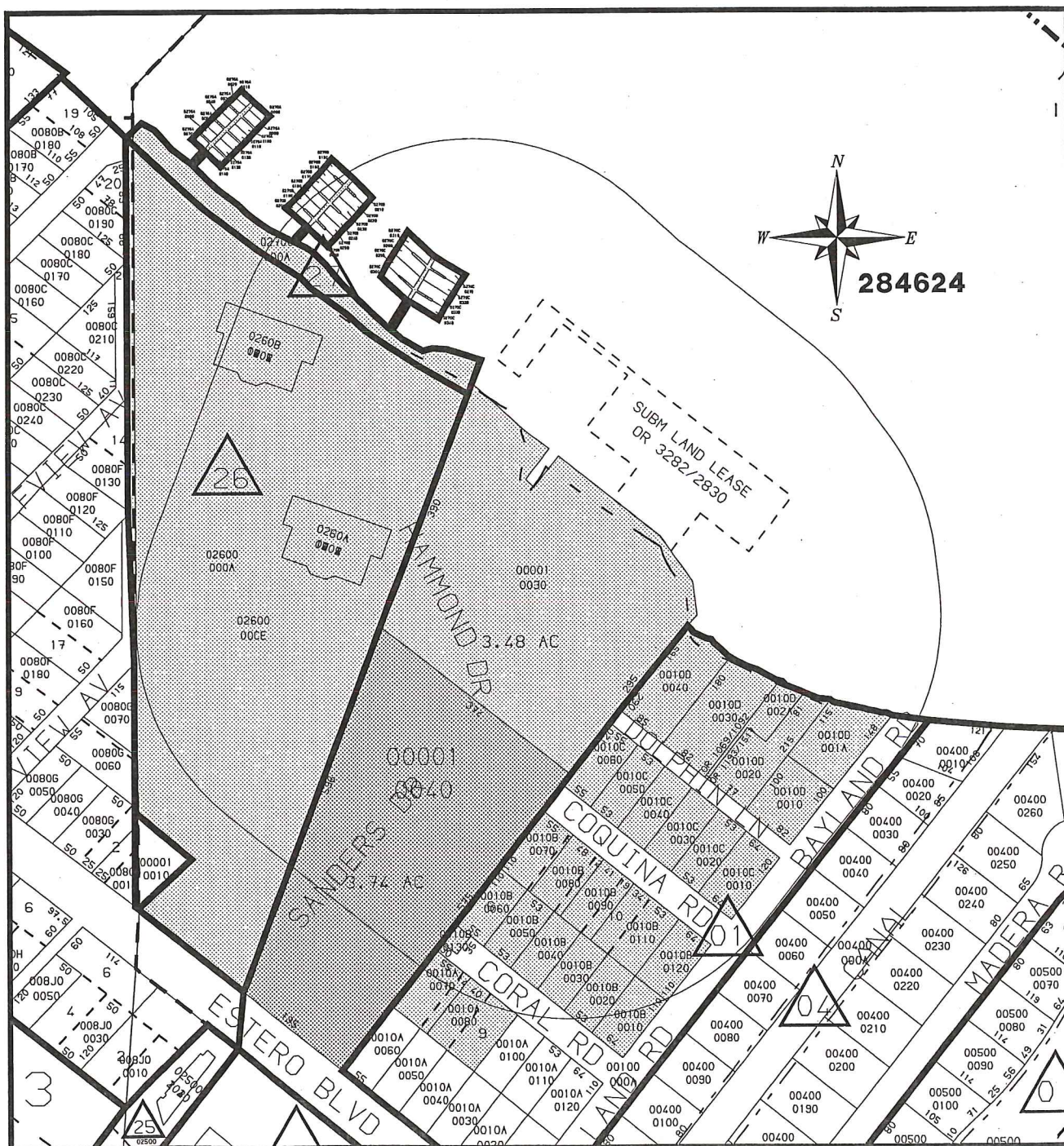


EXHIBIT I-F
DISCLOSURE OF INTEREST FORM FOR:

RECEIVED
OCT 31 2000
PERMIT COUNTER

STRAP NO. 28-46-24-W4-00001.0040 CASE NO. _____

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

Name and Address

Percentage of Ownership

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

Name, Address, and Office

Percentage of Stock

WILLIAM E. CRENSHAW, 1936 GEORGE JENKINS BLVD., PRESIDENT
HOWARD JENKINS, 1936 GEORGE JENKINS BLVD., CEO
JOHN A. ATTAWAY, JR, 1936 GEORGE JENKINS BLVD, CS
DAVID P. PHILLIPS, 1936 GEORGE JENKINS BLVD., CFOT
CHARLES H. JENKINS, JR., 1936 GEORGE JENKINS BLVD., VCEO
ALL OF THE ABOVE, LOCATED AT 1936 GEORGE JENKINS BLVD.
LAKELAND, FL 33801

Less Than 1%
5.77%
Less Than 1%
Less Than 1%
Less Than 1%

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

Name and Address

Percentage of Interest

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

Name and Address

Percentage of Ownership

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(over)

DCI 2000-00078

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

Name, Address, & Office(if applicable)

Percentage of Stock

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PERMIT COUNTER

Date of Contract: _____

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

Name and Address

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

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

PUBLIX SUPER MARKETS, INC.

BY: _____

PRINTED NAME: John Frazier
Vice President
Real Estate

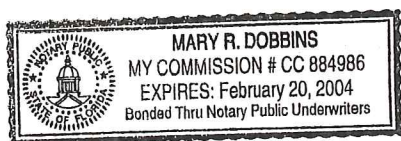
TITLE: _____

STATE OF FLORIDA
COUNTY OF Polk

The foregoing instrument was acknowledged before me this 23rd day of October, 2000, by John Frazier, as Vice President, of PUBLIX SUPER MARKETS, INC., who is personally known to me or who has produced _____ as identification.

Mary R. Dobbins
Signature of Notary Public

(SEAL)



DCI 2000-00078

LEGAL DESCRIPTION: In Section 28, Township 46 South, Range 24 East, Lee County, Florida:

A parcel of land located in the Southwest Quarter (SW¼) of Section 28, Township 46 South, Range 24 East, Lee County, Florida, more particularly described as follows:

Begin at the Westerlymost corner of Lot 6, Block "A" of HOLIDAY SHORES SUBDIVISION as recorded in Plat Book 9 at Page 33 of the Public Records of Lee County Florida, also being a point on the Northeasterly right-of-way line of Estero Boulevard (State Road 865) 32.5 feet from the centerline of Estero Boulevard;

THENCE run N49°57'33"W along said Northeasterly right-of-way line for a distance of 195.10 feet;

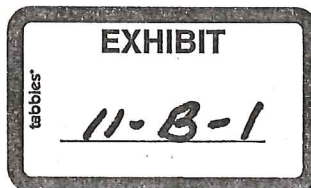
THENCE run N20°45'47"E for a distance of 596.34 feet;

THENCE run S51°46'07"E for a distance of 374.01 feet to a point on the Northwestern line of said HOLIDAY SHORES SUBDIVISION;

THENCE run S38°13'53"W along the Northwestern line of said HOLIDAY SHORES SUBDIVISION for a distance of 575.00 feet to the POINT OF BEGINNING.

Containing 3.736 acres, more or less.

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OCT 31 2000
PERMIT COUNTER



DCI 2000-00078



LEE COUNTY

COPY

REQUEST FOR PUBLIC HEARING SUBMITTAL REQUIREMENT WAIVER

Upon written request, the director may modify the submittal requirements for Public Hearings where it can be clearly demonstrated that the submission will have no bearing on the review and processing of the application. The request and the director's written response must accompany the application submitted and will become a part of the permanent file.

APPLICATION FOR WAIVER OF SUBMITTAL ITEMS REQUIRED FOR PUBLIC HEARING

Public Hearing - General Requirements (34-202)

Public Hearing - Additional requirements for:

Development of Regional Impact (34-203(a))

☒ Planned Developments (34-203(b))

Rezoning other than Planned Developments (34-203 (c))

Mobile Home Park (34-203(d))

Special Exception (34-203(e))

Variances (34-203(f))

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OCT 31 2000

PERMIT COUNTER

PLEASE PRINT OR TYPE:

STRAP Number: 24-46-24-W4-00001.0040

Name of Project: PUBLIX SUPER MARKET, INC. CPD

Name of Applicant*: Beverly Grady, Roetzel & Andress, a legal professional association, on behalf of Publix Super Market, Inc. CPD

Street Address: 2320 First Street, Suite 1000

| | | |
|-------------------------|-----------------------|------------|
| City: Fort Myers | State: FL | Zip: 33901 |
| Phone #: (941) 337-3850 | Fax #: (941) 337-0970 | E-mail: |

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

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

| Section Number | Requirement |
|------------------|---------------------------------|
| 34-373(a)(6)b.10 | Zoning Traffic Impact Statement |
| | |
| | |

Over

EXHIBIT

111-C

OCI 2000-00078

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

SCOPE OF PROJECT AND REASON(s) FOR REQUEST

Please provide an explanation of the scope of the project and the reason(s) why you think the request for submittal waiver should be approved. Use additional sheets if necessary.

(Please print or type)

This is an amendment to a CPD to ask for a sign relief and have no traffic impact

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


Beverly Grady, Roetzel & Andress, a legal professional assoc. on behalf of Publix Super Market, Inc.

Signature of Applicant:

Directors Decision:

Request Approved

Request Denied

Comments:

Signature:

Date:

78069_1

.. LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT
TOWN OF FORT MYERS BEACH

The undersigned does hereby swear or affirm that it is the fee simple title holder and owner of record of property commonly known as 4791 ESTERO BOULEVARD, FORT MYERS BEACH, FL 33931, and legally described in exhibit A attached hereto. We hereby designate BEVERLY GRADY, on behalf of Roetzel & Andress, a legal professional association and Mid-Island Beach Marina, Inc., as the legal representatives of the property for this purpose, and as such, authorizes the filing of an application to amend the CPD approved pursuant to Resolution No. 98-11 to permit the owner of the Marina and Restaurant referenced in the subject resolution regarding access to and also place a sign on the CPD as specified in the sign easement by the legal description of the area attached as Exhibit "B".

These representatives will remain the only entities to authorize the above development activity on the property until such time as a new or amended authorization is delivered to Lee County.

PUBLIX SUPER MARKETS, INC.

BY: _____

PRINTED NAME: _____

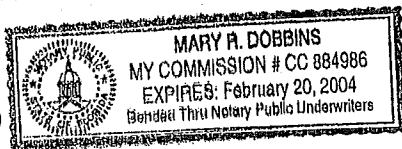
John Frazier
Vice President
Real Estate

TITLE: _____

STATE OF FLORIDA
COUNTY OF Polk

The foregoing instrument was acknowledged before me this 23rd day of October, 2000, by John Frazier, as Vice President, of PUBLIX SUPER MARKETS, INC., who is personally known to me or who has produced _____ as identification.

(SEAL)



Mary R. Dobbins
Signature of Notary Public

*If more than one owner then all owners must sign. See explanation on back.

EXPLANATORY NOTES

Where there is more than one owner, either legal or equitable, then all such owners must jointly initiate the application. Exceptions to this are:

- 1) It is not required that both husband and wife initiate the application on private real property owned by them.
- 2) Where the property is subject to a land trust agreement, the trustee may initiate the application.
- 3) Where the fee owner is a corporation, any duly authorized corporate official may initiate the application.
- 4) Where the fee owner is a partnership, the general partner may initiate the application.
- 5) Where the fee owner is an association, the association may appoint an agent to initiate the application on behalf of the association.
- 6) Where the property is a condominium or time-share condominium, refer to Sec. 34-201(a)(1)b. for rules.
- 7) Where the property is a subdivision, refer to Sec. 34-201(a)(1)c. for rules.
- 8) Rezoning initiated by the Board of County Commissioners on property not owned by the county.

IMAGE01 : FL-00-24983-2 10/04/2000 11:47:52am

Page 1 of 3

15.00
1139.10
11/02/00

RECORDED

INDEX 6 4741635

CR BK 03161 PG 2220

RECORDED 10/25/99 11:43 AM

DANIEL GREEN CLERK OF COURT

LEE COUNTY

RECORDING FEE 15.00

DIS TAX PD (F.S.201.02) 11,391.00

DEPUTY CLERK C. Kellner

Prepared By:
Thomas B. Moorey, Esq.
1430 Royal Palm So. Blvd., #103
Fort Myers, FL 33919

Parcel ID Number: 28-46-24-W4-00001.0030**WARRANTY DEED**

OCT.

This Indenture, made this 22 day of June, 1999 Between

James Figuerado, Jr. and Deborah Figuerado, Husband and Wife,

of the County of Lee, State of Florida, Grantor, and

Publix Super Markets, Inc., a Florida corporation,

whose address is: P.O. Box 407 Lakeland FL 33802
of the County of Polk, State of Florida, Grantee.

WITNESSETH that the Grantors, for and in consideration of the sum of _____

Ten and no/100 _____

Dollars

and other good and valuable consideration to Grantee in hand paid by Grantee, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said Grantee and Grantee's heirs and assigns forever, the following described land, situate, lying and being in the County of Lee, State of Florida, to wit:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE WESTERLYMOST CORNER OF LOT 6, BLOCK "A" OF HOLIDAY SHORES SUBDIVISION AS RECORDED IN PLAT BOOK 9 AT PAGE 33 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ALSO BEING A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD (STATE ROAD 845), 32.5 FEET FROM THE CENTERLINE OF ESTERO BOULEVARD; THENCE RUN N 49°57'33"W, ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 193.10 FEET; THENCE RUN N 20°45'47"E FOR A DISTANCE OF 596.34 FEET; THENCE RUN S 51°46'07"E FOR A DISTANCE OF 374.01 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID HOLIDAY SHORES SUBDIVISION; THENCE RUN S 38°13'53"W ALONG THE NORTHWESTERLY LINE OF SAID HOLIDAY SHORES SUBDIVISION, FOR A DISTANCE OF 575.00 FEET TO THE POINT OF BEGINNING, CONTAINING 3.736 ACRES, MORE OR LESS.

Subject to all matters listed on attached Exhibit "A" without intending to reimpose same.

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

In Witness Whereof, the Grantors have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:

Murray E. Risner
Witness Signature

MURRAY E. RISNER
Printed Name

Barbara M. Dodson
Witness Signature

BARBARA M. DODSON
Witness Printed Name

James Figuerado, Jr.
James Figuerado, Jr.

Deborah Figuerado
Deborah Figuerado

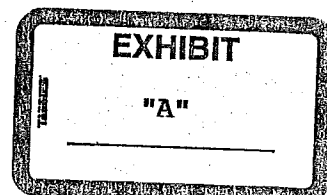


IMAGE01 : FL-00-24983-2 10/04/2000 11:47:52am

Page 2 of 3

DE BK 00181 PS 2231

Warranty Deed
Page 2

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 22 day of June, 1999 by
James Figueroa, Jr. and Deborah Figueroa, Husband and Wife, who are personally known to me or who provided
_____ as identification.

Rene E. Ponce
Notary Public
My Commission Expires:



IMAGE01 : FL-00-24983-2 10/04/2000 11:47:52am

Page 3 of 3

OR BY 00101 PG 2222

Warranty Deed
Page 3

SCHEDULE "A"

1. Taxes for the year 1999 and subsequent years.
2. Zoning and any other ordinances of a local governmental authority.
3. Any claim that any part of said land is owned by the State of Florida by right of sovereignty.
4. Subject land lies within the boundaries of the Fort Myers Beach Sewer District and is subject to any acts or future assessments thereof.
5. Resolution No. 78-3-16 as recorded in O.R. Book 1438, Page 1739, Public Records of Lee County, Florida.
6. Lee County Ordinance No. 86-14 as recorded in O.R. Book 2189, Page 3281; and amended by Ordinance No. 86-38 as recorded in O.R. Book 2189, Page 3334, Public Records of Lee County, Florida.
7. Agreement by and between Mid Island Marine, Inc. and the State of Florida, Department of Environmental Regulation, recorded in O.R. Book 2118, Page 358, Public Records of Lee County, Florida.
8. Notice of Development Order recorded in O.R. Book 2201, Page 6157, Public Records of Lee County, Florida.
9. Exclusive and Perpetual Water Pipeline Easement Grant recorded in O.R. Book 2731, Page 353, public Records of Lee County, Florida.

PROPERTY DESCRIPTION
A 5-FOOT WIDE SIGN EASEMENT

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 48 SOUTH, RANGE 28 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE WESTERLYMOST CORNER OF LOT 6, BLOCK "A" OF HOLIDAY SHORES SUBDIVISION AS RECORDED IN PLAT BOOK 9, AT PAGE 33 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ALSO BEING A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD (COUNTY ROAD 885), 32.50 FEET FROM THE CENTERLINE OF ESTERO BOULEVARD; THENCE RUN N 49°57'33" W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 75.54 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE CONTINUE N 49°57'33" W ALONG SAID NORTHERLY RIGHT-OF-WAY OF ESTERO BOULEVARD, FOR A DISTANCE OF 5.00 FEET; THENCE RUN N 38°13'53" E FOR A DISTANCE OF 25.00 FEET; THENCE RUN S 49°57'33" E FOR A DISTANCE OF 5.00 FEET; THENCE RUN S 38°13'53" W FOR A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED CONTAINING 123 SQUARE FEET, MORE OR LESS.

BEARINGS SHOWN HEREON REFER TO THE NORTHWESTERLY LINE OF HOLIDAY SHORES SUBDIVISION AS RECORDED IN PLAT BOOK 9, AT PAGE 33 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS BEING N 38°13'53" E.

EXHIBIT

"B"

Ft. Myers Beach to & from Bonita Springs

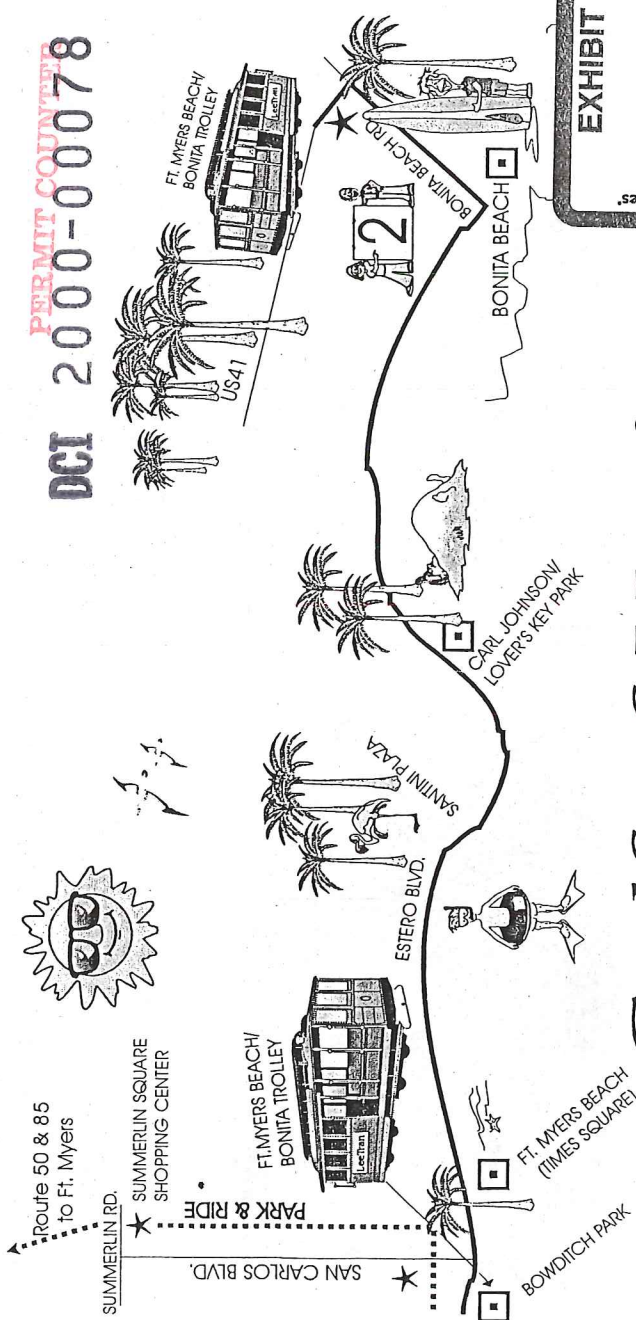
BONITA TO BOWDITCH PARK - 7 DAYS PER WEEK

BEACHES 25 ¢ TROLLEY

PARK & RIDE LOTS BEACH CONNECTION

NO SERVICE ON NEW YEAR'S DAY, MEMORIAL DAY
4TH. OF JULY, LABOR DAY, THANKSGIVING DAY
AND CHRISTMAS DAY

RECEIVED
OCT 31 2000



Gulf of Mexico

EXHIBIT
1V-A

NORTHBOUND

| Depart BONITA K-MART | GRAND VIEW | SANTINI PLAZA | Arrive BOWDITCH PARK |
|----------------------------|---------------|------------------|----------------------------|
| ----- | ----- | 6:10 | 6:30 |
| 7:30 | 7:00 | 7:05 | 7:20 |
| 8:10 | 7:50 | 7:55 | 8:10 |
| 9:05 | 8:30 | 8:35 | 8:55 |
| 9:50 | 9:25 | 9:30 | 9:50 |
| 10:45 | 10:10 | 10:15 | 10:35 |
| 11:30 | 11:05 | 11:10 | 11:30 |
| 12:25 | 11:50 | 11:55 | 12:15 |
| 1:10 | 12:45 | 12:50 | 1:10 |
| 2:05 | 1:30 | 1:35 | 1:55 |
| 2:50 | 2:25 | 2:30 | 2:50 |
| 3:45 | 3:10 | 3:15 | 3:35 |
| 4:30 | 4:05 | 4:10 | 4:30 |
| 5:25 | 4:50 | 4:55 | 5:15 |
| 6:10 | 5:45 | 5:50 | 6:10 |
| 7:05 | 6:30 | 6:35 | 6:55 |
| 7:50 | 7:25 | 7:30 | 7:50 |
| 8:45 | 8:10 | 8:15 | 8:35 |
| | 9:05 | 9:10 | 9:30 |

SOUTHBOUND

| Depart BOWDITCH PARK | SANTINI PLAZA | GRAND VIEW | Arrive BONITA K-MART |
|----------------------------|------------------|---------------|----------------------------|
| 6:35 | 6:50 | 6:55 | ---- |
| 7:20 | 7:40 | 7:45 | 8:05 |
| 8:15 | 8:35 | 8:40 | 9:00 |
| 9:00 | 9:20 | 9:25 | 9:45 |
| 9:55 | 10:15 | 10:20 | 10:40 |
| 10:40 | 11:00 | 11:05 | 11:25 |
| 11:35 | 11:45 | 12:00 | 12:20 |
| 12:20 | 12:40 | 12:45 | 1:05 |
| 1:15 | 1:35 | 1:40 | 2:00 |
| 2:00 | 2:20 | 2:25 | 2:45 |
| 2:55 | 3:15 | 3:20 | 3:40 |
| 3:40 | 4:00 | 4:05 | 4:25 |
| 4:35 | 4:55 | 5:00 | 5:20 |
| 5:20 | 5:40 | 5:45 | 6:05 |
| 6:15 | 6:35 | 6:40 | 7:00 |
| 7:00 | 7:20 | 7:25 | 7:45 |
| 7:55 | 8:15 | 8:20 | 8:40 |
| 8:40 | 9:00 | 9:05 | 9:25 |

* Sunday service starts at 7:20 AM at Bowditch
and 7:30 AM at Bonita Beach

ARRIVE AT BUS STOP FIVE MINUTES BEFORE SCHEDULED TIME

EXHIBIT IV-G

SCHEDULE OF USES

This is a request for a sign to serve both Publix and Mid-Island Beach Marina.

