



Property Data

STRAP: 24-46-23-W3-00013.0000 Folio ID: 10127258

Owner Of Record

LEE COUNTY
PO BOX 398
FORT MYERS FL 33902

Site Address

1100 ESTERO BLVD
FORT MYERS BEACH FL 33931

Legal Description

PARL IN SE 1/4 SEC 24 TWN 46 R 23
S OF ESTERO BLVD AS DESC IN
INST #'S 201000023675 + 201000023676

Classification / DOR Code

VACANT GOVERNMENTAL / 80

[Tax Map Viewer]



[Pictometry Aerial Viewer]

Image of Structure



◀ Photo Date March of 2012 ▶

Current Working Values

Just 4,793,383 **As Of** 07/14/2015

Attributes

Land Units Of Measure	SF
Units	95647.82
Frontage	0
Depth	0
Total Number of Buildings	0
Total Bedrooms / Bathrooms	0 / 0
Total Living Area	0
1st Year Building on Tax Roll	0
Historic District	No

+

Exemptions

+

Values (2015 Tax Roll)

+

Taxing Authorities

+

Sales / Transactions

-

Building/Construction Permit Data

Permit Number	Permit Type	Date
199107074	Commercial	08/08/1991
COM199610518	Building Addition	10/23/1996
82817	Residential	12/02/1981
DEM2006-00311	Demolition	02/26/2007
Z12019	Commercial	10/02/1987
ROF2000-01869	Roof	07/07/2000
199200915	Commercial	02/03/1992
COM199600375	Building Addition	01/12/1996
DEM2006-00300	Demolition	02/26/2007
113133	Commercial	12/02/1987
198908291	Commercial	07/27/1989
FNC199607289	Fence	07/18/1996

DEM10-0009	Demolition	01/07/2011
DSH10-0050	Boathouse, Dock & Shoreline	04/26/2011
COM12-0045	Building Miscellaneous	03/23/2012
199107607	Commercial	08/28/1991
199104765	Commercial	05/21/1991
DEM2007-00051	Demolition	03/05/2007
COM199311052	Building Miscellaneous	11/24/1993
COM12-0057	Building Addition	04/18/2012
199104500	Commercial	05/13/1991
DEM2006-00299	Demolition	02/26/2007
COM198908291	Commercial	07/27/1989
PLB11-0010	Plumbing	02/24/2011
FNC10-0050	Fence	01/07/2011

IMPORTANT INFORMATION: THIS MAY NOT BE A COMPREHENSIVE OR TIMELY LISTING OF PERMITS ISSUED FOR THIS PROPERTY.

Note: The Lee County Property Appraiser's Office does not issue or maintain any permit information. The Building/Construction permit data displayed here represents only those records this Office may find necessary to conduct Property Appraiser business. Use of this information is with the understanding that in no way is this to be considered a comprehensive listing of permits for this or any other parcel.

The Date field represents the date the property appraiser received information regarding permit activity; it may or not represent the actual date of permit issuance or completion.

Full, accurate, active and valid permit information for parcels can only be obtained from the [appropriate permit issuing agency](#).

Parcel Numbering History

Prior STRAP	Prior Folio ID	Renumber Reason	Renumber Date
24-46-23-00-00013.0000	N/A	Reserved for Renumber ONLY	01/12/1995
24-46-23-W3-00014.0000	10127259	Combined (With another parcel-Delete Occurs)	03/08/2011
24-46-23-W3-00015.0000	10127260	Combined (With another parcel-Delete Occurs)	03/08/2011

Location Information

Solid Waste (Garbage) Roll Data

Flood and Storm Information

Appraisal Details

Land						
Land Tracts						
Use Code	Use Code Description	Depth	Frontage	Number of Units	Unit of Measure	
1000	Commercial, Vacant	0	0	95647.82	Square Feet	
Land Features						
Description				Year Added	Units	
SEAWALL - CONCRETE				1960	365	
PAVILION/COVERED PICNIC AREA				2013	144	
PAVILION/COVERED PICNIC AREA				2013	144	
PAVILION/COVERED PICNIC AREA				2013	144	





TRIM (proposed tax) Notices are available for the following tax years
 [[2007](#) [2008](#) [2009](#) [2010](#) [2011](#) [2012](#) [2013](#) [2014](#) [2015](#)]

