

PROJECT NUMBER:

DATE:



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for PUBLIC HEARING

This is a two part application. Please be sure to fill out this form, which requires general information, as well as the Supplemental Form application specific to action requested for the subject property. Please submit *one ORIGINAL paper copy, fourteen (14) copies* of all required applications, supplemental information, exhibits and documents. Please do not print and copy the instructions at the end of the application. In addition to application fees, the applicant is required to pay for (2) sets of mailings to neighboring property owners within 500', and all advertising fees.

Site Address: 2661-2681 ESTERO BLVD.; 125 SCHOOL ST.; 131-151 SCHOOL ST.

STRAP Number: 19-46-24-W3-0020C.0230; .0270; AND .0290

Applicant: MYERSIDE LLC Phone: _____

Contact Name: _____ Phone: _____

Email: _____ Fax: _____

Current Zoning District: RESIDENTIAL CONSERVATION (RC)

Future Land Use Map (FLUM) Category: BOULEVARD

FLUM Density Range: MAX 10 DUPA Platted Overlay: YES NO

ACTION REQUESTED

SUPPLEMENTAL FORM REQUIRED

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

PROJECT NUMBER:

DATE:

PART I - General Information

A. Applicant*: MYERSIDE LLC Phone: _____

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

Applicant Mailing Address: c/o Roetzel & Address, Beverly Grady, 2320 First Street, Fort Myers, FL 33901

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

Contact Name: Beverly Grady Phone: (239) 337-3850

B. Relationship of Applicant to subject property:

- Owner*
- Land Trust*
- Partnership*
- Corporation*
- Association*
- Condominium*
- Subdivision*
- Timeshare Condo*
- Contract Purchaser*
- Authorized Representative*
- Other* (please indicate) _____

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

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

Name: ROETZEL & ADDRESS Phone: (239) 337-3850

Address: 2320 FIRST STREET, FORT MYERS, FL 33901

Email: BGRADY@RALAW.COM Fax: (239) 337-0970

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

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

PROJECT NUMBER:

DATE:

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

PART II - Nature of Request

Requested Action (each request requires a separate application)

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

PART III - Waivers

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

Code Section: FMB Section 34-212(6) Traffic Impact Statement

Description: Waiver from Traffic Impact Statement

Code Section: _____

Description: _____

Code Section: _____

PROJECT NUMBER:

DATE:

Description: _____

PART IV - Property Ownership

Single Owner (individual or husband and wife)

Name: _____ Phone: _____

Mailing Address: _____

Email _____ Fax: _____

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

Complete Disclosure of Interest Form (see below)

Attach list of property owners as Exhibit 4-1

Attach map showing property owners interests as Exhibit 4-2 (for multiple parcels)

For condominiums and timeshares see Explanatory Notes Part IV (Page 11)

DISCLOSURE OF OWNERSHIP INTEREST

STRAP: 19-46-24-W3-0020C.0230; .0270; AND .0290

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

Name and Address	Percentage Ownership
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

PROJECT NUMBER:

DATE:

Name, Address and Office
COTTAGES AT MYERSIDE LLC

Percentage of Stock

ROLAND A. WEINMANN AND BEVERLEY A. MILLIGAN
WEINMANN RENTALS, INC.

50% EACH

ROLAND A. WEINMANN
BEVERLEY A. MILLIGAN

51%

49%

c/o 145 School St., Fort Myers Beach, FL 33931

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

Name and Address

Percentage of Interest

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

Name and Address

Percentage of Ownership

PROJECT NUMBER:

DATE:

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

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


Date of Contract: _____

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

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

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



 Signature MYERSIDE, LLC

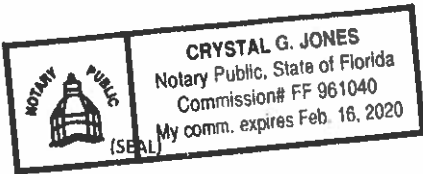
Roland Weimann
 Printed Name Its Manager

PROJECT NUMBER:

DATE:

STATE OF FLORIDA)
COUNTY OF LEE)

Subscribed and sworn to (or affirmed) before me this 6th day of January
20 20 by Roland Weirmann



Crystal G. Jones
Notary Public Signature

Crystal G. Jones
Notary Printed Name

Personally Known 1 or Produced Identification ✓

Type of Identification Produced: DLIC My Commission Expires: 02/16/2020

PART V - Property Information

A. Legal Description:

STRAP: 19-46-24-W3-0020C.0230; .0270; AND .0290

Property Address: 2661-2681 ESTERO BLVD., 125, 131-151 SCHOOL ST.