RECEIVED
OCT 31 2000
PERMIT COUNTER

DCI 2000-00078

EXHIBIT IV-H

SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS

NONE

RECEIVED
OCT 31 2000
PERMIT COUNTER

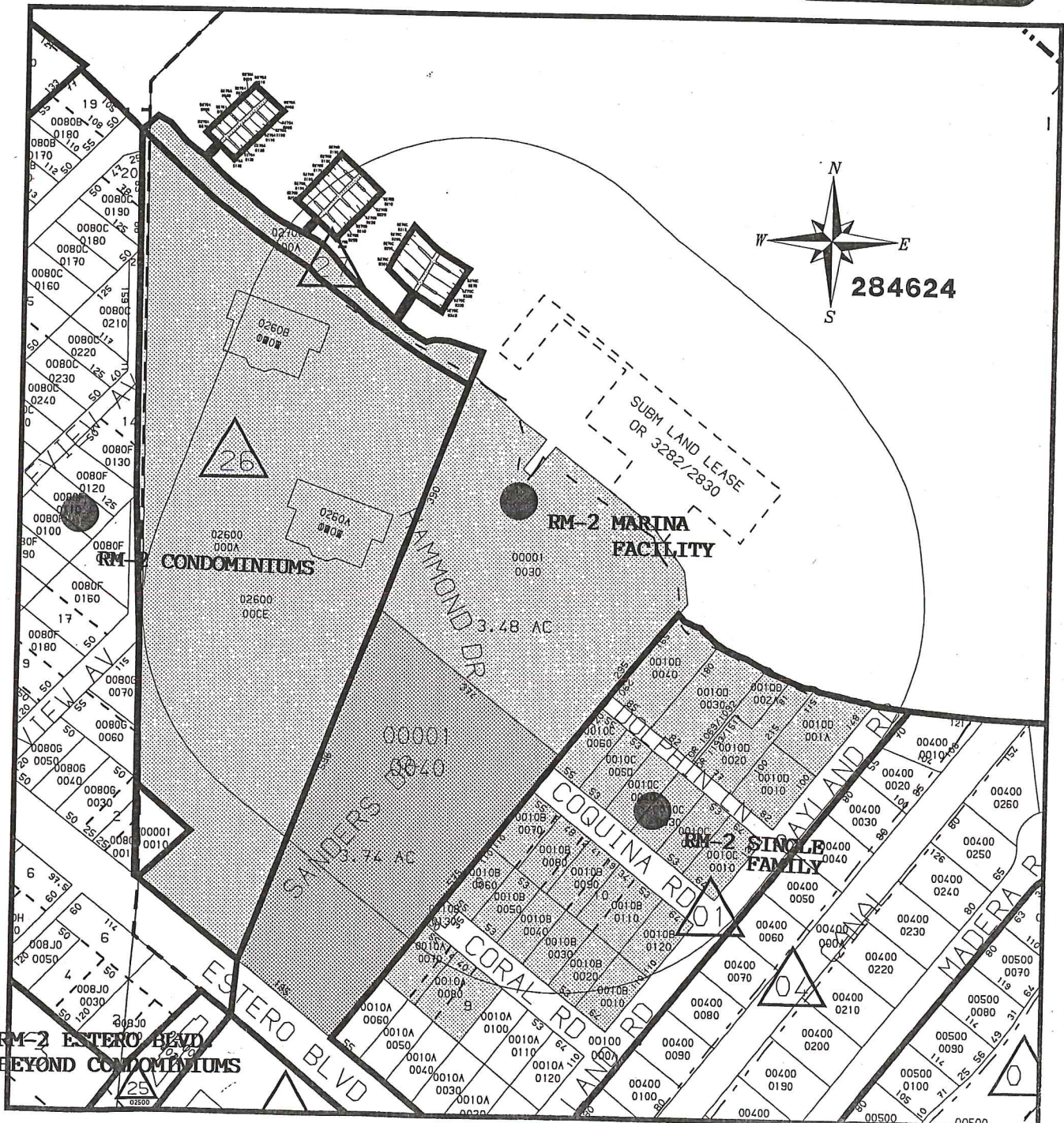
OCT 2000-00078

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OCT 31 2000

PERMIT COUNTER

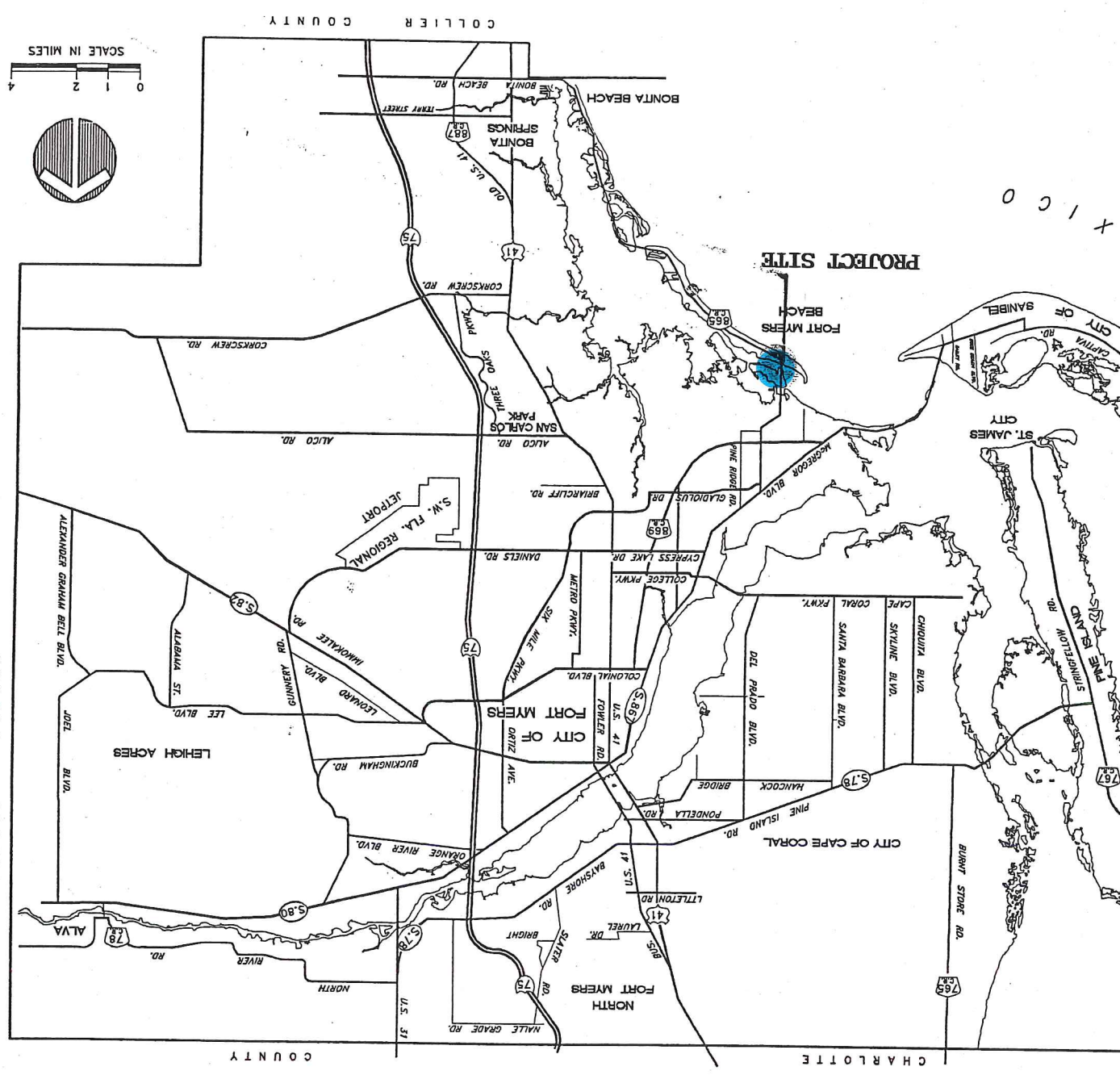
EXHIBIT

11-F-3



OCI 2000-00078

+ 1 C 0



AREA LOCATION MAP

DCI 2000-00078

EXHIBIT II-D

INSTRUCTIONS

(Section C.1.c., Lee County Administrative Code AC 2-8)

A zoning sign must be posted on the parcel subject to any zoning application for a minimum ten (10) days in advance of the Fort Myers Beach LPA Hearing and maintained through the hearing. This sign will be provided by the Lee County Development Services Division and must be posted in the following manner:

- Signs for case #DCI2000-00078 must be posted by **December 29, 2000.**
- The sign must be erected in full view of the public, not more than five (5) feet from the nearest street right-of-way or easement.
- The sign must be securely affixed by nails, staples or other means to a wood frame or to a wood panel and then fastened securely to a post, or other structure. The sign may not be affixed to a tree or other foliage.
- The applicant must make a good faith effort to maintain the sign in place, and readable condition until the requested action has been heard and a final decision rendered.
- If the sign is destroyed, lost, or rendered unreadable, the applicant must report the condition to the Development Services Division, and obtain duplicate copies of the sign from the Development Services Division.

The Division may require the applicant to erect additional signs where large parcels are involved with street frontages extending over considerable distances. If required, such additional signs must be placed not more than three hundred (300) feet apart.

When a parcel abuts more than one (1) street, the applicant must post signs along each street.

When a subject parcel does not front a public road, the applicant must post the sign at a point on a public road which leads to the property, and the sign must include a notation which generally indicates the distance and direction to the parcel boundaries and the dimensions of the parcel.

NOTE: AFTER THE SIGN HAS BEEN POSTED, THE AFFIDAVIT OF POSTING NOTICE, BELOW, SHOULD BE RETURNED NO LATER THAN THREE (3) WORKING DAYS BEFORE THE INITIAL HEARING DATE TO LEE COUNTY DEVELOPMENT SERVICES DIVISION, 1500 MONROE ST., FT. MYERS, FL 33901.

(Return the completed Affidavit below to the Development Services Division as indicated in previous paragraph.)

AFFIDAVIT OF POSTING NOTICE

STATE OF FLORIDA
COUNTY OF LEE

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED Steve H. Sickels
WHO ON OATH SAYS THAT HE/SHE HAS POSTED PROPER NOTICE AS REQUIRED BY SECTION 34-236(b) OF THE
LEE COUNTY LAND DEVELOPMENT CODE ON THE PARCEL COVERED IN THE ZONING APPLICATION REFERENCED
BELOW:

Steve H. Sickels
SIGNATURE OF APPLICANT OR AGENT

STEVE H. SICKELS
NAME (TYPED OR PRINTED)

4765 Estero Blvd.
ST. OR PO BOX

Ft. Myers Bch FL 33931
CITY, STATE & ZIP

#DCI2000-00078/Publix Super Market CPD/ LPA01/09/01

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to and subscribed before me this 4th day of January,
2001, by Steve H. Sickels, (personally known) to me or who produced _____
as identification and who did/did not take an oath.

Carrie N. Richardson
Signature of Notary Public

Carrie N. Richardson
Printed Name of Notary Public

My Commission Expires:
(Stamp with serial number)



Carrie N. Richardson
Commission # CC 971593
Expires Oct. 1, 2004
Bonded Thru
Atlantic Bonding Co., Inc.

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 01-06

WHEREAS, Mid Island Marina, Inc., in ref. To Publix Super Market, Inc., CPD has filed a request to amend the CPD zoning approved in zoning Resolution Z-98-11 and Z-98-11a, to add deviations from the sign regulations contained in the Town's LDC section 30-153(2)a.4 to allow an additional sign, and to allow an off-site sign; and,

WHEREAS, the subject property is located at 4791 Estero Blvd., Ft. Myers Beach, Florida, and the applicant has indicated the property's current STRAP number is: 28-46-24-W4-00001.0040; and,

WHEREAS, the LPA gave full and complete consideration to the recommendations of the Staff, the documents in the file, and the testimony of all interested persons and recommended the Town Council approve the Applicant's request to amend the existing Commercial Planned Development zoning to add two deviations with the conditions and deviations as recommended on Pages 2-3 of the Staff Report dated December 29, 2000 which is attached hereto and incorporated herein by reference and one additional condition that requires that all existing temporary signs including but not limited to a mailbox sign are removed prior to completion of the additional requested ground sign; and,

WHEREAS a hearing was held and the council considered the following criteria, recommendations and testimony of the staff, testimony from the applicant and from the public.

IT IS THE FINDING of this council that the following exist:

- a. That there are/not exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district;
- b. That the exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of the ordinance (any action taken by an applicant pursuant to lawfully adopted regulations preceding the adoption of the ordinance from which this chapter is derived will not be considered self-created);
- c. That the variance is/not 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 condition or situation of the specific piece of property, or the intended use of the property, for which the variance is sought is not of so general or recurrent nature as to make it more reasonable and practical to amend the ordinance.

NOW THEREFORE BE IT RESOLVED THAT THE VARIANCE IS DISAPPROVED/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 variance requested:

1. The development of this project must continue to be consistent with the original zoning approvals contained in Resolutions Z-98-11 and Z-98-11a.
2. The approved sign must be developed in compliance with the submitted sign plan received on October 31, 2000.
3. The sign must be designed with internal illumination and sign panels with opaque backgrounds and white letter copy.
4. The sign must be located to provide adequate and safe line-of-sight at the driveway entrance for vehicles and pedestrians entering and leaving.
5. All existing temporary signs, including but not limited to a mailbox sign, are to be removed prior to completion of the requested ground sign and may not be replaced.

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

| | |
|------------------|-----|
| Daniel Hughes | aye |
| Garr Reynolds | aye |
| Ray Murphy | aye |
| Terry Cain | aye |
| Howard Ryneerson | aye |

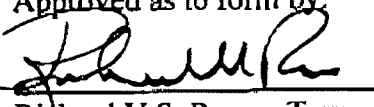
APPROVED this 12th day of February, 2001.

ATTEST:

By:


Marsha Segal-George, Town Clerk

Approved as to form by:


Richard V.S. Roosa, Town Attorney

TOWN OF FORT MYERS BEACH

By:


Daniel Hughes, Mayor

RESOLUTION OF THE LOCAL PLANNING AGENCY OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 2001-02

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF FORT MYERS BEACH

WHEREAS, Mid Island Marina, Inc., in ref. To Publix super Market, Inc., CPD has filed a request to amend the CPD zoning approved in zoning Resolution Z-98-11 and Z-98-11a, to add deviations from the sign regulations contained in the Town's LDC section 30-153(2)a.4 to allow an additional sign, and to allow an off-site sign; and

WHEREAS, the subject property is located at 4791 Estero Blvd., Ft. Myers Beach, Florida, and is described more particularly as:

LEGAL DESCRIPTION: In Section 28, Township 46 South, Range 24 East, Lee County, Florida;

WHEREAS, the applicant has indicated the property's current STRAP number is: 28-46-24-W4-00001.0040; and

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on January 9, and,

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

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

That the LPA recommends that the Town Council approve the Applicant's request to amend the existing Commercial Planned Development zoning to add two deviations with the conditions and deviations as recommended on Pages 2-3 of the Staff Report dated December 29, 2000 which is attached hereto and incorporated herein by reference and one additional condition that requires that all existing temporary signs including but not limited to a mailbox sign are removed prior to completion of the additional requested ground sign.

As grounds for this recommendation the LPA would offer the findings and Conclusions as found on Pages 3-4 of the Staff Report dated December 29, 2000 which is attached hereto and incorporated herein by reference.

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

| | |
|-------------------|--------|
| Jennifer Kaestner | yes |
| Dave Smith | yes |
| Jane Plummer | yes |
| Betty Simpson | yes |
| Roxie Smith | yes |
| Bill Van Duzer | yes |
| Jodi Hester | yes |
| Linda Beasley | absent |
| Harold Huber | yes |

DULY PASSED AND ADOPTED THIS 9th day of January, 2001.

ATTEST:

By:

Marsha Segal-George
Secretary to the LPA

LPA of the Town of Fort Myers Beach

By:

Roxie Smith, Chairman

FT. MYERS BEACH, FLORIDA
DEVELOPMENT SERVICES DIVISION
STAFF REPORT

TYPE OF CASE: PLANNED DEVELOPMENT/DCI

CASE NUMBER: DCI2000-00078

FORT MYERS BEACH LPA DATE: January 9, 2001

TIME: 12:00 Noon

I. APPLICATION SUMMARY:

- A. Applicant: Mid Island Marina, Inc., in ref. to Publix Super Market, Inc., CPD
- B. Request: An amendment to the CPD zoning approved in Zoning Resolution Z-98-11 and Z-98-11a, to add deviations from the sign regulations contained in the Town of Ft. Myers Beach Land Development Code Section 30-153(2)a.4 to allow an additional sign, and to allow an off-site sign.

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

- C. Location: The subject property is located at 4791 Estero Blvd, Ft. Myers Beach, in S28-T46S-R24E, Lee County, FL. (District #3)
- D. Land Use Plan Designation: Boulevard
- E. Surrounding Land Use:

Existing Use & Zoning

Ft. Myers Beach Future Land Use Map

North: RM-2, Mid Island Marina

Marina

East: RS-1, Holiday Shore, a developed single family subdivision

Low Density

South: RM-2, Seaside Condominiums

Mixed Residential

West: RM-2, Ocean Harbor Condominiums

Mixed Residential

- F. Size of Property: 3.736± acres

II. RECOMMENDATION:

Staff recommends **APPROVAL** of the Applicant's request to amend the existing Commercial Planned Development Zoning to add two deviations with the following conditions:

A. Conditions

1. The development of this project must continue to be consistent the original zoning approvals contained in Zoning Resolutions Z-98-11 and Z-98-11a, except as may be approved in this action.
2. The approved sign must be developed in compliance with the submitted sign plan by Thomas Awning and Sign for Publix, Fort Myers, Beach, stamped received on October 31, 2000.
3. The approved sign must be designed with internal illumination and sign panels with opaque backgrounds and white letter copy.
4. The sign must be located to provide adequate and safe line-of-sight at the driveway entrance to Publix and Mid-Island Marina for vehicles and pedestrians entering and leaving the development.

B. Deviations

Deviation from Section 30-153(a) from the limitation of one (1) business sign to add a second sign as depicted in the application with a maximum sign face of 32 square feet (a ground mounted sign).