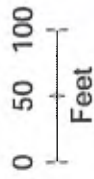
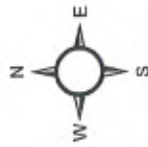
[Previous Parcel Number](#) [Next Parcel Number](#) [New Query](#) [Search Results](#) [Home](#)



1100 ESTERO
BLVD

Legend

-  Day's Inn 33 Units
-  Howard Johnson 24 units
-  Sandman Motel 9 units
-  Subject Property



Prepared by:
Lee County DCD
Mapped DC 2002
Aerial Photograph



Gibbs, Mary

From: Schwartz, Holly
Sent: Tuesday, November 19, 2013 2:01 PM
To: Gibbs, Mary
Subject: FW: Town of Fort Myers Beach request for TDR

Mary – Let's discuss when you have three spare seconds ☺.

From: Jacob, Michael
Sent: Friday, November 15, 2013 3:45 PM
To: Schwartz, Holly
Cc: Fraser, Andrea
Subject: Town of Fort Myers Beach request for TDR

Holly,

As requested, this is a quick review of the legal issues we discussed during our meeting with the Town's representatives regarding the Town's request for the County to give them the Development Rights from County property. I'll briefly discuss the request first.

The Town's staff has asked that the County transfer the hotel units (development rights) from the Crescent Beach property to the Town. The Town has indicated that they would then transfer those credits to a particular developer of property located across the street from the County's property. It is unclear how many hotel units were on the County's property. It is anticipated there were between 20 and 70 units. In exchange for these TDRs, the Town would pay nothing. The County's property was purchased with TDC funds.

There are a number of legal issues to discuss.

1. Procedurally, the Town's request to transfer the TDRs to the Town would not meet the Town's procedures for the transfer. In order to comply with the Town's regulations, the County would have to apply for a zoning change and designate the parcel that is receiving the TDRs. The Town's regulations do not provide for a mechanism where the Town serves as a "straw man" for transferring the TDRs. A matter to consider is the Town's TDR program would require the placement of perpetual development restrictions on the property. This act would devalue the value of the County's property by stripping off all of its development potential.
2. The Town's request for a free transfer is not appropriate. The property was purchased with TDC funds. Presumably, at a price of over \$5,000,000, the purchase price for the property included the development potential of the property. While the purchase of the property was an appropriate use of TDC funds for the purposes defined by the County when purchasing the property. The transfer of part of the property without just compensation, within a couple years, to a private developer would not constitute an appropriate use of TDC funds in accordance with the requirements of § 125.0104, Fla. Stat. This matter may be overcome if the TDC funds is appropriately and adequately reimbursed or compensated for the value of the TDRs sold. This of course would preclude the free transfer of the TDRs to the Town or anyone else.
3. The State has set forth standards for the transfer of County property to a third party. Note, TDRs are considered real property. Pursuant to Florida law, the County is not permitted to transfer the Development Rights from to an individual. Note, Florida law permits the transfer of real property to a municipality under certain circumstances; however, in this case, the Town would merely serve as a "straw man" to then transfer the property to a third party developer. The Town has already indicated this fact. In light of that information, we cannot ignore the facts to get around the legal requirements.

To transfer County property, the County would have to declare the property surplus. Once done, then there are specific procedures that must followed to transfer/sell the property. Florida Statutes 125.35(c) and Lee County's Ordinance 02-34 set forth these procedures. Briefly, the County would have to publish a notice once a week for at least 2 weeks in the News Press, calling for bids for the purchase of the TDRs. In the case of a sale, the bid of the highest bidder complying with the terms and conditions set forth in the published notice shall be accepted, unless the board of county commissioners rejects all bids because they are too low. Ultimately, this requirement would allow anyone to bid on the TDRs. The Town of Fort Myers Beach could not put a limitation on who gets those TDRs and ultimately, the developer the Town wants to give the TDRs to could end up not getting the TDRs. For all we know, a developer in Toledo could end up the highest bidder. Also note, the County would have to value the TDRs to determine a fair value for the TDRs. This would necessitate a determination of the exact number of Hotel units. To date, Lee County staff is unable to make a determination of how many units are available, if any.

