



**CPA2000-16  
BoCC SPONSORED  
AMENDMENT  
TO THE**

---

**LEE COUNTY COMPREHENSIVE PLAN**

---

**THE LEE PLAN**

---

**BoCC Public Hearing Document  
for the  
August 29<sup>th</sup>, 2001 Public Hearing**

---

*Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(941) 479-8585*

**August 1, 2001**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2000-16**

☒

Text Amendment

☐

Map Amendment

<input checked="" type="checkbox"/>	<b>This Document Contains the Following Reviews:</b>
<input checked="" type="checkbox"/>	<b>Staff Review</b>
<input checked="" type="checkbox"/>	<b>Local Planning Agency Review and Recommendation</b>
<input type="checkbox"/>	<b>Board of County Commissioners Hearing for Transmittal</b>
<input type="checkbox"/>	<b>Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report</b>
<input type="checkbox"/>	<b>Board of County Commissioners Hearing for Adoption</b>

STAFF REPORT PREPARATION DATE: April 13, 2001

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT:**

LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

**2. REQUEST:**

Add a new policy to Goal 12 to specifically preserve the use "Education/Public Access" on the Matanzas Pass Murphy Oil site.

**B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:**

**1. RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners **not transmit** the proposed amendment at this time. The Murphy Oil Site is designated as Public Facilities by the Lee Plan, is zoned CFPD and IPD, and is owned by Lee County. The County, therefore, already has the ability to use the property for any use that it chooses, within the limits of the current zoning approvals. The current zoning and land use would allow the use "Education/Public Access." The property already contains a small nature trail, observation deck, and educational signs. Staff believes, therefore, it would be unnecessary to amend Goal 12 of the Lee Plan to accommodate this specific use at this time.

In the alternate, if the Board believes that Goal 12 of the Lee Plan should be amended to specifically accommodate the requested uses, then staff recommends that the following policy be added under Goal 12:

**POLICY 12.2.5:** Lee County will support a balance of public, quasi-public, and limited private uses on the County-owned property commonly known as the Murphy Oil site. These uses may include: facilities for government agencies engaged in waterway management activities; passive recreational facilities; educational facilities; facilities for quasi-public agencies; and, facilities for private companies engaged in the shrimping industry.

## **2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

- The subject of this request is known locally as the Murphy Oil site. The Murphy Oil site was acquired by Lee County on January 28, 1991. The total purchase price was \$1,627,335.50.
- The Town of Fort Myers Beach became incorporated on December 31, 1995. The new Town's boundary encompasses the majority of Matanzas Harbor. The Town of Fort Myers Beach has taken the lead role in the implementation of the Matanzas Harbor Management Plan through the Matanzas Harbor Action Plan.
- The Matanzas Harbor Management Plan recommended the acquisition of a waterfront parcel to complement the variety of management activities within the harbor (i.e. marine sanitation, enforcement vessel dockage, ferry/water taxi landing and associated parking and/or mass transit stops). The Murphy Oil Site represents this waterfront parcel.
- The Matanzas Harbor Action Plan does not provide any specific direction for the use of the Murphy Oil Site. The Action Plan does not provide specific provisions for preserving education and public access uses on the site or anywhere else in the Plan area.
- The Murphy Oil Site is designated Public Facilities on the Lee Plan Future Land Use Map. Allowable uses within Public Facilities areas are determined by the entity owning each such parcel and the local government having zoning and permitting jurisdiction. Lee County currently owns the parcels.
- The property is currently zoned Industrial Planned Development (IPD) and Community Facilities Planned Development (CFPD). The zoning currently allows for public access/educational uses.
- The property already contains public access and educational uses in the form of a small nature trail, observation deck, and educational signs. The property is also used by Trico Shrimp, a private shrimping company with a long term lease on a portion of the property. Additionally, the property currently houses the Southwest Florida Marine Institute, an affiliate of Associated Marine Institutes, Inc., which is a private non-profit government services provider to state juvenile justice programs that specializes in marine based juvenile rehabilitation programs and youth oriented services.

## **C. BACKGROUND INFORMATION**

An amendment to preserve education and public access uses on the Murphy Oil site was initiated by the Board of County Commissioners on September 15, 1998. The amendment was specifically requested by

members of the San Carlos Island Community Redevelopment Committee in 1997 to make it clear that educational and public access uses will be preserved on the Murphy Oil site.

Planning staff analyzed this amendment during the 1998/1999 amendment cycle. The amendment was on the LPA agenda for March 22, 1999, and at that time, staff had not completed work on the analysis, and recommended that the amendment be brought back to the LPA in April of 1999. The amendment, however, was not brought back to the LPA in April or May of 1999 as staff had anticipated. The LPA never made a formal recommendation on this amendment in the 1998/1999 amendment cycle. Then on June 2, 1999, staff brought the amendment before the Board of County Commissioners at the regular plan amendment transmittal hearing, at which time the Board voted to table the amendment based on staff's recommendation of the same. Staff recommended to the Board that the amendment not be transmitted, and instead recommended that Objective 94.6 and subsequent policies be evaluated in the next regular round of amendments in light of the Town of Fort Myers Beach's lead efforts toward implementing the Matanzas Harbor Management Plan. The Board of County Commissioners approved staff's recommendation of non-transmittal on June 2, 1999 with the expectation that the amendment would be further analyzed in the next amendment cycle.

The amendment was initiated again in the 1999/2000 amendment cycle. Staff again analyzed the proposed amendment and discovered that there were no clear plans for the Murphy Oil Site arising from the Town of Fort Myers Beach's implementation of the Matanzas Harbor Management Plan. Staff, therefore, recommended that the amendment be terminated indefinitely. The staff recommendation on the amendment was brought before the LPA on January 24, 2000, at which time the LPA voted to terminate the amendment indefinitely. The Board of County Commissioners followed the recommendation of the LPA, and voted to terminate the amendment indefinitely on June 7, 2000.

The current amendment was initiated by the Board of County Commissioners on September 19, 2000 for consideration in the 2000/2001 amendment cycle. One commissioner specifically requested to staff that this amendment be re-initiated based on the wishes of some citizens of San Carlos Island.

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

The Public Facility property that is the subject of this request is known locally as the Murphy Oil site. The STRAP numbers for the property are 19-46-24-00-00005.0210 and 19-46-24-00-00005.0220. Attachment 1 of this report shows the location of the subject property. The Murphy Oil site was acquired by Lee County on January 28, 1991 at a purchase price of \$1,627,335.50. The property was viewed as a possible land base for several different water-related public activities associated with the Matanzas Harbor Plan. Concerning the acquisition of the parcel, the Matanzas Harbor Plan provides the following:

*The acquisition of a waterfront parcel(s) to complement the plethora of management activities within the harbor (i.e. marine sanitation, enforcement vessel dockage, ferry/water taxi landing and associated parking and/or mass transit stops), has been a major issue.*

County staff identified the potential uses for the property as follows:

1. dockage leasing

2. boat ramp
3. public parking to facilitate mass transit program needs
4. beach-oriented concessions
5. marine sanitation deposition landbase
6. official dockage

The Matanzas Harbor Management Plan was adopted by the Board of County Commissioners on October 24, 1990. Several earlier studies, such as the 1983 Lee County Boating Study, referenced the need for a local government marine management facility.

The development of the Matanzas Harbor Management Plan stems from a September 3, 1987 meeting of the Service Delivery Subcommittee of the Lee County Commission. At this meeting, Commissioners Bigelow, Fussell, and Goss discussed the boating conflicts in the Matanzas Pass area and the "concept of a controlled harbor." After several subsequent meetings, including discussions with the marine Advisory Committee, staff was directed by the Board of County Commissioners on August 31, 1988 to begin formulating a conceptual plan. Staff, in formulating the harbor plan, coordinated with a variety of committees and agencies including: the Marine Advisory Committee; the Waterways Advisory Committee; the U.S. Coast Guard; the Lee County Sheriff's Department; citizen representatives from the Fort Myers Beach Back Bay Pollution Committee; the Fort Myers Beach Land Use Committee; and, the City of Sanibel.

In 1988 members of the commercial shrimping industry and related industries on San Carlos Island met with County staff concerning the loss and potential continued loss of additional dock space in Lee County due to development and recreational pressures. In response, the Board of County commissioners commissioned T. A. Herbert and Associates to perform a dockage option study. This study, entitled "The Investigation of Options Related to the Location, Operation, and Funding of Shrimp Docks in the San Carlos Island Area, Lee County, Florida," provided the following recommendation concerning the subject property:

*Fifteen to 18 shrimp boats presently dock at an area known as "The Murphy Oil Property." The Murphy Oil Property could be purchased by Lee County or a private organization which could repair the docks and commit the docks to use by the commercial industry to insure continuation or maintenance of this docking space. Several sources of funding were identified for each entity for each phase of the potential project including the financing for feasibility studies and construction.*

The result of all of this was the September, 1990 draft Matanzas Harbor Management Plan.

Fort Myers Beach became incorporated on December 31, 1995. The new Town encompasses the majority of Matanzas Harbor. For example, the municipal boundary is only approximately 400 feet off-shore of the County-owned parcels on San Carlos Island. This has resulted in the Town of Fort Myers Beach taking the lead role in the development of a plan to implement the Matanzas Harbor Management Plan. The Town hired a consultant to develop a plan to implement the management plan. This plan, known as the Matanzas Harbor Action Plan, was adopted by the Town of Ft. Myers Beach on April 15, 1999. This plan does not address Lee County's role in land use issues surrounding the harbor.

## **REZONING OF THE SUBJECT PROPERTY**

At a May 31, 1995 Board of County Commissioner's public hearing, Commissioner Judah brought up the subject property. At this meeting the Board directed staff to proceed with a county-initiated rezoning to IPD and CFPD to incorporate various uses proposed for the site by the County, Southwest Florida Marine Institute and the Ostego Bay Foundation.

Division of Planning staff represented the Board of County Commissioners through the rezoning process. The rezoning to IPD and CFPD was approved on January 10, 1996. The zoning resolution, Z-95-088 is attached to this report and labeled "Attachment 2." The rezoning, known as San Carlos Island Maritime Park, accommodates a variety of uses for the property including:

- Administrative offices for the Lee County Division of Natural Resources Management, along with a boat ramp, dockage, and an open storage area
- Cultural facilities which will include a marine science center and an auditorium (Ostego Bay Foundation, not yet built)
- The existing manufacturer of food and kindred products (Trico Shrimp Company)
- Parks, public & private, along with schools, non-commercial (Southwest Florida Marine Institute)
- Nature trail and observation deck

## **EXISTING CONDITIONS ON THE SUBJECT PROPERTY**

Planning staff conducted a recent site visit to the subject property to assess the existing conditions. "Attachment 3" of this report presents a series of photographs taken by planning staff to illustrate the existing conditions on the property. The Murphy Oil site is unique in its character as a multi-use property that contains public, quasi-public, and private uses. The property currently contains the Southwest Florida Marine Institute which is an affiliate of Associated Marine Institutes, Inc., a private non-profit government services provider to state juvenile justice programs that specializes in marine based juvenile rehabilitation programs and youth oriented services. Trico Shrimp Company also occupies a portion of the property. By leasing a portion of the property to Trico Shrimp Company, the County helps to ensure the preservation of the shrimp docks on San Carlos Island. Also on the property is a nature trail and wooden observation deck with educational signs. The trail and observation deck are open to the public and provide education on the surrounding environment. The property also contains a boat ramp that is designated for official use only, and is used, among other things, to remove derelict vessels from waters within Lee County. There is also vacant land on the property that the zoning resolution indicates is to be used for cultural facilities and an auditorium associated with the Ostego Bay Foundation. There is also a vacant area that the zoning resolution identifies as a future building for "harbor management."

Staff believes that the Murphy Oil site should continue to serve multiple functions as it does today, with no one use claiming the entire parcel. Given that the parcel is county-owned, public access and education will always be considered as potential uses, although not exclusively. The existing shrimp company and marine institute both serve legitimate public purposes for the San Carlos Island community. The future harbor management building is intended for use by a Lee County government agency, and the future Ostego Bay Foundation facilities are quasi-public in nature. The property serves the public and provides educational opportunities in a variety of ways.

Educational and public access uses are well represented on the subject property. With the exception of the Trico Shrimp Company's facilities, the remainder of the property currently contains or will contain public and quasi-public uses. Given the current provisions for education and public access on the property, staff sees no reason to specifically allow for these uses in the Lee Plan. If the County wants to include more educational or public access facilities than are already there, it would need only to amend the zoning to do so.

#### **EVALUATION AND APPRAISAL REPORT (EAR) DISCUSSION**

A new objective and policies concerning the "Matanzas Harbor Management Plan" were added as part of the Evaluation and Appraisal Report based amendments. The July 7, 1994 EAR for Ports, Aviation and Related Facilities contained the following:

*The Board of County Commissioners approved the conceptual Matanzas Harbor Management Plan in August, 1988. It would be appropriate to include an objective the (sic) would show commitment to the Matanzas Harbor Management Plan and the use of property the county purchased on San Carlos Island. The current Lee Plan Policy 18.1.1 describes the Matanzas Harbor Management Plan. This policy should be moved from the Future Land Use element into the Ports, Aviation and Related Facilities element and renumbered as Policy 94.6.3...*

**RECOMMENDATION:** *A new objective and policies should be included as follows:*

**OBJECTIVE 94.6: MATANZAS HARBOR MANAGEMENT PLAN.** *The county shall implement a Matanzas Harbor Management Plan.*

**POLICY 94.6.1:** *The Matanzas Harbor Management Plan shall address the county's plans for use of the property the county acquired on San Carlos Island that is commonly known as the Murphy Oil site.*

**POLICY 94.6.2:** *The county shall apply to the state of Florida for a submerged land management agreement or a submerged land lease for the county-acquired property on San Carlos Island that is commonly known as the "Murphy Oil site".*

**POLICY 94.6.3:** *By 1997, the county shall, with recommendations from an advisory committee, affected elements of county government and other affected persons, further develop and implement a Matanzas Harbor Management Plan. The scope of this plan shall include the designation of a managed mooring area; the regulation of trash and wastewater disposal; and establishment of a research facility designed to meet the needs of marine environmental sciences, marine education, marine research and study of the estuarine and intertidal environment of waters unique to Lee County, specifically, Estero Bay, Ostego Bay and Hurricane Bay. This plan will provide mechanisms and standards for the strict enforcement of health, safety and welfare regulations throughout the Estero Bay and Matanzas Harbor area, regulations for the protection of marine resources; and the initiation and operation of a marine research/educational facility that would provide public access as determined by a final master plan.*

**POLICY 94.6.4:** *The Matanzas Harbor Management Plan shall address public participation issues and shall be consistent with the San Carlos Island Redevelopment Plan.*

***POLICY 94.6.5: The county shall implement the findings of the study completed concerning the designation of special anchorage areas that would allow the mooring of live-aboard vessels, especially in the Matanzas Harbor area.***

The above language was adopted and incorporated into the Lee Plan through the EAR based amendments. Policy 94.6.1 indicates that the Matanzas Harbor Plan would provide some direction for the use of the Murphy Oil Site. Staff has reviewed the Matanzas Harbor Management Plan and the subsequent Matanzas Harbor Action Plan, and discovered that neither document provided clear direction for the use of the property. The only purpose that was assigned to the Murphy Oil Site was to provide a land base to complement management activities associated with the harbor. This indicates that the property was primarily intended by the Matanzas Harbor Management Plan to be used by official agencies involved in implementation of the Matanzas Harbor Action Plan.

## **B. CONCLUSIONS**

Staff does not identify a need to specifically preserve the use "Education/Public Access" on the Murphy Oil Site under Goal 12 of the Lee Plan. It is staff's opinion that this use is already permitted on the property because of the County's ownership of the parcel, the CFPD zoning designation, and the Future Land Use designation of Public Facilities. The property currently contains a small nature trail leading to an observation platform with various educational signs. This indicates that the subject property already provides for "Education/Public Access." Additionally, the Matanzas Harbor Management Plan views the subject property as a potential land base for various management activities related to the harbor. It does not indicate that the property should be used for educational or public access purposes.

## **C. STAFF RECOMMENDATION**

Planning staff recommends that the Board of County Commissioners **not transmit** the proposed amendment at this time.

In the alternate, if the Board believes that Goal 12 of the Lee Plan should be amended to specifically accommodate the requested uses, then staff recommends that the following policy be added under Goal 12.

**POLICY 12.2.5: Lee County will support a balance of public, quasi-public, and limited private uses on the County-owned property commonly known as the Murphy Oil site. These uses may include: facilities for government agencies engaged in waterway management activities; passive recreational facilities; educational facilities; facilities for quasi-public agencies; and, facilities for private companies engaged in the shrimping industry.**

### **PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: March 26, 2001

#### **A. LOCAL PLANNING AGENCY REVIEW**

Planning staff provided the Local Planning Agency with a brief overview of the proposed amendment, highlighting the reasons behind the recommendation of non-transmittal. One member of the public from San Carlos Island spoke in opposition to staff's recommendation, and distributed several handouts in support of her position. It was requested that the amendment be tabled for one month so that members of the San Carlos Island Community Redevelopment Corporation could have additional time to review the amendment and prepare a response.

#### **B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

- 1. RECOMMENDATION:** The LPA recommended that the proposed amendment be tabled until the April LPA public hearing. The LPA recommended that staff meet with the interested members of the public in order to discuss the outstanding issues.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA did not review the findings of fact in this public forum. The motion to table was made before the findings of fact were discussed.

#### **C. VOTE:**

NOEL ANDRESS	<u>AYE</u>
SUSAN BROOKMAN	<u>AYE</u>
BARRY ERNST	<u>AYE</u>
RONALD INGE	<u>AYE</u>
GORDON REIGELMAN	<u>AYE</u>
VIRGINIA SPLITT	<u>AYE</u>
GREG STUART	<u>AYE</u>

#### **D. ADDITIONAL STAFF ANALYSIS**

In response to the events at the March 26<sup>th</sup> LPA public hearing, members of planning staff met with members of the San Carlos Island Community Redevelopment Corporation to discuss their concerns about development on the Murphy Oil site. One issue that was raised at this meeting was that the San Carlos Island group wants the property be used, in part, for a marine-oriented research laboratory, or a similar facility. Staff believes that this use can be accommodated under the current zoning resolution for the property, which allows Research and Development Laboratories, Group II and IV. Additionally, the Ostego Bay research facility is specifically shown on the approved master concept plan for the site. The Lee Plan, however, cannot control the end user of a particular property. There is no guarantee that a business engaged in marine-oriented research and development will elect to locate their facilities on the

property. If they did, however, it could be accommodated by the existing zoning and Lee Plan designation. Any end user of the property, however, will ultimately need approval from the Board of County Commissioners to establish any use on the property.