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

Yes. Property identified in subdivision: WINKLER SUBDIVISION

Book: 8 Page: 45 Unit: _____ Block: C Lot(s): 23-34

B. Boundary Survey:

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

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 150' feet

PROJECT NUMBER:

DATE:

Depth (please provide an average width if irregular in shape) 300' feet

Frontage on street: 150' feet. Frontage on waterbody: N/A feet

Total land area: 1.03 acres square feet

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

1.3 MILES SOUTH OF SKY BRIDGE

Attach Area Location Map as Exhibit 5-3

E. Property Restrictions (check applicable):

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

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

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

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

Attach a list of surrounding property owners within 500 feet as Exhibit 5-6.

Attach a map showing the surrounding property owners as Exhibit 5-7.

Provide Staff with two (2) sets of surrounding property owner mailing labels.

G. Future Land Use Category (see Future Land Use Map):

Low Density

Marina

Mixed Residential

Recreation

Boulevard

Wetlands

Pedestrian Commercial

Platted Overlay

H. Zoning (see official Zoning Map):

RS (Residential Single-family)

CF (Community Facilities)

RC (Residential Conservation)

IN (Institutional)

PROJECT NUMBER:

DATE:

PART VII

AFFIDAVIT

APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, Roland Weinmann (name), as MANAGER (title) of MYERSIDE LLC (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

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

MYERSIDE LLC

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

[Signature]
Signature

MANAGER

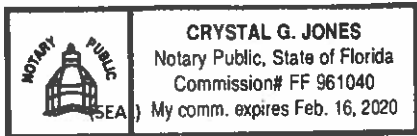
Title

Roland Weinmann
Typed or Printed Name

06/01/2020
Date

STATE OF FLORIDA)
COUNTY OF LEE)

Subscribed and sworn to (or affirmed) before me this 10th day of January, 2020, by Roland Weinmann, as (title) owner/manager on behalf of (company name) MYERSIDE, LLC.



Crystal G Jones
Notary Public Signature

Crystal G Jones

PROJECT NUMBER:

DATE:

Notary Printed Name

Personally Known _____ or Produced Identification

Type of Identification Produced: FL-DLIC My Commission Expires: 02/16/2020

AUTHORIZATION FOR APPLICANT AND FOR AGENT

I, Roland Weinmann as a Member of Cottages at Myerside, LLC and a property owner hereby authorize:

1. Myerside, LLC to be the applicant to rezone Lots 23 through 28, Plat Book 8, Page 45, Block C to Commercial Planned Development; and
2. Roetzel & Andress, LPA to be an authorized agent for this rezoning application.

COTTAGES AT MYERSIDE, LLC

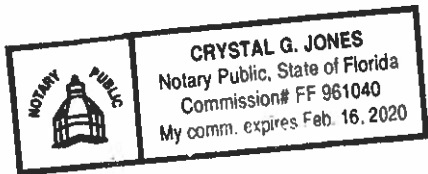
By: [Signature]
 Printed Name: Roland Weinmann
 Title: Owner

STATE OF FLORIDA)
) §:
 COUNTY OF LEE)

The foregoing instrument was acknowledged before me by means of [] physical presence **OR** [] online notarization, this 6th day of January, 2020 by Roland Weinmann as Manager of COTTAGES AT MYERSIDE LLC, on behalf of the limited liability company. He/She is [] is personally known to me **OR** [] who produced FL-DLIC as identification.

[NOTARY STAMP/SEAL]

Crystal H. Jones
 Notary Public
 Commission Expiration: 02/16/2020



AUTHORIZATION FOR APPLICANT AND FOR AGENT

I, ROLAND A. WEINMANN, as President of WEINMANN RENTALS, INC. and a property owner hereby authorizes:

1. Myerside, LLC to be the applicant to rezone Lots 19 through 34, Plat Book 8, Page 45, Block C to Commercial Planned Development; and
2. Roetzel & Address, LPA to be an authorized agent for this rezoning application.