4. Assuming all of the Statutory and local regulations (including the town's TDR procedures) for the transfer/sale of the TDRs are met, it is my opinion the proceeds of the sale must go back to the TDC since the property was purchased with TDC funds. If all of those criteria are met, then it is perceivable that the TDR transfer could legally occur.
5. Finally, the Town has the authority to amend its Comprehensive Plan and development regulations to permit the developer to increase its hotel units. The Town could accomplish this without expense to the County or any involvement from the County.

There may be a couple other minor issues to address; however, these are the largest hurdles to fulfilling this request. Let me know if you have any questions or need anything further.

Michael D. Jacob
Managing Assistant County Attorney
Lee County Attorney's Office
(239) 533-2236 (telephone)
(239) 485-2106 (facsimile)
mjacob@leegov.com

"Whatever the consequences, we must accept the plain meaning of plain words." Justice Oliver Wendell Holmes-*United States v. Brown*, 206 U.S. 240, 244 (1907).

Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure. Under Florida law, e-mail addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

HISTORICALLY HIGH DENSITIES

Constant concerns at Fort Myers Beach include the excessive crowding during the winter and fears over the ability to evacuate the island when a hurricane approaches. Existing development was approved without regard to the adequacy of the road system (although the impacts of tourism and day visitors are an equally important factor in winter crowding).

Multifamily Densities

The density of multifamily development at Fort Myers Beach averages 17.2 units per acre (in 1996, 5,269 units, including duplexes, on 305.5 acres). Table 4-1 provides the densities of several multifamily developments across the island.

Table 4-1 — Multi-Family Densities

<u>Name</u>	<u>Address</u>	<u># of dwelling units</u>	<u># of total acres</u>	<u>units per acre</u>	<u>stories tall</u>
Marina Towers	8401 Estero	63	2.77	23	9
Sun Caper	7930 Estero	69	2.75	25	10
Leonardo Arms	7400 Estero	180	6.28	29	7
Ocean Harbor	4741 Estero	150	9.70	15	16
Caper Beach Club	2810 Estero	103	1.27	81	12
Batiki West	1511 Estero	60	1.86	32	7
Pink Shell Beach Club I	327 Estero	15	0.83	18	7

At the older (northwest) end of the island, existing development has achieved a desirable level of “compactness” which allows people to move comfortably about without driving everywhere. Yet the south end of the island has not done so despite higher densities there.

Compactness is not the same as density. Compact development can occur with densities as low as four units per acre if homes aren’t stacked vertically and if driveways and garages do not dominate the street side of houses and businesses.

High-rise buildings surrounded by ground-level parking lots can almost never achieve compactness, because higher densities are translated into taller buildings requiring ever larger parking lots. “Compact” high-rise development would require extensive public transportation and parking garages to avoid separating buildings so widely that compactness is lost.

Without compactness, high densities require an advanced system of highways and parking facilities to accommodate most movement by car. Parking each car requires 275 square feet (counting aisles and driveways). That same car takes up as much road space as 40 bus passengers or 12 bicyclists. The wide highways and large parking lots needed for “automobility” create barriers to movement by all other modes of travel.

The following section examines specific density issues for hotels and motels.

Hotel and Motel Densities

Until a 1997 interim change, town regulations allowed up to three hotel/motel units in place of each regular dwelling unit. This ratio is substantially lower than the county’s rules in effect until 1994, which allowed convention hotels at 50 rooms per acre, but it is still a high ratio given the overcrowded conditions at Fort Myers Beach.

This section provides some history as to how this issue has been treated in the past, and outlines an alternate plan for future hotels and motels.

At Fort Myers Beach there is only a slight distinction between motels and some other types of accommodations for tourists. The Land Development Code must make a clear distinction, however, if it provides a density multiplier or bonus for motels. Current regulations define a motel (or hotel) as:

a building, or group of buildings on the same premises and under single control, consisting of ten or more sleeping rooms

which are kept, used, maintained or advertised as, or held out to the public to be, a place where sleeping accommodations are supplied for pay to transient guests or tenants.

In order to qualify for density multipliers, motels also must be registered with the state and must pay Lee County's tourist development tax. Hotels and motels are further divided into "efficiency motels" (primarily for tourists) and "business motels" (all others).

Limited kitchen facilities are allowed in efficiency motels, but they may not be as extensive as a separate room. A building that looks like a motel but does not meet all of these tests is treated by current regulations as multifamily housing, and is therefore subject to much stricter density regulations.