The group was also concerned that the boat ramp on the property was going to be used by the County to extract derelict vessels from the water. They were concerned that the vessels would stay on-site for long periods of time. Lee County Division of Natural Resources has indicated to planning staff that they already use the parcel to remove derelict vessels from the water. The vessels that the County removes are generally the ones that are still afloat and can be easily pulled from the water. They are extracted from the water, hooked up to a trailer, and removed from the site the same day. Derelict vessels are not stored on the property. For vessels that are submerged and more difficult to remove, the County contracts with private companies to remove them, using that particular company's equipment and boat ramp.

Another concern addressed at the meeting was the possibility of the Town of Fort Myers Beach using the Murphy Oil site as a solid waste transfer station. This use would be allowed under the existing zoning. If this use was to occur on the property, however, it would require that the Town lease the land from the County and enter into a contract, which would allow for public comment. Citizens of San Carlos Island would be able to voice their concerns at that time. Staff believes that a Lee Plan amendment is not the proper vehicle to prevent such a use from occurring on the Murphy Oil property.

In a related issue, the San Carlos Island group was concerned about the Town of Fort Myers Beach using the property for its harbor management activities. Staff has reviewed the Matanzas Harbor Management Plan, and has concluded that the Town has no plans to use any property on San Carlos Island for harbor management activities. The Town has taken on full responsibility for implementing the Harbor Management Plan, with no assistance from Lee County. In fact, the Town has proposed to establish a harbor master facility on a site within the Town limits. The Matanzas Harbor Management Plan does not mention the use of any Lee County property for harbor management activities.

The group also inquired about why the boat ramp on the Murphy Oil site was not open to the public. The Division of Natural Resources has indicated to planning staff that the DEP permit for the boat ramp prohibits public use of the ramp.

The San Carlos Island Community Redevelopment Corporation has provided staff with proposed alternate language to be included in the Lee Plan. This language is included as Attachment 4 to this report. This language differs from staff's alternate language in that it would require development of the Murphy Oil property to be consistent with Policies 96.6.3 and 96.6.4 (94.6.3 and 94.6.4, as renumbered), which originated from the San Carlos Island Redevelopment Plan. These Lee Plan Policies are reproduced below:

***POLICY 94.6.3: By 1997, the county shall, with recommendations from an advisory committee, affected elements of county government and other affected persons, further develop and implement a Matanzas Harbor Management Plan. The scope of this plan shall include the designation of a managed mooring area; the regulation of trash and wastewater disposal; and establishment of a research facility designed to meet the needs of marine environmental sciences, marine education, marine research and study of the estuarine and intertidal environment of waters unique to Lee County, specifically, Estero Bay, Ostego Bay and Hurricane Bay. This plan will provide mechanisms and standards for the strict enforcement of health, safety and welfare regulations***

*throughout the Estero Bay and Matanzas Harbor area, regulations for the protection of marine resources; and the initiation and operation of a marine research/educational facility that would provide public access as determined by a final master plan.*

***POLICY 94.6.4: The Matanzas Harbor Management Plan shall address public participation issues and shall be consistent with the San Carlos Island Redevelopment Plan.***

Staff does not agree with the alternate language proposed by the San Carlos Island citizen group. The policies that are being referenced pertain to the Matanzas Harbor Management Plan when it was thought that the County would be developing and implementing that Plan. That plan has been completed and is now being implemented. Since the Town of Fort Myers Beach took over the final development and implementation of the Plan, the County is no longer involved in the actions specified in Policies 94.6.3 and 94.6.4. The County was involved in the initial development of the Matanzas Harbor Plan, but the implementation of the plan is now under the jurisdiction of the Town of Fort Myers Beach, making Lee Plan Policies 94.6.3 and 94.6.4 somewhat obsolete. Staff recommended evaluating these policies as part of a motion to table the subject amendment in 1999, but such an amendment has not yet been initiated. Staff is waiting until the implementation of the Matanzas Harbor Plan is farther along in the process before recommending the initiation of any amendment to modify or remove these policies. Staff expects that these policies will be evaluated within the next two amendment cycles.

Most of the concerns listed above are beyond the scope of the amendment that has been initiated. The amendment that was initiated was to add a new policy to Goal 12 to specifically preserve the use "Education/Public Access" on the Matanzas Pass Murphy Oil site. Staff has evaluated this possibility, and has concluded that such uses are already accommodated under the existing zoning and land use category. The existing master concept plan specifically shows the future Ostego Bay research facility on the property, as well as the public-access nature trail and boardwalk, which are already existing on the property. If the Lee Plan was amended to specifically require that education and public access uses be established on the property, this would be inconsistent with the more extensive uses allowed under the planned development zoning resolution. If a particular end user wants to develop a portion of the property with one of the uses listed on the master concept plan, the citizens of San Carlos Island will have the opportunity to voice their concerns about that particular use to the Board of County Commissioners at a contract hearing. Staff believes that amending the Lee Plan as specified in this proposed action is not the answer to the concerns of the residents of San Carlos Island highlighted in this report.

#### **E. STAFF RECOMMENDATION**

After meeting with the San Carlos Island Community Redevelopment Corporation, staff maintains its original recommendation that the proposed amendment **should not be transmitted**. If the Board does not agree with this recommendation, and believes that Goal 12 of the Lee Plan should be amended to specifically accommodate the requested educational and public access uses, then staff recommends that the following policy be added under Goal 12. Note that this language differs slightly from staff's original alternate language.

**POLICY 12.2.5: Lee County will support a balance of public, quasi-public, and limited private uses on the County-owned property commonly known as the Murphy Oil site. These uses may include: facilities for county government agencies engaged in waterway management activities; passive recreational facilities; educational facilities; facilities for quasi-public agencies; and, facilities for private companies engaged in the shrimping industry.**

**PART III - LOCAL PLANNING AGENCY  
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: April 23, 2001

**A. LOCAL PLANNING AGENCY REVIEW**

Planning staff provided the Local Planning Agency with a brief overview of the proposed amendment. Staff indicated that it had met with members of the San Carlos Island Redevelopment Corporation, as directed at the previous LPA hearing on this amendment. Staff, however, did not change its recommendation of non-transmittal based on that meeting. The San Carlos Island Redevelopment Corporation, however, did submit alternate language that was considered by the LPA. The only concern of the LPA was whether the residents of San Carlos Island would have an opportunity to be involved in the process of the development of the Murphy Oil property. Staff responded that any non-governmental use of the property would require the developer to lease a portion of the land from the County, which would require entering into a contract with the County. The act of entering into such a contract would provide an opportunity for public comment. Staff also pointed out that the citizens of San Carlos Island had an opportunity to be involved in the zoning of the property and the selection of permitted uses when the property was rezoned in 1995. Staff stated that it believed that adequate safeguards were in place to prevent any inappropriate use from locating on the property without allowing for adequate public notification and comment.

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

1. **RECOMMENDATION:** The LPA agreed with the recommendation of staff, and recommended that the proposed amendment not be transmitted.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff.

**C. VOTE:**

NOEL ANDRESS	<u>AYE</u>
SUSAN BROOKMAN	<u>AYE</u>
BARRY ERNST	<u>ABSENT</u>
RONALD INGE	<u>AYE</u>
GORDON REIGELMAN	<u>AYE</u>
VIRGINIA SPLITT	<u>AYE</u>
GREG STUART	<u>NAY</u>

**PART IV - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: August 29, 2001

**A. BOARD REVIEW:**

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**C. VOTE:**

**JOHN ALBION**

**ANDREW COY**

**BOB JANES**

**RAY JUDAH**

**DOUG ST. CERNY**

_____
_____
_____
_____
_____
_____

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,  
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT:

**A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**

**B. STAFF RESPONSE**

**PART VI - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: \_\_\_\_\_

**A. BOARD REVIEW:**

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**C. VOTE:**

**JOHN ALBION**

**ANDREW COY**

**BOB JANES**

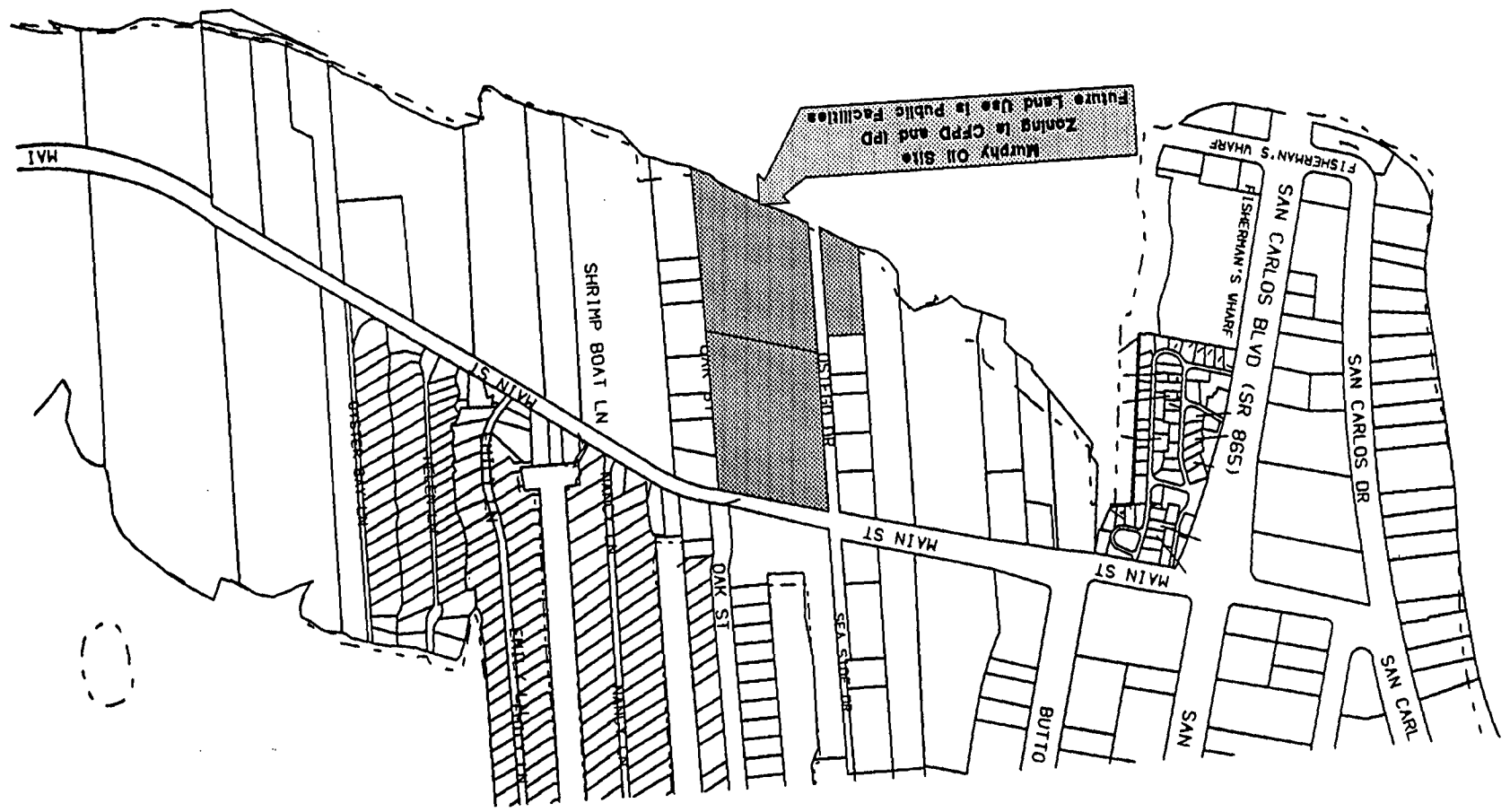
**RAY JUDAH**

**DOUG ST. CERNY**

_____
_____
_____
_____
_____
_____

# ATTACHMENT 1: LOCATION GRAPHIC

MATANZAS  
PASS



RESOLUTION NUMBER Z-95-088

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

WHEREAS, the Lee County Board of County Commissioners, represented by the Department of Community Development, Division of Planning, has filed an application for a rezoning from AG-2 (Agricultural) and IL (Light Industrial) to Community Facilities Planned Development and Industrial Planned Development, in reference to San Carlos Island Maritime Park; and

WHEREAS, the subject property is located at 1190 Main Street, San Carlos Island, and is described more particularly as:

LEGAL DESCRIPTION: In Section 19, Township 46 South, Range 24 East, Lee County, Florida:

**IPD PARCEL OF SAN CARLOS ISLAND MARITIME PARK**

That portion of the following describe parcel lying South of Main Street:  
Beginning at the Northwest corner of Section 19, Township 46 South of Range 24 East;

THENCE Easterly along the Northerly line of said Section seven hundred feet to the POINT OF BEGINNING;

THENCE Southerly on a line parallel with the Easterly line of said Section to the North shore of Ostego Bay;

THENCE Northwesterly along the waters of Ostego Bay to a point on said shore which is three hundred feet Westerly and at right angles to the Westerly side of the said tract being herein described;

THENCE Northerly along the line parallel with the Westerly line of said Section to the Easterly line of Block Eleven of San Carlos-on-the-Gulf, as per the map or plat thereof as the same is of record in the office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 6 at Page 6;

THENCE Northeasterly along the Southeasterly side of said Block to the waters of a bay or bayou;

THENCE Southeasterly along the shore of said bayou to a point which is five hundred feet Easterly and at right angles to the Westerly line of said Section 19;

THENCE Northerly and parallel with the Westerly side of said Section 19 to the Northerly line of said Section;

continued...

THENCE Easterly to the POINT OF BEGINNING: subject, however, to a public road running Easterly and Westerly through said land as platted and shown on an unrecorded plat of San Carlos property prepared by Harry Davison, licensed surveyor, and showing the tracts herein described as Tracts 7, 8 and 9 in Government Lot 4;

**ALSO**

Lots 10, 11 and 12 of K. L. SWANK'S SUBDIVISION, as shown in Plat Book 8, Page 81, Public Records of Lee County, Florida.  
Being the same lands shown on and conforming with that certain Survey Plat dated June 20, 1984, prepared by Howell F. Davis & Associates, Inc., as Project No. 84-787.  
As shown in Official Record Book 1960 at Page 4533.

**LESS AND EXCEPT** the following described parcel:

**CFPD Portion of San Carlos Island Maritime Park**

Beginning at the Northwest corner of Section 19, Township 46 South of Range 24 East;

THENCE Easterly along the Northerly line of said Section seven hundred feet to a point on a line parallel with the Easterly line of said Section;

THENCE Southerly along this parallel line to the intersection with the Southerly line of the Public Road right-of-way as platted and shown on an unrecorded plat of San Carlos property prepared by Harry Davison, this being the POINT OF BEGINNING;

THENCE continue along the line parallel to the Easterly line of Section 19 a distance of 604.44' to a point;

THENCE proceed Northwesterly along a line forming an internal angle of 59°42'45" with this line, a distance of 248.36';

THENCE proceed Northerly along a line forming an internal angle of 119°37'56" with this line a distance of 534.27' to the intersection with the Southerly line of the public road right-of-way as platted and shown on an unrecorded plat of San Carlos property prepared by Harry Davison;

THENCE proceed Easterly along said right-of-way line a distance of 215.50' to the POINT OF BEGINNING.

WHEREAS, the applicant has indicated the property's current STRAP numbers are: 19-46-24-00-00005.0210, 91-46-24-00-00005.0220 and 19-46-24-05-00000.0100; and

WHEREAS, the Board of County Commissioners has the authority under Section 34-201(a)(2) of the Lee County Land Development Code to initiate this application; and

WHEREAS, a public hearing was advertised and held on November 21, 1995 before the Lee County Hearing Examiner who gave full consideration of the evidence available; and

WHEREAS, a public hearing was advertised and held on January 10, 1996 before the Lee County Board of County Commissioners who gave full and complete consideration to the recommendations of staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board APPROVES with conditions the requested rezoning from AG-2 and IL to CFPD and IPD.

SECTION A. CONDITIONS:

The rezoning and Master Concept Plan are subject to the following conditions:

1. The development of this project must be in accordance with the one-page Master Concept Plan entitled "Master Concept Plan for San Carlos Island Maritime Park," prepared by Greiner, Inc., dated October, 1995, last revised 10/17/95, stamped received 10/18/95, except as modified by the conditions below. This development must comply with all requirements of the Lee County Land Development Code at time of local Development Order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.
2. The uses and development regulations for this property are limited to those uses shown on the approved Master Concept Plan, except the following uses are NOT permitted:  
  
Convenience Food and Beverage Store  
Drive-Thru  
Factory Outlets  
Mini-Warehouses  
Research and Development Laboratories, Group III  
Restaurants, Groups III and IV  
Self Service Fuel Pumps
- 3.a. To preserve marine-oriented, water-dependent uses on this site (pursuant to the Water-Dependent Overlay Zone), the uses in the IPD portion of this site must not be altered from what is shown on the Master Concept Plan. If any use other than the shrimp company and the Natural Resources Division use is contemplated, the owner

must submit and receive approval through the public hearing zoning amendment process.

- b. Any commercial uses within the IPD (such as food service or retail space) must be clearly ancillary to the industrial uses and comprise no more than five percent of the industrial square footage.
4. Minimum open space percentages are required as follows: CFPD - 30 percent; IPD - 20 percent. Preserve areas of native vegetation must be in substantial compliance with the size and location indicated on the approved Master Concept Plan.
5. This zoning approval does not address the mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions may be required at the time of issuance of a local Development Order.
6. Approval of this rezoning does nothing more than change the zoning district wherein the subject property lies. It does not grant or vest present or future development rights that exceed the Lee Plan use restrictions set forth in the 2010 (Roberts) Overlay or any other Lee Plan provision.

#### SECTION B. DEVIATIONS:

The Master Concept Plan deviates from several Lee County development standards. The proposed deviations are granted or denied as set forth below:

Deviation (1), seeks relief from LDC Section 34-2443(a) which requires a 660-foot setback from residentially zoned property under separate ownership for all buildings and structures as well as all areas used for parking of trucks, equipment, shipping, receiving or storage for any Research and Development Laboratories, Group III use, to allow a 250-foot setback. The requested deviation is DENIED because the Research and Development Laboratories, Group III uses are not approved for the site (see Condition A.2.).

Deviation (2) has been WITHDRAWN.

Deviation (3), seeks relief from LDC Section 34-2017(a)(1) which requires paved parking lots, to allow all non-handicapped access spaces to utilize shell parking. The requested deviation is APPROVED subject to the condition that the shell parking areas must be maintained in dust-proof condition and the parking spaces must be delineated.