Recommended for APPROVAL as conditioned in the recommended conditions above.

Deviation from Section 30-4(a) to permit an offsite sign limited to serving the adjacent property which is part of the parent tract with the subject CPD parcel and which the Town has already approved a deviation for access through the CPD to serve the same adjacent property.

Recommended for APPROVAL as conditioned in the recommended conditions above.

Findings and Conclusions:

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

1. The applicant has proven entitlement to the amendment by demonstrating compliance with the Comprehensive Plan, the Land Development Code, and other applicable codes and regulations.
2. The requested amendment, as conditioned:
 - a) is consistent with the densities, intensities and general uses set forth in the Comprehensive Plan; and
 - b) is compatible with existing or planned uses in the surrounding area.
3. Approval of the request, as conditioned, will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.

4. The proposed use or mix of uses is appropriate at the subject location.
5. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.
6. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
7. The deviations granted:
 - a) enhance the objectives of the planned development; and
 - b) preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

III. **BACKGROUND INFORMATION AND ANALYSIS:**

Introduction/Synopsis

The applicant is seeking an amendment of the existing Commercial Planned Development (CPD) zoning to include two deviations from the Town's Land Development Code Chapter 30 regarding signs. These two deviations combined seek to allow the development of one sign to notice the location of the Mid-Island Marina and tenant located behind the approved CPD for Publix.

Sign Plan

The submitted Plan provides for the development of one free-standing sign. This sign would be just north of the shared combined entrance to the Publix and Mid-Island Marina. The sign plan projects a sign height of 5 foot, 9 inch (5'-9"). The proposed sign area (sign panel) is proposed to have a total area of 32 square feet for each sign face. There are two sign panels, one planned to advertise Publix and the other to advertise Mid-Island Marina and tenant of the marina. Each panel, therefore, contains 16 square feet.

Deviations

The applicant is asking to add two deviations to this planned development with the combined effect of allowing the development of one free-standing sign, containing a maximum sign face area of 32 square feet.

The first deviation asked for by the applicant is a deviation from Section 30-153(a) from the limitation of one (1) business sign to add a second sign as depicted in the application with a maximum sign face of 32 square feet (a ground mounted sign). The applicant proposes a sign with two sign panels, per sign facing. One panel advertises Publix and the other is planned to advertise the marina and its tenant. Publix already has been approved one sign on the building and through this deviation would be permitted a second sign, if approved. This sign is no greater than 32 square feet, is located on the West wall facing Estero Boulevard, and is visible from the road.

The second deviation requested concerns Section 30-4(a) to permit an offsite sign limited to serving the adjacent property (Marina and tenant). The applicant seeks through this deviation to be allowed an off-site sign, which is not permitted by the Land Development Code. Approval

of this request would permit the second sign panel advertising the Marina and the tenant of the marina. The property where the marina is located does not have any direct frontage on Estero Boulevard. The marina is accessed through the supermarket property. The applicant has noted that the owner of the CPD and the Marina have entered into a sign agreement for the sign as proposed.

Approval of these deviations will permit minimal advertisement along the road. This will assist the public in identifying the location of these businesses, in particular the marina and their tenant. This would potentially decrease the probability of an accident for those travelers distracted by looking for the businesses since it would more clearly show where they are to turn for access to the marina and its tenant(s).

Neighborhood Compatibility

The neighborhood is primarily made up of residential uses, both single family and multiple family. Some businesses do exist in the Mixed Residential land use area north and south of the subject property. Compatibility is an important issue since this area of the Town consists of a mixture of uses.

The purpose and intent of Chapter 30 states the Town Council finds and declares that an excess of signs causes visual blight. This blight adversely affects the aesthetic quality of life and traffic safety for the Town. The purpose is to encourage signs that are harmonious to the buildings and site they occupy, eliminate confusing sign displays, preserve the appearance of the Town, and restrict signs which increase the probability of accidents. This Chapter provides the minimum standards to safeguard life, safety, property, and public welfare by providing for reviewing the design, size, construction, location and other elements of signs and sign structures viewed by the public in the Town.

Although this request does seek a sign not allowed by the Codes, this property and land use is unique. Staff finds the proposed sign, though exceeding the number allowed, will in this particular case preserve the appearance of the Town and continue to restrict signage on the subject property. The sign would also safeguard life and provide for the public welfare by noting the location of a business that garners its only access from Estero Boulevard, but is not readily seen from this road. Without this sign, travelers not knowing the location of the marina or the tenant of the marina would not know where to turn. These people could then be making U-turns along Estero Boulevard, driving down the local residential side streets, or driving unsafely with potential negative impacts to the public as a whole.

IV. ATTACHMENTS:

- A. Map of surrounding zoning
- B. Applicant's supporting documentation

cc: Applicant
Town of Fort Myers Beach LPA
Zoning/DCI File

[illegible]

Attachment A

JUSTIFICATION

Deviation from Section 30-153(a) to from the limitation from 1 business sign to add a second sign as depicted in the application with a maximum face of 32 square feet (a ground mounted sign).

The CPD was part of a parent tract containing Mid Island Marina. The Town approved a rezoning of a portion of the parent tract to CPD and at that time recognized and approved the access to the remainder parcel with the marina, Mid Island Marina, which would be through the Publix CPD. In addition, a sign location was approved and reflected on the Master Concept Plan. That existing sign was the Mid Island Marina sign. The schedule of uses included "signs in conformance with Chapter 30." At that time two signs were permitted on the property (a ground-mounted sign as well as a wall sign for Publix). Thereafter, the Town revised its regulations and limited the signage to one sign. Publix has obtained a sign permit for the wall sign resulting in this application to amend the CPD with this deviation for a second sign. A fairer solution would have been for the Town to have taken the position that the wall sign which was not reflected on the Master Concept Plan was the sign that required the deviation and amendment to the Plan.

Deviation from Section 30-4(a) to permit an offsite sign limited to serving the adjacent property which was part of the parent tract with the subject CPD parcel and which the Town has already approved deviation for access through the CPD parcel to serve the same adjacent property.

At the direction of the Town, this deviation is requested to permit the sign to advertise services and products from Mid Island Marina or its tenants on the sign. The sign is depicted on the original Master Concept Plan. The owner of the CPD and Mid Island Marina have entered into a sign agreement and a sign easement agreement. In fact, we have requested from the Town that a solution to this particular issue would be to recognize that if Mid Island Marina had an easement contiguous with its property over the access road to Estero Boulevard which included the sign easement that it would fit within the definition of on-site sign. This interpretation has been routinely given by Lee County in interpreting its sign regulations. We have found nothing in the Town's revised sign regulations which would preclude such an interpretation and would have eliminated the need to amend the CPD and ask for this deviation. Currently, the access easement and the sign easement contain a small gap but Publix has offered to make the easement in favor of Mid Island Marina a contiguous parcel which would have included the sign area. We have not pursued this alternative as the Town has informed us that it would not solve the problem.



Case DC12000-00078
Mid Id Marina - Publix

THOMAS SIGN & AWNING COMPANY
4590 118TH Avenue North Clearwater, FL 33762
(727) 573-7757 (800) 526-3325

FAX

To: Rob Irving
FAX #: 941-479-8319
From: Jeff Riggins
Thomas Fax #: 727-573-0328
Pages (Incl cover): 2
Date: 11-9-00
Re: Publix # 740 Ft. Myers Bch.

Rob,

Confirming our conversation of earlier today, The panels for the sign will utilize a dark background with white copy. Publix will have a dark green background. The other two tenants will have either dark blue or black backgrounds.

Should you need any further information, do not hesitate to contact me.

Sincerely,

Jeff Riggins
National Sales

Exhibit II E 2 Narrative and Exhibit IV-D Description of Proposed Development

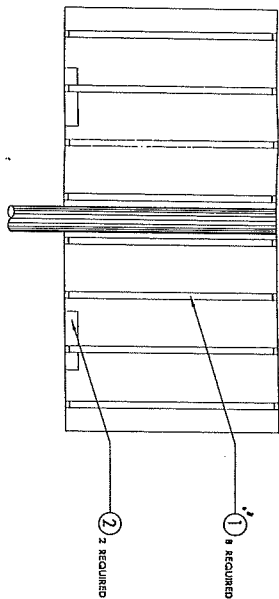
The subject property, which is 3.736 acres, was rezoned to Commercial Planned Development (CPD) by the Town Council on May 5, 1998. At that time the Council recognized and approved shared access for Mid Island Marina and the Publix Super Market as set forth in Resolution 98-11 and 11a approving the CPD. In the same manner, the sign location, which is approved on the CPD, was intended to be shared by Publix and Mid Island Marina. The sole purpose of this request is to authorize, in the same manner as the access, that the sign location for the ground-mounted sign is hereby approved for use by both Publix and Mid Island Marina including its tenants. In support of this request is the sign easement from Publix to Mid Island Marina. The proposed sign is in conformity with the sign code and Publix and Mid Island Marina (and its tenants) will share the amount of signage 50%/50%, see Exhibit 1 attached hereto. This request is consistent with the Comprehensive Plan of the Town, the Land Development Code.

The purpose of Exhibit 1 is to establish the dimensions of the sign. The sign location is on the Master Concept Plan and was previously approved as part of the CPD approval. Publix and Mid Island Marina reserve the right to change the copy on the sign.

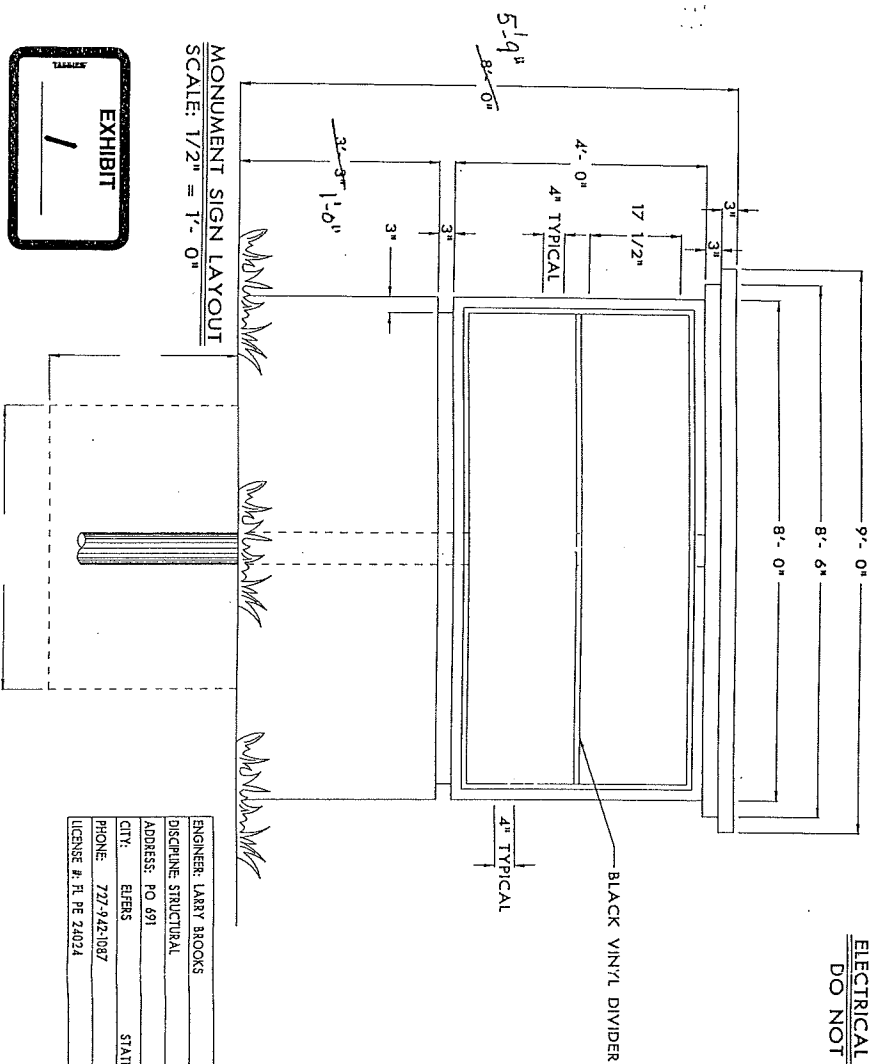
77991_1
102932-0001

DCI 2000-00078

NOT FOR PRODUCTION
NO COLORS SPECIFIED



ELECTRICAL LAYOUT
DO NOT SCALE

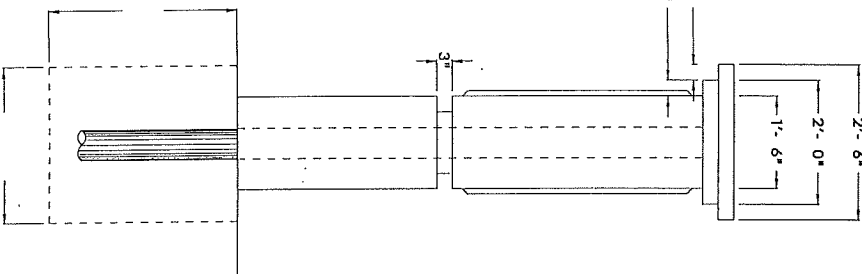


MONUMENT SIGN LAYOUT


SCALE: 1/2" = 1'- 0"

EXHIBIT

| |
|------------------------|
| ENGINEER: LARRY BROOKS |
| DISCIPLINE: STRUCTURAL |
| ADDRESS: PO. 691 |
| CITY: ELFERS |
| STATE: FL |
| PHONE: 772-942-1087 |
| LICENSE #: FL PE 24024 |



- ALL SIGNS ARE BUILT TO UL SPECIFICATIONS
- ALL SIGNS WILL BEAR U.L. LABEL
- ALL SIGNS COMPLY TO UL2161



Underwriters
Laboratories Inc.²
LISTED

ELECTRIC SIGN

COMPLIES TO UL 2161



LEE COUNTY

RECEIVED
OCT 31 2000

PERMIT COUNTER

APPLICATION FOR PUBLIC HEARING FOR PLANNED DEVELOPMENT

Applicant's Name: MID ISLAND MARINA, INC. *BERCH 1-23-01*

Project Name: PUBLIX SUPER MARKET, INC. CPD

STRAP Number(s): 24-46-24W400001.0040

Application Form: ☒ Computer Generated* ☐ County Printed

* By signing this application, the applicant affirms that the form has not been altered.

STAFF USE ONLY

Commission District: 03

Land Use Classification(s): Marina Blvd

Current Zoning: CPD

Lee Plan Density Range: _____

Case Number: DCI 2000-00078

Fee: 3,000

Date of Application: 10-31-00

Date Fee Paid: 10-31-00

Date HEX Public Hearing: _____

Receipt Number: _____

Intake By: A

TYPE OF APPLICATION

☐ DRI

☐ PD - Existing Development

☐ DCI - Major

☐ PD - Amendment

☒ DCI - Minor

☐ OPTION 1 ☒ OPTION 2

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

PART I

APPLICANT PROPERTY OWNERSHIP INFORMATION

A. Name(s) of applicant(s): Mid Island Marina, Inc., c/o Roetzel & Andress, a Legal Professional Association

Mailing Address: Street: 2320 First Street, Suite 1000

City: Fort Myers State: FL Zip: 33901

Phone Number: Area Code: 941 Number: 337-3850 Ext: _____

Fax Number: Area Code: 941 Number: 337-0970

B. Relationship of applicant to property:

____ Owner _____ Trustee _____ Option holder
____ Lessee _____ Contract Purchaser
x Other (indicate): Agent

If applicant is NOT the owner or the person authorized by the Covenant of Unified Control, submit a Notarized Authorization Form from the owner or his authorized representative. Label as Exhibit I-B.

** If the application is County-initiated, enter the date the action was initiated by the Board: _____
Attach a copy of the "blue sheet" and a list of all property owners, and their mailing addresses, for all properties within the area described. Names and addresses must be those appearing on the latest tax rolls of Lee County. Label the "blue sheet" as "Exhibit I-B-2" and the list as "Exhibit I-B-3". [Sec. 34-202(a)(5)]*

C. Name of owner(s) of property: PUBLIX SUPER MARKETS, INC.

Mailing Address: Street: Post Office Box 407

City: Lakeland State: FL Zip: 33931

Phone Number: Area Code: 941 Number: 337-3850 Ext: _____

Fax Number: Area Code: 941 Number: 337-0970

D. Date property was acquired by present owner(s): 10/22/1999

E. Is the property subject to a sales contract or sales option? x NO _____ YES

F. Is owner(s) or contract purchaser(s) required to file a disclosure form? X NO _____ YES. If yes, please complete and submit Exhibit I-F (attached).

G. Are there any existing deed restrictions or other covenants on this property which may affect this request? x NO _____ YES. If yes, submit a copy of the deed restrictions or other covenants and a statement explaining how the restrictions may affect the requested action. Label as "Exhibit I-G".

H. Authorized Agent(s): List names of authorized agents (submit additional sheets if necessary).

Name: Beverly Grady, c/o Roetzel & Andress, a legal professional association

Address: 2320 First Street, Suite 100, Fort Myers, FL 33901

Phone: (941) 337-3850 Fax: (941) 337-0970

**PART II
GENERAL INFORMATION**

A. Request:

1. Rezoning from CPD To (check all applicable)

| | |
|--|--|
| <input type="checkbox"/> RPD - Residential | <input type="checkbox"/> MPD - Mixed Use |
| <input type="checkbox"/> MHPD - Mobile Home | <input type="checkbox"/> RVPD - Recreational Vehicle |
| <input checked="" type="checkbox"/> CPD - Commercial | <input type="checkbox"/> CFPD - Community Facilities |
| <input type="checkbox"/> IPD - Industrial | <input type="checkbox"/> AOPD - Airport Operations |

2. Option Chosen: ☐ Option 1 [34-373(a)(6)a] ☒ Option 2 [34-373(a)(6)b]

3. Other - Provide specific details. Amendment to CPD-Commercial

B. Legal Description and Boundary Sketch: Is property within a platted subdivision recorded in the official Plat Books of Lee County?

☐ NO. Attach a legible copy of the legal description (label it Exhibit II-B-1.) and Certified sketch of description as set out in chapter 61G 17-6.006 FAC. (labeled Exhibit II-B-2.). **If the legal description is available on computer disc (Word or Word Perfect) please provide a copy at time of application.**

☒ YES. Property is identified as:

Subdivision Name: Holiday Shores

Plat Book: 9 Page: 33 Unit: Block: Lots:

Section: Township: Range:

Attach a copy of the Plat Book page with subject property clearly marked. Label this Exhibit II-B-3.

C. Project Street Address: ⁴⁷⁹¹4765 Estero Boulevard, Fort Myers Beach, FL 33931

D. General Location Of Property (referenced to major streets): East side of Estero Boulevard

E. Lee Plan Information

1. Lee Plan Land Use Classification: Boulevard

2. Are you proposing any Lee Plan amendments which could affect the subject property? ☒ NO
☐ YES. If yes, submit a copy of the proposed amendment (labeled as "Exhibit II-E-1") along with a statement as to how the proposed amendment will affect your property (labeled as "Exhibit II-E-2").

F. Drainage, Water Control and Other Environmental Issues

1. Is the property within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s? ☐ NO ☐ YES. If yes, specify the minimum elevation required for the first habitable floor). NGVD (MSL) **NOT APPLICABLE**

2. Are there any environmentally sensitive lands such as, but not limited to: wetlands (as defined in the Lee Plan); flow-ways, creek beds, sand dunes, other unique land forms [see Lee Plan Policy 77.1 (2)] or listed species occupied habitat (see Sec. 10-474 of the Land Development Code) on the subject property? x NO YES If yes, delineate these areas on a map or aerial photo and label it Exhibit II-F-1. Also, complete Exhibit II-F-2. attached hereto.

G. Present Use of Property: Is the property vacant? x NO YES

If the property is not vacant, the owner or applicant's signature on this application indicates that the Owner agrees to either remove all existing buildings and structures, OR that the proposed use of the building or structure(s) will be in compliance with all applicable requirements of the Land Development Code. [Sec. 34-202(b)(3)]

Briefly describe current use of the property: Super Market store

H. Property Dimensions

1. Width (average if irregular parcel): 585.67 Feet
2. Depth (average if irregular parcel): 284.55 Feet
3. Frontage on road or street: 195.10 Feet on Estero Boulevard
(Name of street)
4. Total land area: 3.736 ± Acres

I. Land Area Calculations

1. Undevelopable Areas:

- a. Freshwater wetland areas 0
- b. Other wetland areas 0
- c. Submerged land subject to tidal influence: 0
- d. Total (a + b + c): 0

2. Remaining developable land (H.4 less I.1.d): 3.736

PART III
PROPOSED DEVELOPMENT

A. Nature of Request - _____

1. Will the development contain living units? X NO YES. If the answer is yes, please indicate the total number of living units proposed, by type:

_____ Single Family _____ Mobile Homes _____ Recreational Vehicles
_____ Zero-Lot-Line _____ Duplex/Two Family _____ Townhouses
_____ Multiple Family _____ TOTAL ALL TYPES

2. If the development will contain living units, please complete Exhibit III-A-2 (attached) and enter the following information:

a. PERMITTED total units (from Exhibit III-A-2): n/a

b. PROPOSED total units (from A-1. above): n/a

c. PROPOSED density (from Exhibit III-A-2): n/a

3. Will the development contain non-residential areas? NO x* YES. If the answer is yes, please indicate the size [gross square footage (gsf) unless indicated otherwise] of each general class of uses below:

*There are no additional non-residential areas being added by this request; there are no changes to original CPD intensity of use.

