

Exhibit D



Town of Fort Myers Beach COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for PUBLIC HEARING

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

PROJECT NUMBER: REZ 2015-001 DATE: 07/20/2015
SEZ 2015-001

Site Address: 216 Connecticut St., Fort Myers Beach, FL 33931

STRAP Number: 29-46-24-W1-00151-005A

Applicant: Town of Fort Myers Beach Phone: 239-765-0202

Contact Name: Alison Giesen Phone: 239-765-0202 x150

Email: Alison@fortmyersbeachfl.gov Fax: _____

Current Zoning District: RC - Residential Conservation

Future Land Use Map (FLUM) Category: Recreation

FLUM Density Range: 1 per 20 acres Platted Overlay: YES NO

ACTION REQUESTED

- Special Exception
- Variance
- Conventional Rezoning
- Planned Development Commercial Residential
- Master Concept Plan Extension
- Appeal of Administrative Action
- Vacation of Platted Right-of-way and Easement
- Other - cite LDC Section: _____

SUPPLEMENTAL FORM REQUIRED

- PH-A
- PH-B
- PH-C
- PH-D
- PH-E
- PH-F
- PH-G
- attach on separate sheet

PART I – General Information

A. **Applicant***: Town of Fort Myers Beach Phone: 239-765-0202

**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: 2523 Estero Blvd, Fort Myers Beach, FL 33931

Email: Alison@fortmyersbeachfl.gov Fax: _____

Contact Name: Alison Giesen Phone: 239-765-0202 X150

B. **Relationship of Applicant to subject property:**

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

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

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

Name: Alison Giesen Phone: 239-462-8247

Address: 2523 Estero Blvd., Fort Myers Beach, FL 33931

Email: Alison@fortmyersbeachfl.gov Fax: _____

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

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

PART II - Nature of Request

Requested Action (each request requires a separate application)

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

PART III - Waivers

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

- Code Section: _____ Description: _____

- Code Section: _____ Description: _____

- Code Section: _____ Description: _____

PART IV - Property Ownership

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

- Multiple Owners (including corporation, partnership, trust, association, condominium, timeshare, or subdivision)
 - Complete Disclosure of Interest Form (see below)
 - Attach list of property owners as Exhibit 4-1
 - Attach map showing property owners interests as Exhibit 4-2 (for multiple parcels)
 - For condominiums and timeshares see Explanatory Notes Part IV (Page 11)

DISCLOSURE OF OWNERSHIP INTEREST

STRAP: _____

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

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

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

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

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

Name and Address	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

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

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

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

Date of Contract: _____

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

Name	Address

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

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

Alison Giesen
Signature

Alison Giesen
Printed Name

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 3rd day August, 2012 (date) by Alison Giesen (name of person providing oath or affirmation), who is personally known to me or who has produced personally known to me (type of identification) as identification.



Patricia E. Prevost
Signature

Patricia E. Prevost
Printed Name

PART V - Property Information

A. Legal Description:

STRAP: 29-46-24-W1-00151.005A

Property Address: 216 Connecticut St., Fort Myers Beach, FL 33931

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: Cases Subdivision

Book: 1 Page: 58 Unit: _____ Block: _____ Lot(s): _____

B. Boundary Survey:

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

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 75 feet

Depth (please provide an average width if irregular in shape) 253 feet

Frontage on street: 75 feet. Frontage on waterbody: _____ feet

Total land area: 18,975 acres square feet

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

From Sky Bridge go left on Estero Blvd. Turn left on Connecticut St. Property on right just before stop sign.

Attach Area Location Map as Exhibit 5-3

E. Property Restrictions (check applicable):

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

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

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

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

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

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

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

H. Zoning (see official Zoning Map):

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

PART VI
AFFIDAVIT
APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, _____ swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;

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;

I have authorized the staff of the Town of Fort Myers Beach 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

The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Signature of owner or authorized agent

Date

STATE OF FLORIDA)
COUNTY OF LEE)

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

(SEAL)

Signature

Printed Name

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, _____ (name), as _____ (title) of _____ (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.