Deviation (4), seeks relief from LDC Section 10-285 which establishes the 125 foot local road connection separation requirement, to allow connection distances of 82 feet, 103 feet and 108 feet. The requested deviation is APPROVED.

Deviation (5), seeks relief from LDC Section 34-2443(a) which requires a 660-foot setback from residentially zoned property under separate ownership for all buildings and structures as well as all areas used for parking of trucks, equipment, shipping, receiving or storage for any Research and Development Laboratories, Group III use, to allow a 25-foot setback. The requested deviation is DENIED because the Research and Development Laboratories, Group III uses are not approved for the site (see Condition A.2.).

Deviation (6), seeks relief from LDC Section 34-2443(d) which requires a 100-foot setback from residentially zoned property under separate ownership for all buildings and structures as well as all areas used for parking of trucks, equipment, shipping, receiving or storage, to allow a 15-foot setback for the parking lot of the Social Services, Group II (Marine Institute) use. The requested deviation is APPROVED to 25 feet only.

Deviation (7) (not shown on the MCP) has been added by Staff. This deviation, seeks relief from LDC Section 34-935(b)(4) which requires open storage in industrial areas to set back 100 feet from abutting residentially zoned lands, to allow a 25-foot setback. The requested deviation is APPROVED in the area shown for Deviation (5) ONLY.

#### SECTION C. MASTER CONCEPT PLAN:

A one-page reduced copy of the Master Concept Plan for San Carlos Maritime Park is attached to and incorporated into this Resolution by reference.

#### SECTION D. FINDINGS AND CONCLUSIONS:

The following findings and conclusions were made in conjunction with the approval of the requested CFPD and IPD zoning:

1. The proposed uses, as conditioned, are appropriate for the site and no changed or changing conditions make approval of this rezoning request inappropriate.
2. As conditioned, the IPD/CFPD and approved deviations:
  - (a) will not have an adverse impact on the intent of the Land Development Code provisions.
  - (b) are consistent with the goals, objectives, policies and intent of the Lee Plan, and with the densities, intensities, and general uses set forth in the Lee Plan.
  - (c) meet or exceed all performance and locational standards set forth for the proposed uses.

- (d) will protect, conserve or preserve environmentally critical areas and natural resources on or abutting the subject property.
  - (e) are compatible with existing or planned uses, and are not contrary to the public health, safety or welfare and will not cause damage, hazard, nuisance or other detriment to persons or property.
  - (f) do not place an undue burden upon existing transportation facilities, or other facilities or services.
  - (g) will comply with all applicable general zoning provisions and supplemental regulations pertaining to the uses set forth in the Land Development Code.
  - (h) enhance the achievement of the objectives of the IPD/CFPD, and promote and preserve the protection of the public health, safety or welfare.
3. Urban services, as defined in the Lee Plan, are or will be available and adequate to serve the proposed uses.
4. The conditions imposed on the IPD/CFPD and the approved deviations are reasonably related to the impacts on the public's interest created by or expected from the proposed uses, and, in conjunction with other land development regulations, will protect the public's interest, health, safety and welfare.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Judah, and seconded by Commissioner Coy and, upon being put to a vote, the result was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 10th day of January, A.D., 1996.

ATTEST:  
CHARLIE GREEN, CLERK

BY: Ruth Tupper  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: [Signature]  
Chairman

Approved as to form by:

[Signature]  
County Attorney's Office

FILED

JAN 18 1996

CLERK CIRCUIT COURT  
BY: Ruth Tupper D.C.

CASE NO. 95-09-155.02Z

H:\CASES\1995\0915502Z\MARITIME.RES

RESOLUTION NUMBER Z-95-088

Page 7 of 7



**PHOTOS OF SUBJECT PROPERTY**

**EXISTING CONDITIONS ON MARCH 9, 2001**

PHOTOS TAKEN BY LEE COUNTY PLANNING STAFF  
FOR  
LEE PLAN AMENDMENT CPA2000-16

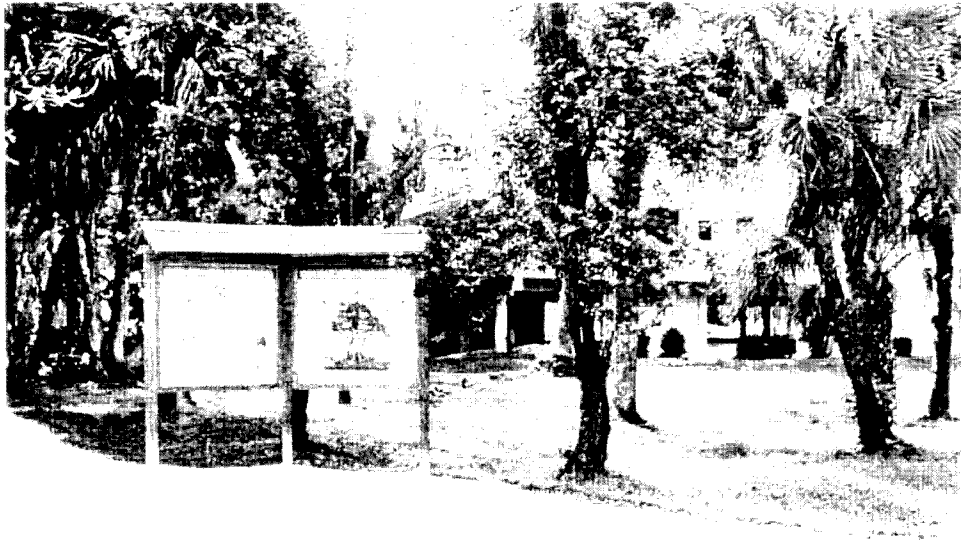


Photo 1 - Beginning of nature trail with educational sign on Murphy Oil Site; Southwest Florida Marine Institute in background



Photo 2 - Nature trail with educational sign

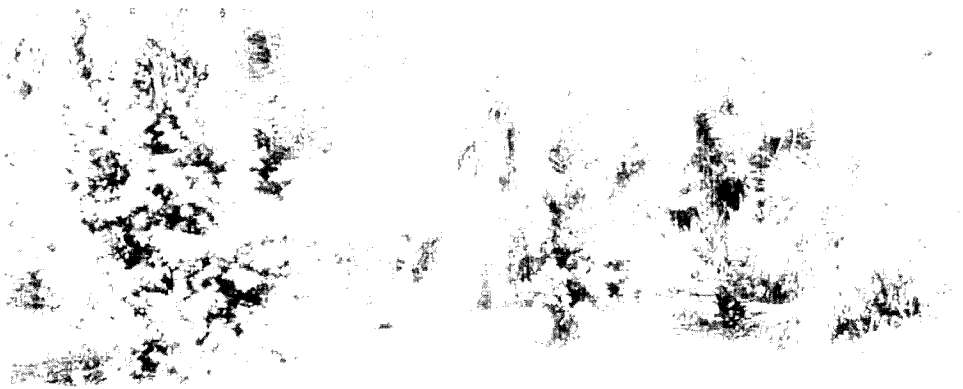


Photo 3 - Continuing on nature trail that runs along the east side of property



Photo 4 - Nature trail winding through vacant portion of property: note plant identification sign on side of trail



Photo 5 - Continuation of nature trail

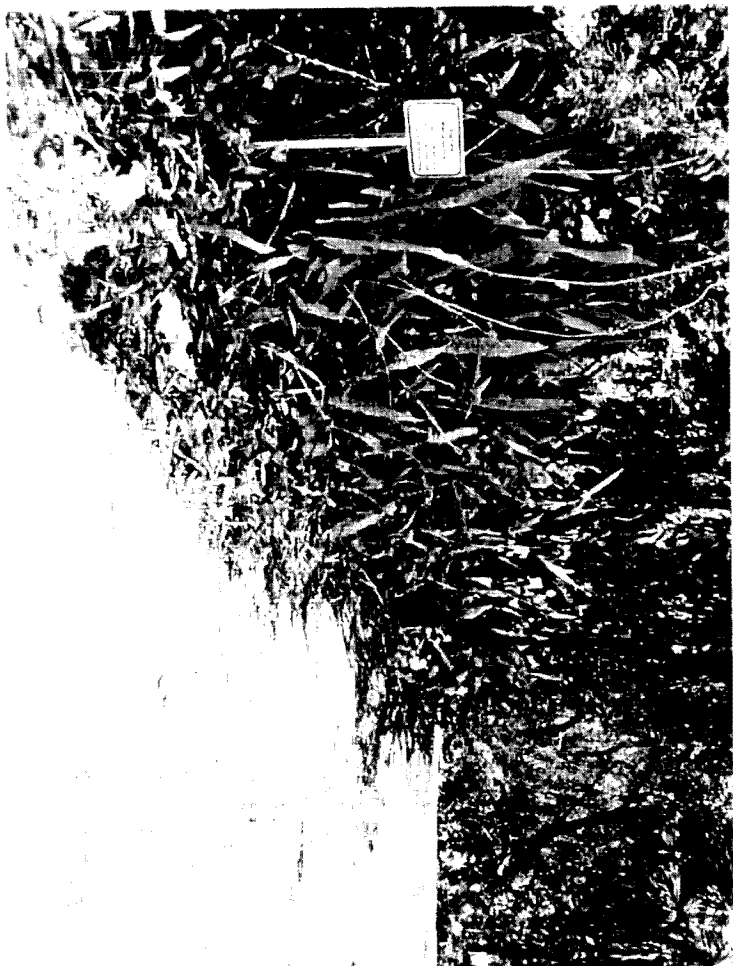


Photo 6 - Nature trail with plant identification sign



Photo 7 - Public observation deck in southeast corner of site

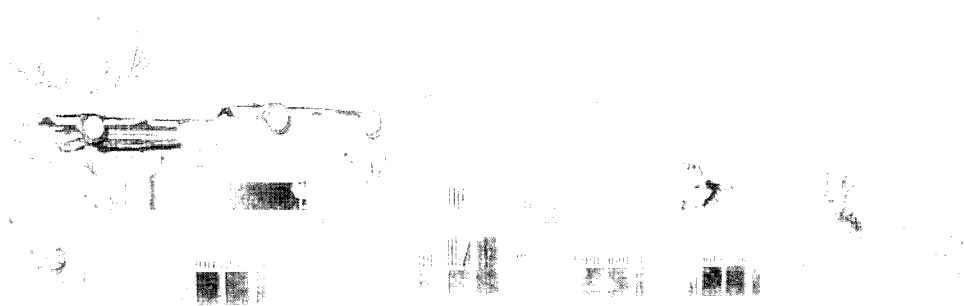


Photo 8 - Educational sign on observation deck

Photo 10 - Trice Shrimp Company located at south end of property



Photo 9 - Southwest Florida Marine Research Center on Murphy Oil Site





**San Carlos Island Community Redevelopment Corporation**

1130 Main Street  
Fort Myers Beach, Florida 33931  
(941) 463-2588 / fax (941) 463-0865

LEE COUNTY  
RECEIVED

01 APR 18 AM 10:06

DEV/  
PUB. WRKS. CNTR.  
SECOND FLOOR

April 16, 2001

Matt Noble  
Lee County Planning Department  
P.O. Box 398  
Fort Myers, Florida 33901

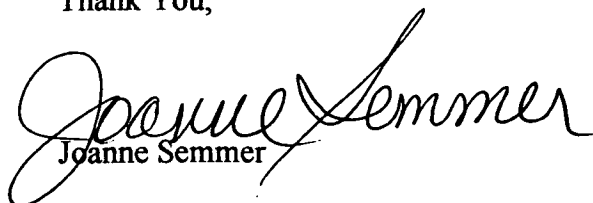
RE: CPA2000-16 Sponsored Amendment to the Lee County Comprehensive Plan

Alternate language proposed for this amendment recommended by the San Carlos Island Community Redevelopment Corporation.

Policy 12.2.5: Lee County will support a balance of public quasi-public and limited private uses on the County-owned property commonly known as the Murphy Oil site (AKA The San Carlos Island Maritime Park) and shall be consistent with the San Carlos Island Redevelopment Plan. See policies 96.6.3 and 96.6.4. These uses may include: facilities for government agencies engaged in waterway management activities; passive recreational facilities; educational facilities; facilities for quasi-public agencies; and facilities for private companies engaged in the shrimping industry.

If you have any questions for is you need this in a different format please call me Joanne Semmer at 463-2588, pager 982-6547 or fax at 463-0865.

Thank You,

  
Joanne Semmer

**CPA2000-16  
BoCC SPONSORED  
AMENDMENT  
TO THE**

---

**LEE COUNTY COMPREHENSIVE PLAN**

---

**THE LEE PLAN**

---

**LPA Public Hearing Document  
for the  
April 23<sup>rd</sup>, 2001 Public Hearing**

---

***Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(941) 479-8585***

**April 13, 2001**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2000-16**

☒

Text Amendment

☐

Map Amendment

<input checked="" type="checkbox"/>	<b>This Document Contains the Following Reviews:</b>
<input checked="" type="checkbox"/>	Staff Review
<input type="checkbox"/>	Local Planning Agency Review and Recommendation
<input type="checkbox"/>	Board of County Commissioners Hearing for Transmittal
<input type="checkbox"/>	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
<input type="checkbox"/>	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: April 13, 2001

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT:**

LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

**2. REQUEST:**

Add a new policy to Goal 12 to specifically preserve the use "Education/Public Access" on the Matanzas Pass Murphy Oil site.

**B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:**

**1. RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners **not transmit** the proposed amendment at this time. The Murphy Oil Site is designated as Public Facilities by the Lee Plan, is zoned CFPD and IPD, and is owned by Lee County. The County, therefore, already has the ability to use the property for any use that it chooses, within the limits of the current zoning approvals. The current zoning and land use would allow the use "Education/Public Access." The property already contains a small nature trail, observation deck, and educational signs. Staff believes, therefore, it would be unnecessary to amend Goal 12 of the Lee Plan to accommodate this specific use at this time.

In the alternate, if the Board believes that Goal 12 of the Lee Plan should be amended to specifically accommodate the requested uses, then staff recommends that the following policy be added under Goal 12:

**POLICY 12.2.5:** Lee County will support a balance of public, quasi-public, and limited private uses on the County-owned property commonly known as the Murphy Oil site. These uses may include: facilities for government agencies engaged in waterway management activities; passive recreational facilities; educational facilities; facilities for quasi-public agencies; and, facilities for private companies engaged in the shrimping industry.

## **2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

- The subject of this request is known locally as the Murphy Oil site. The Murphy Oil site was acquired by Lee County on January 28, 1991. The total purchase price was \$1,627,335.50.
- The Town of Fort Myers Beach became incorporated on December 31, 1995. The new Town's boundary encompasses the majority of Matanzas Harbor. The Town of Fort Myers Beach has taken the lead role in the implementation of the Matanzas Harbor Management Plan through the Matanzas Harbor Action Plan.
- The Matanzas Harbor Management Plan recommended the acquisition of a waterfront parcel to complement the variety of management activities within the harbor (i.e. marine sanitation, enforcement vessel dockage, ferry/water taxi landing and associated parking and/or mass transit stops). The Murphy Oil Site represents this waterfront parcel.
- The Matanzas Harbor Action Plan does not provide any specific direction for the use of the Murphy Oil Site. The Action Plan does not provide specific provisions for preserving education and public access uses on the site or anywhere else in the Plan area.
- The Murphy Oil Site is designated Public Facilities on the Lee Plan Future Land Use Map. Allowable uses within Public Facilities areas are determined by the entity owning each such parcel and the local government having zoning and permitting jurisdiction. Lee County currently owns the parcels.
- The property is currently zoned Industrial Planned Development (IPD) and Community Facilities Planned Development (CFPD). The zoning currently allows for public access/educational uses.
- The property already contains public access and educational uses in the form of a small nature trail, observation deck, and educational signs. The property is also used by Trico Shrimp, a private shrimping company with a long term lease on a portion of the property. Additionally, the property currently houses the Southwest Florida Marine Institute, an affiliate of Associated Marine Institutes, Inc., which is a private non-profit government services provider to state juvenile justice programs that specializes in marine based juvenile rehabilitation programs and youth oriented services.

## **C. BACKGROUND INFORMATION**

An amendment to preserve education and public access uses on the Murphy Oil site was initiated by the Board of County Commissioners on September 15, 1998. The amendment was specifically requested by

members of the San Carlos Island Community Redevelopment Committee in 1997 to make it clear that educational and public access uses will be preserved on the Murphy Oil site.

Planning staff analyzed this amendment during the 1998/1999 amendment cycle. The amendment was on the LPA agenda for March 22, 1999, and at that time, staff had not completed work on the analysis, and recommended that the amendment be brought back to the LPA in April of 1999. The amendment, however, was not brought back to the LPA in April or May of 1999 as staff had anticipated. The LPA never made a formal recommendation on this amendment in the 1998/1999 amendment cycle. Then on June 2, 1999, staff brought the amendment before the Board of County Commissioners at the regular plan amendment transmittal hearing, at which time the Board voted to table the amendment based on staff's recommendation of the same. Staff recommended to the Board that the amendment not be transmitted, and instead recommended that Objective 94.6 and subsequent policies be evaluated in the next regular round of amendments in light of the Town of Fort Myers Beach's lead efforts toward implementing the Matanzas Harbor Management Plan. The Board of County Commissioners approved staff's recommendation of non-transmittal on June 2, 1999 with the expectation that the amendment would be further analyzed in the next amendment cycle.

The amendment was initiated again in the 1999/2000 amendment cycle. Staff again analyzed the proposed amendment and discovered that there were no clear plans for the Murphy Oil Site arising from the Town of Fort Myers Beach's implementation of the Matanzas Harbor Management Plan. Staff, therefore, recommended that the amendment be terminated indefinitely. The staff recommendation on the amendment was brought before the LPA on January 24, 2000, at which time the LPA voted to terminate the amendment indefinitely. The Board of County Commissioners followed the recommendation of the LPA, and voted to terminate the amendment indefinitely on June 7, 2000.

The current amendment was initiated by the Board of County Commissioners on September 19, 2000 for consideration in the 2000/2001 amendment cycle. One commissioner specifically requested to staff that this amendment be re-initiated based on the wishes of some citizens of San Carlos Island.