Retail: _____ Total gsf

Offices: _____ Total gsf

Medical: _____ gsf Non-medical: _____ gsf

Hotel/Motel: _____ Total units (Resort – 6750 sq. ft. per floor)

Size of units: _____ 0-425 sq. Ft. _____ 426-725 sq. Ft. _____ 726 or more sq. Ft.
(number) (number) (number)

Industrial: _____ Total gsf

Under roof: _____ gsf Not under roof: _____ gsf

Mines, Quarries, or General Excavation:

Acres to be excavated: _____

Other-specify: This is a request for the ground mounted sign to serve the Mid Island Marina and Publix Super Markets, Inc.

Number of Beds (if applicable): _____ OR: _____ gsf

4. Building Height

_____ Maximum height of buildings (in feet above grade) NO CHANGE FROM ORIGINAL CPD

_____ Number of Habitable Floors

5. Aviation Hazard: Do you propose any structures, lighting, or other features that might affect safe flight conditions? x NO YES. If yes, please submit an explanation and label it

Exhibit III-A-5.

B. Facilities

1. Fire District: Fort Myers Beach Fire District
2. Water Supply * Not applicable, addition of sign has no water requirements
 - a. Estimated daily consumption of potable water:
 1. Residential units: gpd
 2. Mobile Home units: gpd
 3. Rec. Vehicle units: gpd
 4. Commercial: gpd
 5. Industrial: gpd
 - b. Source of potable water: Florida Cities
 - c. Do you have a written agreement from the utility company to serve your project? NO YES. If yes, please submit a copy of the agreement.
 - d. Source of Non-potable water: Lee County

3. Sanitary Sewer Service

- a. Estimated daily production of wastewater:
 1. Residential units: gpd
 2. Mobile Home units: gpd
 3. Recreational Vehicles: gpd
 4. Commercial: gpd
 5. Industrial: gpd
- b. Is any special effluent anticipated? x NO YES. If yes, please complete Exhibit III-B-3 (attached).
- c. Source of sanitary sewer service: Not applicable, addition to sign has no sanitary sewer requirements
- d. Do you have a written agreement from the utility company to serve your project? NO YES. If yes, please submit a copy of the agreement.
- e. Will a private on-site disposal facility be used? NO YES. If yes, please complete Exhibit III-B-3 (attached).
- f. Are individual sewage disposal systems proposed? NO YES.

C. Transportation

1. Has this project been exempted from filing a Traffic Impact Statement? NO YES X NOT REQUIRED (Exist. development). If it has been exempted, attach a copy of the exemption and label it Exhibit III-C. Not A - This request is for a sign and has no traffic impact

PART V

AFFIDAVIT

I, Beverly Grady, on behalf of Roetzel & Andress, a legal professional association, for Mid Island Marina, Inc., certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize 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.

Beverly Grady
Signature of Owner or Owner-authorized Agent

10-24-00
Date

Beverly Grady, on behalf of Roetzel & Andress,
a legal professional association, for Mid Island Marina, Inc.
Typed or printed name and title

RECEIVED
OCT 31 2000

PERMIT COUNTER

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 24th day of October, 2000, by BEVERLY GRADY, who is personally known to me.

(SEAL)



Sandra E. Noble
Commission # CC 928983
Expires April 17, 2004
Bonded Thru
Atlantic Bonding Co., Inc.

Sandra E. Noble
Signature of notary public

SANDRA E. NOBLE
Printed name of notary public

LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT
TOWN OF FORT MYERS BEACH

RECEIVED
OCT 31 2000

PERMIT COUNTER

The undersigned does hereby swear or affirm that it is the fee simple title holder and owner of record of property commonly known as 4791 ESTERO BOULEVARD, FORT MYERS BEACH, FL 33931, and legally described in exhibit A attached hereto. We hereby designate BEVERLY GRADY, on behalf of Roetzel & Andress, a legal professional association and Mid-Island Beach Marina, Inc., as the legal representatives of the property for this purpose, and as such, authorizes the filing of an application to amend the CPD approved pursuant to Resolution No. 98-11 to permit the owner of the Marina and Restaurant referenced in the subject resolution regarding access to and also place a sign on the CPD as specified in the sign easement by the legal description of the area attached as Exhibit "B".

These representatives will remain the only entities to authorize the above development activity on the property until such time as a new or amended authorization is delivered to Lee County.

PUBLIX SUPER MARKETS, INC.

BY: _____

PRINTED NAME: _____

John Frazier
Vice President
Real Estate

TITLE: _____

STATE OF FLORIDA

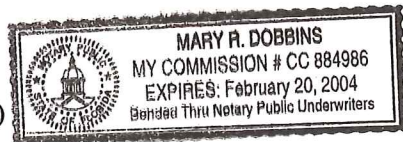
COUNTY OF Polk

The foregoing instrument was acknowledged before me this 23rd day of October, 2000, by

John Frazier, as Vice President, of PUBLIX SUPER MARKETS,

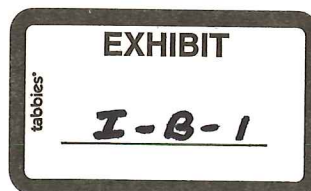
INC., who is personally known to me or who has produced _____ as

identification.



Mary R. Dobbins
Signature of Notary Public

*If more than one owner then all owners must sign. See explanation on back.



DCI 2000-00078

IMAGE01 : FL-00-24983-2 10/04/2000 11:47:52am

Page 1 of 3

15-002
1139-43-35
11/06-90

Prepared By:
Thomas B. Moorey, Esq.
1430 Royal Palm St. Blvd., #105
Fort Myers, FL 33919

Parcel ID Number: 28-46-24-W4-00001.0030

RECORDED

INSTR # 4741635

OR BK 03161 PG 2220

RECORDED 10/25/99 3:43 PM
CHARLIE GREEN CLEAF OF COURT
LEE COUNTY
RECORDING FEE 15.00
DOC TX PRF. S. 281.021 11,391.00
DEPUTY CLERK C Kojler

WARRANTY DEED

This Indenture, made this 22 day of OCT. June, 1999 Between

James Figuerado, Jr. and Deborah Figuerado, Husband and Wife,

of the County of Lee, State of Florida, Grantor, and

Publix Super Markets, Inc., a Florida corporation,

whose address is: P.O. Box 407 LAKELAND FL. 33802
of the County of POLK, State of Florida, Grantee.

WITNESSETH that the Grantors, for and in consideration of the sum of

Ten and no/100

Dollars

and other good and valuable consideration to Grantors in hand paid by Grantee, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said Grantee and Grantee's heirs and assigns forever, the following described land, situate, lying and being in the County of Lee, State of Florida, to wit:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE WESTERLYMOST CORNER OF LOT 6, BLOCK "A" OF HOLIDAY SHORES SUBDIVISION AS RECORDED IN PLAT BOOK 9 AT PAGE 33 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ALSO BEING A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD (STATE ROAD 865), 32.5 FEET FROM THE CENTERLINE OF ESTERO BOULEVARD; THENCE RUN N 49°57'33"W, ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 193.10 FEET; THENCE RUN N 20°45'47"E FOR A DISTANCE OF 596.34 FEET; THENCE RUN S 51°46'07"E FOR A DISTANCE OF 374.01 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID HOLIDAY SHORES SUBDIVISION; THENCE RUN S 38°13'53"W ALONG THE NORTHWESTERLY LINE OF SAID HOLIDAY SHORES SUBDIVISION, FOR A DISTANCE OF 575.00 FEET TO THE POINT OF BEGINNING, CONTAINING 3.736 ACRES, MORE OR LESS.

Subject to all matters listed on attached Exhibit "A" without intending to reimpose same.

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

In Witness Whereof, the Grantors have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:

Nancy E. Risner
Witness Signature
NANCY E. RISNER

Printed Name
Barbara M. Dodson
Witness Signature
BARBARA M. DODSON
Witness Printed Name

James Figuerado, Jr.
James Figuerado, Jr.

Deborah Figuerado
Deborah Figuerado



IMAGE01 : FL-00-24983-2 10/04/2000 11:47:52am

Page 2 of 3

OR BK 03161 PG 2221

Warranty Deed
Page 2

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 22 day of June, 1999 by
James Figuerado, Jr. and Deborah Figuerado, Husband and Wife, who are personally known to me or who provided
_____ as identification.

Nancy E. Phoinie
Notary Public
My Commission Expires:

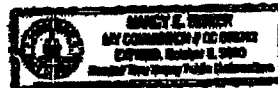


IMAGE01 : FL-00-24983-2 10/04/2000 11:47:52am

Page 3 of 3

OR SE 03181 PG 2222

Warranty Deed
Page 3

SCHEDULE "A"

1. Taxes for the year 1999 and subsequent years.
2. Zoning and any other ordinances of a local governmental authority.
3. Any claim that any part of said land is owned by the State of Florida by right of sovereignty.
4. Subject land lies within the boundaries of the Fort Myers Beach Sewer District and is subject to any acts or future assessments thereof.
5. Resolution No. 78-3-16 as recorded in O.R. Book 1438, Page 1739, Public Records of Lee County, Florida.
6. Lee County Ordinance No. 86-14 as recorded in O.R. Book 2189, Page 3281; and amended by Ordinance No. 86-38 as recorded in O.R. Book 2189, Page 3334, Public Records of Lee County, Florida.
7. Agreement by and between Mid Island Marine, Inc. and the State of Florida, Department of Environmental Regulation, recorded in O.R. Book 2118, Page 358, Public Records of Lee County, Florida.
8. Notice of Development Order recorded in O.R. Book 2201, Page 4157, Public Records of Lee County, Florida.
9. Exclusive and Perpetual Water Pipeline Easement Grant recorded in O.R. Book 2721, Page 358, public Records of Lee County, Florida.

PROPERTY DESCRIPTION
A 5-FOOT WIDE SIGN EASEMENT

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 48 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE WESTERLYMOST CORNER OF LOT 8, BLOCK "A" OF HOLIDAY SHORES SUBDIVISION AS RECORDED IN PLAT BOOK 9, AT PAGE 33 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ALSO BEING A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD (COUNTY ROAD 885), 32.50 FEET FROM THE CENTERLINE OF ESTERO BOULEVARD; THENCE RUN N 49°57'33" W, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 75.54 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE CONTINUE N 49°57'33" W, ALONG SAID NORTHERLY RIGHT-OF-WAY OF ESTERO BOULEVARD, FOR A DISTANCE OF 5.00 FEET; THENCE RUN N 38°13'53" E FOR A DISTANCE OF 25.00 FEET; THENCE RUN S 49°57'33" E FOR A DISTANCE OF 5.00 FEET; THENCE RUN S 38°13'53" W FOR A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED CONTAINING 125 SQUARE FEET, MORE OR LESS.

BEARINGS SHOWN HEREON REFER TO THE NORTHWESTERLY LINE OF HOLIDAY SHORES SUBDIVISION AS RECORDED IN PLAT BOOK 9, AT PAGE 33 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS BEING N 38°13'53" E.

EXHIBIT

"B"

**EXHIBIT I-F
DISCLOSURE OF INTEREST FORM FOR:**

RECEIVED
OCT 31 2000

STRAP NO. 28-46-24-W4-00001.0040 **CASE NO.** _____ **PERMIT COUNTER**

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

Name and Address

Percentage of Ownership

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

Name, Address, and Office

Percentage of Stock

WILLIAM E. CRENSHAW, 1936 GEORGE JENKINS BLVD., PRESIDENT
HOWARD JENKINS, 1936 GEORGE JENKINS BLVD., CEO
JOHN A. ATTAWAY, JR, 1936 GEORGE JENKINS BLVD, CS
DAVID P. PHILLIPS, 1936 GEORGE JENKINS BLVD., CFOT
CHARLES H. JENKINS, JR., 1936 GEORGE JENKINS BLVD., VCEO
ALL OF THE ABOVE, LOCATED AT 1936 GEORGE JENKINS BLVD.
LAKELAND, FL 33801

Less Than 1%
5.77%
Less Than 1%
Less Than 1%
Less Than 1%

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

Name and Address

Percentage of Interest

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

Name and Address

Percentage of Ownership

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(over)

DCI 2000-00078

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

Name, Address, & Office(if applicable)

Percentage of Stock

Date of Contract: _____

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

Name and Address

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

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

PUBLIX SUPER MARKETS, INC.

BY: _____

PRINTED NAME: _____

John Frazier
Vice President
Real Estate

TITLE: _____

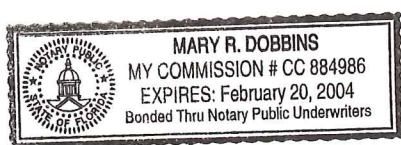
STATE OF FLORIDA

COUNTY OF Polk

The foregoing instrument was acknowledged before me this 23rd day of October, 2000, by John Frazier, as Vice President, of PUBLIX SUPER MARKETS, INC., who is personally known to me or who has produced _____ as identification.

Mary R. Dobbins
Signature of Notary Public

(SEAL)



DCI 2000-00078

PART IV SUBMITTAL REQUIREMENTS

| COPIES REQUIRED | | | | Exhibit | Item |
|-----------------|--------|-------|-------|---------|--|
| SUB | DR/DCI | EXIST | MINOR | | |
| | 10 | 10 | 10 | | Completed application [34-201(b)] |
| | 1 | 1 | 1 | | Application Fee [34-202(a)(9)] |
| | 2 | 2 | 2 | I-B-1 | Notarized Authorization Form (if applicable) [34-201(a)(1)] |
| | 2 | 2 | 2 | I-B-2 | Blue Sheet (If applicable) [34-201(a)(2)] |
| | 2 | 2 | 2 | I-B-3 | List of Property Owners (If applicable) [34-202(a)(5)] |
| | 2 | 2 | 2 | I-B-4 | Notarized Covenant & doc. Of Unified Control [34-373(a)(3)] |
| | 2 | 2 | 2 | I-B-5 | Surrounding Property Owners List [34-202(a)(6)] |
| | 2 | 2 | 2 | I-B-6 | Property Owners Map [34-202(a)(7)] |
| | 2 | 2 | 2 | I-F | Notarized Disclosure Form (if applicable) [34-201(b)(1)] |
| | 2 | 2 | 2 | I-G | Deed Restrictions & Narrative (if applicable) [34-202(b)(2)] |
| | 10 | 10 | 10 | II-B-1 | Legal Description [34-202(a)(1)] |
| | 10 | 10 | 10 | II-B-2 | Certified sketch of description (if applicable) [34-202(a)(2)] |
| | 2 | 2 | 2 | II-B-3 | Plat Book Page (if applicable) [34-202(a)(1)] |
| | 10 | 10 | 10 | II-D | Area Location Map [34-202(a)(4)] |
| | 10 | 10 | 10 | II-E-1 | Lee Plan Amendment (if applicable) [34-373(a)(5) & 34-491] |
| | 10 | 10 | 10 | II-E-2 | Narrative/how prop. complies with Lee Plan, etc. [34- |
| | 10 | 10 | 10 | II-F-1 | Environ. Sensitive Lands map (if app.) [34-373(a)(5)] |
| | 4 | 4 | 4 | II-F-2 | Environmental Assessment [34-1573] |
| | 10 | 4 | 4 | II-F-3 | Exist. zoning & current land use map/photo [34-373(a)(4)] |
| | 10 | 4 | 4 | II-F-4 | Soils, vegetation and ground cover maps [34-373(a)(4)b.] |
| | 10 | 4 | 4 | II-F-5 | Topography map (if available) [34-373(a)(4)b.] |
| | 10 | - | - | III-A-2 | Density Calcs (if applicable) [34-373(a)(6)a.3 & (6)b.3 & (7)a.] |
| | 10 | - | - | III-A-5 | Aviation Hazard (if applicable) [34-1001 et seq.] |
| | 10 | - | - | III-B-3 | Sanitary Sewer Facilities(if applicable) [34-442 (1)n] |
| | 4 | - | 4 | III-C | Traffic Imp. Statement (if applicable) [34-373(a)(6)a.11 or |
| | 4 | - | 4 | III-C | TIS Exemption Form (if applicable) [34-373(a)(6)a.11 or b.10] |
| | 10 | 4 | 4 | IV-A | Public transit routes map (if applicable) [34-373(a)(4)d.] |
| | 10 | 4 | 4 | IV-B | Protected Species Survey (if applicable) [34-373(a)(4)e.] |
| | 10 | 4 | 4 | IV-B | Prot. Spec. Survey Exemption (if applicable) [34-373(a)(4)e.] |
| | 10 | 4 | 4 | IV-C | Existing easements and r-o-w map. [34-373(a)(4)f.] |
| | 10 | 10 | 10 | IV-D | Description of proposed development. [34-373(a)(6)] |
| | 10 | 10 | 10 | IV-E | Master Concept Plan (Option 1) [34-373(a)(6)a.] |
| | 10 | 10 | 10 | IV-F | Master Concept Plan (Option 2) [34-373(a)(6)b.] |
| | 1 | 1 | 1 | | 11 inch by 17 inch copy of the Master Concept Plan |
| | 10 | 10 | 10 | IV-G | Schedule of Uses [34-373(a)(6)a.3. or b.3 and 34-373(a)(7)] |
| | 10 | 10 | 10 | IV-H | Schedule of Dev. & Justification [34-373(a)(6)a.9 or b.9 & |
| | 4 | - | - | IV-I | Surface Water Management Plan [34-373(b)(1)] |
| | 4 | - | - | IV-J | Protected Species Management Plan [34-373(b)(2)] |
| | 10 | 10 | 0 | IV-K | Program for phased development (if applicable) [34- |
| | 10 | 10 | 10 | IV-L | Haz. Mat Emer Plan (if applicable) [34-202(b)(4)] |
| | - | 4 | - | IV-M | Mobile Home Park Rezoning Information [34-373(d)] |

PART IV SUBMITTAL REQUIREMENTS

| COPIES REQUIRED | | | | Exhibit # | Item |
|-----------------|--------|-------|-------|-----------|---|
| SUB | DR/DCI | EXIST | MINOR | | |
| | 10 | 10 | ✓ 10 | | Completed application [34-201(b)] |
| | 1 | 1 | ✓ 1 | | Application Fee [34-202(a)(9)] |
| | 2 | 2 | ✓ 2 | I-B-1 | Notarized Authorization Form (if applicable) [34-201(a)(1)] |
| | 2 | 2 | NA 2 | I-B-2 | Blue Sheet (If applicable) [34-201(a)(2)] |
| | 2 | 2 | NA 2 | I-B-3 | List of Property Owners (If applicable) [34-202(a)(5)] |
| | 2 | 2 | ✓ 2 | I-B-4 | Notarized Covenant & doc. Of Unified Control [34-373(a)(3)] |
| | 2 | 2 | ✓ 2 | I-B-5 | Surrounding Property Owners List [34-202(a)(6)] <i>LABLES</i> |
| | 2 | 2 | ✓ 2 | I-B-6 | Property Owners Map [34-202(a)(7)] |
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| | 10 | 10 | ✓ 10 | II-D | Area Location Map [34-202(a)(4)] |
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| | 10 | 10 | ✓ 10 | II-F-1 | Environ. Sensitive Lands map (if app.) [34-373(a)(5)] |
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| | 10 | 4 | ✓ 4 | II-F-5 | Topography map (if available) [34-373(a)(4)b.] |
| | 10 | - | NA | III-A-2 | Density Calcs (if applicable) [34-373(a)(6)a.3 & (6)b.3 & (7)a.] |
| | 10 | - | - | III-A-5 | Aviation Hazard (if applicable) [34-1001 et seq.] |
| | 10 | - | - | III-B-3 | Sanitary Sewer Facilities(if applicable) [34-442 (1)n] |
| | 4 | - | NA 4 | III-C | Traffic Imp. Statement (if applicable) [34-373(a)(6)a.11 or b.10] |
| | 4 | - | ✓ 4 | III-C | TIS Exemption Form (if applicable) [34-373(a)(6)a.11 or b.10] |
| | 10 | 4 | ✓ 4 | IV-A | Public transit routes map (if applicable) [34-373(a)(4)d.] |
| | 10 | 4 | ✓ 4 | IV-B | Protected Species Survey (if applicable) [34-373(a)(4)e.] |
| | 10 | 4 | ✓ 4 | IV-B | Prot. Spec. Survey Exemption (if applicable) [34-373(a)(4)e.] |
| | 10 | 4 | ✓ 4 | IV-C | Existing easements and r-o-w map. [34-373(a)(4)f.] |
| | 10 | 10 | ✓ 10 | IV-D | Description of proposed development. [34-373(a)(6)] |
| | 10 | 10 | ✓ 10 | IV-E | Master Concept Plan (Option 1) [34-373(a)(6)a.] |
| | 10 | 10 | ✓ 10 | IV-F | Master Concept Plan (Option 2) [34-373(a)(6)b.] |
| | 1 | 1 | ✓ 1 | | 11 inch by 17 inch copy of the Master Concept Plan |
| | 10 | 10 | ✓ 10 | IV-G | Schedule of Uses [34-373(a)(6)a.3. or b.3 and 34-373(a)(7)] |
| | 10 | 10 | ✓ 10 | IV-H | Schedule of Dev. & Justification [34-373(a)(6)a.9 or b.9 & (7)d] |
| | 4 | - | - | IV-I | Surface Water Management Plan [34-373(b)(1)] |
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| | 10 | 10 | 0 | IV-K | Program for phased development (if applicable) [34-373(b)(3)] |
| | 10 | 10 | NA 10 | IV-L | Haz. Mat Emer Plan (if applicable) [34-202(b)(4)] |
| | - | 4 | - | IV-M | Mobile Home Park Rezoning Information [34-373(d)] |



LEE COUNTY

COPY

REQUEST FOR PUBLIC HEARING SUBMITTAL REQUIREMENT WAIVER

Upon written request, the director may modify the submittal requirements for Public Hearings where it can be clearly demonstrated that the submission will have no bearing on the review and processing of the application. The request and the director's written response must accompany the application submitted and will become a part of the permanent file.