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

Signature

Title

Typed or Printed Name

Date

STATE OF FLORIDA)
COUNTY OF LEE)

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

(SEAL)

Signature

Printed Name

EXPLANATORY NOTES

Please do not print, copy and submit these instructions

Please submit *one ORIGINAL paper copy, eleven (11) copies and one (1) digital/electronic copy* of all required applications, supplemental information, exhibits and documents.

Application fees are set by resolution of the Town Council of the Town of Fort Myers Beach and must be paid before any materials submitted will be considered an application.

The applicant is responsible for the accuracy and completeness of this application. Time delays or additional expenses necessitated by submitting inaccurate or incomplete information will be the responsibility of the applicant. Decisions regarding requests to waive submittal requirements are at the discretion of the Community Development Director and may not be appealed.

All information submitted with the application becomes a part of the public record and will be a permanent part of the file.

All attachments and exhibits must be legible, suitable for recording, and of a size that will fit or conveniently fold into a letter size (8 ½ by 11) folder.

Any oversized site plans, drawings, pictures, and similar materials should be submitted in a legible reduced format (no more than 11"x17", broken up onto multiple sheets if necessary).

Explanatory Notes – Part I

- A. Applicant's name: The applicant may be the landowner or an authorized agent.
- B. Relationship of applicant to property: Indicate if the applicant is the property owner, and if so, the type of ownership. If the applicant is not the owner of the property, indicate the relationship of the applicant to the owner and submit a notarized authorization from the owner(s) to the applicant.
- C. Agent's name: If the applicant will have others representing him/her in processing the application, indicate name, address, and phone number.
- D. Other agents: Provide contact information for any other agents that may be involved in the request.

Explanatory Notes – Part II

Indicate the requested action.

Explanatory Notes – Part III

If waiver of any application requirement has been approved by the Community Development Director, attach a copy of the approval. Please request waivers prior to applying.

Explanatory Notes – Part IV

- If the property owner is an individual or husband and wife, check the box and provide the information.
- If there are multiple property owners, complete the disclosure form and include the names and mailing addresses of all persons or entities having an ownership interest in the property, including the names of all stockholders and trust beneficiaries. Disclosure is not

required of any entity whose interests are solely equity interests that are regularly traded on an established securities market in the United States or another country.

- If more than one parcel is involved, submit a list of all property owners and their mailing addresses. Provide a map keyed to the list of property owners showing their interests. The applicant is responsible for the accuracy of the list and map.
- Where the property is a condominium or timeshare condominium, the application must be initiated by both the condominium association and no less than 75% of the total number of unit owners. To verify ownership, the list of property owners must be identified by unit number and/or timeshare period as applicable, along with proof that the owners who did not join in the application were given actual written notice of the application by the applicants, who must verify the list and the notice by sworn affidavit. Attach this affidavit as Exhibit 4-3. In addition, a letter of opinion from an attorney licensed to practice law in the State of Florida addressing the considerations in LDC Section 34-201(a)(1)b.3. must be attached as Exhibit 4-4.