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

The Public Facility property that is the subject of this request is known locally as the Murphy Oil site. The STRAP numbers for the property are 19-46-24-00-00005.0210 and 19-46-24-00-00005.0220. Attachment 1 of this report shows the location of the subject property. The Murphy Oil site was acquired by Lee County on January 28, 1991 at a purchase price of \$1,627,335.50. The property was viewed as a possible land base for several different water-related public activities associated with the Matanzas Harbor Plan. Concerning the acquisition of the parcel, the Matanzas Harbor Plan provides the following:

*The acquisition of a waterfront parcel(s) to complement the plethora of management activities within the harbor (i.e. marine sanitation, enforcement vessel dockage, ferry/water taxi landing and associated parking and/or mass transit stops), has been a major issue.*

County staff identified the potential uses for the property as follows:

1. dockage leasing

2. boat ramp
3. public parking to facilitate mass transit program needs
4. beach-oriented concessions
5. marine sanitation deposition landbase
6. official dockage

The Matanzas Harbor Management Plan was adopted by the Board of County Commissioners on October 24, 1990. Several earlier studies, such as the 1983 Lee County Boating Study, referenced the need for a local government marine management facility.

The development of the Matanzas Harbor Management Plan stems from a September 3, 1987 meeting of the Service Delivery Subcommittee of the Lee County Commission. At this meeting, Commissioners Bigelow, Fussell, and Goss discussed the boating conflicts in the Matanzas Pass area and the "concept of a controlled harbor." After several subsequent meetings, including discussions with the marine Advisory Committee, staff was directed by the Board of County Commissioners on August 31, 1988 to begin formulating a conceptual plan. Staff, in formulating the harbor plan, coordinated with a variety of committees and agencies including: the Marine Advisory Committee; the Waterways Advisory Committee; the U.S. Coast Guard; the Lee County Sheriff's Department; citizen representatives from the Fort Myers Beach Back Bay Pollution Committee; the Fort Myers Beach Land Use Committee; and, the City of Sanibel.

In 1988 members of the commercial shrimping industry and related industries on San Carlos Island met with County staff concerning the loss and potential continued loss of additional dock space in Lee County due to development and recreational pressures. In response, the Board of County commissioners commissioned T. A. Herbert and Associates to perform a dockage option study. This study, entitled "The Investigation of Options Related to the Location, Operation, and Funding of Shrimp Docks in the San Carlos Island Area, Lee County, Florida," provided the following recommendation concerning the subject property:

*Fifteen to 18 shrimp boats presently dock at an area known as "The Murphy Oil Property." The Murphy Oil Property could be purchased by Lee County or a private organization which could repair the docks and commit the docks to use by the commercial industry to insure continuation or maintenance of this docking space. Several sources of funding were identified for each entity for each phase of the potential project including the financing for feasibility studies and construction.*

The result of all of this was the September, 1990 draft Matanzas Harbor Management Plan.

Fort Myers Beach became incorporated on December 31, 1995. The new Town encompasses the majority of Matanzas Harbor. For example, the municipal boundary is only approximately 400 feet off-shore of the County-owned parcels on San Carlos Island. This has resulted in the Town of Fort Myers Beach taking the lead role in the development of a plan to implement the Matanzas Harbor Management Plan. The Town hired a consultant to develop a plan to implement the management plan. This plan, known as the Matanzas Harbor Action Plan, was adopted by the Town of Ft. Myers Beach on April 15, 1999. This plan does not address Lee County's role in land use issues surrounding the harbor.

## **REZONING OF THE SUBJECT PROPERTY**

At a May 31, 1995 Board of County Commissioner's public hearing, Commissioner Judah brought up the subject property. At this meeting the Board directed staff to proceed with a county-initiated rezoning to IPD and CFPD to incorporate various uses proposed for the site by the County, Southwest Florida Marine Institute and the Ostego Bay Foundation.

Division of Planning staff represented the Board of County Commissioners through the rezoning process. The rezoning to IPD and CFPD was approved on January 10, 1996. The zoning resolution, Z-95-088 is attached to this report and labeled "Attachment 2." The rezoning, known as San Carlos Island Maritime Park, accommodates a variety of uses for the property including:

- Administrative offices for the Lee County Division of Natural Resources Management, along with a boat ramp, dockage, and an open storage area
- Cultural facilities which will include a marine science center and an auditorium (Ostego Bay Foundation, not yet built)
- The existing manufacturer of food and kindred products (Trico Shrimp Company)
- Parks, public & private, along with schools, non-commercial (Southwest Florida Marine Institute)
- Nature trail and observation deck

## **EXISTING CONDITIONS ON THE SUBJECT PROPERTY**

Planning staff conducted a recent site visit to the subject property to assess the existing conditions. "Attachment 3" of this report presents a series of photographs taken by planning staff to illustrate the existing conditions on the property. The Murphy Oil site is unique in its character as a multi-use property that contains public, quasi-public, and private uses. The property currently contains the Southwest Florida Marine Institute which is an affiliate of Associated Marine Institutes, Inc., a private non-profit government services provider to state juvenile justice programs that specializes in marine based juvenile rehabilitation programs and youth oriented services. Trico Shrimp Company also occupies a portion of the property. By leasing a portion of the property to Trico Shrimp Company, the County helps to ensure the preservation of the shrimp docks on San Carlos Island. Also on the property is a nature trail and wooden observation deck with educational signs. The trail and observation deck are open to the public and provide education on the surrounding environment. The property also contains a boat ramp that is designated for official use only, and is used, among other things, to remove derelict vessels from waters within Lee County. There is also vacant land on the property that the zoning resolution indicates is to be used for cultural facilities and an auditorium associated with the Ostego Bay Foundation. There is also a vacant area that the zoning resolution identifies as a future building for "harbor management."

Staff believes that the Murphy Oil site should continue to serve multiple functions as it does today, with no one use claiming the entire parcel. Given that the parcel is county-owned, public access and education will always be considered as potential uses, although not exclusively. The existing shrimp company and marine institute both serve legitimate public purposes for the San Carlos Island community. The future harbor management building is intended for use by a Lee County government agency, and the future Ostego Bay Foundation facilities are quasi-public in nature. The property serves the public and provides educational opportunities in a variety of ways.

Educational and public access uses are well represented on the subject property. With the exception of the Trico Shrimp Company's facilities, the remainder of the property currently contains or will contain public and quasi-public uses. Given the current provisions for education and public access on the property, staff sees no reason to specifically allow for these uses in the Lee Plan. If the County wants to include more educational or public access facilities than are already there, it would need only to amend the zoning to do so.

## **EVALUATION AND APPRAISAL REPORT (EAR) DISCUSSION**

A new objective and policies concerning the "Matanzas Harbor Management Plan" were added as part of the Evaluation and Appraisal Report based amendments. The July 7, 1994 EAR for Ports, Aviation and Related Facilities contained the following:

*The Board of County Commissioners approved the conceptual Matanzas Harbor Management Plan in August, 1988. It would be appropriate to include an objective the (sic) would show commitment to the Matanzas Harbor Management Plan and the use of property the county purchased on San Carlos Island. The current Lee Plan Policy 18.1.1 describes the Matanzas Harbor Management Plan. This policy should be moved from the Future Land Use element into the Ports, Aviation and Related Facilities element and renumbered as Policy 94.6.3...*

**RECOMMENDATION:** *A new objective and policies should be included as follows:*

**OBJECTIVE 94.6: MATANZAS HARBOR MANAGEMENT PLAN.** *The county shall implement a Matanzas Harbor Management Plan.*

**POLICY 94.6.1:** *The Matanzas Harbor Management Plan shall address the county's plans for use of the property the county acquired on San Carlos Island that is commonly known as the Murphy Oil site.*

**POLICY 94.6.2:** *The county shall apply to the state of Florida for a submerged land management agreement or a submerged land lease for the county-acquired property on San Carlos Island that is commonly known as the "Murphy Oil site".*

**POLICY 94.6.3:** *By 1997, the county shall, with recommendations from an advisory committee, affected elements of county government and other affected persons, further develop and implement a Matanzas Harbor Management Plan. The scope of this plan shall include the designation of a managed mooring area; the regulation of trash and wastewater disposal; and establishment of a research facility designed to meet the needs of marine environmental sciences, marine education, marine research and study of the estuarine and intertidal environment of waters unique to Lee County, specifically, Estero Bay, Ostego Bay and Hurricane Bay. This plan will provide mechanisms and standards for the strict enforcement of health, safety and welfare regulations throughout the Estero Bay and Matanzas Harbor area, regulations for the protection of marine resources; and the initiation and operation of a marine research/educational facility that would provide public access as determined by a final master plan.*

**POLICY 94.6.4:** *The Matanzas Harbor Management Plan shall address public participation issues and shall be consistent with the San Carlos Island Redevelopment Plan.*

***POLICY 94.6.5: The county shall implement the findings of the study completed concerning the designation of special anchorage areas that would allow the mooring of live-aboard vessels, especially in the Matanzas Harbor area.***

The above language was adopted and incorporated into the Lee Plan through the EAR based amendments. Policy 94.6.1 indicates that the Matanzas Harbor Plan would provide some direction for the use of the Murphy Oil Site. Staff has reviewed the Matanzas Harbor Management Plan and the subsequent Matanzas Harbor Action Plan, and discovered that neither document provided clear direction for the use of the property. The only purpose that was assigned to the Murphy Oil Site was to provide a land base to complement management activities associated with the harbor. This indicates that the property was primarily intended by the Matanzas Harbor Management Plan to be used by official agencies involved in implementation of the Matanzas Harbor Action Plan.

## **B. CONCLUSIONS**

Staff does not identify a need to specifically preserve the use “Education/Public Access” on the Murphy Oil Site under Goal 12 of the Lee Plan. It is staff’s opinion that this use is already permitted on the property because of the County’s ownership of the parcel, the CFPD zoning designation, and the Future Land Use designation of Public Facilities. The property currently contains a small nature trail leading to an observation platform with various educational signs. This indicates that the subject property already provides for “Education/Public Access.” Additionally, the Matanzas Harbor Management Plan views the subject property as a potential land base for various management activities related to the harbor. It does not indicate that the property should be used for educational or public access purposes.

## **C. STAFF RECOMMENDATION**

Planning staff recommends that the Board of County Commissioners **not transmit** the proposed amendment at this time.

In the alternate, if the Board believes that Goal 12 of the Lee Plan should be amended to specifically accommodate the requested uses, then staff recommends that the following policy be added under Goal 12.

**POLICY 12.2.5: Lee County will support a balance of public, quasi-public, and limited private uses on the County-owned property commonly known as the Murphy Oil site. These uses may include: facilities for government agencies engaged in waterway management activities; passive recreational facilities; educational facilities; facilities for quasi-public agencies; and, facilities for private companies engaged in the shrimping industry.**

### **PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: March 26, 2001

#### **A. LOCAL PLANNING AGENCY REVIEW**

Planning staff provided the Local Planning Agency with a brief overview of the proposed amendment, highlighting the reasons behind the recommendation of non-transmittal. One member of the public from San Carlos Island spoke in opposition to staff's recommendation, and distributed several handouts in support of her position. It was requested that the amendment be tabled for one month so that members of the San Carlos Island Community Redevelopment Corporation could have additional time to review the amendment and prepare a response.

#### **B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

1. **RECOMMENDATION:** The LPA recommended that the proposed amendment be tabled until the April LPA public hearing. The LPA recommended that staff meet with the interested members of the public in order to discuss the outstanding issues.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA did not review the findings of fact in this public forum. The motion to table was made before the findings of fact were discussed.

#### **C. VOTE:**

NOEL ANDRESS	<u>AYE</u>
SUSAN BROOKMAN	<u>AYE</u>
BARRY ERNST	<u>AYE</u>
RONALD INGE	<u>AYE</u>
GORDON REIGELMAN	<u>AYE</u>
VIRGINIA SPLITT	<u>AYE</u>
GREG STUART	<u>AYE</u>

#### **D. ADDITIONAL STAFF ANALYSIS**

In response to the events at the March 26<sup>th</sup> LPA public hearing, members of planning staff met with members of the San Carlos Island Community Redevelopment Corporation to discuss their concerns about development on the Murphy Oil site. One issue that was raised at this meeting was that the San Carlos Island group wants the property be used, in part, for a marine-oriented research laboratory, or a similar facility. Staff believes that this use can be accommodated under the current zoning resolution for the property, which allows Research and Development Laboratories, Group II and IV. Additionally, the Ostego Bay research facility is specifically shown on the approved master concept plan for the site. The Lee Plan, however, cannot control the end user of a particular property. There is no guarantee that a business engaged in marine-oriented research and development will elect to locate their facilities on the

property. If they did, however, it could be accommodated by the existing zoning and Lee Plan designation. Any end user of the property, however, will ultimately need approval from the Board of County Commissioners to establish any use on the property.

The group was also concerned that the boat ramp on the property was going to be used by the County to extract derelict vessels from the water. They were concerned that the vessels would stay on-site for long periods of time. Lee County Division of Natural Resources has indicated to planning staff that they already use the parcel to remove derelict vessels from the water. The vessels that the County removes are generally the ones that are still afloat and can be easily pulled from the water. They are extracted from the water, hooked up to a trailer, and removed from the site the same day. Derelict vessels are not stored on the property. For vessels that are submerged and more difficult to remove, the County contracts with private companies to remove them, using that particular company's equipment and boat ramp.

Another concern addressed at the meeting was the possibility of the Town of Fort Myers Beach using the Murphy Oil site as a solid waste transfer station. This use would be allowed under the existing zoning. If this use was to occur on the property, however, it would require that the Town lease the land from the County and enter into a contract, which would allow for public comment. Citizens of San Carlos Island would be able to voice their concerns at that time. Staff believes that a Lee Plan amendment is not the proper vehicle to prevent such a use from occurring on the Murphy Oil property.

In a related issue, the San Carlos Island group was concerned about the Town of Fort Myers Beach using the property for its harbor management activities. Staff has reviewed the Matanzas Harbor Management Plan, and has concluded that the Town has no plans to use any property on San Carlos Island for harbor management activities. The Town has taken on full responsibility for implementing the Harbor Management Plan, with no assistance from Lee County. In fact, the Town has proposed to establish a harbor master facility on a site within the Town limits. The Matanzas Harbor Management Plan does not mention the use of any Lee County property for harbor management activities.

The group also inquired about why the boat ramp on the Murphy Oil site was not open to the public. The Division of Natural Resources has indicated to planning staff that the DEP permit for the boat ramp prohibits public use of the ramp.

The San Carlos Island Community Redevelopment Corporation has provided staff with proposed alternate language to be included in the Lee Plan. This language is included as Attachment 4 to this report. This language differs from staff's alternate language in that it would require development of the Murphy Oil property to be consistent with Policies 96.6.3 and 96.6.4 (94.6.3 and 94.6.4, as renumbered), which originated from the San Carlos Island Redevelopment Plan. These Lee Plan Policies are reproduced below:

***POLICY 94.6.3: By 1997, the county shall, with recommendations from an advisory committee, affected elements of county government and other affected persons, further develop and implement a Matanzas Harbor Management Plan. The scope of this plan shall include the designation of a managed mooring area; the regulation of trash and wastewater disposal; and establishment of a research facility designed to meet the needs of marine environmental sciences, marine education, marine research and study of the estuarine and intertidal environment of waters unique to Lee County, specifically, Estero Bay, Ostego Bay and Hurricane Bay. This plan will provide mechanisms and standards for the strict enforcement of health, safety and welfare regulations***

*throughout the Estero Bay and Matanzas Harbor area, regulations for the protection of marine resources; and the initiation and operation of a marine research/educational facility that would provide public access as determined by a final master plan.*

*POLICY 94.6.4: The Matanzas Harbor Management Plan shall address public participation issues and shall be consistent with the San Carlos Island Redevelopment Plan.*

Staff does not agree with the alternate language proposed by the San Carlos Island citizen group. The policies that are being referenced pertain to the Matanzas Harbor Management Plan when it was thought that the County would be developing and implementing that Plan. That plan has been completed and is now being implemented. Since the Town of Fort Myers Beach took over the final development and implementation of the Plan, the County is no longer involved in the actions specified in Policies 94.6.3 and 94.6.4. The County was involved in the initial development of the Matanzas Harbor Plan, but the implementation of the plan is now under the jurisdiction of the Town of Fort Myers Beach, making Lee Plan Policies 94.6.3 and 94.6.4 somewhat obsolete. Staff recommended evaluating these policies as part of a motion to table the subject amendment in 1999, but such an amendment has not yet been initiated. Staff is waiting until the implementation of the Matanzas Harbor Plan is farther along in the process before recommending the initiation of any amendment to modify or remove these policies. Staff expects that these policies will be evaluated within the next two amendment cycles.

Most of the concerns listed above are beyond the scope of the amendment that has been initiated. The amendment that was initiated was to add a new policy to Goal 12 to specifically preserve the use "Education/Public Access" on the Matanzas Pass Murphy Oil site. Staff has evaluated this possibility, and has concluded that such uses are already accommodated under the existing zoning and land use category. The existing master concept plan specifically shows the future Ostego Bay research facility on the property, as well as the public-access nature trail and boardwalk, which are already existing on the property. If the Lee Plan was amended to specifically require that education and public access uses be established on the property, this would be inconsistent with the more extensive uses allowed under the planned development zoning resolution. If a particular end user wants to develop a portion of the property with one of the uses listed on the master concept plan, the citizens of San Carlos Island will have the opportunity to voice their concerns about that particular use to the Board of County Commissioners at a contract hearing. Staff believes that amending the Lee Plan as specified in this proposed action is not the answer to the concerns of the residents of San Carlos Island highlighted in this report.

#### E. STAFF RECOMMENDATION

After meeting with the San Carlos Island Community Redevelopment Corporation, staff maintains its original recommendation that the proposed amendment should not be transmitted. If the Board does not agree with this recommendation, and believes that Goal 12 of the Lee Plan should be amended to specifically accommodate the requested educational and public access uses, then staff recommends that the following policy be added under Goal 12. Note that this language differs slightly from staff's original alternate language.

POLICY 12.2.5: Lee County will support a balance of public, quasi-public, and limited private uses on the County-owned property commonly known as the Murphy Oil site. These uses may include: facilities for county government agencies engaged in waterway management activities; passive recreational facilities; educational facilities; facilities for quasi-public agencies; and, facilities for private companies engaged in the shrimping industry.