APPLICATION FOR WAIVER OF SUBMITTAL ITEMS REQUIRED FOR PUBLIC HEARING

Public Hearing - General Requirements (34-202)

Public Hearing - Additional requirements for:

Development of Regional Impact (34-203(a))

☒ Planned Developments (34-203(b))

Rezoning other than Planned Developments (34-203 (c))

Mobile Home Park (34-203(d))

Special Exception (34-203(e))

Variances (34-203(f))

RECEIVED
OCT 31 2000

PERMIT COUNTER

PLEASE PRINT OR TYPE:

STRAP Number: 24-46-24-W4-00001.0040

Name of Project: PUBLIX SUPER MARKET, INC. CPD

Name of Applicant*: Beverly Grady, Roetzel & Andress, a legal professional association, on behalf of Publix Super Market, Inc. CPD

Street Address: 2320 First Street, Suite 1000

| | | |
|-------------------------|-----------------------|------------|
| City: Fort Myers | State: FL | Zip: 33901 |
| Phone #: (941) 337-3850 | Fax #: (941) 337-0970 | E-mail: |

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

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

| Section Number | Requirement |
|------------------|---------------------------------|
| 34-373(a)(6)b.10 | Zoning Traffic Impact Statement |
| | |
| | |

Over



DCI 2000-00078

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

SCOPE OF PROJECT AND REASON(s) FOR REQUEST

Please provide an explanation of the scope of the project and the reason(s) why you think the request for submittal waiver should be approved. Use additional sheets if necessary.

(Please print or type)

This is an amendment to a CPD to ask for a sign relief and have no traffic impact

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


Beverly Grady, Roetzel & Andress, a legal professional assoc. on behalf of Publix Super Market, Inc.

Signature of Applicant:

Directors Decision: _____ Request Approved _____ Request Denied _____

Comments:

Signature: _____

Date: _____

78069_1

EXPLANATORY NOTES

Where there is more than one owner, either legal or equitable, then all such owners must jointly initiate the application. Exceptions to this are:

- 1) It is not required that both husband and wife initiate the application on private real property owned by them.
- 2) Where the property is subject to a land trust agreement, the trustee may initiate the application.
- 3) Where the fee owner is a corporation, any duly authorized corporate official may initiate the application.
- 4) Where the fee owner is a partnership, the general partner may initiate the application.
- 5) Where the fee owner is an association, the association may appoint an agent to initiate the application on behalf of the association.
- 6) Where the property is a condominium or time-share condominium, refer to Sec. 34-201(a)(1)b. for rules.
- 7) Where the property is a subdivision, refer to Sec. 34-201(a)(1)c. for rules.
- 8) Rezoning initiated by the Board of County Commissioners on property not owned by the county.

.. LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT
TOWN OF FORT MYERS BEACH

The undersigned does hereby swear or affirm that it is the fee simple title holder and owner of record of property commonly known as 4791 ESTERO BOULEVARD, FORT MYERS BEACH, FL 33931, and legally described in exhibit A attached hereto. We hereby designate BEVERLY GRADY, on behalf of Roetzel & Andress, a legal professional association and Mid-Island Beach Marina, Inc., as the legal representatives of the property for this purpose, and as such, authorizes the filing of an application to amend the CPD approved pursuant to Resolution No. 98-11 to permit the owner of the Marina and Restaurant referenced in the subject resolution regarding access to and also place a sign on the CPD as specified in the sign easement by the legal description of the area attached as Exhibit "B".

These representatives will remain the only entities to authorize the above development activity on the property until such time as a new or amended authorization is delivered to Lee County.

PUBLIX SUPER MARKETS, INC.

BY: _____

PRINTED NAME: _____

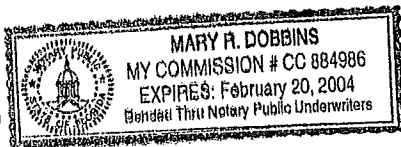
John Frazier
Vice President
Real Estate

TITLE: _____

STATE OF FLORIDA
COUNTY OF Polk

The foregoing instrument was acknowledged before me this 23rd day of October, 2000, by John Frazier, as Vice President, of PUBLIX SUPER MARKETS, INC., who is personally known to me or who has produced _____ as identification.

(SEAL)



Mary R. Dobbins
Signature of Notary Public

*If more than one owner then all owners must sign. See explanation on back.

IMAGE01 : FL-00-24983-2 10/04/2000 11:47:52am

Page 1 of 3

15000
1139.00
1139.00

Prepared By:
Thomas E. Monney, Esq.
1430 Royal Palm So. Blvd., #105
Fort Myers, FL 33919

RECORDED

INSTR # 4741635

OR BK 03161 PG 2220

RECORDED 10/25/99 21:43 PM
CHARLIE GREEN CLERK OF COURT
LEE COUNTY
RECORDING FEE 15.00
DOC TAX PD (F.S. 201.02) 11,391.00
DEPUTY CLERK C Kojler

Parcel ID Number: 28-46-24-W4-00001.0030**WARRANTY DEED**This Indenture, made this 22nd day of Oct., 1999 Between

James Figuerado, Jr. and Deborah Figuerado, Husband and Wife,

of the County of Lee, State of Florida, Grantor, and

Publix Super Markets, Inc., a Florida corporation,

whose address is: P.O. Box 407 Lakeland FL 33802
of the County of Folk, State of Florida, Grantee.

WITNESSETH that the Grantors, for and in consideration of the sum of _____

Ten and no/100 _____

Dollars

and other good and valuable consideration to Grantee in hand paid by Grantor, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said Grantee and Grantee's heirs and assigns forever, the following described land, situate, lying and being in the County of Lee, State of Florida, to wit:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE WESTERLYMOST CORNER OF LOT 6, BLOCK "A" OF HOLIDAY SHORES SUBDIVISION AS RECORDED IN PLAT BOOK 9 AT PAGE 33 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ALSO BEING A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD (STATE ROAD 865), 32.5 FEET FROM THE CENTERLINE OF ESTERO BOULEVARD; THENCE RUN N 49°57'33"W, ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 193.10 FEET; THENCE RUN N 20°45'47"E FOR A DISTANCE OF 596.34 FEET; THENCE RUN S 51°46'07"E FOR A DISTANCE OF 374.01 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID HOLIDAY SHORES SUBDIVISION; THENCE RUN S 38°13'53"W ALONG THE NORTHWESTERLY LINE OF SAID HOLIDAY SHORES SUBDIVISION, FOR A DISTANCE OF 575.00 FEET TO THE POINT OF BEGINNING, CONTAINING 3.736 ACRES, MORE OR LESS.

Subject to all matters listed on attached Exhibit "A" without intending to reimpose same.

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

In Witness Whereof, the Grantors have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:

Nancy E. Phoner
Witness Signature

NANCY E. AISNER
Printed Name

BARBARA M. DORSON
Witness Signature

BARBARA M. DORSON
Witness Printed Name

James Figuerado, Jr.
James Figuerado, Jr.

Deborah Figuerado
Deborah Figuerado

EXHIBIT

"A"

IMAGE01 : FL-00-24983-2 10/04/2000 11:47:52am

Page 2 of 3

02 DE 00101 PG 2001

Warranty Deed
Page 2

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 22 day of June, 1999 by
James Figueroa, Jr. and Deborah Figueroa, Husband and Wife, who are personally known to me or who provided
_____ as identification.

James E. Proulx
Notary Public
My Commission Expires:



IMAGE01 : FL-00-24983-2 10/04/2000 11:47:52am

Page 3 of 3

OR 18 20101 PG 2222

Warranty Deed
Page 3

SCHEDULE "A"

1. Taxes for the year 1999 and subsequent years.
2. Zoning and any other ordinances of a local governmental authority.
3. Any claim that any part of said land is owned by the State of Florida by right of sovereignty.
4. Subject land lies within the boundaries of the Fort Myers Beach Sewer District and is subject to any acts or future assessments thereof.
5. Resolution No. 78-3-16 as recorded in O.R. Book 1438, Page 1739, Public Records of Lee County, Florida.
6. Lee County Ordinance No. 86-14 as recorded in O.R. Book 2169, Page 3281; and amended by Ordinance No. 86-38 as recorded in O.R. Book 2189, Page 3334, Public Records of Lee County, Florida.
7. Agreement by and between Mid Island Marine, Inc. and the State of Florida, Department of Environmental Regulation, recorded in O.R. Book 2118, Page 358, Public Records of Lee County, Florida.
8. Notice of Development Order recorded in O.R. Book 2201, Page 4157, Public Records of Lee County, Florida.
9. Exclusive and Perpetual Water Pipeline Easement Grant recorded in O.R. Book 2731, Page 358, public Records of Lee County, Florida.

PROPERTY DESCRIPTION
A 5-FOOT WIDE SIGN EASEMENT

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 48 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE WESTERLYMOST CORNER OF LOT 8, BLOCK "A" OF HOLIDAY SHORES SUBDIVISION AS RECORDED IN PLAT BOOK 9, AT PAGE 33 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ALSO BEING A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD (COUNTY ROAD 885), 32.50 FEET FROM THE CENTERLINE OF ESTERO BOULEVARD; THENCE RUN N 49°57'33" W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 75.54 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE CONTINUE N 49°57'33" W ALONG SAID NORTHERLY RIGHT-OF-WAY OF ESTERO BOULEVARD, FOR A DISTANCE OF 5.00 FEET; THENCE RUN N 38°13'53" E FOR A DISTANCE OF 25.00 FEET; THENCE RUN S 49°57'33" E FOR A DISTANCE OF 5.00 FEET; THENCE RUN S 38°13'53" W FOR A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED CONTAINING 125 SQUARE FEET, MORE OR LESS.

BEARINGS SHOWN HEREON REFER TO THE NORTHWESTERLY LINE OF HOLIDAY SHORES SUBDIVISION AS RECORDED IN PLAT BOOK 9, AT PAGE 33 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS BEING N 38°13'53" E.

EXHIBIT

"B"

EXPLANATORY NOTES

Where there is more than one owner, either legal or equitable, then all such owners must jointly initiate the application. Exceptions to this are:

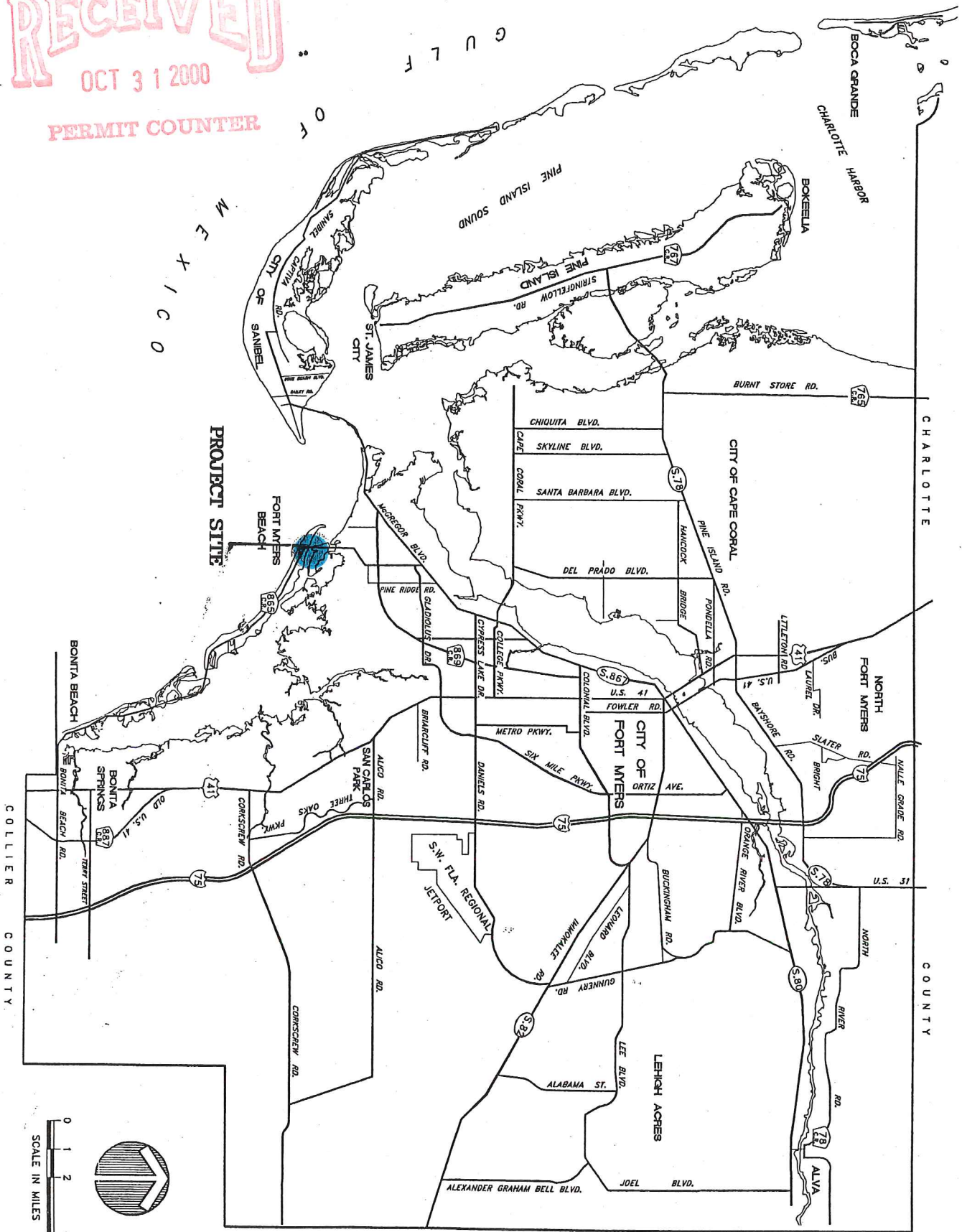
- 1) It is not required that both husband and wife initiate the application on private real property owned by them.
- 2) Where the property is subject to a land trust agreement, the trustee may initiate the application.
- 3) Where the fee owner is a corporation, any duly authorized corporate official may initiate the application.
- 4) Where the fee owner is a partnership, the general partner may initiate the application.
- 5) Where the fee owner is an association, the association may appoint an agent to initiate the application on behalf of the association.
- 6) Where the property is a condominium or time-share condominium, refer to Sec. 34-201(a)(1)b. for rules.
- 7) Where the property is a subdivision, refer to Sec. 34-201(a)(1)c. for rules.
- 8) Rezoning initiated by the Board of County Commissioners on property not owned by the county.

RECEIVED
OCT 31 2000

PERMIT COUNTER

M E X I C O

G U L F



DCI 2000-00078

AREA LOCATION MAP

EXHIBIT II-D

EXHIBIT IV-G

SCHEDULE OF USES

This is a request for a sign to serve both Publix and Mid-Island Beach Marina.

RECEIVED
OCT 31 2000

PERMIT COUNTER

DCI 2000-00078



**Exhibit II E 2 Narrative and
Exhibit IV-D Description of Proposed Development**

The subject property, which is 3.736 acres, was rezoned to Commercial Planned Development (CPD) by the Town Council on May 5, 1998. At that time the Council recognized and approved shared access for Mid Island Marina and the Publix Super Market as set forth in Resolution 98-11 and 11a approving the CPD. In the same manner, the sign location, which is approved on the CPD, was intended to be shared by Publix and Mid Island Marina. The sole purpose of this request is to authorize, in the same manner as the access, that the sign location for the ground-mounted sign is hereby approved for use by both Publix and Mid Island Marina including its tenants. In support of this request is the sign easement from Publix to Mid Island Marina. The proposed sign is in conformity with the sign code and Publix and Mid Island Marina (and its tenants) will share the amount of signage 50%/50%, see Exhibit 1 attached hereto. This request is consistent with the Comprehensive Plan of the Town, the Land Development Code.

The purpose of Exhibit 1 is to establish the dimensions of the sign. The sign location is on the Master Concept Plan and was previously approved as part of the CPD approval. Publix and Mid Island Marina reserve the right to change the copy on the sign.

77991_1
102932-0001

DCI 2000-00078

LEGAL DESCRIPTION: In Section 28, Township 46 South, Range 24 East, Lee County, Florida:

A parcel of land located in the Southwest Quarter (SW¼) of Section 28, Township 46 South, Range 24 East, Lee County, Florida, more particularly described as follows:

Begin at the Westerlymost corner of Lot 6, Block "A" of HOLIDAY SHORES SUBDIVISION as recorded in Plat Book 9 at Page 33 of the Public Records of Lee County Florida, also being a point on the Northeasterly right-of-way line of Estero Boulevard (State Road 865) 32.5 feet from the centerline of Estero Boulevard;

THENCE run N49°57'33"W along said Northeasterly right-of-way line for a distance of 195.10 feet;

THENCE run N20°45'47"E for a distance of 596.34 feet;

THENCE run S51°46'07"E for a distance of 374.01 feet to a point on the Northwestern line of said HOLIDAY SHORES SUBDIVISION;

THENCE run S38°13'53"W along the Northwestern line of said HOLIDAY SHORES SUBDIVISION for a distance of 575.00 feet to the POINT OF BEGINNING.

Containing 3.736 acres, more or less.

RECEIVED
OCT 31 2000

PERMIT COUNTER



DCI 2000-00078

EXHIBIT I-B-4
COVENANT OF UNIFIED CONTROL

RECEIVED
OCT 31 2000
COUNTY CLERK

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as 4765 ESTERO BOULEVARD, FORT MYERS BEACH, FL 33931 legally described in exhibit A attached hereto.

The property described herein is the subject of an application to amend the CPD specifically regarding the sign easement. We hereby designate MID-ISLAND BEACH MARINA, INC. and BEVERLY GRADY, on behalf of Roetzel & Andress, a legal professional association, as the legal representative of the property for this purpose, and as such, is authorized to legally bind all owners of the property in the course of seeking the necessary approvals in the filing of an application to amend the CPD approved pursuant to Resolution No. 98-11 to permit the owner of the Marina and Restaurant referenced in the subject resolution regarding access to and also place a sign on the CPD as specified in the sign easement by the legal description of the area attached as Exhibit "B". This representative will remain the only entity to authorize the above development activity on the property until such time as a new or amended authorization is delivered to Lee County.

The undersigned recognize the following and will be guided accordingly in the pursuit of development of the project:

1. The property will be developed and used in conformity with the approved master concept plan including all conditions placed on the development and all commitments agreed to by the applicant in connection with the planned development rezoning.
2. The legal representative identified herein is responsible for compliance with all terms, conditions, safeguards, and stipulations made at the time of approval of the master concept plan, even if the property is subsequently sold in whole or in part, unless and until a new or amended covenant of unified control is delivered to and recorded by Lee County.
3. A departure from the provisions of the approved plans or a failure to comply with any requirements, conditions, or safeguards provided for in the planned development process will constitute a violation of the Land Development Code.
4. All terms and conditions of the planned development approval will be incorporated into covenants and restrictions which run with the land so as to provide notice to subsequent owners that all development activity within the planned development must be consistent with those terms and conditions.
5. So long as this covenant is in force, Lee County can, upon the discovery of noncompliance with the terms, safeguards, and conditions of the planned development, seek equitable relief as necessary to compel compliance. The County will not issue permits, certificates, or licenses to occupy or use any part of the planned development and the County may stop ongoing construction activity until the project is brought into compliance with all terms, conditions and safeguards of the planned development.

PUBLIX SUPER MARKETS, INC..