A new motel (or hotel) that qualifies under the current zoning regulations can have substantially more rental units than would be allowed for multifamily housing. Under the current rules, a minimum of three "business" hotel/motel units are guaranteed for each one regular dwelling that would otherwise be allowed (in zoning districts where motels are permitted); this ratio is two for one for "efficiency" motels. With a maximum number of new dwelling allowed under the comprehensive plan of 6 units per acre, 18 hotel or motel units can be built. In addition, a landowner can request higher densities yet during a planned development rezoning (with no maximum cap), provided that the Town Council finds that the higher density would be "compatible with the surrounding area." (Due to concerns over these density multipliers, they were suspended by ordinance in late 1997 pending the completion of this comprehensive plan.)

These density multipliers were established by Lee County in 1994, when it repealed the previous rule that categorized hotels and motels into three types: transient (25 units per acre); efficiency (2.5 units for each multifamily dwelling unit); and convention (50 units per acre).

Lee County has since added new restrictions on motel densities in the unincorporated area, eliminating the dubious distinction between efficiency and business motels in favor of density ratios based on the actual floor area of each rental unit, regardless of unit type. For each allowable dwelling unit, the following number of new hotels and motels will be allowed:

- Three rental units under 425 square feet; or
- Two rental units under 725 square feet; or
- One rental unit over 725 square feet.

However, if approved through a planned development rezoning, even higher ratios may be approved, "provided all other aspects of the development (height, traffic, intensity of use, etc.) are found to be compatible with the surrounding area."

To illustrate the numerical densities with actual examples, Table 4-2 provides official data on the density of a selection of existing motels at Fort Myers Beach.

Table 4-2 — Hotel/Motel Densities

<u>Name</u>	<u>Address</u>	<u># of rental units</u>	<u># of total acres</u>	<u>rental units per acre</u>
Lani Kai Island Resort	1400 Estero	100	0.98	102
Ramada Inn	1160 Estero	70	0.87	80
Lighthouse Island Resort	1051 5 th St.	40	0.72	56
Ourrigger Beach Resort	6200 Estero	144	3.92	37
Days Inn	1130 Estero	33	0.98	34
Best Western	684 Estero	75	2.87	26
Buccaneer Resort Inn	4864 Estero	25	0.98	26
Holiday Inn	6890 Estero	103	3.91	26
Neptune Inn	2310 Estero	65	2.86	23
Sandbar Resort	5480 Estero	12	0.61	20
Carousel Motel	6230 Estero	26	1.52	17

Houck, Pamela

From: Gibbs, Mary
Sent: Thursday, December 12, 2013 2:35 PM
To: Schwartz, Holly
Cc: Houck, Pamela; O'Connor, Paul
Subject: RE: Town of Fort Myers Beach request for TDR

Pam has staff working on the map, there is one more parcel she is researching fyi.

From: Schwartz, Holly
Sent: Wednesday, December 11, 2013 1:56 PM
To: Gibbs, Mary
Cc: Houck, Pamela; O'Connor, Paul
Subject: RE: Town of Fort Myers Beach request for TDR

Mary – can you please have your mapping staff put this info on an aerial of the property with an overlay of the park boundary as it exists now with dotted lines of the old hotel boundaries so that we can use this as a tool with the BoCC? Thanks.

From: Gibbs, Mary
Sent: Wednesday, December 11, 2013 1:23 PM
To: Schwartz, Holly
Cc: Houck, Pamela; O'Connor, Paul
Subject: RE: Town of Fort Myers Beach request for TDR

Hi Holly,
Pam did some more research on the number of units, and it appears that there were 57 total units; 24 units on the Howard Johnson parcel (parcel 14.0000) at 1100 Estero Boulevard, and 33 units for the Days Inn (parcel 13.0000) on 1130 Estero Boulevard.
Let me know if you need anything else,
Thanks,
Mary

From: Schwartz, Holly
Sent: Tuesday, November 19, 2013 2:47 PM
To: Desjarlais, Roger
Cc: Gibbs, Mary
Subject: FW: Town of Fort Myers Beach request for TDR

Roger – Please see the following legal review of the options available to the County and the Town with regards to the TDR transfer from the beach park property. I'll see Mary at 3:00pm today to check in with her on the contents of this email. We would like to touch base with you tomorrow on this – or you may decide to discuss with Comm. Kiker asap.