**PART III - LOCAL PLANNING AGENCY  
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: April 23, 2001

**A. LOCAL PLANNING AGENCY REVIEW**

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT  
SUMMARY**

**1. RECOMMENDATION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**C. VOTE:**

**NOEL ANDRESS**

**SUSAN BROOKMAN**

**BARRY ERNST**

**RONALD INGE**

**GORDON REIGELMAN**

**VIRGINIA SPLITT**

**GREG STUART**

_____
_____
_____
_____
_____
_____
_____
_____

**PART IV - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: \_\_\_\_\_

**A. BOARD REVIEW:**

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**C. VOTE:**

**JOHN ALBION**

**ANDREW COY**

**BOB JANES**

**RAY JUDAH**

**DOUG ST. CERNY**

_____
_____
_____
_____
_____
_____

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,  
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT:

**A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**

**B. STAFF RESPONSE**

**PART VI - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: \_\_\_\_\_

**A. BOARD REVIEW:**

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**C. VOTE:**

**JOHN ALBION**

**ANDREW COY**

**BOB JANES**

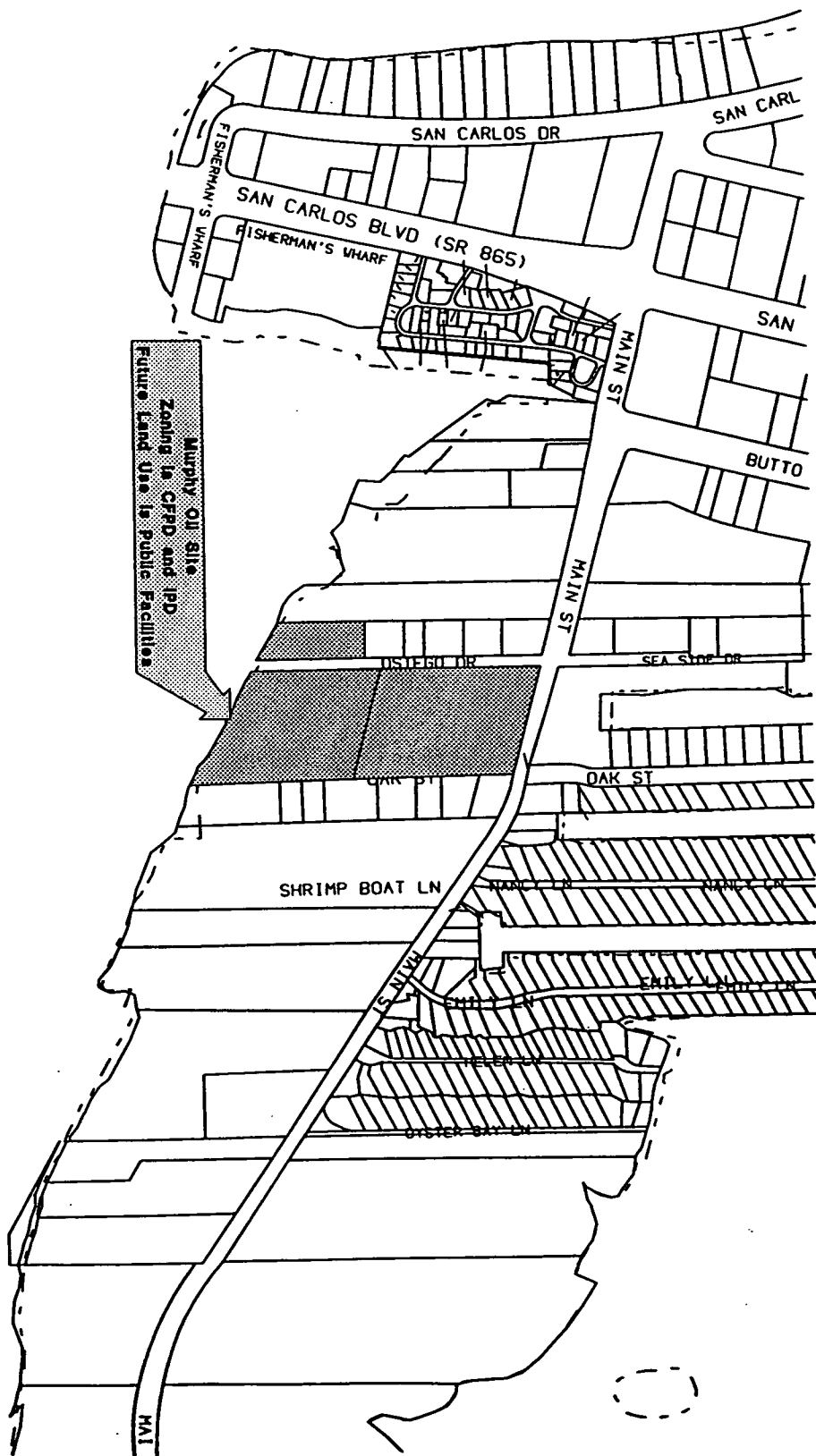
**RAY JUDAH**

**DOUG ST. CERNY**

_____
_____
_____
_____
_____
_____

ATTACHMENT 1: LOCATION GRAPHIC

MATANZAS  
PASS



**RESOLUTION NUMBER Z-95-088**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA**

WHEREAS, the Lee County Board of County Commissioners, represented by the Department of Community Development, Division of Planning, has filed an application for a rezoning from AG-2 (Agricultural) and IL (Light Industrial) to Community Facilities Planned Development and Industrial Planned Development, in reference to San Carlos Island Maritime Park; and

WHEREAS, the subject property is located at 1190 Main Street, San Carlos Island, and is described more particularly as:

**LEGAL DESCRIPTION:** In Section 19, Township 46 South, Range 24 East, Lee County, Florida:

**IPD PARCEL OF SAN CARLOS ISLAND MARITIME PARK**

That portion of the following describe parcel lying South of Main Street:  
Beginning at the Northwest corner of Section 19, Township 46 South of Range 24 East;

THENCE Easterly along the Northerly line of said Section seven hundred feet to the POINT OF BEGINNING;

THENCE Southerly on a line parallel with the Easterly line of said Section to the North shore of Ostego Bay;

THENCE Northwesterly along the waters of Ostego Bay to a point on said shore which is three hundred feet Westerly and at right angles to the Westerly side of the said tract being herein described;

THENCE Northerly along the line parallel with the Westerly line of said Section to the Easterly line of Block Eleven of San Carlos-on-the-Gulf, as per the map or plat thereof as the same is of record in the office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 6 at Page 6;

THENCE Northeasterly along the Southeasterly side of said Block to the waters of a bay or bayou;

THENCE Southeasterly along the shore of said bayou to a point which is five hundred feet Easterly and at right angles to the Westerly line of said Section 19;

THENCE Northerly and parallel with the Westerly side of said Section 19 to the Northerly line of said Section;

continued...

1/10/96

THENCE Easterly to the POINT OF BEGINNING: subject, however, to a public road running Easterly and Westerly through said land as platted and shown on an unrecorded plat of San Carlos property prepared by Harry Davison, licensed surveyor, and showing the tracts herein described as Tracts 7, 8 and 9 in Government Lot 4;

ALSO

Lots 10, 11 and 12 of K. L. SWANK'S SUBDIVISION, as shown in Plat Book 8, Page 81, Public Records of Lee County, Florida.  
Being the same lands shown on and conforming with that certain Survey Plat dated June 20, 1984, prepared by Howell F. Davis & Associates, Inc., as Project No. 84-787.  
As shown in Official Record Book 1960 at Page 4533.

LESS AND EXCEPT the following described parcel:

CFPD Portion of San Carlos Island Maritime Park

Beginning at the Northwest corner of Section 19, Township 46 South of Range 24 East;

THENCE Easterly along the Northerly line of said Section seven hundred feet to a point on a line parallel with the Easterly line of said Section;

THENCE Southerly along this parallel line to the intersection with the Southerly line of the Public Road right-of-way as platted and shown on an unrecorded plat of San Carlos property prepared by Harry Davison, this being the POINT OF BEGINNING;

THENCE continue along the line parallel to the Easterly line of Section 19 a distance of 604.44' to a point;

THENCE proceed Northwesterly along a line forming an internal angle of 59°42'45" with this line, a distance of 248.36';

THENCE proceed Northerly along a line forming an internal angle of 119°37'56" with this line a distance of 534.27' to the intersection with the Southerly line of the public road right-of-way as platted and shown on an unrecorded plat of San Carlos property prepared by Harry Davison;

THENCE proceed Easterly along said right-of-way line a distance of 215.50' to the POINT OF BEGINNING.

WHEREAS, the applicant has indicated the property's current STRAP numbers are: 19-46-24-00-00005.0210, 91-46-24-00-00005.0220 and 19-46-24-05-00000.0100; and

WHEREAS, the Board of County Commissioners has the authority under Section 34-201(a)(2) of the Lee County Land Development Code to initiate this application; and

WHEREAS, a public hearing was advertised and held on November 21, 1995 before the Lee County Hearing Examiner who gave full consideration of the evidence available; and

WHEREAS, a public hearing was advertised and held on January 10, 1996 before the Lee County Board of County Commissioners who gave full and complete consideration to the recommendations of staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board APPROVES with conditions the requested rezoning from AG-2 and IL to CFPD and IPD.

SECTION A. CONDITIONS:

The rezoning and Master Concept Plan are subject to the following conditions:

1. The development of this project must be in accordance with the one-page Master Concept Plan entitled "Master Concept Plan for San Carlos Island Maritime Park," prepared by Greiner, Inc., dated October, 1995, last revised 10/17/95, stamped received 10/18/95, except as modified by the conditions below. This development must comply with all requirements of the Lee County Land Development Code at time of local Development Order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

2. The uses and development regulations for this property are limited to those uses shown on the approved Master Concept Plan, except the following uses are NOT permitted:

Convenience Food and Beverage Store  
Drive-Thru  
Factory Outlets  
Mini-Warehouses  
Research and Development Laboratories, Group III  
Restaurants, Groups III and IV  
Self Service Fuel Pumps

- 3.a. To preserve marine-oriented, water-dependent uses on this site (pursuant to the Water-Dependent Overlay Zone), the uses in the IPD portion of this site must not be altered from what is shown on the Master Concept Plan. If any use other than the shrimp company and the Natural Resources Division use is contemplated, the owner

must submit and receive approval through the public hearing zoning amendment process.

- b. Any commercial uses within the IPD (such as food service or retail space) must be clearly ancillary to the industrial uses and comprise no more than five percent of the industrial square footage.
4. Minimum open space percentages are required as follows: CFPD - 30 percent; IPD - 20 percent. Preserve areas of native vegetation must be in substantial compliance with the size and location indicated on the approved Master Concept Plan.
5. This zoning approval does not address the mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions may be required at the time of issuance of a local Development Order.
6. Approval of this rezoning does nothing more than change the zoning district wherein the subject property lies. It does not grant or vest present or future development rights that exceed the Lee Plan use restrictions set forth in the 2010 (Roberts) Overlay or any other Lee Plan provision.

#### SECTION B. DEVIATIONS:

The Master Concept Plan deviates from several Lee County development standards. The proposed deviations are granted or denied as set forth below:

Deviation (1), seeks relief from LDC Section 34-2443(a) which requires a 660-foot setback from residentially zoned property under separate ownership for all buildings and structures as well as all areas used for parking of trucks, equipment, shipping, receiving or storage for any Research and Development Laboratories, Group III use, to allow a 250-foot setback. The requested deviation is DENIED because the Research and Development Laboratories, Group III uses are not approved for the site (see Condition A.2.).

Deviation (2) has been WITHDRAWN.

Deviation (3), seeks relief from LDC Section 34-2017(a)(1) which requires paved parking lots, to allow all non-handicapped access spaces to utilize shell parking. The requested deviation is APPROVED subject to the condition that the shell parking areas must be maintained in dust-proof condition and the parking spaces must be delineated.

Deviation (4), seeks relief from LDC Section 10-285 which establishes the 125 foot local road connection separation requirement, to allow connection distances of 82 feet, 103 feet and 108 feet. The requested deviation is APPROVED.

Deviation (5), seeks relief from LDC Section 34-2443(a) which requires a 660-foot setback from residentially zoned property under separate ownership for all buildings and structures as well as all areas used for parking of trucks, equipment, shipping, receiving or storage for any Research and Development Laboratories, Group III use, to allow a 25-foot setback. The requested deviation is DENIED because the Research and Development Laboratories, Group III uses are not approved for the site (see Condition A.2.).

Deviation (6), seeks relief from LDC Section 34-2443(d) which requires a 100-foot setback from residentially zoned property under separate ownership for all buildings and structures as well as all areas used for parking of trucks, equipment, shipping, receiving or storage, to allow a 15-foot setback for the parking lot of the Social Services, Group II (Marine Institute) use. The requested deviation is APPROVED to 25 feet only.

Deviation (7) (not shown on the MCP) has been added by Staff. This deviation, seeks relief from LDC Section 34-935(b)(4) which requires open storage in industrial areas to set back 100 feet from abutting residentially zoned lands, to allow a 25-foot setback. The requested deviation is APPROVED in the area shown for Deviation (5) ONLY.

#### SECTION C. MASTER CONCEPT PLAN:

A one-page reduced copy of the Master Concept Plan for San Carlos Maritime Park is attached to and incorporated into this Resolution by reference.

#### SECTION D. FINDINGS AND CONCLUSIONS:

The following findings and conclusions were made in conjunction with the approval of the requested CFPD and IPD zoning:

1. The proposed uses, as conditioned, are appropriate for the site and no changed or changing conditions make approval of this rezoning request inappropriate.
2. As conditioned, the IPD/CFPD and approved deviations:
  - (a) will not have an adverse impact on the intent of the Land Development Code provisions.
  - (b) are consistent with the goals, objectives, policies and intent of the Lee Plan, and with the densities, intensities, and general uses set forth in the Lee Plan.
  - (c) meet or exceed all performance and locational standards set forth for the proposed uses.

- (d) will protect, conserve or preserve environmentally critical areas and natural resources on or abutting the subject property.
  - (e) are compatible with existing or planned uses, and are not contrary to the public health, safety or welfare and will not cause damage, hazard, nuisance or other detriment to persons or property.
  - (f) do not place an undue burden upon existing transportation facilities, or other facilities or services.
  - (g) will comply with all applicable general zoning provisions and supplemental regulations pertaining to the uses set forth in the Land Development Code.
  - (h) enhance the achievement of the objectives of the IPD/CFPD, and promote and preserve the protection of the public health, safety or welfare.
3. Urban services, as defined in the Lee Plan, are or will be available and adequate to serve the proposed uses.
4. The conditions imposed on the IPD/CFPD and the approved deviations are reasonably related to the impacts on the public's interest created by or expected from the proposed uses, and, in conjunction with other land development regulations, will protect the public's interest, health, safety and welfare.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Judah, and seconded by Commissioner Coy and, upon being put to a vote, the result was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 10th day of January, A.D., 1996.

ATTEST:  
CHARLIE GREEN, CLERK

BY:

Ruth Tupper  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY:

[Signature]  
Chairman

Approved as to form by:

[Signature]  
County Attorney's Office

FILED

JAN 18 1996

CLERK CIRCUIT COURT  
BY Ruth Tupper D.C.

CASE NO. 95-09-155.02Z

H:\CASES\1995\0915502Z\MARITIME.RES

RESOLUTION NUMBER Z-95-088

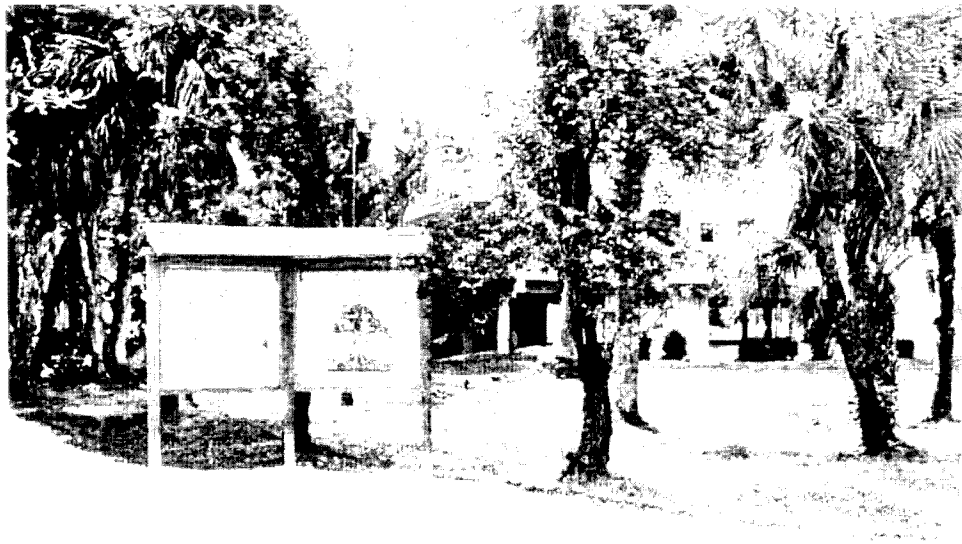
Page 7 of 7



**PHOTOS OF SUBJECT PROPERTY**

**EXISTING CONDITIONS ON MARCH 9, 2001**

PHOTOS TAKEN BY LEE COUNTY PLANNING STAFF  
FOR  
LEE PLAN AMENDMENT CPA2000-16



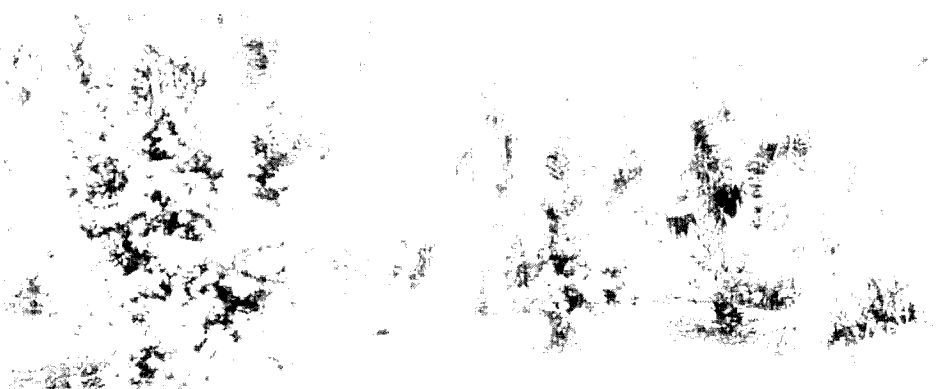
© 10:58 AM

Photo 1 - Beginning of nature trail with educational sign on Murphy Oil Site; Southwest Florida Marine Institute in background



© 10:58 AM

Photo 2 - Nature trail with educational sign



6-11-11 AM

Photo 3 - Continuing on nature trail that runs along the east side of property



6-11-11 AM

Photo 4 - Nature trail winding through vacant portion of property; note plant identification sign on side of trail