BY: _____

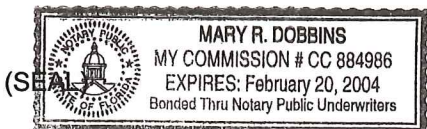
PRINTED NAME: _____

John Frazier
Vice President
Real Estate

TITLE: _____

STATE OF FLORIDA
COUNTY OF Polk

The foregoing instrument was acknowledged before me this 23rd day of October, 2000, by John Frazier, as Vice President, of PUBLIX SUPER MARKETS, INC., who is personally known to me or who has produced _____ as identification. .



Signature of Notary Public

DCI 2000-00078

EXHIBIT

I-B-4

IMAGE01 : FL-00-24983-2 10/04/2000 11:47:52am

Page 1 of 3

15.00 P.
11.39.00
4,406.40

Prepared By:
Thomas B. Moorey, Esq.
1430 Royal Palm So. Blvd., #105
Fort Myers, FL 33919

RECORDED

INSTR # 4741635
OR BK 03161 PG 2220
RECORDED 10/25/99 23:43 PM
CHARLIE GREEN CLERK OF COURT
LEE COUNTY
RECORDING FEE 15.00
DOC TAX PD (7.5 281.02) 11,391.00
DEPUTY CLERK C Kettler

Parcel ID Number: 28-46-24-W4-00001.0030

WARRANTY DEED

This Indenture, made this 22 day of June, 1999 Between

James Figuerado, Jr. and Deborah Figuerado, Husband and Wife,

of the County of Lee, State of Florida, Grantor, and

Publix Super Markets, Inc., a Florida corporation,

whose address is: P.O. Box 407 LAKELAND FL. 33802
of the County of Polk, State of Florida, Grantee.

WITNESSETH that the Grantors, for and in consideration of the sum of

Ten and no/100

Dollars

and other good and valuable consideration to Grantors in hand paid by Grantee, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said Grantee and Grantee's heirs and assigns forever, the following described land, situate, lying & being in the County of Lee, State of Florida, to wit:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE WESTERLYMOST CORNER OF LOT 6, BLOCK "A" OF HOLIDAY SHORES SUBDIVISION AS RECORDED IN PLAT BOOK 9 AT PAGE 33 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ALSO BEING A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD (STATE ROAD 865), 32.5 FEET FROM THE CENTERLINE OF ESTERO BOULEVARD; THENCE RUN N 49°57'33"W, ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 193.10 FEET; THENCE RUN N 20°45'47"E FOR A DISTANCE OF 596.34 FEET; THENCE RUN S 51°46'07"E FOR A DISTANCE OF 374.01 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID HOLIDAY SHORES SUBDIVISION; THENCE RUN S 38°13'53"W ALONG THE NORTHWESTERLY LINE OF SAID HOLIDAY SHORES SUBDIVISION, FOR A DISTANCE OF 575.00 FEET TO THE POINT OF BEGINNING, CONTAINING 3.736 ACRES, MORE OR LESS.

Subject to all matters listed on attached Exhibit "A" without intending to reimpose same.

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

In Witness Whereof, the Grantors have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:

Nancy E. Prosser
Witness Signature
NANCY E. PROSSER

Barbara M. Dodson
Witness Signature
BARBARA M. DODSON
Witness Printed Name

James Figuerado, Jr.
James Figuerado, Jr.

Deborah Figuerado
Deborah Figuerado



IMAGE01 : FL-00-24983-2 10/04/2000 11:47:52am

Page 2 of 3

OR BK 03181 PG 2221

Warranty Deed
Page 2

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 22 day of June, 1999 by
James Figuerado, Jr. and Deborah Figuerado, Husband and Wife, who are personally known to me or who provided
_____ as identification.

Nancy E. Phoiner
Notary Public
My Commission Expires:

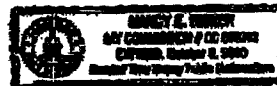


IMAGE01 : FL-00-24983-2 10/04/2000 11:47:52am

Page 3 of 3

OR SR 83181 PG 2222

Warranty Deed
Page 3

SCHEDULE "A"

1. Taxes for the year 1999 and subsequent years.
2. Zoning and any other ordinances of a local governmental authority.
3. Any claim that any part of said land is owned by the State of Florida by right of sovereignty.
4. Subject land lies within the boundaries of the Fort Myers Beach Sewer District and is subject to any acts or future assessments thereof.
5. Resolution No. 78-3-16 as recorded in O.R. Book 1438, Page 1739, Public Records of Lee County, Florida.
6. Lee County Ordinance No. 86-14 as recorded in O.R. Book 2189, Page 3281; and amended by Ordinance No. 86-38 as recorded in O.R. Book 2189, Page 3334, Public Records of Lee County, Florida.
7. Agreement by and between Mid Island Marine, Inc. and the State of Florida, Department of Environmental Regulation, recorded in O.R. Book 2118, Page 358, Public Records of Lee County, Florida.
8. Notice of Development Order recorded in O.R. Book 2201, Page 4157, Public Records of Lee County, Florida.
9. Exclusive and Perpetual Water Pipeline Easement Grant recorded in O.R. Book 2721, Page 358, public Records of Lee County, Florida.

**PROPERTY DESCRIPTION
A 5-FOOT WIDE SIGN BASEMENT**

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 48 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE WESTERLYMOST CORNER OF LOT 6, BLOCK "A" OF HOLIDAY SHORES SUBDIVISION AS RECORDED IN PLAT BOOK 9, AT PAGE 33 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ALSO BEING A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD (COUNTY ROAD 885), 32.50 FEET FROM THE CENTERLINE OF ESTERO BOULEVARD; THENCE RUN N 49°57'33" W, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 73.54 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE CONTINUE N 49°57'33" W, ALONG SAID NORTHERLY RIGHT-OF-WAY OF ESTERO BOULEVARD, FOR A DISTANCE OF 5.00 FEET; THENCE RUN N 38°13'53" E FOR A DISTANCE OF 25.00 FEET; THENCE RUN S 49°57'33" E FOR A DISTANCE OF 5.00 FEET; THENCE RUN S 38°13'53" W FOR A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED CONTAINING 125 SQUARE FEET, MORE OR LESS.

BEARINGS SHOWN HEREON REFER TO THE NORTHWESTERLY LINE OF HOLIDAY SHORES SUBDIVISION AS RECORDED IN PLAT BOOK 9, AT PAGE 33 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS BEING N 38°13'53" E.

EXHIBIT

"B"

Bus Fare Information

(All bus passes good on trolleys)

| | |
|--|--------|
| Adult Fare..... | \$1.00 |
| Senior Citizen (65 or older with Medicare Card or LeeTran I.D.)..... | .50 |
| Disabled Citizen (with Medicare card or Lee Tran I.D.)..... | .50 |
| Pre-School Children (under 42 in.)Free | |
| Transfers..... | .15 |
| (Good for next available bus only) | |

Passes

| | |
|----------------------------------|---------|
| All Day Pass..... | \$ 3.00 |
| Adult Monthly Pass..... | \$30.00 |
| Student Monthly Pass..... | \$25.00 |
| Senior/Disabled Monthly Pass.... | \$18.00 |
| Adult Twelve Trip..... | \$10.00 |
| Student Twelve Trip..... | \$ 7.50 |
| Senior Twelve Trip..... | \$ 5.00 |

Exact Fare Needed

Se requiere cambio exacto

Tariffas para Adultos.....\$ 1.00
 Tariffas para personas mayores de 65 años o mayor e impedidos(con tarjeta de Medicare), \$.50
 Pre-escolar niños menos de 42 pulgadas...No Pagan
 Boleto de transbordo.....\$.15

Passes

| | |
|--|---------|
| Pase Para de Dia..... | \$ 3.00 |
| Pase Mensual para Adultos..... | \$30.00 |
| Pase Mensual para Estudiantes..... | \$25.00 |
| Pase para Ancianos e Impedidos...\$18.00 | |
| Pase de Doce Viajes para Adultos..... | \$10.00 |
| Pase de Doce Viajes para Ancianos... | \$ 5.00 |
| Pase de Doce Viajes para Estudiantes.. | \$ 7.50 |

MONDAY THROUGH SATURDAY SCHEDULE PARK AND RIDE PARK AND RIDE NORTHBOUND SOUTHBOUND

| Depart BOWDITCH PARK | Arrive SUMMERLIN SQUARE | Depart SUMMERLIN SQUARE | Arrive BOWDITCH PARK |
|----------------------------|-------------------------------|-------------------------------|----------------------------|
| 7:30 | 7:50 | 7:00 | 7:20 |
| 8:30 | 8:50 | 8:00 | 8:20 |
| 9:30 | 9:50 | 9:00 | 9:20 |
| 10:30 | 10:50 | 10:00 | 10:20 |
| 11:30 | 11:50 | 11:00 | 11:20 |
| 12:30 | 12:50 | 12:00 | 12:20 |
| 1:30 | 1:50 | 1:00 | 1:20 |
| 2:30 | 2:50 | 2:00 | 2:20 |
| 3:30 | 3:50 | 3:00 | 3:20 |
| 4:30 | 4:50 | 4:00 | 4:20 |
| 5:30 | 5:50 | 5:00 | 5:20 |
| 6:30 | 6:50 | 6:00 | 6:20 |
| 7:30 | 7:50 | 7:00 | 7:20 |
| 8:30 | 8:50 | 8:00 | 8:20 |
| 9:30 | 9:50 | 9:00 | 9:20 |

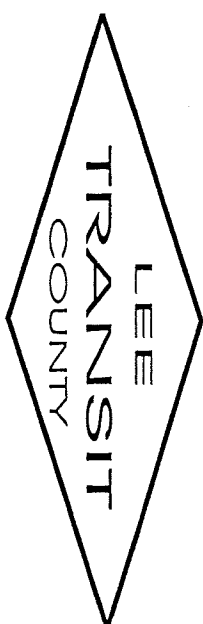
Transfers not valid on The Beach Connection

The fare is 25 ¢ each way

SUNDAY PARK & RIDE SUNDAY PARK & RIDE SOUTHBOUND NORTHBOUND

| Depart SUMMERLIN SQUARE | Arrive BOWDITCH PARK | Depart BOWDITCH PARK | Arrive SUMMERLIN SQUARE |
|-------------------------------|----------------------------|----------------------------|-------------------------------|
| 7:00 | 7:20 | 7:40 | 8:00 |
| 8:10 | 8:30 | 8:40 | 9:00 |
| 9:10 | 9:30 | 9:40 | 10:00 |
| 10:10 | 10:30 | 10:40 | 11:00 |
| 11:10 | 11:30 | 11:40 | 12:00 |
| 12:10 | 12:30 | 12:40 | 1:00 |
| 1:10 | 1:30 | 1:40 | 2:00 |
| 2:10 | 2:30 | 2:40 | 3:00 |
| 3:10 | 3:30 | 3:40 | 4:00 |
| 4:10 | 4:30 | 4:40 | 5:00 |
| 5:10 | 5:30 | 5:40 | 6:00 |
| 6:10 | 6:30 | 6:40 | 7:00 |
| 7:10 | 7:30 | 7:40 | 8:00 |
| 8:10 | 8:30 | 8:40 | 9:00 |
| 9:10 | 9:30 | 9:30 | 9:50 |

25 ¢ TROLLEY

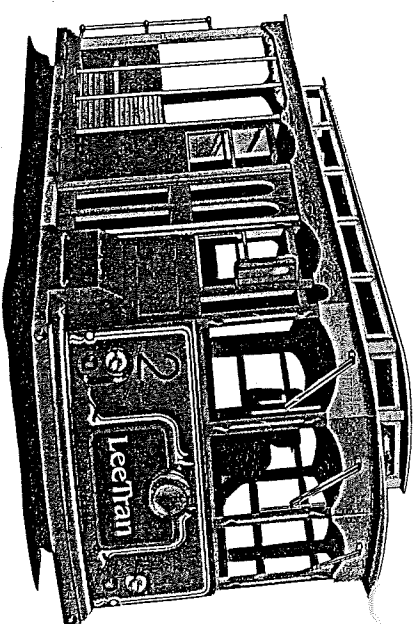


Call 275-8726

SERVICING:

↔ BOWDITCH PARK ↔ SANTINI PLAZA
 ↔ FT. MYERS BEACH (PIER) ↔ BONITA BEACH

THE BEACH CONNECTION SEVEN DAYS A WEEK



Effective 5/1/00

OCI 2000-00078

EXHIBIT

11-F-3

RECEIVED
OCT 31 2000

PERMIT COUNTER



284624

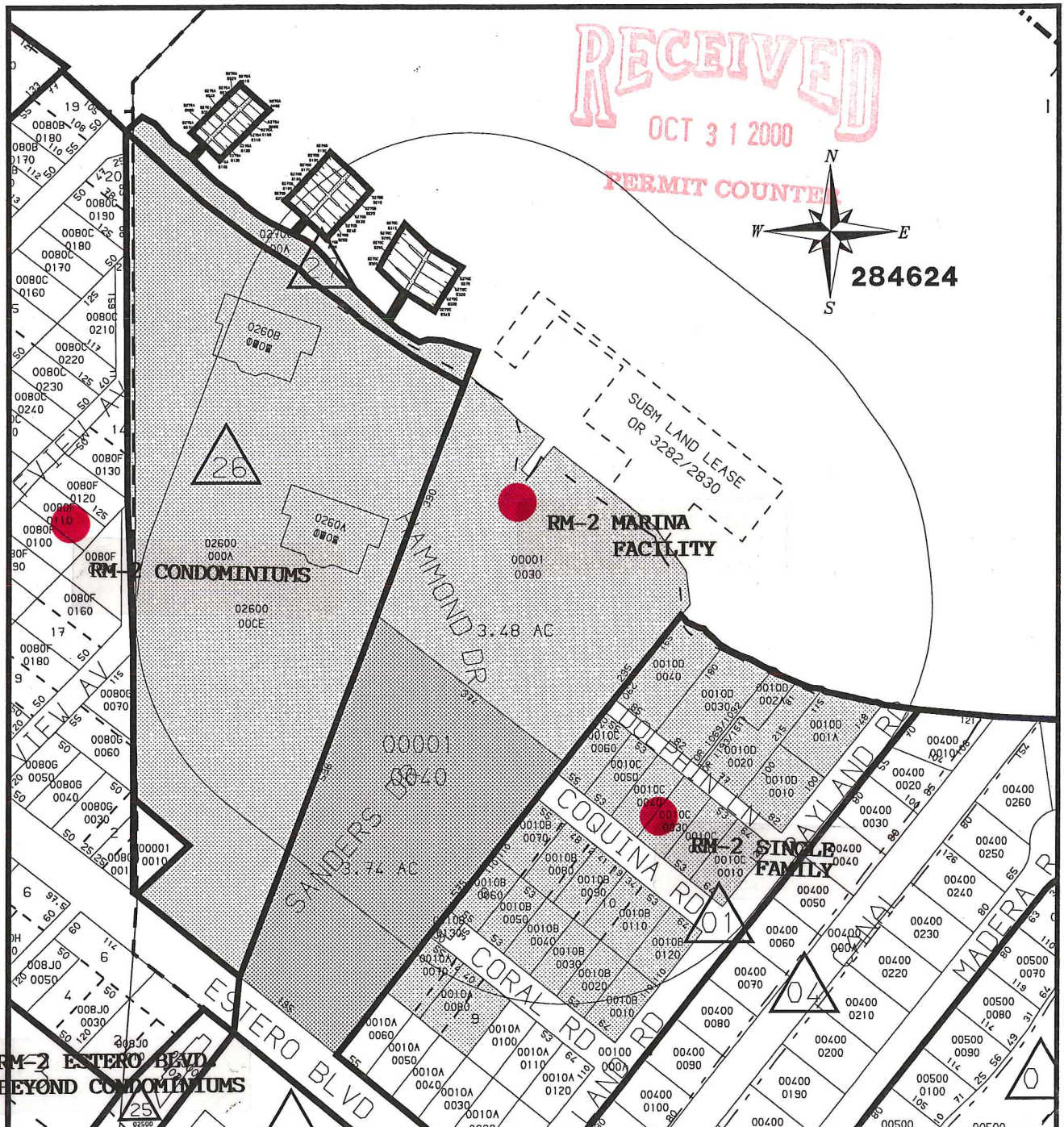


EXHIBIT IV-H

SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS

NONE

RECEIVED
OCT 31 2000

PERMIT COUNTER

DCI 2000-00078

DEVELOPMENT SERVICES DIVISION
DCI SUFFICIENCY REVIEW - COMMERCIAL PLANNED DEVELOPMENT
TRANSMITTAL SHEET

TO: Distribution FROM: Chip Block DATE: 10/30/00
Walter J. McCarthy - Xmittal sheet only
DS Reviewer - Don Blackburn
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Planning
Elaine Mettauer, LCDOT
Samy Faried, Lee County Regional Water Supply Authority
Roland Ottolini, Natural Resources

PROJECT NAME: Mid Island Marina, Inc., in ref. to Publix Super Market, Inc. CASE #: DCI2000-00078

INFORMATION SUMMARY:

NEW SUBMITTAL

☐ To update your file RESPONSE REQUIRED BY: 11/14/00
☒ Review and forward sufficiency
questions or make finding of
sufficiency

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).

Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI File/**ZONE File**



LEE COUNTY
SOUTHWEST FLORIDA

479-8585

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: _____

Bob Janes
District One

January 31, 2001

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

Ms. Beverly Grady
Roetzel & Andress, a legal professional association
2320 First St. Suite 100
Ft. Myers, FL 33901

**Re: Agenda Schedule for Mid Island Marina, Inc., in ref. to Publix Super Market,
Inc., CPD
Case No. DCI2000-00078**

Dear Ms. Grady:

Your zoning request has been scheduled before the Fort Myers Beach Town Council to take final action after reviewing the Local Planning Agency recommendation.

DATE & TIME: February 12, 2001, Meeting commences at 9:00 am.

LOCATION: Fort Myers Beach Administrative Building
2523 Estero Boulevard
Ft. Myers Beach, Florida 33932

If you have questions call 765-0202 for additional information.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

Rebecca Tatlock
Rebecca Tatlock
Internal Services Secretary

cc: Mid Island Marina, Inc.
Publix Super Markets, Inc.
Zoning File



LEE COUNTY
SOUTHWEST FLORIDA

479-8585

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: _____

John E. Manning
District One

December 11, 2000

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

Ms. Beverly Grady
Roetzel & Andress, a legal professional association
2320 First St. Suite 100
Ft. Myers, FL 33901

Re: Agenda Schedule for Mid Isl. Marina, Inc., in ref. to Publix Super Market, Inc., CPD
Case No. DCI2000-00078

Dear Ms. Grady:

Your zoning request has been scheduled before the Fort Myers Beach Local Planning Agency on January 9, 2001, at 12:00 noon. The hearing will be conducted in the Nations Bank Building, 2523 Estero Boulevard, Fort Myers Beach, Florida.

Your zoning sign will be ready for pick-up anytime after December 18, 2000, at the drive-in window, 1500 Monroe Street, Fort Myers, Florida. This sign must be posted in accordance with Department procedures no later than December 29, 2000, and is to remain posted until final decision is rendered.

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

Rebecca Tatlock
Rebecca Tatlock
Secretary, Internal Services

cc: Mid Island Marina, Inc.
Publix Super Markets, Inc.
Alvin "Chip" Block, AICP, Planner
Zoning File

U:\200012\DCI20000.007\8\applntltlrpa.wpd

NOTICE TO ADJACENT PROPERTY OWNER

CASE NUMBER: DCI2000-00078

NAME: Mid Island Marina, Inc., in ref. to Publix Super Market, Inc., CPD

REQUEST: An amendment to the CPD zoning approved in Zoning Resolution Z-98-11 and Z-98-11a, to add deviations from the sign regulations contained in the Town of Ft. Myers Beach Land Development Code Section 30-153(2)a.4 to allow an additional sign, and to allow an off-site sign.

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

LOCATION: The subject property is located at 4791 Estero Blvd, in S28-T46S-R24E, Lee County, FL.

SIZE OF PROPERTY: 3.736± acres

STAFF REPORT: Direct inquiries to Alvin "Chip" Block, AICP, Planner, at (941)479-8371, at the Dept. of Community Development, 1500 Monroe St., Ft. Myers, FL 33901.

Notice is hereby given that the Fort Myers Beach Local Planning Agency (LPA) will hold a public hearing on Tuesday, January 9, 2001, at 12:00 noon, on the above case. The public hearing will be held in the Nations Bank Building, 2523 Estero Blvd., Fort Myers Beach, FL 33931.

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

After the LPA has made a written recommendation, the case will be scheduled for a public hearing before the Town of Fort Myers Beach Council who will review the recommendation and make a final decision.