Holly

From: Jacob, Michael
Sent: Friday, November 15, 2013 3:45 PM
To: Schwartz, Holly
Cc: Fraser, Andrea
Subject: Town of Fort Myers Beach request for TDR

Holly,

As requested, this is a quick review of the legal issues we discussed during our meeting with the Town's representatives regarding the Town's request for the County to give them the Development Rights from County property. I'll briefly discuss the request first.

The Town's staff has asked that the County transfer the hotel units (development rights) from the Crescent Beach property to the Town. The Town has indicated that they would then transfer those credits to a particular developer of property located across the street from the County's property. It is unclear how many hotel units were on the County's property. It is anticipated there were between 20 and 70 units. In exchange for these TDRs, the Town would pay nothing. The County's property was purchased with TDC funds.

There are a number of legal issues to discuss.

1. Procedurally, the Town's request to transfer the TDRs to the Town would not meet the Town's procedures for the transfer. In order to comply with the Town's regulations, the County would have to apply for a zoning change and designate the parcel that is receiving the TDRs. The Town's regulations do not provide for a mechanism where the Town serves as a "straw man" for transferring the TDRs. A matter to consider is the Town's TDR program would require the placement of perpetual development restrictions on the property. This act would devalue the value of the County's property by stripping off all of its development potential.
2. The Town's request for a free transfer is not appropriate. The property was purchased with TDC funds. Presumably, at a price of over \$5,000,000, the purchase price for the property included the development potential of the property. While the purchase of the property was an appropriate use of TDC funds for the purposes defined by the County when purchasing the property. The transfer of part of the property without just compensation, within a couple years, to a private developer would not constitute an appropriate use of TDC funds in accordance with the requirements of § 125.0104, Fla. Stat. This matter may be overcome if the TDC funds is appropriately and adequately reimbursed or compensated for the value of the TDRs sold. This of course would preclude the free transfer of the TDRs to the Town or anyone else.
3. The State has set forth standards for the transfer of County property to a third party. Note, TDRs are considered real property. Pursuant to Florida law, the County is not permitted to transfer the Development Rights from to an individual. Note, Florida law permits the transfer of real property to a municipality under certain circumstances; however, in this case, the Town would merely serve as a "straw man" to then transfer the property to a third party developer. The Town has already indicated this fact. In light of that information, we cannot ignore the facts to get around the legal requirements.

To transfer County property, the County would have to declare the property surplus. Once done, then there are specific procedures that must followed to transfer/sell the property. Florida Statutes 125.35(c) and Lee County's Ordinance 02-34 set forth these procedures. Briefly, the County would have to publish a notice once a week for at least 2 weeks in the News Press, calling for bids for the purchase of the TDRs. In the case of a sale, the bid of the highest bidder complying with the terms and conditions set forth in the published notice shall be accepted, unless the board of county commissioners rejects all bids because they are too low. Ultimately, this requirement would allow anyone to bid on the TDRs. The Town of Fort Myers Beach could not put a limitation on who gets those TDRs and ultimately, the developer the Town wants to give the TDRs to could end up not getting the TDRs. For all we know, a developer in Toledo could end up the highest bidder. Also note, the County would have to value the TDRs to determine a fair value for the TDRs. This would necessitate a determination of the exact number of Hotel units. To date, Lee County staff is unable to make a determination of how many units are available, if any.

4. Assuming all of the Statutory and local regulations (including the town's TDR procedures) for the transfer/sale of the TDRs are met, it is my opinion the proceeds of the sale must go back to the TDC since the property was purchased with TDC funds. If all of those criteria are met, then it is perceivable that the TDR transfer could legally occur.

5. Finally, the Town has the authority to amend its Comprehensive Plan and development regulations to permit the developer to increase its hotel units. The Town could accomplish this without expense to the County or any involvement from the County.

There may be a couple other minor issues to address; however, these are the largest hurdles to fulfilling this request. Let me know if you have any questions or need anything further.

Michael D. Jacob
Managing Assistant County Attorney
Lee County Attorney's Office
(239) 533-2236 (telephone)
(239) 485-2106 (facsimile)
mjacob@leegov.com

“Whatever the consequences, we must accept the plain meaning of plain words.” Justice Oliver Wendell Holmes-*United States v. Brown*, 206 U.S. 240, 244 (1907).

Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure. Under Florida law, e-mail addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.