Photo 5 - Continuation of nature trail

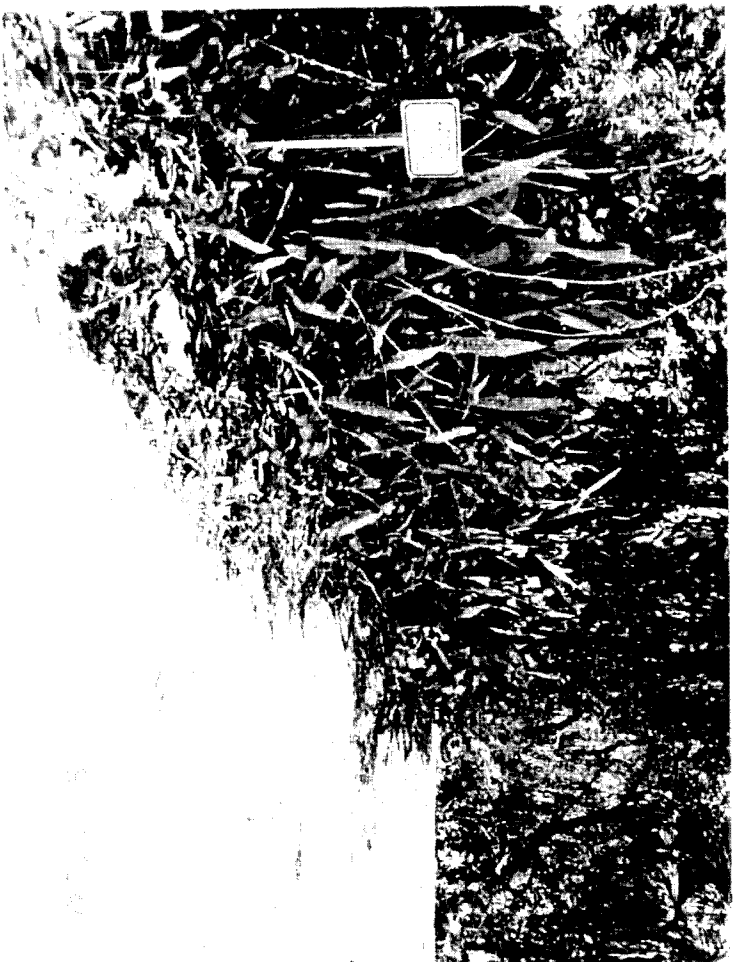


Photo 6 - Nature trail with plant identification sign



Photo 7 - Public observation deck in southeast corner of site



Photo 8 - Educational sign on observation deck

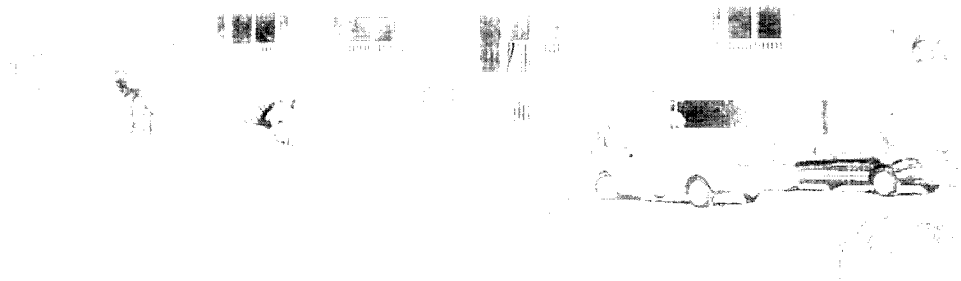


Photo 9 - Southwest Florida Marine Research Center on Murphy Oil Site



Photo 10 - Trico Shrimp Company located at south end of property



**San Carlos Island Community Redevelopment Corporation**

1130 Main Street  
Fort Myers Beach, Florida 33931  
(941) 463-2588 / fax (941) 463-0865

LEE COUNTY  
RECEIVED

01 APR 18 AM 10:06

DEV/  
PUB. WRKS. CNTR.  
SECOND FLOOR

April 16, 2001

Matt Noble  
Lee County Planning Department  
P.O. Box 398  
Fort Myers, Florida 33901

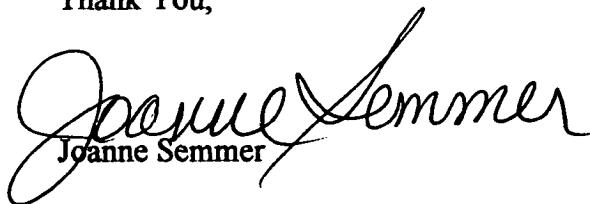
RE: CPA2000-16 Sponsored Amendment to the Lee County Comprehensive Plan

Alternate language proposed for this amendment recommended by the San Carlos Island Community Redevelopment Corporation.

Policy 12.2.5: Lee County will support a balance of public quasi-public and limited private uses on the County-owned property commonly known as the Murphy Oil site (AKA The San Carlos Island Maritime Park) and shall be consistent with the San Carlos Island Redevelopment Plan. See policies 96.6.3 and 96.6.4. These uses may include: facilities for government agencies engaged in waterway management activities; passive recreational facilities; educational facilities; facilities for quasi-public agencies; and, facilities for private companies engaged in the shrimping industry.

If you have any questions for is you need this in a different format please call me Joanne Semmer at 463-2588, pager 982-6547 or fax at 463-0865.

Thank You,

  
Joanne Semmer

**CPA2000-16  
BoCC SPONSORED  
AMENDMENT  
TO THE**

---

**LEE COUNTY COMPREHENSIVE PLAN**

---

**THE LEE PLAN**

---

LPA Public Hearing Document  
for the  
March 26<sup>th</sup>, 2001 Public Hearing

---

*Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(941) 479-8585*

**March 16, 2001**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2000-16**

☒

Text Amendment

☐

Map Amendment

<input checked="" type="checkbox"/>	<b>This Document Contains the Following Reviews:</b>
<input checked="" type="checkbox"/>	Staff Review
<input type="checkbox"/>	Local Planning Agency Review and Recommendation
<input type="checkbox"/>	Board of County Commissioners Hearing for Transmittal
<input type="checkbox"/>	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
<input type="checkbox"/>	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: March 16, 2001

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT:**

LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

**2. REQUEST:**

Add a new policy to Goal 12 to specifically preserve the use "Education/Public Access" on the Matanzas Pass Murphy Oil site.

**B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:**

**1. RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners **not transmit** the proposed amendment at this time. The Murphy Oil Site is designated as Public Facilities by the Lee Plan, is zoned CFPD and IPD, and is owned by Lee County. The County, therefore, already has the ability to use the property for any use that it chooses, within the limits of the current zoning approvals. The current zoning and land use would allow the use "Education/Public Access." The property already contains a small nature trail, observation deck, and educational signs. Staff believes, therefore, it would be unnecessary to amend Goal 12 of the Lee Plan to accommodate this specific use at this time.

In the alternate, if the Board believes that Goal 12 of the Lee Plan should be amended to specifically accommodate the requested uses, then staff recommends that the following policy be added under Goal 12:

**POLICY 12.2.5:** Lee County will support a balance of public, quasi-public, and limited private uses on the County-owned property commonly known as the Murphy Oil site. These uses may include: facilities for government agencies engaged in waterway management activities; passive recreational facilities; educational facilities; facilities for quasi-public agencies; and, facilities for private companies engaged in the shrimping industry.

## **2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

- The subject of this request is known locally as the Murphy Oil site. The Murphy Oil site was acquired by Lee County on January 28, 1991. The total purchase price was \$1,627,335.50.
- The Town of Fort Myers Beach became incorporated on December 31, 1995. The new Town's boundary encompasses the majority of Matanzas Harbor. The Town of Fort Myers Beach has taken the lead role in the implementation of the Matanzas Harbor Management Plan through the Matanzas Harbor Action Plan.
- The Matanzas Harbor Management Plan recommended the acquisition of a waterfront parcel to complement the variety of management activities within the harbor (i.e. marine sanitation, enforcement vessel dockage, ferry/water taxi landing and associated parking and/or mass transit stops). The Murphy Oil Site represents this waterfront parcel.
- The Matanzas Harbor Action Plan does not provide any specific direction for the use of the Murphy Oil Site. The Action Plan does not provide specific provisions for preserving education and public access uses on the site or anywhere else in the Plan area.
- The Murphy Oil Site is designated Public Facilities on the Lee Plan Future Land Use Map. Allowable uses within Public Facilities areas are determined by the entity owning each such parcel and the local government having zoning and permitting jurisdiction. Lee County currently owns the parcels.
- The property is currently zoned Industrial Planned Development (IPD) and Community Facilities Planned Development (CFPD). The zoning currently allows for public access/educational uses.
- The property already contains public access and educational uses in the form of a small nature trail, observation deck, and educational signs. The property is also used by Trico Shrimp, a private shrimping company with a long term lease on a portion of the property. Additionally, the property currently houses the Southwest Florida Marine Institute, an affiliate of Associated Marine Institutes, Inc., which is a private non-profit government services provider to state juvenile justice programs that specializes in marine based juvenile rehabilitation programs and youth oriented services.

## **C. BACKGROUND INFORMATION**

An amendment to preserve education and public access uses on the Murphy Oil site was initiated by the Board of County Commissioners on September 15, 1998. The amendment was specifically requested by members of the San Carlos Island Community Redevelopment Committee in 1997 to make it clear that educational and public access uses will be preserved on the Murphy Oil site.

Planning staff analyzed this amendment during the 1998/1999 amendment cycle. The amendment was on the LPA agenda for March 22, 1999, and at that time, staff had not completed work on the analysis, and recommended that the amendment be brought back to the LPA in April of 1999. The amendment, however, was not brought back to the LPA in April or May of 1999 as staff had anticipated. The LPA never made a formal recommendation on this amendment in the 1998/1999 amendment cycle. Then on June 2, 1999, staff brought the amendment before the Board of County Commissioners at the regular plan amendment transmittal hearing, at which time the Board voted to table the amendment based on staff's recommendation of the same. Staff recommended to the Board that the amendment not be transmitted, and instead recommended that Objective 94.6 and subsequent policies be evaluated in the next regular round of amendments in light of the Town of Fort Myers Beach's lead efforts toward implementing the Matanzas Harbor Management Plan. The Board of County Commissioners approved staff's recommendation of non-transmittal on June 2, 1999 with the expectation that the amendment would be further analyzed in the next amendment cycle.

The amendment was initiated again in the 1999/2000 amendment cycle. Staff again analyzed the proposed amendment and discovered that there were no clear plans for the Murphy Oil Site arising from the Town of Fort Myers Beach's implementation of the Matanzas Harbor Management Plan. Staff, therefore, recommended that the amendment be terminated indefinitely. The staff recommendation on the amendment was brought before the LPA on January 24, 2000, at which time the LPA voted to terminate the amendment indefinitely. The Board of County Commissioners followed the recommendation of the LPA, and voted to terminate the amendment indefinitely on June 7, 2000.

The current amendment was initiated by the Board of County Commissioners on September 19, 2000 for consideration in the 2000/2001 amendment cycle. One commissioner specifically requested to staff that this amendment be re-initiated based on the wishes of some citizens of San Carlos Island.

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

The Public Facility property that is the subject of this request is known locally as the Murphy Oil site. The STRAP numbers for the property are 19-46-24-00-00005.0210 and 19-46-24-00-00005.0220. Attachment 1 of this report shows the location of the subject property. The Murphy Oil site was acquired by Lee County on January 28, 1991 at a purchase price of \$1,627,335.50. The property was viewed as a possible land base for several different water-related public activities associated with the Matanzas Harbor Plan. Concerning the acquisition of the parcel, the Matanzas Harbor Plan provides the following:

*The acquisition of a waterfront parcel(s) to complement the plethora of management activities within the harbor (i.e. marine sanitation, enforcement vessel dockage, ferry/water taxi landing and associated parking and/or mass transit stops), has been a major issue.*

County staff identified the potential uses for the property as follows:

1. dockage leasing
2. boat ramp
3. public parking to facilitate mass transit program needs
4. beach-oriented concessions
5. marine sanitation deposition landbase
6. official dockage

The Matanzas Harbor Management Plan was adopted by the Board of County Commissioners on October 24, 1990. Several earlier studies, such as the 1983 Lee County Boating Study, referenced the need for a local government marine management facility.

The development of the Matanzas Harbor Management Plan stems from a September 3, 1987 meeting of the Service Delivery Subcommittee of the Lee County Commission. At this meeting, Commissioners Bigelow, Fussell, and Goss discussed the boating conflicts in the Matanzas Pass area and the "concept of a controlled harbor." After several subsequent meetings, including discussions with the marine Advisory Committee, staff was directed by the Board of County Commissioners on August 31, 1988 to begin formulating a conceptual plan. Staff, in formulating the harbor plan, coordinated with a variety of committees and agencies including: the Marine Advisory Committee; the Waterways Advisory Committee; the U.S. Coast Guard; the Lee County Sheriff's Department; citizen representatives from the Fort Myers Beach Back Bay Pollution Committee; the Fort Myers Beach Land Use Committee; and, the City of Sanibel.

In 1988 members of the commercial shrimping industry and related industries on San Carlos Island met with County staff concerning the loss and potential continued loss of additional dock space in Lee County due to development and recreational pressures. In response, the Board of County commissioners commissioned T. A. Herbert and Associates to perform a dockage option study. This study, entitled "The Investigation of Options Related to the Location, Operation, and Funding of Shrimp Docks in the San Carlos Island Area, Lee County, Florida," provided the following recommendation concerning the subject property:

*Fifteen to 18 shrimp boats presently dock at an area known as "The Murphy Oil Property." The Murphy Oil Property could be purchased by Lee County or a private organization which could repair the docks and commit the docks to use by the commercial industry to insure continuation or maintenance of this docking space. Several sources of funding were identified for each entity for each phase of the potential project including the financing for feasibility studies and construction.*

The result of all of this was the September, 1990 draft Matanzas Harbor Management Plan.

Fort Myers Beach became incorporated on December 31, 1995. The new Town encompasses the majority of Matanzas Harbor. For example, the municipal boundary is only approximately 30 feet off-shore of the County-owned parcels on San Carlos Island. This has resulted in the Town of Fort Myers Beach taking the lead role in the development of a plan to implement the Matanzas Harbor Management Plan. The Town hired a consultant to develop a plan to implement the management plan. This plan, known as the

Matanzas Harbor Action Plan, was adopted by the Town of Ft. Myers Beach on April 15, 1999. This plan does not address Lee County's role in land use issues surrounding the harbor.

### **REZONING OF THE SUBJECT PROPERTY**

At a May 31, 1995 Board of County Commissioner's public hearing, Commissioner Judah brought up the subject property. At this meeting the Board directed staff to proceed with a county-initiated rezoning to IPD and CFPD to incorporate various uses proposed for the site by the County, Southwest Florida Marine Institute and the Ostego Bay Foundation.

Division of Planning staff represented the Board of County Commissioners through the rezoning process. The rezoning to IPD and CFPD was approved on January 10, 1996. The zoning resolution, Z-95-088 is attached to this report and labeled "Attachment 2." The rezoning, known as San Carlos Island Maritime Park, accommodates a variety of uses for the property including:

- Administrative offices for the Lee County Division of Natural Resources Management, along with a boat ramp, dockage, and an open storage area
- Cultural facilities which will include a marine science center and an auditorium (Ostego Bay Foundation, not yet built)
- The existing manufacturer of food and kindred products (Trico Shrimp Company)
- Parks, public & private, along with schools, non-commercial (Southwest Florida Marine Institute)
- Nature trail and observation deck

### **EXISTING CONDITIONS ON THE SUBJECT PROPERTY**

Planning staff conducted a recent site visit to the subject property to assess the existing conditions. "Attachment 3" of this report presents a series of photographs taken by planning staff to illustrate the existing conditions on the property. The Murphy Oil site is unique in its character as a multi-use property that contains public, quasi-public, and private uses. The property currently contains the Southwest Florida Marine Institute which is an affiliate of Associated Marine Institutes, Inc., a private non-profit government services provider to state juvenile justice programs that specializes in marine based juvenile rehabilitation programs and youth oriented services. Trico Shrimp Company also occupies a portion of the property. By leasing a portion of the property to Trico Shrimp Company, the County helps to ensure the preservation of the shrimp docks on San Carlos Island. Also on the property is a nature trail and wooden observation deck with educational signs. The trail and observation deck are open to the public and provide education on the surrounding environment. The property also contains a boat ramp that is designated for official use only, and is used, among other things, to remove derelict vessels from waters within Lee County. There is also vacant land on the property that the zoning resolution indicates is to be used for cultural facilities and an auditorium associated with the Ostego Bay Foundation. There is also a vacant area that the zoning resolution identifies as a future building for "harbor management."

Staff believes that the Murphy Oil site should continue to serve multiple functions as it does today, with no one use claiming the entire parcel. Given that the parcel is county-owned, public access and education will always be considered as potential uses, although not exclusively. The existing shrimp company and

marine institute both serve legitimate public purposes for the San Carlos Island community. The future harbor management building is intended for use by a Lee County government agency, and the future Ostego Bay Foundation facilities are quasi-public in nature. The property serves the public and provides educational opportunities in a variety of ways.

Educational and public access uses are well represented on the subject property. With the exception of the Trico Shrimp Company's facilities, the remainder of the property currently contains or will contain public and quasi-public uses. Given the current provisions for education and public access on the property, staff sees no reason to specifically allow for these uses in the Lee Plan. If the County wants to include more educational or public access facilities than are already there, it would need only to amend the zoning to do so.