Copies of the staff report may be obtained or the file reviewed at the Offices of the Town of Ft. Myers Beach Administration Building, 2523 Estero Blvd., Ft. Myers Beach, FL.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Rebecca Tatlock at 479-8585.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

28-46-24-W4-00001.0040
PUBLIX SUPER MARKETS INC

P O BOX 407

LAKELAND FL 33931

28-46-24-W4-0010A.0070
GRATKOWSKI WALTER F + HELEN M

4838 CORAL RD

FT MYERS BEACH FL 33931

28-46-24-W4-0010B.0010
HENNEBERGER NANCY S TR

313 BAYLAND ROAD

FT MYERS BEACH FL 33931

28-46-24-W4-0010B.0030
WELSH FRANK W + DONNA J

125 MANGO ST

FT MYERS FL 33931

28-46-24-W4-0010B.0050
MORRISON JAMES K + SARAH S

4821 CORAL ST

FT MYERS BEACH FL 33931

28-46-24-W4-0010B.0070
SMALLWOOD GARY DEAN +

12740 EQUESTRIAN #2908

FORT MYERS FL 33907

28-46-24-W4-0010B.0090
WHYTE JEANNE A

4850 COQUINA RD

FT MYERS BEACH FL 33931

28-46-24-W4-0010B.0120
OCONNELL MAURICE

4880 COQUINA RD

FT MYERS BEACH FL 33931

28-46-24-W4-0010C.0010
SIMMONS CARLEEN J

315 BAYLAND RD

FT MYERS BCH FL 33931

28-46-24-W4-0010C.0030
ZUBEK DONALD R + ELAINE M

4861 COQUINA RD

FT MYERS BEACH FL 33931

28-46-24-W4-00001.0030
MID-ISLAND BEACH MARINA INC

4765 ESTERO BLVD

FT MYERS BCH FL 33931

28-46-24-W4-0010A.0080
HICKERSON RALPH C + TEENA M

68 GULF BLVD

INDIAN ROCKS BEACH FL 33785

28-46-24-W4-0010B.0020
GOODBREAD STEVEN + LESLEY

17660 BROADWAY AV

FT MYERS BEACH FL 33931

28-46-24-W4-0010B.0040
COOK DONALD W +

623 CONCORD AVE

BOULDER CO 80304

28-46-24-W4-0010B.0060
MACLEOD KATHRYN +

4811 CORAL RD

FORT MYERS BEACH FL 33931

28-46-24-W4-0010B.0080
RAYMOND ROBERT L + DONNA M

5 TSIENNETO RD #100

DERRY NH 03038

28-46-24-W4-0010B.0110
STOUT FRANCES R

4870 COQUINA RD

FT MYERS BEACH FL 33931

28-46-24-W4-0010B.0130
HICKERSON RALPH C + TEENA M

68 GULF BLVD

INDIAN ROCKS BEACH FL 33785

28-46-24-W4-0010C.0020
PARMER ANITA G

4870 DOLPHIN LN

FT MYERS BEACH FL 33931

28-46-24-W4-0010C.0040
SEYMOUR JANET G

4841 COQUINA RD

FT MYERS BEACH FL 33931

28-46-24-W4-0010C.0050
ROSA CHESTER B

EASTMAN BERNARDINE R J/T
PO BOX 66441
SAINT PETERSBURG FL 33736

28-46-24-W4-0010D.0010
FREEMAN PHILIP E + NADINE M

375 BAYLAND RD
FT MYERS BEACH FL 33931

28-46-24-W4-0010D.0020
VEHMEIER JOYCE F

1140 WOODSIDE DR
FREEPORT IL 61032

28-46-24-W4-0010D.0030
ACKERT ROBT P + MARY LEE CO-TR

4851 DOLPHIN LN
FT MYERS BEACH FL 33931

28-46-24-W4-02600.000A
OCEAN HARBOR CONDO

4741 ESTERO BLVD
FT MYERS BEACH FL 33931

28-46-24-W4-0010C.0060
CALLAHAN MARGARET

P O BOX 13131
LAS VEGAS NV 89112

28-46-24-W4-0010D.001A
HORNACK R M + CAROL J

395 BAYLAND RD
FT MYERS BCH FL 33931

28-46-24-W4-0010D.002A
ACKERT ROBT P + MARY LEE CO-TR

4851 DOLPHIN LN
FT MYERS BEACH FL 33931

28-46-24-W4-0010D.0040
AMOS CONSTANCE B

4841 DOLPHIN LN
FT MYERS BEACH FL 33931

28-46-24-W4-02700.000A
OCEAN HARBOR YACHT CLUB

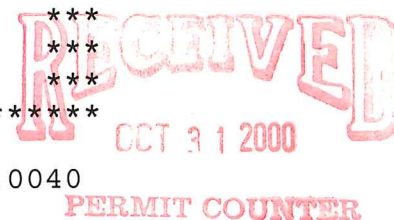
4745-4753 ESTERO BLVD
FT MYERS BEACH FL 33931

*** VARIANCE REPORT ***

*** Prepared By ***
*** LEE COUNTY PROPERTY APPRAISER ***
*** Kenneth M. Wilkinson ***

Page 1 of 8

DATE OF REPORT : 23OCT00
SUBJECT PROPERTY : 28-46-24-W4-00001.0040
VARIANCE DISTANCE : 375 (ft)
PARCELS AFFECTED : 30



28-46-24-W4-00001.0040

PAR IN SW 1/4 DESC
OR 3181 PG 2220

***** OWNER *****
PUBLIX SUPER MARKETS INC

***** SITE *****

P O BOX 407

4791 ESTERO BLVD

LAKELAND

FL 33931

FORT MYERS BEACH

33931

28-46-24-W4-00001.0030

PARL IN SW 1/4 DESC OR 328
0 PG 2023

***** OWNER *****
MID-ISLAND BEACH MARINA INC

***** SITE *****

4765 ESTERO BLVD

4761/4765 ESTERO BLVD

FT MYERS BCH

FL 33931

Fort Myers Beach

33931

28-46-24-W4-0010A.0070

HOLIDAY SHORES BLK A PB 9
PG 33 LOT 7 + NWLRY 13.5
FT OF LOT 8

***** OWNER *****
GRATKOWSKI WALTER F + HELEN M

***** SITE *****

4838 CORAL RD

4838 CORAL RD

FT MYERS BEACH

FL 33931

Fort Myers Beach

33931

28-46-24-W4-0010A.0080

HOLIDAY SHORES BLK A PB 9
PG 33 LOT 8 SWLRY 39.5 F
T + LOT 9

***** OWNER *****
HICKERSON RALPH C + TEENA M

***** SITE *****

68 GULF BLVD

4830 CORAL RD

INDIAN ROCKS BEACH

FL 33785

Fort Myers Beach

33931

EXHIBIT

I-B-5

OCT 2000-00078

 *** VARIANCE REPORT ***

 *** Prepared By ***
 *** LEE COUNTY PROPERTY APPRAISER ***
 *** Kenneth M. Wilkinson ***

 DATE OF REPORT : 23OCT00
 SUBJECT PROPERTY : 28-46-24-W4-00001.0040
 VARIANCE DISTANCE : 375(ft)
 PARCELS AFFECTED : 30

 28-46-24-W4-0010B.0010

HOLIDAY SHORES BLK B
 PB 9 PG 33 LOT 1.

***** OWNER *****
 HENNEBERGER NANCY S TR

***** SITE *****

313 BAYLAND ROAD

313 BAYLAND RD

FT MYERS BEACH FL 33931

Fort Myers Beach

33931

 28-46-24-W4-0010B.0020

HOLIDAY SHORES BLK B
 PB 9 PG 33 LOT 2.

***** OWNER *****
 GOODBREAD STEVEN + LESLEY

***** SITE *****

17660 BROADWAY AV

4871 CORAL RD

FT MYERS BEACH FL 33931

Fort Myers Beach

33931

 28-46-24-W4-0010B.0030

HOLIDAY SHORES BLK B
 PB 9 PG 33 LOT 3

***** OWNER *****
 WELSH FRANK W + DONNA J

***** SITE *****

125 MANGO ST

4841 CORAL RD

FT MYERS FL 33931

Fort Myers Beach

33931

 28-46-24-W4-0010B.0040

HOLIDAY SHORES BLK.B
 PB 9 PG 33 LOT 4

***** OWNER *****
 COOK DONALD W +

***** SITE *****

623 CONCORD AVE

4831 CORAL RD

BOULDER CO 80304

Fort Myers Beach

33931

 *** VARIANCE REPORT ***

 *** Prepared By ***
 *** LEE COUNTY PROPERTY APPRAISER ***
 *** Kenneth M. Wilkinson ***

DATE OF REPORT : 23OCT00
 SUBJECT PROPERTY : 28-46-24-W4-00001.0040
 VARIANCE DISTANCE : 375 (ft)
 PARCELS AFFECTED : 30

 28-46-24-W4-0010B.0050

HOLIDAY SHORES BLK B
 PB 9 PG 33 LOT 5

***** OWNER *****
 MORRISON JAMES K + SARAH S

***** SITE *****

4821 CORAL ST

4821 CORAL RD

FT MYERS BEACH FL 33931

Fort Myers Beach
 33931

 28-46-24-W4-0010B.0060

HOLIDAY SHORES BLK B PB 9
 PG 33 LOT 6

***** OWNER *****
 MACLEOD KATHRYN +

***** SITE *****

4811 CORAL RD

4811 CORAL RD

FORT MYERS BEACH FL 33931

Fort Myers Beach
 33931

 28-46-24-W4-0010B.0070

HOLIDAY SHORES BLK B
 PB 9 PG 33 PT LOT 8 ALL 7

***** OWNER *****
 SMALLWOOD GARY DEAN +

***** SITE *****

12740 EQUESTRIAN #2908

4810 COQUINA RD

FORT MYERS FL 33907

Fort Myers Beach
 33931

 28-46-24-W4-0010B.0080

HOLIDAY SHORES BLK.B
 PB 9 PG 33 LOTS PT 8 + 9

***** OWNER *****
 RAYMOND ROBERT L + DONNA M

***** SITE *****

5 TSIENNETO RD #100

4830 COQUINA RD

DERRY NH 03038

Fort Myers Beach
 33931

 *** VARIANCE REPORT ***

 *** Prepared By ***
 *** LEE COUNTY PROPERTY APPRAISER ***
 *** Kenneth M. Wilkinson ***

DATE OF REPORT : 23OCT00
 SUBJECT PROPERTY : 28-46-24-W4-00001.0040
 VARIANCE DISTANCE : 375 (ft)
 PARCELS AFFECTED : 30

 28-46-24-W4-0010B.0090

HOLIDAY SHORES BLK B
 PB 9 PG 33 LOTS PT 9 + 10

***** OWNER *****
 WHYTE JEANNE A

***** SITE *****

4850 COQUINA RD

4850 COQUINA RD

FT MYERS BEACH FL 33931

Fort Myers Beach
 33931

 28-46-24-W4-0010B.0110

HOLIDAY SHORES BLK.B
 PB 9 PG 33 LOT 11 + SELY
 34 FT LOT 10

***** OWNER *****
 STOUT FRANCES R

***** SITE *****

4870 COQUINA RD

4870 COQUINA RD

FT MYERS BEACH FL 33931

Fort Myers Beach
 33931

 28-46-24-W4-0010B.0120

HOLIDAY SHORES BLK B
 PB 9 PG 33 LOT 12

***** OWNER *****
 OCONNELL MAURICE

***** SITE *****

4880 COQUINA RD

4880 COQUINA RD

FT MYERS BEACH FL 33931

Fort Myers Beach
 33931

 28-46-24-W4-0010B.0130

HOLIDAY SHORES BLK B
 PB 9 PG 33 LOT 13

***** OWNER *****
 HICKERSON RALPH C +TEENA M

***** SITE *****

68 GULF BLVD

4809 CORAL RD

INDIAN ROCKS BEACH FL 33785

Fort Myers Beach
 33931

 *** VARIANCE REPORT ***

 *** Prepared By ***
 *** LEE COUNTY PROPERTY APPRAISER ***
 *** Kenneth M. Wilkinson ***

DATE OF REPORT : 23OCT00
 SUBJECT PROPERTY : 28-46-24-W4-00001.0040
 VARIANCE DISTANCE : 375(ft)
 PARCELS AFFECTED : 30

 28-46-24-W4-0010C.0010

HOLIDAY SHORES BLK C
 PB 9 PG 33 LOT 1.

***** OWNER *****
 SIMMONS CARLEEN J

***** SITE *****

315 BAYLAND RD

315 BAYLAND RD

FT MYERS BCH FL 33931

Fort Myers Beach
 33931

 28-46-24-W4-0010C.0020

HOLIDAY SHORES BLK C
 PB 9 PG 33 LOT 2

***** OWNER *****
 PARMER ANITA G

***** SITE *****

4870 DOLPHIN LN

4870 DOLPHIN LN

FT MYERS BEACH FL 33931

Fort Myers Beach
 33931

 28-46-24-W4-0010C.0030

HOLIDAY SHORES BLK C
 PB 9 PG 33 LOT 3.

***** OWNER *****
 ZUBEK DONALD R + ELAINE M

***** SITE *****

4861 COQUINA RD

4861 COQUINA RD

FT MYERS BEACH FL 33931

Fort Myers Beach
 33931

 28-46-24-W4-0010C.0040

HOLIDAY SHORES BLK.C
 PB 9 PG 33 LOT 4

***** OWNER *****
 SEYMOUR JANET G

***** SITE *****

4841 COQUINA RD

4841 COQUINA RD

FT MYERS BEACH FL 33931

Fort Myers Beach
 33931

 *** VARIANCE REPORT ***

 *** Prepared By ***
 *** LEE COUNTY PROPERTY APPRAISER ***
 *** Kenneth M. Wilkinson ***

DATE OF REPORT : 23OCT00
 SUBJECT PROPERTY : 28-46-24-W4-00001.0040
 VARIANCE DISTANCE : 375 (ft)
 PARCELS AFFECTED : 30

 28-46-24-W4-0010C.0050

HOLIDAY SHORES BLK.C
 PB 9 PG 33 LOT 5

***** OWNER *****
 ROSA CHESTER B

***** SITE *****

EASTMAN BERNARDINE R J/T
 PO BOX 66441
 SAINT PETERSBURG FL 33736

4831 COQUINA RD
 Fort Myers Beach
 33931

 28-46-24-W4-0010C.0060

HOLIDAY SHORES BLK C
 PB 9 PG 33 LOT 6.

***** OWNER *****
 CALLAHAN MARGARET

***** SITE *****

P O BOX 13131
 LAS VEGAS NV 89112

4811 COQUINA RD
 Fort Myers Beach
 33931

 28-46-24-W4-0010D.0010

HOLIDAY SHORES BLK D PB 9
 PG 33 LOT 1 LESS PARL .0
 01A

***** OWNER *****
 FREEMAN PHILIP E + NADINE M

***** SITE *****

375 BAYLAND RD
 FT MYERS BEACH FL 33931

375 BAYLAND RD
 Fort Myers Beach
 33931

 28-46-24-W4-0010D.001A

HOLIDAY SHORES BLK D PB 9
 PG 33 NLY PT LOT 1 PER S
 ERVEY

***** OWNER *****
 HORNACK R M + CAROL J

***** SITE *****

395 BAYLAND RD
 FT MYERS BCH FL 33931

395 BAYLAND RD
 Fort Myers Beach
 33931

 *** VARIANCE REPORT ***

 *** Prepared By ***
 *** LEE COUNTY PROPERTY APPRAISER ***
 *** Kenneth M. Wilkinson ***

DATE OF REPORT : 23OCT00
 SUBJECT PROPERTY : 28-46-24-W4-00001.0040
 VARIANCE DISTANCE : 375(ft)
 PARCELS AFFECTED : 30

 28-46-24-W4-0010D.0020

HOLIDAY SHORES BLK D
 PB 9 PG 33 LOT 2 LESS PAR
 2-A

***** OWNER *****
 VEHMEIER JOYCE F

***** SITE *****

1140 WOODSIDE DR

4855 DOLPHIN LN

FREEPORT

IL 61032

Fort Myers Beach

33931

 28-46-24-W4-0010D.002A

HOLIDAY SHORES BLK D
 PB 9 PG 33 PART OF LOT 2
 FR SELY COR

***** OWNER *****
 ACKERT ROBT P + MARY LEE CO-TR

***** SITE *****

4851 DOLPHIN LN

4853 DOLPHIN LN

FT MYERS BEACH

FL 33931

Fort Myers Beach

33931

 28-46-24-W4-0010D.0030

HOLIDAY SHORES BLK D
 PB 9 PG 33 LOT 3

***** OWNER *****
 ACKERT ROBT P + MARY LEE CO-TR

***** SITE *****

4851 DOLPHIN LN

4851 DOLPHIN LN

FT MYERS BEACH

FL 33931

Fort Myers Beach

33931

 28-46-24-W4-0010D.0040

HOLIDAY SHORES BLK D
 PB 9 PG 33 LOT 4

***** OWNER *****
 AMOS CONSTANCE B

***** SITE *****

4841 DOLPHIN LN

4841 DOLPHIN LN

FT MYERS BEACH

FL 33931

Fort Myers Beach

33931

*** VARIANCE REPORT ***

*** Prepared By ***
*** LEE COUNTY PROPERTY APPRAISER ***
*** Kenneth M. Wilkinson ***

DATE OF REPORT : 23OCT00
SUBJECT PROPERTY : 28-46-24-W4-00001.0040
VARIANCE DISTANCE : 375(ft)
PARCELS AFFECTED : 30

28-46-24-W4-02600.000A

OCEAN HARBOR CONDO DESC O
R 2265 PG 538

***** OWNER *****
OCEAN HARBOR CONDO

***** SITE *****

4741 ESTERO BLVD

0 HDR: OCEAN HARBOR

FT MYERS BEACH FL 33931

Fort Myers Beach
33931

28-46-24-W4-02700.000A

OCEAN HARBOR YACHT CLUB D
ESC OR 2265-0538 + OR 229
7-4720

***** OWNER *****
OCEAN HARBOR YACHT CLUB

***** SITE *****

4745-4753 ESTERO BLVD

0 HDR: OCEAN HARBOR

FT MYERS BEACH FL 33931

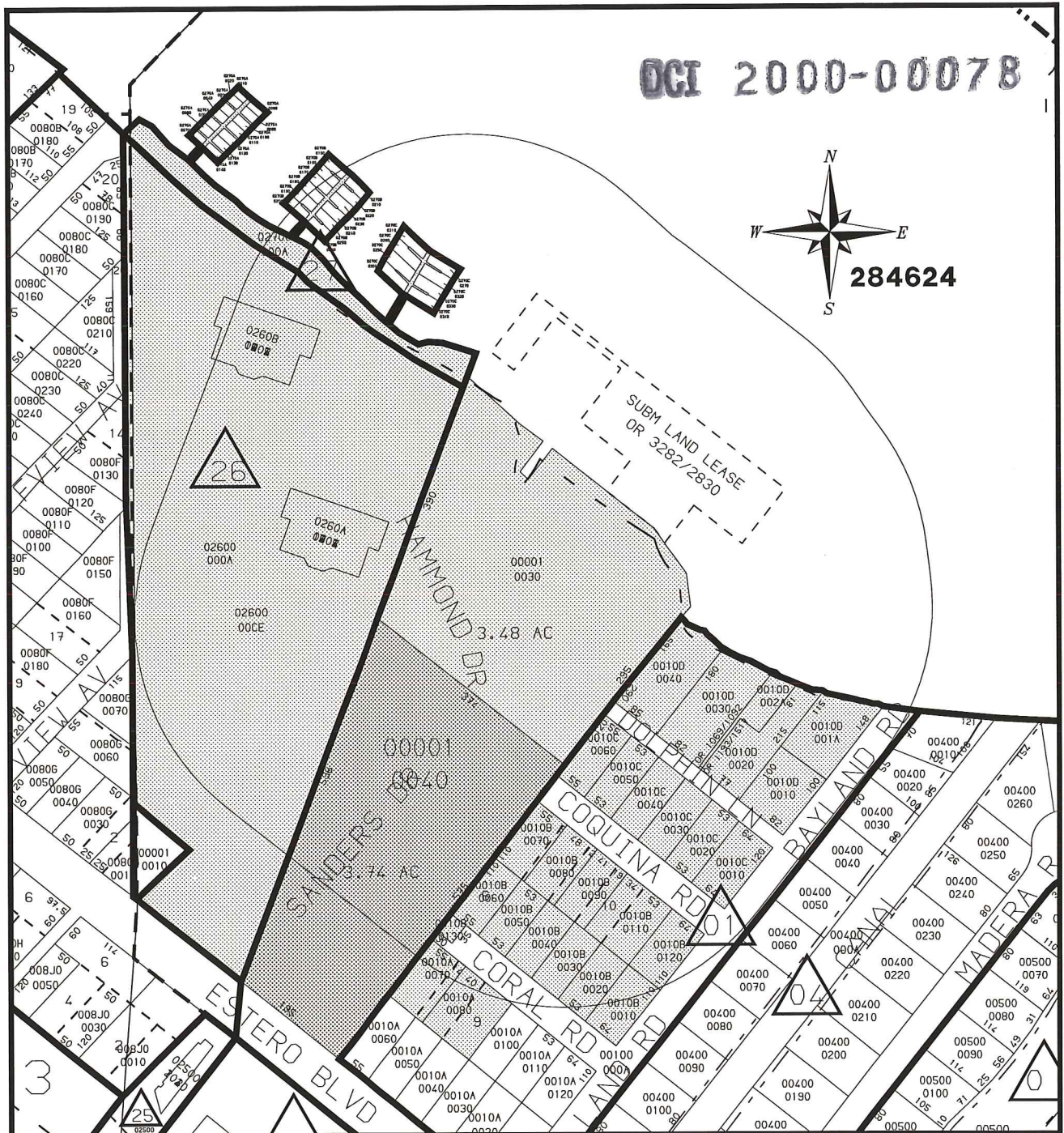
Fort Myers Beach
33931

*** END OF REPORT ***

OCT 31 2000

EXHIBIT

I-B-6



STAFF REPORT STATUS SHEET

CASE NUMBER:

DCT 2000-00078

CASE NAME:

Publix

SENIOR PLANNER:

Chip

DUE SUPERVISOR:

12/25

DUE HEX:

11/10/

LPA
HEX DATE:

~~01/09/01~~ 01/09/01

ISA STAFF:

Becky

OUT TO

DATE _____

COMMENTS

[illegible]



A LEGAL PROFESSIONAL ASSOCIATION

FILE COPY

2320 FIRST STREET
SUITE 1000
FORT MYERS, FL 33901-3419
941.338.4207 DIRECT
941.337.3850 MAIN
941.337.0970 FAX
bgrady@ralaw.com

December 6, 2000

Ms. Kay Deselem
Lee County
Board of County Commissioners
Post Office Box 398
Fort Myers, FL 33902-0398

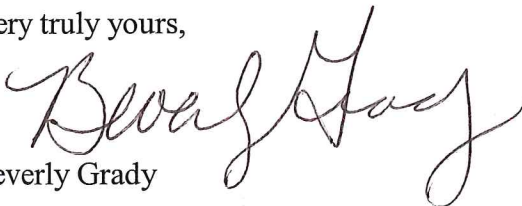
Re: Publix Super Market, Inc. CPD aka Mid Island Marina, Inc.
File No. DCI2000-00078

Dear Ms. Deselem:

The formal request as you worded it is acceptable and sufficient.