Explanatory Notes – Part V

- A. Include the street address of the subject property. List STRAP number. If more than one parcel is involved, list all STRAP numbers. If you don't know the STRAP number, you can look up the property in the records of the Lee County Property Appraiser at <http://www.leepa.org>. If the application includes only one or more undivided platted lots within a subdivision officially recorded in the Plat Books of Lee County, Florida, identify the property by lot number(s), block if applicable, subdivision unit if applicable, subdivision name, and plat book number and page number. If the property is not one or more undivided platted lots or is in an "unrecorded" subdivision, attach a metes and bounds legal description giving accurate bearings and distances for each course. If multiple parcels are involved, the metes and bounds legal description must describe the perimeter of the entire property subject to the request. The initial point in the description must be related to at least one established identifiable real property corner, such as a government corner or a recorded corner. The bearings used in the description must be clearly referenced to a well-established and monumented line.
- B. Submit a Boundary Survey meeting the minimum technical standards for surveying set out in Chapter 61G17-6 of the Florida Administrative Code. Make sure that the surveyor is aware of any specific needs of the survey (location of Coastal Construction Lines, locations of existing structures, locations of easements, etc) that are relevant to your request. The perimeter boundary of the entire subject property should be indicated clearly with a heavy line.
- C. Provide the property dimensions or the approximate dimensions if the property is not a regular quadrilateral.
- D. Describe how to get to the property starting from either the Sky Bridge or the Big Carlos Pass Bridge (specify which).
- E. If there are any deed restrictions or covenants that might affect the requested action, provide the information.
- F. Attach a list of the surrounding property owners within 500 feet of the perimeter of the area of the request. Also include two sets of mailing labels providing the names and

addresses of the owners on this list, and a map showing the parcel boundaries within the 500-foot radius. This information can be acquired for a small fee by requesting a "variance report" from the Map Sales Office at the Lee County Property Appraiser's Office. Contact information for the Property Appraiser can be found at <http://www.leepa.org>.

- G. Indicate the Future Land Use Map category or categories of the property as shown on the Fort Myers Beach Comprehensive Plan's Future Land Use Map, and whether the property is located in the "platted overlay" on the map.
- H. Indicate the current zoning of the property. In most cases the current zoning is shown on the official zoning map of the Town of Fort Myers Beach, as adopted by ordinance. If zoning actions affecting the subject property have been taken since March 2004, call Town Hall to verify the current zoning.

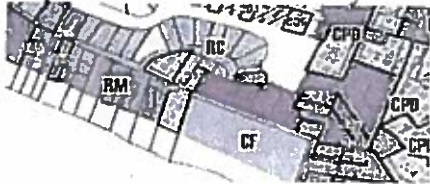
Explanatory Notes – Part VI & VII

The applicant must sign and submit either of the affidavits in Part IV & VII, as applicable.

Case # SEZ 2015-0001
Planner Ma H Noble

Date Received 07/20/15
Date of Sufficiency/Completeness _____

Town of Fort Myers Beach
Department of Community Development



Zoning Division

Supplement PH-A

Additional Required Information for a Special Exception Application

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

Project Name:
Authorized Applicant: Town of Fort Myers Beach, Alison Giesen
LeePA STRAP Number(s):
29-46-24-W1-00151.005A

Current Property Status: Vacant
Current Zoning: RC - Residential Conservation
Future Land Use Map (FLUM) Category: Recreation
Platted Overlay? <u> </u> yes <u> </u> no FLUM Density Range: <u> </u> per 20 acres

Requested Action:

<input type="checkbox"/> Use of premises in the EC (Environmentally Critical) zoning district for:
<input checked="" type="checkbox"/> Use of premises in the <u> </u> <small>CF - Community Facilities</small> zoning district for:
Parking lot, shared permanent

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

PART I
Narrative Statements

A. Request for: (indicate the proposed use that requires a special exception)

parking lot, shared permanent.

B. Reasons for request: (state how the property qualifies for a special exception and what impact granting the request could have on surrounding properties.

Direct these statements toward the guidelines in LDC Section 34-88)