#### **EVALUATION AND APPRAISAL REPORT (EAR) DISCUSSION**

A new objective and policies concerning the "Matanzas Harbor Management Plan" were added as part of the Evaluation and Appraisal Report based amendments. The July 7, 1994 EAR for Ports, Aviation and Related Facilities contained the following:

*The Board of County Commissioners approved the conceptual Matanzas Harbor Management Plan in August, 1988. It would be appropriate to include an objective the (sic) would show commitment to the Matanzas Harbor Management Plan and the use of property the county purchased on San Carlos Island. The current Lee Plan Policy 18.1.1 describes the Matanzas Harbor Management Plan. This policy should be moved from the Future Land Use element into the Ports, Aviation and Related Facilities element and renumbered as Policy 94.6.3...*

**RECOMMENDATION:** *A new objective and policies should be included as follows:*

**OBJECTIVE 94.6: MATANZAS HARBOR MANAGEMENT PLAN.** *The county shall implement a Matanzas Harbor Management Plan.*

**POLICY 94.6.1:** *The Matanzas Harbor Management Plan shall address the county's plans for use of the property the county acquired on San Carlos Island that is commonly known as the Murphy Oil site.*

**POLICY 94.6.2:** *The county shall apply to the state of Florida for a submerged land management agreement or a submerged land lease for the county-acquired property on San Carlos Island that is commonly known as the "Murphy Oil site".*

**POLICY 94.6.3:** *By 1997, the county shall, with recommendations from an advisory committee, affected elements of county government and other affected persons, further develop and implement a Matanzas Harbor Management Plan. The scope of this plan shall include the designation of a managed mooring area; the regulation of trash and wastewater disposal; and establishment of a research facility designed to meet the needs of marine environmental sciences, marine education, marine research and study of the estuarine and intertidal environment of waters unique to Lee County, specifically, Estero Bay, Ostego Bay and Hurricane Bay. This plan will provide mechanisms and standards for the strict enforcement of health, safety and welfare regulations throughout the Estero Bay and Matanzas Harbor*

*area, regulations for the protection of marine resources; and the initiation and operation of a marine research/educational facility that would provide public access as determined by a final master plan.*

***POLICY 94.6.4: The Matanzas Harbor Management Plan shall address public participation issues and shall be consistent with the San Carlos Island Redevelopment Plan.***

***POLICY 94.6.5: The county shall implement the findings of the study completed concerning the designation of special anchorage areas that would allow the mooring of live-aboard vessels, especially in the Matanzas Harbor area.***

The above language was adopted and incorporated into the Lee Plan through the EAR based amendments. Policy 94.6.1 indicates that the Matanzas Harbor Plan would provide some direction for the use of the Murphy Oil Site. Staff has reviewed the Matanzas Harbor Management Plan and the subsequent Matanzas Harbor Action Plan, and discovered that neither document provided clear direction for the use of the property. The only purpose that was assigned to the Murphy Oil Site was to provide a land base to complement management activities associated with the harbor. This indicates that the property was primarily intended by the Matanzas Harbor Management Plan to be used by official agencies involved in implementation of the Matanzas Harbor Action Plan.

## **B. CONCLUSIONS**

Staff does not identify a need to specifically preserve the use "Education/Public Access" on the Murphy Oil Site under Goal 12 of the Lee Plan. It is staff's opinion that this use is already permitted on the property because of the County's ownership of the parcel, the CFPD zoning designation, and the Future Land Use designation of Public Facilities. The property currently contains a small nature trail leading to an observation platform with various educational signs. This indicates that the subject property already provides for "Education/Public Access." Additionally, the Matanzas Harbor Management Plan views the subject property as a potential land base for various management activities related to the harbor. It does not indicate that the property should be used for educational or public access purposes.

## **C. STAFF RECOMMENDATION**

Planning staff recommends that the Board of County Commissioners **not transmit** the proposed amendment at this time.

In the alternate, if the Board believes that Goal 12 of the Lee Plan should be amended to specifically accommodate the requested uses, then staff recommends that the following policy be added under Goal 12.

**POLICY 12.2.5: Lee County will support a balance of public, quasi-public, and limited private uses on the County-owned property commonly known as the Murphy Oil site. These uses may include: facilities for government agencies engaged in waterway management activities; passive recreational facilities; educational facilities; facilities for quasi-public agencies; and, facilities for private companies engaged in the shrimping industry.**

**PART III - LOCAL PLANNING AGENCY  
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: March 26, 2001

**A. LOCAL PLANNING AGENCY REVIEW**

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT  
SUMMARY**

**1. RECOMMENDATION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**C. VOTE:**

**NOEL ANDRESS**

**SUSAN BROOKMAN**

**BARRY ERNST**

**RONALD INGE**

**GORDON REIGELMAN**

**VIRGINIA SPLITT**

**GREG STUART**

_____
_____
_____
_____
_____
_____
_____
_____

**PART IV - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: \_\_\_\_\_

**A. BOARD REVIEW:**

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**C. VOTE:**

**JOHN ALBION**

**ANDREW COY**

**BOB JANES**

**RAY JUDAH**

**DOUG ST. CERNY**

_____
_____
_____
_____
_____
_____

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,  
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT:

**A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**

**B. STAFF RESPONSE**

**PART VI - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: \_\_\_\_\_

**A. BOARD REVIEW:**

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**C. VOTE:**

**JOHN ALBION**

**ANDREW COY**

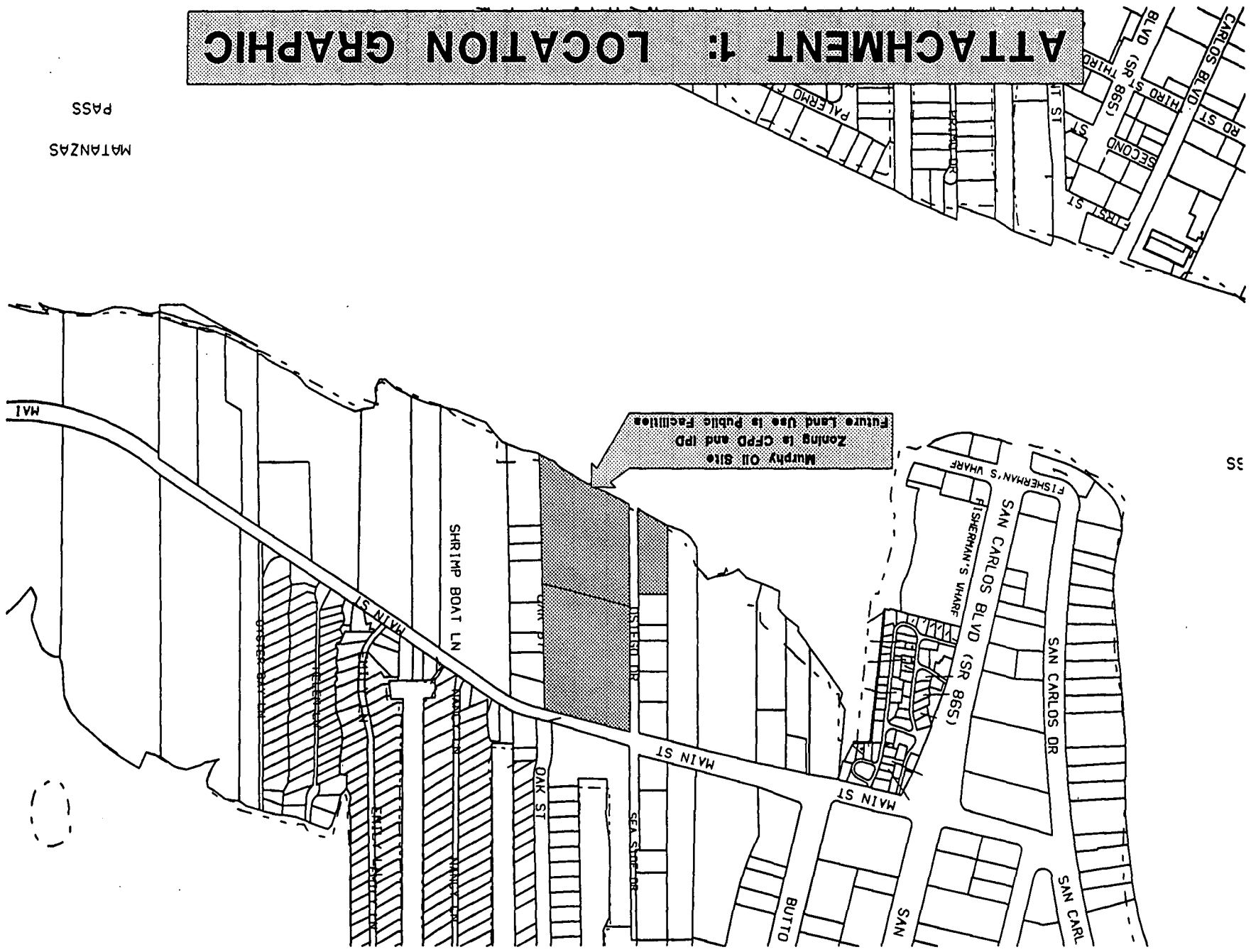
**BOB JANES**

**RAY JUDAH**

**DOUG ST. CERNY**

_____
_____
_____
_____
_____
_____

ATTACHMENT 1: LOCATION GRAPHIC



**RESOLUTION NUMBER Z-95-088**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA**

WHEREAS, the Lee County Board of County Commissioners, represented by the Department of Community Development, Division of Planning, has filed an application for a rezoning from AG-2 (Agricultural) and IL (Light Industrial) to Community Facilities Planned Development and Industrial Planned Development, in reference to San Carlos Island Maritime Park; and

WHEREAS, the subject property is located at 1190 Main Street, San Carlos Island, and is described more particularly as:

**LEGAL DESCRIPTION:** In Section 19, Township 46 South, Range 24 East, Lee County, Florida:

**IPD PARCEL OF SAN CARLOS ISLAND MARITIME PARK**

That portion of the following describe parcel lying South of Main Street:  
Beginning at the Northwest corner of Section 19, Township 46 South of  
Range 24 East;

THENCE Easterly along the Northerly line of said Section seven hundred  
feet to the POINT OF BEGINNING;

THENCE Southerly on a line parallel with the Easterly line of said Section  
to the North shore of Ostego Bay;

THENCE Northwesterly along the waters of Ostego Bay to a point on said  
shore which is three hundred feet Westerly and at right angles to the  
Westerly side of the said tract being herein described;

THENCE Northerly along the line parallel with the Westerly line of said  
Section to the Easterly line of Block Eleven of San Carlos-on-the-Gulf, as,  
per the map or plat thereof as the same is of record in the office of the  
Clerk of the Circuit Court of Lee County, Florida, in Plat Book 6 at Page 6;

THENCE Northeasterly along the Southeasterly side of said Block to the  
waters of a bay or bayou;

THENCE Southeasterly along the shore of said bayou to a point which is  
five hundred feet Easterly and at right angles to the Westerly line of said  
Section 19;

THENCE Northerly and parallel with the Westerly side of said Section 19  
to the Northerly line of said Section;

continued...

THENCE Easterly to the POINT OF BEGINNING: subject, however, to a public road running Easterly and Westerly through said land as platted and shown on an unrecorded plat of San Carlos property prepared by Harry Davison, licensed surveyor, and showing the tracts herein described as Tracts 7, 8 and 9 in Government Lot 4;

**ALSO**

Lots 10, 11 and 12 of K. L. SWANK'S SUBDIVISION, as shown in Plat Book 8, Page 81, Public Records of Lee County, Florida.  
Being the same lands shown on and conforming with that certain Survey Plat dated June 20, 1984, prepared by Howell F. Davis & Associates, Inc., as Project No. 84-787.  
As shown in Official Record Book 1960 at Page 4533.

**LESS AND EXCEPT** the following described parcel:

**CFPD Portion of San Carlos Island Maritime Park**

Beginning at the Northwest corner of Section 19, Township 46 South of Range 24 East;

THENCE Easterly along the Northerly line of said Section seven hundred feet to a point on a line parallel with the Easterly line of said Section;

THENCE Southerly along this parallel line to the intersection with the Southerly line of the Public Road right-of-way as platted and shown on an unrecorded plat of San Carlos property prepared by Harry Davison, this being the POINT OF BEGINNING;

THENCE continue along the line parallel to the Easterly line of Section 19 a distance of 604.44' to a point;

THENCE proceed Northwesterly along a line forming an internal angle of 59°42'45" with this line, a distance of 248.36';

THENCE proceed Northerly along a line forming an internal angle of 119°37'56" with this line a distance of 534.27' to the intersection with the Southerly line of the public road right-of-way as platted and shown on an unrecorded plat of San Carlos property prepared by Harry Davison;

THENCE proceed Easterly along said right-of-way line a distance of 215.50' to the POINT OF BEGINNING.

WHEREAS, the applicant has indicated the property's current STRAP numbers are: 19-46-24-00-00005.0210, 91-46-24-00-00005.0220 and 19-46-24-05-00000.0100; and

WHEREAS, the Board of County Commissioners has the authority under Section 34-201(a)(2) of the Lee County Land Development Code to initiate this application; and

WHEREAS, a public hearing was advertised and held on November 21, 1995 before the Lee County Hearing Examiner who gave full consideration of the evidence available; and

WHEREAS, a public hearing was advertised and held on January 10, 1996 before the Lee County Board of County Commissioners who gave full and complete consideration to the recommendations of staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board APPROVES with conditions the requested rezoning from AG-2 and IL to CFPD and IPD.

SECTION A. CONDITIONS:

The rezoning and Master Concept Plan are subject to the following conditions:

1. The development of this project must be in accordance with the one-page Master Concept Plan entitled "Master Concept Plan for San Carlos Island Maritime Park," prepared by Greiner, Inc., dated October, 1995, last revised 10/17/95, stamped received 10/18/95, except as modified by the conditions below. This development must comply with all requirements of the Lee County Land Development Code at time of local Development Order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

2. The uses and development regulations for this property are limited to those uses shown on the approved Master Concept Plan, except the following uses are NOT permitted:

Convenience Food and Beverage Store  
Drive-Thru  
Factory Outlets  
Mini-Warehouses  
Research and Development Laboratories, Group III  
Restaurants, Groups III and IV  
Self Service Fuel Pumps

- 3.a. To preserve marine-oriented, water-dependent uses on this site (pursuant to the Water-Dependent Overlay Zone), the uses in the IPD portion of this site must not be altered from what is shown on the Master Concept Plan. If any use other than the shrimp company and the Natural Resources Division use is contemplated, the owner

must submit and receive approval through the public hearing zoning amendment process.

- b. Any commercial uses within the IPD (such as food service or retail space) must be clearly ancillary to the industrial uses and comprise no more than five percent of the industrial square footage.
4. Minimum open space percentages are required as follows: CFPD - 30 percent; IPD - 20 percent. Preserve areas of native vegetation must be in substantial compliance with the size and location indicated on the approved Master Concept Plan.
5. This zoning approval does not address the mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions may be required at the time of issuance of a local Development Order.
6. Approval of this rezoning does nothing more than change the zoning district wherein the subject property lies. It does not grant or vest present or future development rights that exceed the Lee Plan use restrictions set forth in the 2010 (Roberts) Overlay or any other Lee Plan provision.

#### SECTION B. DEVIATIONS:

The Master Concept Plan deviates from several Lee County development standards. The proposed deviations are granted or denied as set forth below:

Deviation (1), seeks relief from LDC Section 34-2443(a) which requires a 660-foot setback from residentially zoned property under separate ownership for all buildings and structures as well as all areas used for parking of trucks, equipment, shipping, receiving or storage for any Research and Development Laboratories, Group III use, to allow a 250-foot setback. The requested deviation is DENIED because the Research and Development Laboratories, Group III uses are not approved for the site (see Condition A.2.).

Deviation (2) has been WITHDRAWN.

Deviation (3), seeks relief from LDC Section 34-2017(a)(1) which requires paved parking lots, to allow all non-handicapped access spaces to utilize shell parking. The requested deviation is APPROVED subject to the condition that the shell parking areas must be maintained in dust-proof condition and the parking spaces must be delineated.

Deviation (4), seeks relief from LDC Section 10-285 which establishes the 125 foot local road connection separation requirement, to allow connection distances of 82 feet, 103 feet and 108 feet. The requested deviation is APPROVED.

Deviation (5), seeks relief from LDC Section 34-2443(a) which requires a 660-foot setback from residentially zoned property under separate ownership for all buildings and structures as well as all areas used for parking of trucks, equipment, shipping, receiving or storage for any Research and Development Laboratories, Group III use, to allow a 25-foot setback. The requested deviation is DENIED because the Research and Development Laboratories, Group III uses are not approved for the site (see Condition A.2.).

Deviation (6), seeks relief from LDC Section 34-2443(d) which requires a 100-foot setback from residentially zoned property under separate ownership for all buildings and structures as well as all areas used for parking of trucks, equipment, shipping, receiving or storage, to allow a 15-foot setback for the parking lot of the Social Services, Group II (Marine Institute) use. The requested deviation is APPROVED to 25 feet only.

Deviation (7) (not shown on the MCP) has been added by Staff. This deviation, seeks relief from LDC Section 34-935(b)(4) which requires open storage in industrial areas to set back 100 feet from abutting residentially zoned lands, to allow a 25-foot setback. The requested deviation is APPROVED in the area shown for Deviation (5) ONLY.

#### SECTION C. MASTER CONCEPT PLAN:

A one-page reduced copy of the Master Concept Plan for San Carlos Maritime Park is attached to and incorporated into this Resolution by reference.

#### SECTION D. FINDINGS AND CONCLUSIONS:

The following findings and conclusions were made in conjunction with the approval of the requested CFPD and IPD zoning:

1. The proposed uses, as conditioned, are appropriate for the site and no changed or changing conditions make approval of this rezoning request inappropriate.
2. As conditioned, the IPD/CFPD and approved deviations:
  - (a) will not have an adverse impact on the intent of the Land Development Code provisions.
  - (b) are consistent with the goals, objectives, policies and intent of the Lee Plan, and with the densities, intensities, and general uses set forth in the Lee Plan.
  - (c) meet or exceed all performance and locational standards set forth for the proposed uses.

- (d) will protect, conserve or preserve environmentally critical areas and natural resources on or abutting the subject property.
  - (e) are compatible with existing or planned uses, and are not contrary to the public health, safety or welfare and will not cause damage, hazard, nuisance or other detriment to persons or property.
  - (f) do not place an undue burden upon existing transportation facilities, or other facilities or services.
  - (g) will comply with all applicable general zoning provisions and supplemental regulations pertaining to the uses set forth in the Land Development Code.
  - (h) enhance the achievement of the objectives of the IPD/CFPD, and promote and preserve the protection of the public health, safety or welfare.
3. Urban services, as defined in the Lee Plan, are or will be available and adequate to serve the proposed uses.
4. The conditions imposed on the IPD/CFPD and the approved deviations are reasonably related to the impacts on the public's interest created by or expected from the proposed uses, and, in conjunction with other land development regulations, will protect the public's interest, health, safety and welfare.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Judah, and seconded by Commissioner Coy and, upon being put to a vote, the result was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 10th day of January, A.D., 1996.

ATTEST:  
CHARLIE GREEN, CLERK

BY: Ruth Tupper  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: [Signature]  
Chairman

Approved as to form by:

[Signature]  
County Attorney's Office

FILED

JAN 18 1996

CLERK CIRCUIT COURT  
BY: Ruth Tupper D.C.