WEINMANN RENTALS, INC.

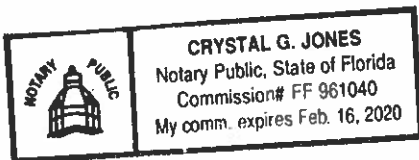
By: *[Signature]*
Roland A. Weinmann, President

STATE OF FLORIDA)
) §:
COUNTY OF LEE)

The foregoing instrument was acknowledged before me by means of physical presence OR online notarization, this 6th day of January, 2020 by Roland A. Weinmann, President of WEINMANN RENTALS, INC., on behalf of the corporation. He is is personally known to me OR who produced FL-DLIC as identification.

[NOTARY STAMP/SEAL]

Crystal G Jones
Notary Public
Commission Expiration: 02/16/2020



O'Brien, Robin

From: O'Brien, Robin <RObrien@ralaw.com>
Sent: Wednesday, January 15, 2020 11:40 AM
To: green@fmbgov.com
Cc: Grady, Beverly
Subject: Myerside Resort and Cottages
Attachments: 4690_001.pdf

Jason:

On behalf of Beverly Grady, attached please find an Application for Waiver of Submittal Requires in connection with Myerside Resort and Cottages for your review and approval.

If you have any questions, please contact our office.

Thank you for your attention to this matter.

Robin O'Brien

Assistant to Sean M. Ellis, Beverly Grady, and Ashley L. Suarez

 **ROETZEL**

2320 First Street, Suite 1000

Ft. Myers, FL 33901

Direct Phone No.: 239.338-4254

Main Phone No: 239.337.3850

Fax No.: 239.337.0970

Email: robrien@ralaw.com

www.ralaw.com

Roetzel & Andress; A Legal Professional Association

Both Robin O'Brien and Roetzel & Andress intend that this message be used exclusively by the addressee(s). This message may contain information that is privileged, confidential and exempt from disclosure under applicable law. Unauthorized disclosure or use of this information is strictly prohibited. If you have received this communication in error, please permanently dispose of the original message and notify Robin O'Brien immediately at 239-338-4254. Thank you.



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Application for Waiver of Submittal Requirements

Submit a request for waiver of submittal requirements prior to submitting an application for public hearing or administrative action. Requesting a waiver of submittal requirements simultaneously with an application may delay your application. The request and the director's response will become part of the application file.

Waiver is requested for items required for:

Public Hearing

- General Requirements
- DRI
- Planned Development
- Conventional Rezoning
- Special Exception
- Variance
- Appeal
- Other

Administrative Action

- General Requirements
- Planned Dev. Amendment
- Commercial Antenna
- Consumption on Premises
- Forced Relocation of a Business
- Interpretation of LDC
- Minimum Use Determination
- Setback Variance
- Other

Name of Project: MYERSIDE RESORT AND COTTAGES

Applicant: MYERSIDE, LLC

Strap Number: 19-46-24-W3-0020C.0230; .0270; AND .0290

Street Address: 2661-2681 ESTERO BLVD.; 125 SCHOOL ST., 131-151 SCHOOL ST.

Phone Number: c/o Beverly Grady: (239) 338-4207

Email: c/o Beverly Grady: bgrady@ralaw.com



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Application for Waiver of Submittal Requirements

Specific requirements from which waiver is sought

Section Number	Requirement
PART 2-Submittal Requirements (Supplement PH-D)	Traffic Impact Statement
Section 34-212 Application for Planned Development (6)	Traffic Impact Statement

Scope of project and reasons for request

Explain the nature of the project and give reasons why you think specific requirements are inapplicable or otherwise should be waived.

SEE ATTACHED EXHIBIT A

I hereby state that the information provided above is accurate to the best of my knowledge. I recognize that if my project changes from what is described above approval of this waiver request may no longer be valid.