The property qualifies for a Special Exception because:
In consideration of approval of the Special Exception please consider the following. A "parking lot, shared permanent," is permitted as a Special
Exception in the CF - Community Facilities Zoning District. Conditions have changed at the Mound House making approval of this request appropriate.
The Mound House is being transformed into a Museum and facility that will host Special Events. The parking that will be provided
by the proposed lot is essential to the efficient functioning of the facility. The proposed lot is in keeping with the goals, objectives, policies
and intent of the Fort Myers Beach Comprehensive Plan. Policy 4-B-8 in the Comp Plan addresses the "Recreation" land use. A parking
lot will be in keeping with the requirement of no new residential development and allowable uses include parks, schools, libraries, bathing beaches,
beach access points, and related public facilities. We believe the parking lot would fall into the "related public facilities" category.
Once improved as a parking lot, the parcel will meet or exceed all performance and locational standards for the proposed use. There are presently no
environmentally critical areas or natural resources to protect, conserve or preserve as the lot has been cleared prior to this application. At completion,
the project will be compatible with the existing and planned uses and will not cause damage, hazard, nuisance, or other detriment to persons or property.
Proposed improvements include a vegetative buffer and an access controlled gate. Additionally, the lot will be limited to specific operating hours, 7 a.m. to 9 p.m. daily.
The requested use will be in keeping with the applicable general zoning provisions and supplemental regulations pertaining to the "parking lot, shared permanent" as set forth in this chapter.

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

Granting the requested Special Exception could impact surrounding properties as follows:
We anticipate little impact on surrounding properties as a landscape buffer will be provided, an access controlled gate will be in use and hours will be limited to between 7 a.m. and 9 p.m. daily.

PART 2
Submittal Requirements

All applications for a special exception must submit fourteen (14) copies of this application form and all applicable exhibits.

Required Items

- Public Hearing Request Form
- Supplemental form PH-A
- Site Plan (to scale) including the current use of all existing structures on the site, and those on adjacent properties within 100 feet of the perimeter; all proposed structures and uses for the site; and any proposed fencing and screening.

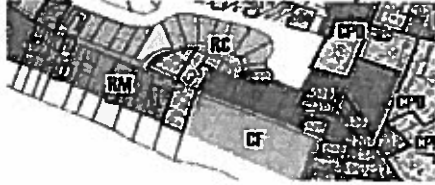
For New Communication Towers:

- a. Lee County Application for Communication Tower
- b. Shared-Use Plan Agreement

Case # REZ2015-0001
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

Town of Fort Myers Beach
Department of Community Development



Zoning Division

Supplement PH-C

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

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

Case Number: REZ2015-0001
Project Name: Mound House Parking Lot
Authorized Applicant: Town of Fort Myers Beach - Alison Giesen
LeePA STRAP Number: 29-46-24-W1-00151.005A

Current Property Status: Vacant
Current Zoning: RC Residential Conservation
Future Land Use Map (FLUM) Category:
Comp Plan Density: 1 per 20 acres Platted Overlay? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Conventional rezoning:

From <u>RC - Residential Conservation</u> (current zoning)
to <u>CF - Community Facilities</u> (requested zoning)

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

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

Narrative Statements

Explain why the requested rezoning is necessary. Direct this statement toward the guidelines for decision-making in LDC Section 34-85

The rezoning is necessary so that the subject parcel may be utilized as a parking lot for the Mound House, a Town property. Current zoning on the parcel is RC - Residential Conservation. There are no errors or ambiguities that must be corrected by this re-zoning. Conditions have changed at the Mound House making approval of this request appropriate. The Mound House is being transformed into a Museum and facility that will host Special Events. The parking that will be provided by the proposed lot is essential to the efficient functioning of the facility. This rezoning will have no impact on the intent of Chapter 34 in the Land Development Code. Once the parcel is rezoned to CF - Community Facilities the parcel will be consistent with the goals, objectives, policies and intent and with the densities, intensities and general uses as set forth in the Fort Myers Beach Comprehensive Plan based on the Recreation designation. Once improved as a parking lot, the parcel will meet or exceed all performance and locational standards for the proposed use. Urban services are adequate and available to supply the property after improvements are in place. There are presently no environmentally critical areas or natural resources to protect, conserve or preserve as the lot has been cleared prior to this application. At completion, the project will be compatible with the existing and planned uses and will not cause damage, hazard, nuisance, or other detriment to persons or property. Proposed improvements include a vegetative buffer and an access controlled gate. Additionally, the lot will be limited to specific operating hours, 7 a.m. to 9 p.m. daily. The proposed parking lot will be served by a street with adequate capacity for the limited amount of traffic anticipated. -----