As a suggestion (and if time allows) you may want to add to the of the request "limited to the parcel sharing joint access with the CPD". This limitation is not required and if it is too difficult to add, do not worry about it. The purpose is more to inform the neighbors and residents of Fort Myers.

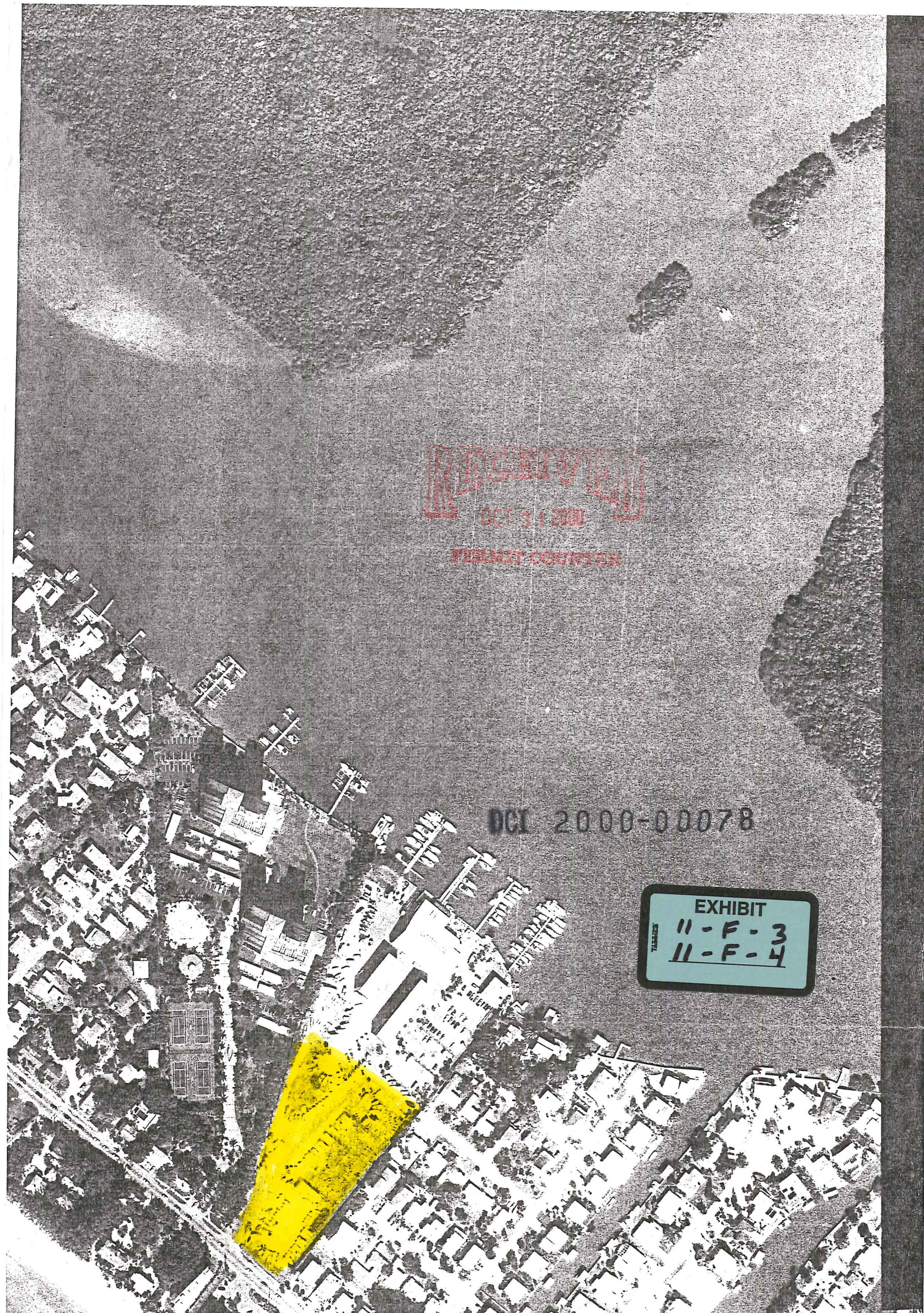
Very truly yours,


Beverly Grady

BG/umr

79644_1

LEE COUNTY
RECEIVED
CO DEC -7 AM 8:34
PUBLIX SUPER
MARKET, INC.



| | | | | | | | |
|---|---------------|-----------|---------|------|-------|-----------|-----|
| Y | SCALE | 1" = 200' | SECTION | TWP. | RANGE | SHEET NO. | MAP |
| | PHOTO DATE | FEB- 1999 | 29 | 46 S | 24 E | 105 A | |
| | PHOTO JOB NO. | PD-4621 | | | | | |

ESTERO BLVD. (50' R/W)

X=768,229.875
Y=519,551.452

X=768,220.739
Y=519,574.722
S68°36'45"E
110.00'

FLOOD ZONE A12(12)

A-12(14)

X=768,122.560
Y=519,512.179

21 CCL 1989

X=768,123.952
Y=519,536.816

S68°36'45"E

Y20(15)

North Line Zone 1 CCL 1977

GULF OF MEXICO

ADDRESS: 2686 ESTERO BLVD.

Subject Property Located in
FEMA Flood Zone A-12 (12.0' & 14.0')
V-20 (15.0')

Panel #125124-0429-C
Dated 11/4/92

BOUNDARY, LOCATION & NGVD ELEVATIONS
Update to show Coastal Construction Line 6/5/00

CERTIFY TO: MARJAN MLINIRIG & SILVIA STEIGER
NATIONSBANK, IT'S SUCCESSORS AND/OR ASSIGNS
EXECUTIVE TITLE INSURANCE SERVICES, INC.
ATTORNEYS TITLE INSURANCE FUND, INC.

LITIAL DESCRIPTION:
Lots 18, 28 & 29, Block B, WINKLERS SUBDIVISION, a subdivision
according to the map or plat thereof on file and recorded
in Plat Book 8, Page 45, in the Public Records of Lee County,
Florida.

Revised 11/17/00
DATED: 2/29/96

SCALE: 1"=40'

JOB: 11283

By: R. L. Schumann
R.L. SCHUMANN, RLS
FLORIDA REC. #2239

CERTIFICATION:
I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY
OF THE HEREON DESCRIBED PROPERTY IS A TRUE
AND CORRECT REPRESENTATION OF A SURVEY MADE
UNDER MY DIRECTION, AND THAT SAID SURVEY IS
ACCURATE AND CORRECT TO THE BEST OF MY KNOW-
LEDGE AND BELIEF, AND UNLESS OTHERWISE SHOWN
THERE ARE NO VISIBLE ENCROACHMENTS. I
FURTHER CERTIFY THAT THE SURVEY REPRESENTED
HEREON MEETS THE MINIMUM TECHNICAL STANDARDS
FOR LAND SURVEYING IN THE STATE OF FLORIDA,
ESTABLISHED PURSUANT TO CHAPTER 61G17-6,
FLORIDA ADMINISTRATIVE CODE.

LEGEND

- o = 1/2" Iron/Cap Set
- = 1/2" Iron Rod Found
- ▲ = PK Nail Set
- ▲ = PK Nail Found
- = Concrete Monument Found
- P.U.E. = Public Utility Easement
- D.E. = Drainage Easement
- P.C. = Point of Curve
- P.T. = Point of Tangent
- P.R.C. = Point of Reverse Curve
- R/W = Right of Way
- P.O.B. = Point of Beginning
- P.O.C. = Point of Commencement
- C.B.S. = Concrete Block Stucco
- N.G.V.D. = National Geodetic Vertical Datum (1929)
- P.P. = Power Pole
- T.PED. = Telephone Pedestal
- F.H. = Fire Hydrant
- C.B. = Catch Basin
- = Center Line
- D = Deed
- M = Measured
- C = Calculated
- P = Plat
- CCL = Coastal Const. Control Line
- MHT = Mean High Tide

NOTES:

1. Description as furnished by client. No search of the Public Records was conducted by this firm.
2. Elevations as shown are based on N.G.V.D. 1929 datum unless otherwise stated.
3. Bearings are based on plat or deed.
4. Encroachments are based on plat.
5. There may be other easements not shown hereon recorded in the Public Records of governing county.
6. No Determination of Hazardous Waste Materials has been made by this firm.
7. Signor limits liability only up to the cost of the survey.
8. This survey is protected by copyright and all rights are reserved.

PERMIT COUNTER

RECEIVED
NOV 22 2000

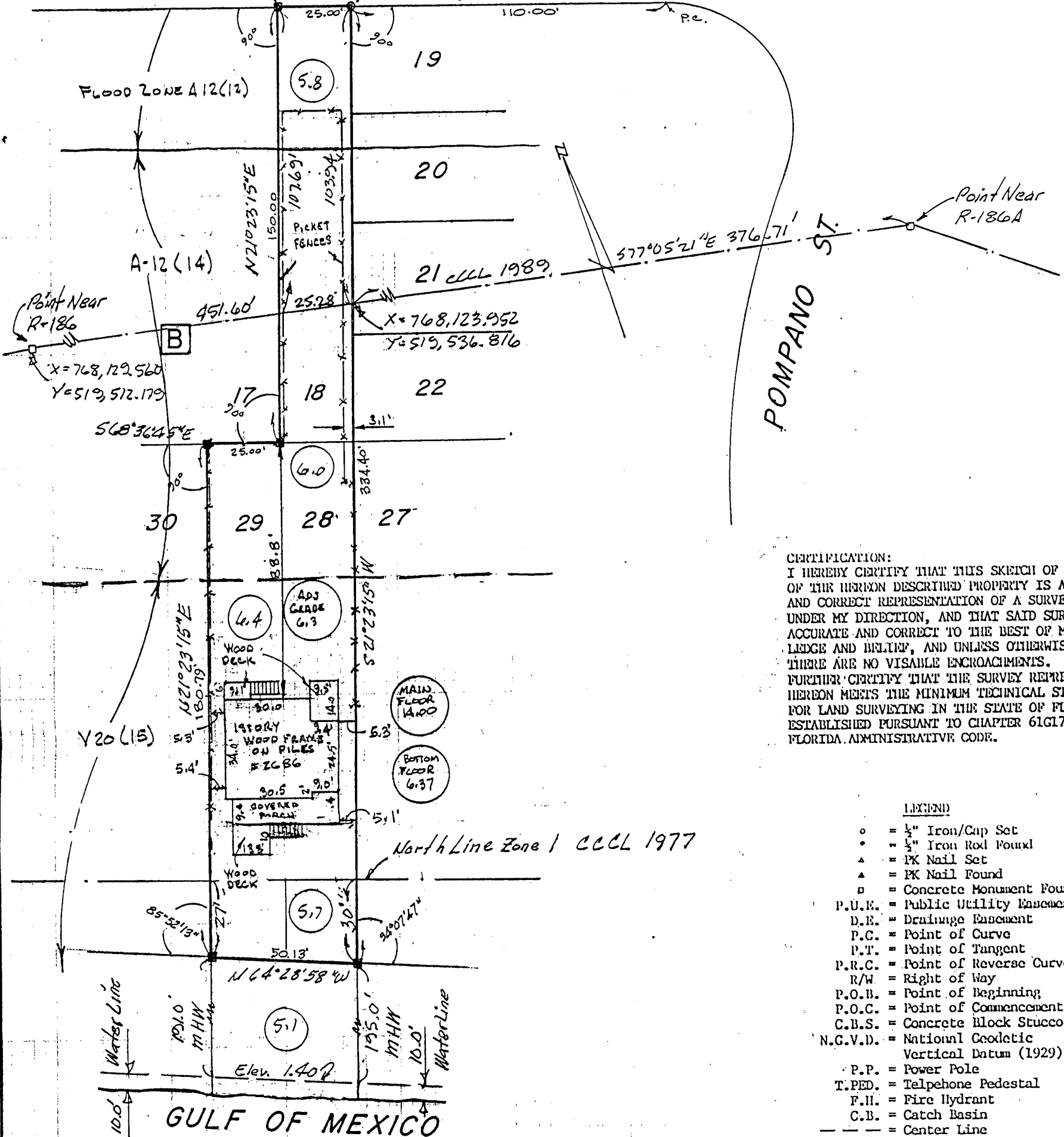
VAR 2000-00077

S & H LAND SURVEY COMPANY
13611 McGregor blvd., SUITE 2
FT. MYERS, FLORIDA 33919

ESTERO BLVD. (50' R/W)

X=768,229.875
Y=519,551.452

X=768,220.739
Y=519,574.722
S68°36'45"E
110.00'



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DATED: Revised 11/17/00
2/29/96

SCALE: 1"=40'

JOB: 11283

By: *R.L. Schumann*
R.L. SCHUMANN, RLS
FLORIDA REC. #2239

S & H LAND SURVEY COMPANY
13611 McGregor Blvd., SUITE 2
FT. MYERS, FLORIDA 33919

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PERMIT COUNTER

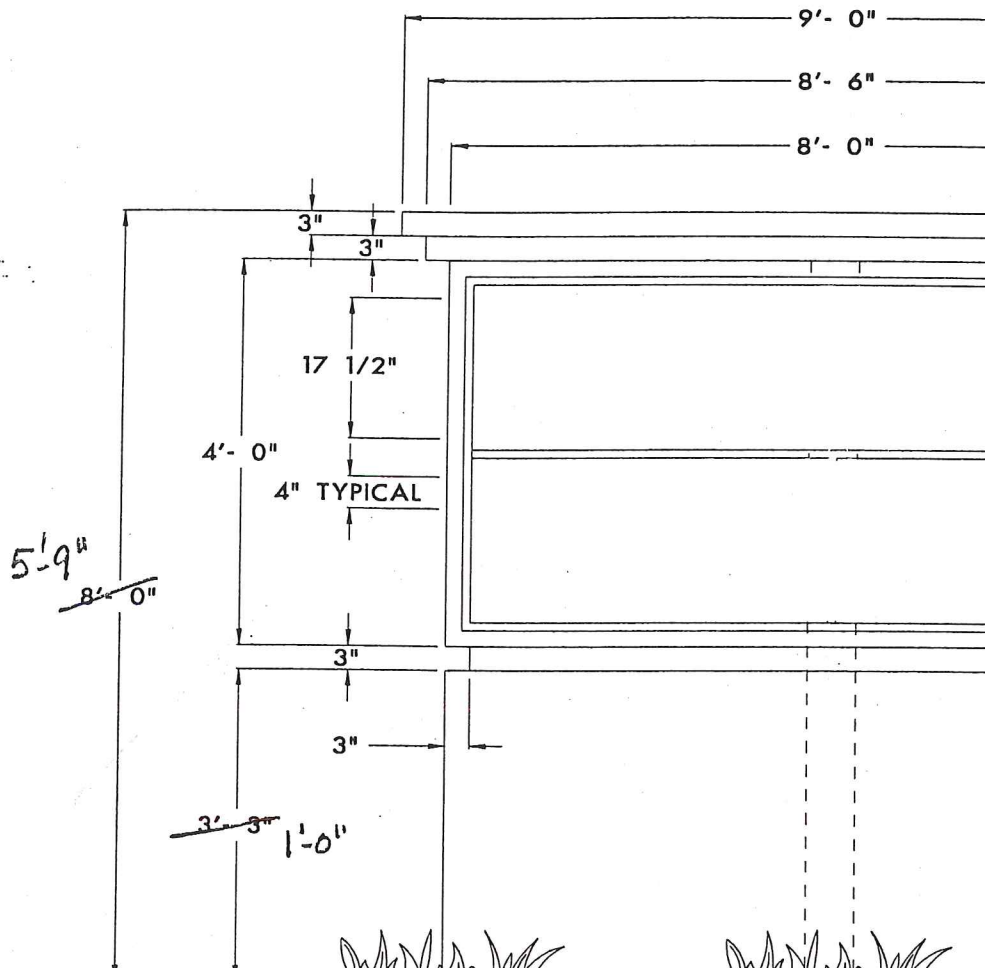
VAR 2000-00077

RECEIVED
NOV 22 2000

PUBLIX FT. MYERS BEACH, FLORIDA

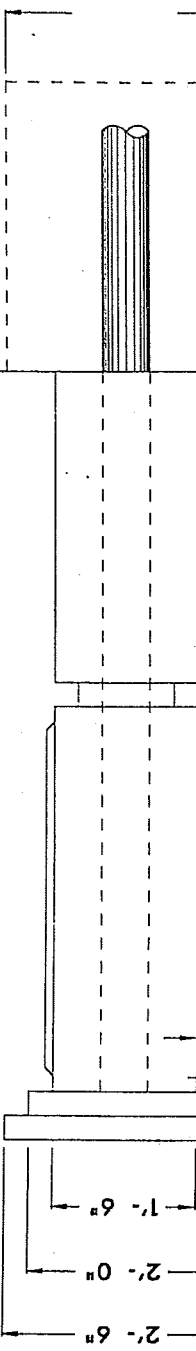
NOT FOR PRODUCTION
NO COLORS SPECIFIED

REC
OC
PERM



Maps for

Case #: DCI 2000-000



COLOR FOR FREE-STANDING SIGN

FILLER: STUCCO
 RETAINER: STUCCO
 POLE COVER: STUCCO
 FACE BKGD: X

GRAPHIC COLORS

1) X
 2) X
 3) X
 4) X
 5) X
 6) X
 7) X
 8) X

FABRICATION NOTES

1) LAMPS, FLOURESCENT - F48T12CWHO (8 REQ.)
 2) BALLAST, HIGH-OUTPUT - 256-448-000 (2 REQ.)

12) X
 11) X
 10) X
 9) X
 8) X
 7) X
 6) X
 5) X
 4) X
 3) X

ELECTRICAL SPECIFICATIONS

PLASTIC SIGN BALLAST-HIGH OUTPUT 800 MA AT 120 VOLT 60 HZ

| JEFFERSON LAMP | MAX LINE | MAX CURRENT | MAX INPUT | MAX OPEN |
|----------------|----------|-------------|-----------|----------|
| 256-448 | 1.90 | 220 | 590 | |

| TOTAL | 3.80 | 4.40 |
|-------|------|------|
| X | X | X |
| X | X | X |

(1) 20 AMP-120 VOLT CIRCUIT REQUIRED

• ALL SIGNS ARE BUILT TO UL SPECIFICATIONS
 • ALL SIGNS WILL BEAR U.L. LABEL
 • ALL SIGNS COMPLY TO UL2161

Underwriters Laboratories Inc. LISTED
 ELECTRIC SIGN
 COMPLIES TO UL 2161

THOMAS
SIGN & AWNING COMPANY

4590 118TH AVENUE NORTH • CLEARWATER, FL 33762
 800-526-3325 • 727-573-7757 • FAX 727-573-0328

CLIENT: PUBLIX

DATE: 5/31/00

STATE: FLORIDA

CITY: FT. MYERS BCH.

INSTALLATION: X

DESIGN NUMBER: 23824

SHEET: 1 OF 1

SCALE: 1/2"

SALES REP.: J.R.

ARTIST: R.R.

REVISION 1

REVISION 2

REVISION 3

REVISION 4