Beverly Spady
Signature

January 15, 2020
Date

Director's Decision Approved Denied

Comments:

Signature

Date

Revised 1/6/2017

SUBMIT

EXHIBIT A TO WAIVER REQUEST

Pursuant to Section 34-202(a), the director is authorized to grant a waiver from a submittal requirement. This is a request for a waiver from providing a traffic impact statement. The Subject Property is currently developed - one-half of the Property has been approved bed-and-breakfast use pursuant to SEZ2015-00006, the other half of the Property has existing five (5) dwelling units. This application is requesting rezoning to CPD for a total of 15 guest units with a subordinate commercial uses of 600 s.f. retail and 600 s.f. of interior restaurant, and 300 s.f. of outdoor seating for the restaurant. The restaurant will be added as part of Phase 4 of the project. Therefore, the impact of the proposal is basically the equivalent of the existing density on the Property. Although the retail and restaurant will be open to the public, they are of such a size that their primary purpose is servicing the guest units and servicing pedestrian traffic. Due to the size of the proposed food and beverage service and retail service, these will not be destination locations. Therefore, there is no traffic impact statement needed for redevelopment that has the equivalency with the existing development.

EXHIBIT 4-1 TO PART IV – Property Ownership

Cottages at Myerside LLC

19-46-24-W3-0020C.0230, Lots 23 through 26

19-46-24-W3-0020C.0270, Lots 27 and 28

Weinmann Rentals, Inc.

19-46-24-W3-0020C.0290, Lots 29 through 34

P/B 45

PART V(A)
LEGAL

WINKLER SUBDIVISION.

A Subdivision beginning at the north-east corner of section 30 in 46 S R. 24 E, thence west on the line between sections 19 and 30, 358.7 feet, thence south 25° 05' west 284.7 feet to the Gulf of Mexico, the point of beginning of land herein described, thence north 25° 05' east 584.9 feet to the north line of said section 30, thence west on said section line 95.15 feet, thence north 25° 17' east 943.32 feet, thence north 89° 45' west 1409 feet mor. to the west line of lot 1 of section 19, T. 46 S. R. 24 E, thence south along the west line of said lot 1, 1600 feet mor. to the Gulf of Mexico, thence south easterly with the incursions of the Gulf of Mexico to the point of beginning, together with riparian rights.

J.A. DAVISON AND SON
CIVIL ENGINEERS
FORT MEERS,
FLORIDA
1910

STATE OF FLORIDA)
COUNTY OF LEE)
I, DOMERBY CERTIFY that on this day of February, A.D. 1910 personally appeared before me an officer duly authorized to administer and take testimony, W.B. Winkler and Lillian L. Winkler his wife, both well known to me, as the persons making the foregoing dedication, and they severally solemnly pledged the execution thereof to be the free act and deed for the uses and purposes therein mentioned, and the said Lillian L. Winkler the wife of said W.B. Winkler upon an examination taken separately and apart from her said husband did acknowledge that she executed the foregoing deed, free, freely, voluntarily, and without any constraint, apprehension, fear or compulsion of or from her said husband.

Witness my hand and official seal the date last aforesaid.

J.A. DAVISON
My commission expires 12th July 1913

CERTIFICATE OF SURVEY

The undersigned certify that the plat as shown is a correct representation of the land plotted, and that permanent reference monuments have been placed as shown.

J.A. DAVISON
or Harry K. Rowson

This plat accepted this 15th day of March 1910 in open meeting of the Board of County Commissioners of Lee County, Florida.

Approved: *[Signature]* Chairman
[Signature] Clerk

69226

Book of the Land Court, Vol. 19, p. 20

[Signature]
J.A. DAVISON
J. DAVISON
J. DAVISON

PLAT OF



Vacation of street line in limits of tract marked Block X in P/B 45
P/B 45
Plat which be with
limits of Block X
Jan 4 1912 Page 6

C.C.M.B. 16 App 899

NORTH
ARROW



SCALE
1" = 30'

FOUNDATION LOCATION

FIELDBOOK PAGE

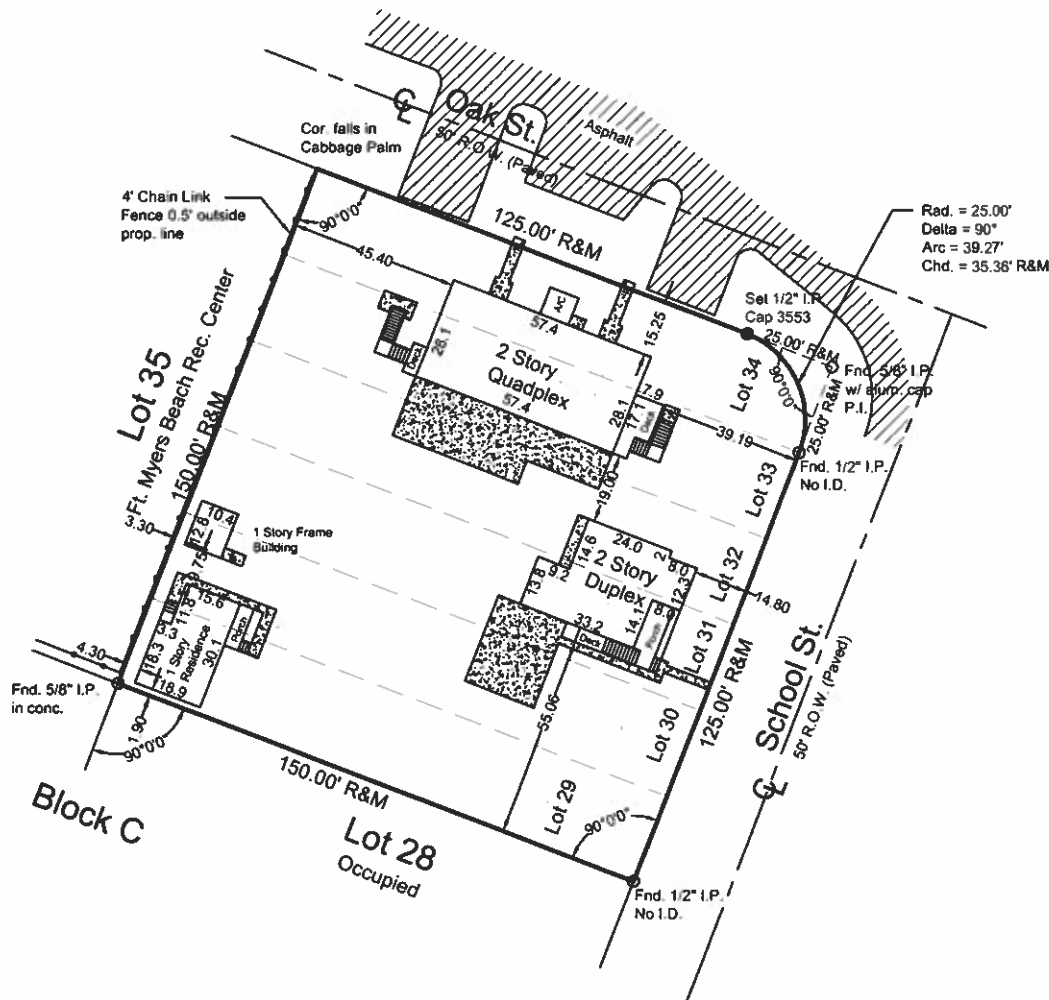
LEGEND

- SET CONC. MON. WCAP I.D. # 3553
 - SET IRON PIN WCAP I.D. # 3553
 - PD CONC. MON. WCAP
 - PD CONC. MON.
 - 1/2" IRON PIN
 - ASSUMED ELEVATION
 - BENCHMARK
 - RECORDED
 - MEASURED
- CONT REVERSE SIDE
FINAL SURVEY DATE

LEGAL DESCRIPTION
(AS PROVIDED BY CLIENT)

This is a boundary survey of the following: Lots 29 through 34, Block C, Winkler Subdivision as recorded in Plat Book 8, Page 45 of the Public Records of Lee County, Florida.

The property address is 131, 145, 147 & 151 School St. per County Records.



NOTES

1. REPRODUCTION OF THIS SKETCH IS NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
2. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY, AND OR OWNERSHIP WERE FURNISHED THIS SURVEYOR EXCEPT AS SHOWN.
3. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS NOTED.
4. BEARINGS SHOWN HEREON ARE BASED ON
Angles are field measured
5. THIS PROPERTY LIES IN FLOOD ZONE AE EL 12 & 13 NAVD88 PER F.I.R.M. PANEL NO. 12071C0554F, DATED 8/28/2008
6. LAST DATE OF FIELDWORK 1/7/14
7. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF

CERTIFICATE

I hereby certify that the above described property was surveyed under my direction and the sketch of survey is true and correct to the best of my knowledge. This survey meets or exceeds the minimum technical standards set forth by the Florida Board of Land Surveyors, pursuant to Rule 61G17 - 6 Florida Administrative Code, and pursuant to Section 472.027 Florida Statutes. There are no visible encroachments other than those shown hereon.

MARK O. ALLEN P.L.S. #3553
LB #6558

FAX: (239) 992-6070
TELE: (239) 992-8900

MARK O. ALLEN, INC.
PROFESSIONAL LAND SURVEYOR

10602 WOODS CIRCLE
BONITA SPRINGS, FL 34135

OWN BY
MG

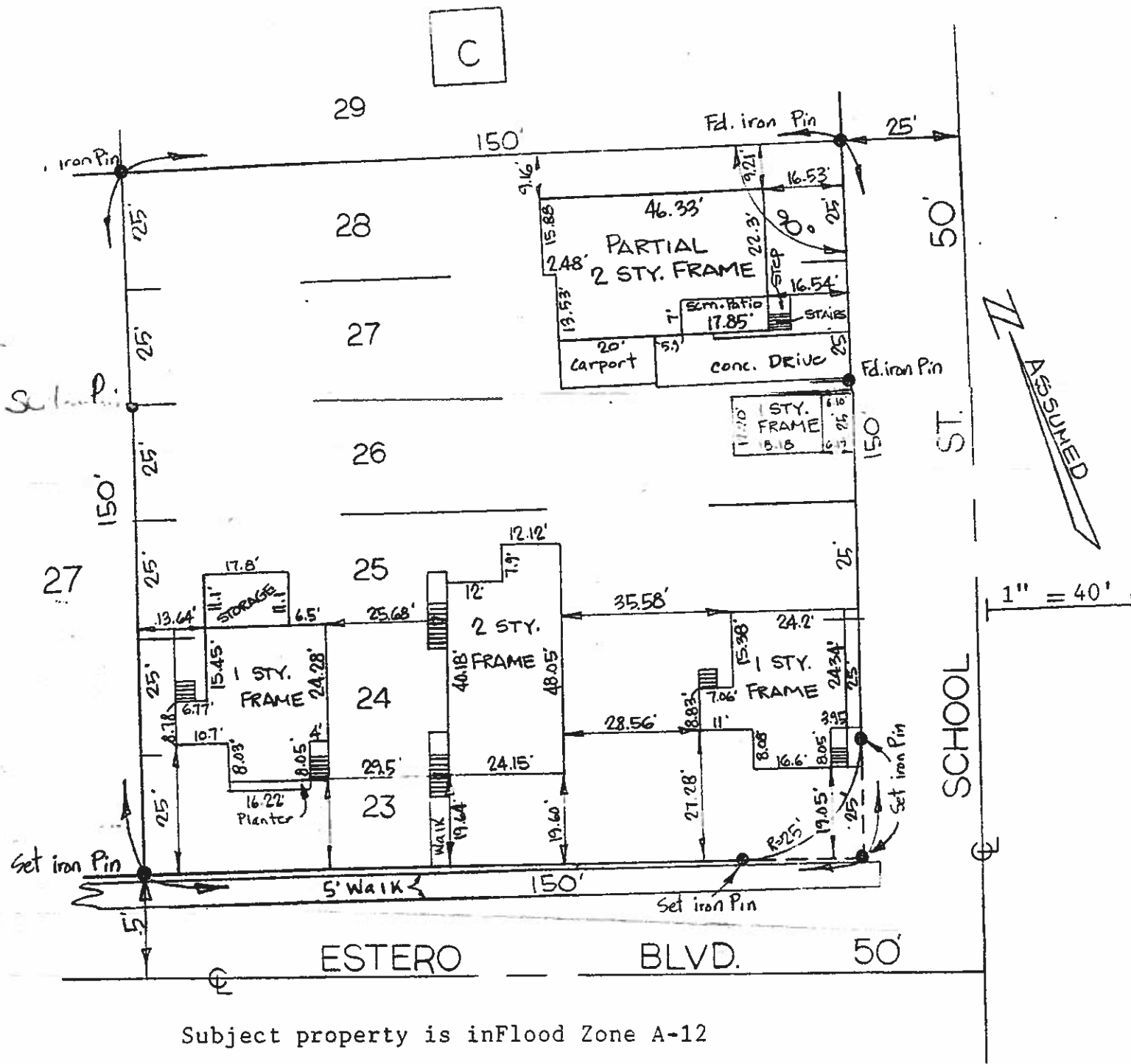
CHK'D BY

ORDERED BY
Beverly Milligan

SHEET 1 OF 1
DWG. NO. 2014-3

ALL-STATE LEGAL®

5-2
2 PAGES



Subject property is in Flood Zone A-12

SURVEY PLAT

For Lots 23-24-25-26-27-28, Block "C" WINKLER Subdivision as recorded in Plat Book 8 Page 45. Public Records of Lee County, Florida.

FOR: Donald Nyman

BY: S & H Land Survey Co.
7218 Drake Drive SW
Ft. Myers, Florida 33908

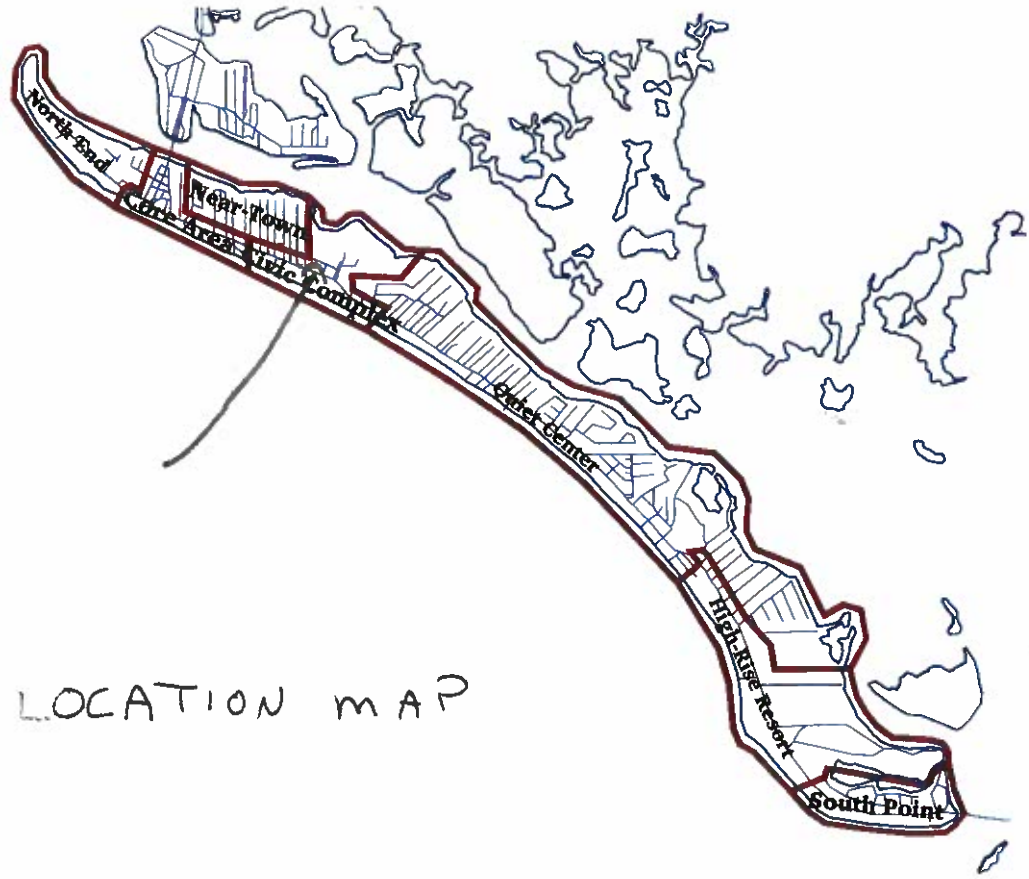
CERTIFICATE OF SURVEY: I hereby certify that the plat hereon meets the minimum technical standards set forth by the Florida Board of Land Surveyors, pursuant to Section 472.027, Florida Statutes

DATE: May 21, 1987

Richard L. Hardy
Reg. Land Surveyor #3135
State of Florida

2661-26671-2681 Estero Blvd. & 125 School St.

JOB 6208-A Boundary -Location



LOCATION MAP