CASE NO. 95-09-155.02Z

H:\CASES\1995\0915502Z\MARITIME.RES

RESOLUTION NUMBER Z-95-088

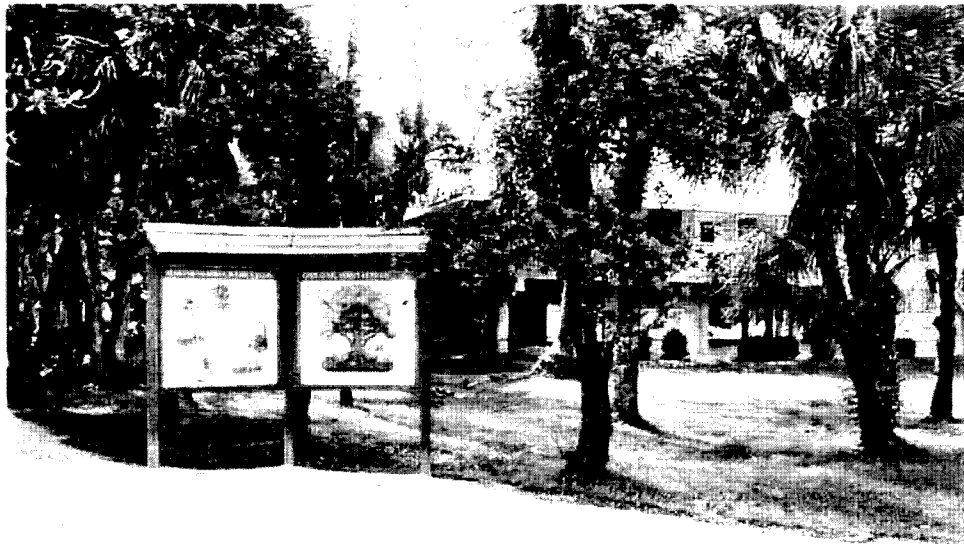
Page 7 of 7



**PHOTOS OF SUBJECT PROPERTY**

**EXISTING CONDITIONS ON MARCH 9, 2001**

PHOTOS TAKEN BY LEE COUNTY PLANNING STAFF  
FOR  
LEE PLAN AMENDMENT CPA2000-16



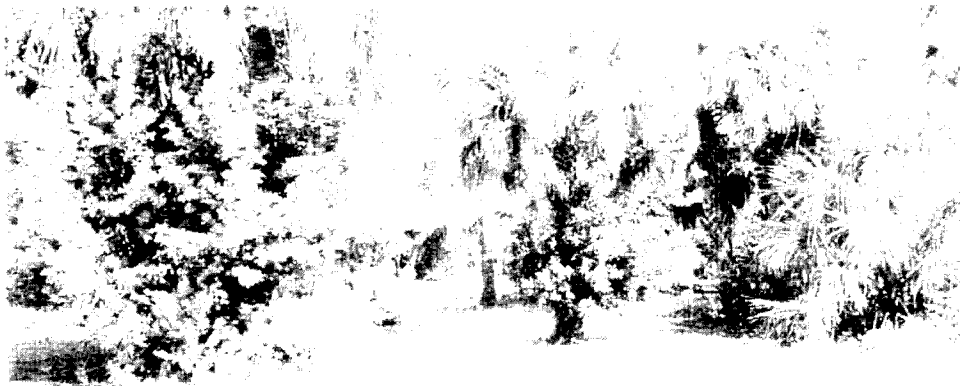
9 10:58AM

Photo 1 - Beginning of nature trail with educational sign on Murphy Oil Site; Southwest Florida Marine Institute in background



9 10:59AM

Photo 2 - Nature trail with educational sign



8-11-00

Photo 3 - Continuing on nature trail that runs along the east side of property



8-11-00

Photo 4 - Nature trail winding through vacant portion of property; note plant identification sign on side of trail



Photo 5 - Continuation of nature trail



Photo 6 - Nature trail with plant identification sign



Photo 7 - Public observation deck in southeast corner of site



Photo 8 - Educational sign on observation deck

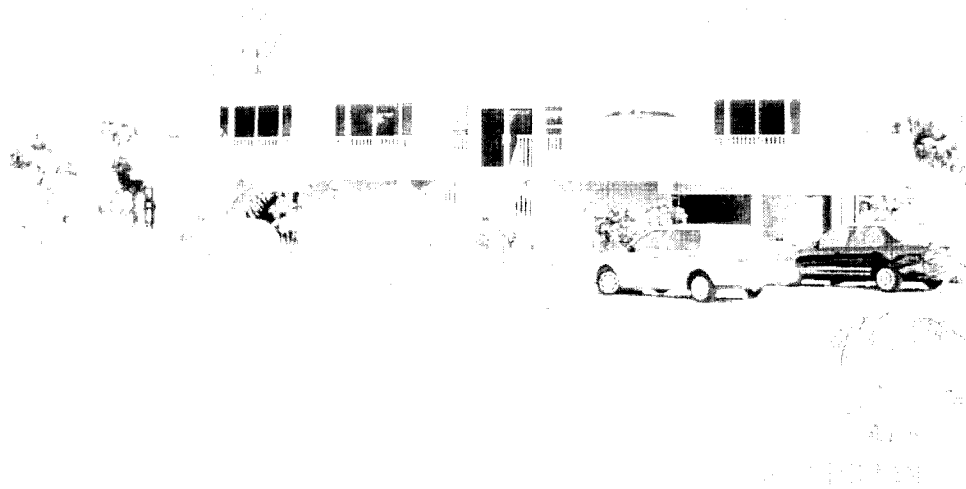


Photo 9 - Southwest Florida Marine Research Center on Murphy Oil Site

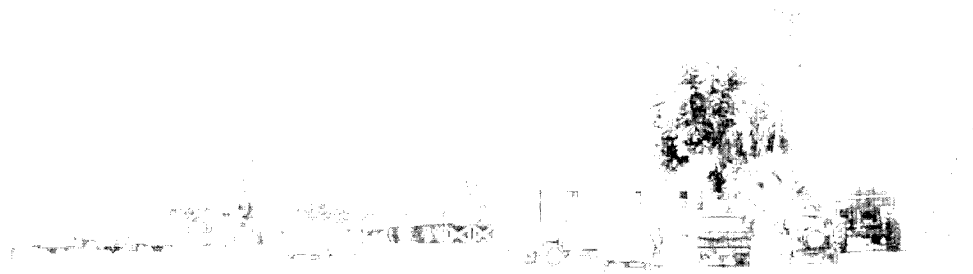


Photo 10 - Trico Shrimp Company located at south end of property

# CRC

**San Carlos Island Community Redevelopment Corporation**  
1130 Main Street  
Fort Myers Beach, Florida 33931  
(941) 463-2588 / fax (941) 463-0865

LEE COUNTY  
RECEIVED

01 APR 18 AM 10:06

DEV/  
PUB. WRKS. CNTR.  
SECOND FLOOR

April 16, 2001

Matt Noble  
Lee County Planning Department  
P.O. Box 398  
Fort Myers, Florida 33901

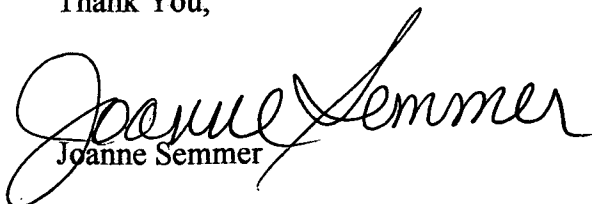
RE: CPA2000-16 Sponsored Amendment to the Lee County Comprehensive Plan

Alternate language proposed for this amendment recommended by the San Carlos Island Community Redevelopment Corporation.

**Policy 12.2.5:** Lee County will support a balance of public quasi-public and limited private uses on the County-owned property commonly known as the Murphy Oil site (AKA The San Carlos Island Maritime Park) and shall be consistent with the San Carlos Island Redevelopment Plan. See policies 96.6.3 and 96.6.4. These uses may include: facilities for government agencies engaged in waterway management activities; passive recreational facilities; educational facilities; facilities for quasi-public agencies; and facilities for private companies engaged in the shrimping industry.

If you have any questions for is you need this in a different format please call me Joanne Semmer at 463-2588, pager 982-6547 or fax at 463-0865.

Thank You,

  
Joanne Semmer

# CRC

## **San Carlos Island Community Redevelopment Corporation**

*"A Waterfronts Florida Community"*

1130 Main Street Fort Myers Beach, Florida 33931

(941) 463-2588 Fax (941) 463-0865

January 19, 2001

Florida Department Of Environmental Protection  
Marjory Stoneman Douglas Building  
Division Of State Lands  
3900 Commonwealth Blvd.  
Tallahassee, Florida 32399-3000

The San Carlos Island Community Redevelopment Corporation, a Florida not - for - profit community organization, would like to apply for a submerged land management agreement with the Florida Department Of Environmental Protection for state submerged lands for the following area around San Carlos Island in Lee County per Florida Administrative Code 18-21.005(1)(e).

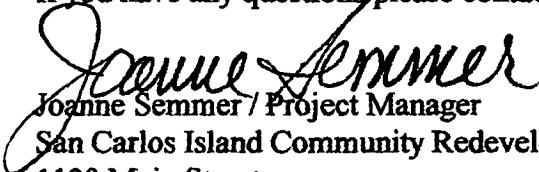
The southeast quarter of section 13 of township 46S range 23E / also the south one half of section 18 of township 46S - range 24E / also section 19 of township 46S range 24E less submerged lands located south of a line one half the distance between San Carlos Island and Estero Island. / also section 24 of township 46S range 23E less submerged lands located south of a line one half the distance between San Carlos Island and Estero Island. *See attached map*

The management agreement is requested in order to provide a balanced ecosystems management plan between our sensitive marine environment and the local marine industry without jeopardizing our natural resources. The commercial harbor is home to several large commercial marinas, a ship yard as well as a 100 million dollar seafood industry see: (*An assessment of the Economic Importance of the San Carlos Island Shrimp Processing Industry to the Lee County Economy by Charles M. Adams, W. David Mulkey & Alan Hodges, Institute of Food and Agriculture Sciences University of Florida 1/1999*) This industry shares the same waters as the estuary and both depend upon the clean waters of the bay for their survival.

We will continue a five year ongoing water quality testing, seagrass bed monitoring, plankton studies, hourly dissolved oxygen studies, water-column physical properties studies, wet & dry season rainfall studies, tidal circulation patterns, seagrass survey and seagrass propeller scar healing studies as well as provide management for mooring, derelict vessel removal, oil spill 1st response and marine services necessary in a well managed harbor.

San Carlos Island has been designated as a Florida Waterfronts Community by the Department of Community Affairs in 1998 and has been working towards improving its working waterfront.

If you have any questions please contact:

A handwritten signature in cursive script, reading "Joanne Semmer".

Joanne Semmer / Project Manager  
San Carlos Island Community Redevelopment Corporation

1130 Main Street

Fort Myers Beach, Florida

33931

(941) 463-2588 fax (941) 463-0865

STARDIAL  
INVESTMENTS  
CO.

34.65 STARDIAL  
INVESTMENTS

TULLMAN A.  
BRUETT  
Ed. T.

# CRC

## San Carlos Island Community Redevelopment Corporation

1130 Main Street  
Fort Myers Beach, Florida 33931  
(941) 463-2588 / fax (941) 463-0865

April 16, 2001

Matt Noble  
Lee County Planning Department  
P.O. Box 398  
Fort Myers, Florida 33901

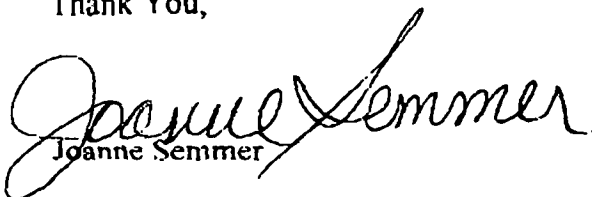
RE: CPA2000-16 Sponsored Amendment to the Lee County Comprehensive Plan

Alternate language proposed for this amendment recommended by the San Carlos Island Community Redevelopment Corporation.

Policy 12.2.5: Lee County will support a balance of public quasi-public and limited private uses on the County-owned property commonly known as the Murphy Oil site (AKA The San Carlos Island Maritime Park) and shall be consistent with the San Carlos Island Redevelopment Plan. See policies 96.6.3 and 96.6.4. These uses may include: facilities for government agencies engaged in waterway management activities; passive recreational facilities; educational facilities; facilities for quasi-public agencies; and facilities for private companies engaged in the shrimping industry.

If you have any questions for is you need this in a different format please call me Joanne Semmer at 463-2588, pager 982-6547 or fax at 463-0865.

Thank You,

  
Joanne Semmer

# San Carlos Island Community Redevelopment Corporation

1130 Main Street  
Fort Myers Beach, Florida 33931  
(941) 463-2588 fax (941) 463-0865

March 22, 2001

Mr. Paul O'Conner  
Lee County Government  
Planning Division Director  
P.O. Box 398  
Fort Myers, Florida 33902-0398

RE: CPA2000-16 BoCC Sponsored Amendment to the Lee County Comprehensive Plan

We have been notified that the Lee Comp Plan amendment regarding the addition of a new policy to Goal 12 to specifically preserve the use "Education/Public Access" on the Matanzas Pass Murphy Oil site is scheduled for Monday March 26, 2001. We also notice that County Staff is recommending not to approve the amendment at this time.

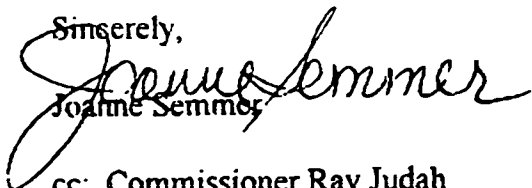
We request that this item be deferred one month in order for the community to study this proposal and be able to make informed recommendations and comments regarding proposed changes in our neighborhood.

Paul O'Connor:

As per my discussion with Dina, from Commissioner Judah's Office, I will be at the meeting with the above signed petitions and will wish to speak concerning my objections to the county's actions.

When we discussed this in the past, you asked me "not to make waves" and assured me that the action you are about to take would not take place and that the amendment would be approved.

Sincerely,

  
Joanne Semmer

cc: Commissioner Ray Judah

- No solid waste station
- No staging area for deneliot vessels
- preserve marine research / education uses
- FMB should not be able to lease land on San Carlos Isl. for Harbor Mgmt.
- copy of MCP - readable



LEE COUNTY

SOUTHWEST FLORIDA

---

DIVISION OF PLANNING

MEMORANDUM

**To:** Board of County Commissioners  
**From:** <sup>PCC</sup> Paul O'Connor, AICP  
**Subject:** 1999/2000 Regular Lee Plan Amendment Transmittal Hearings  
**Date:** May 25, 2000

Attached is the Agenda, Staff Reports, and Supporting Data for the 1999/2000 Regular Lee Plan Amendment Transmittal Hearing. The hearing will be held on June 7, 2000 starting at 9:30 A.M. in the chambers.

The Agenda includes Consent Agenda items and Administrative Agenda items for those amendments that are recommended for transmittal to the Department of Community Affairs for their review and comment. The Agenda also contains a list of amendments that are not recommended for transmittal. The items not to be transmitted include four items to be tabled to a future amendment cycle and eight items to be terminated indefinitely. A brief discussion concerning each amendment not recommended for transmittal follows.

**Tabled Amendments:**

PAT 99-09 is an amendment to reevaluate the language in Recommendation #6 of the Arnold Committee Report, which addresses the clustering of density and the transfer of development rights in the Density Reduction/Groundwater Resource (DR/GR) Future Land Use category. Planning staff prepared a report for this amendment, and concluded that on-site clustering is already an option in this category. Staff did not recommend, but did provide, new language to the Lee Plan which would have encouraged clustering in the DR/GR by providing an increase in density. Additionally, planning staff did not recommend that density be made transferable from non-contiguous DR/GR properties, as recommended in the Arnold Report. Staff also concluded that the transfer of density from the DR/GR to certain Future Urban Areas was an option that exists today under the Lee Plan. The LPA heard this amendment at its April 24<sup>th</sup>, 2000 meeting, and voted to table the amendment. The primary reason for tabling the amendment was that there is no available data that prioritized the environmental importance of DR/GR lands, making it impossible to determine which areas would be best suited to be sending parcels or receiving parcels within a potential clustered development. Additional mapping and identification of the most valuable lands should be pursued. Planning staff concurs with the LPA recommendation to table the amendment to at least the next amendment cycle.

PAT 99-13 is an amendment to reevaluate Policy 14.2.2 which establishes thresholds for traffic on Pine Island Road that affect rezonings and development orders. Lee County DOT has indicated traffic on Pine Island Road has surpassed the first threshold. Per direction from the Board of County Commissioners, staff is working with residents of Pine Island on developing a comprehensive evaluation of the entire Greater Pine Island area. Planning staff recommends that this amendment be continued until that effort is completed.

PAT 99-14 is an amendment to the Community Facilities and Services Element to modify Policy 37.1.4 to reflect the current status of Lee County Division of Natural Resources in completing the identified basin studies and providing technical floodplain information and analysis. Staff prepared a report and made recommendations on this amendment to the LPA who subsequently voted to transmit it to the Board. Following the LPA transmittal hearing, staff discovered an error in its findings of fact. The identified basin studies have not yet been fully incorporated into the county's floodplain management regulations as staff had mistakenly claimed that they were. These regulations will not be amended to include these studies until late 2000 or early 2001. Staff, therefore, believes that this amendment is premature, and recommends that it be tabled to the next amendment cycle or until the floodplain management regulations have been amended.

PAT 99-20 is an amendment to reevaluate the allocations for Table 1(b), Planning Community Year 2020 Allocations, for consistency with existing and approved developments. It was staff's intention to reevaluate the allocations during this amendment cycle, however, due to staff resources being directed at other issues (i.e. zonal data for the Metropolitan Planning Organization) this review has not been completed. This area of the plan needs to have a comprehensive evaluation. Planning staff recommends that this amendment be reinitiated in the next cycle.

#### Terminated Amendments:

PAT 98-15 is an amendment to review and possibly adjust the density ranges of the Lee Plan's Future Land Use categories to encourage the development of affordable housing. Although the LPA has recommended this amendment be continued to the next cycle, limited to an examination of bonus density ranges, staff recommends leaving both the standard density and bonus density caps in the Lee Plan unchanged due to the fact that there have not been many requests pushing the existing limits. In addition, a map amendment could be requested if increased densities are desired. Planning staff recommends that no amendment evaluating the Lee Plan's density limitations be processed at this time.

PAT 98-16 is an amendment to evaluate Policy 1.1.9 and Goal 18 which relate to the University Community land use category. It was staff's intention to clarify these sections of the Lee Plan with the fact that the University Conceptual Master Plan has been completed. It was also intended that the Policy and Goal would be reviewed to clarify the results from the master plan. This area of the plan needs to have a comprehensive evaluation and, due to staff resources being directed at other issues, this review has not been completed. Planning staff recommends that this evaluation be incorporated into the state mandated February 2003 Evaluation and Appraisal Report.

PAT 98-23 is an amendment to add a new policy to Goal 12 of the Lee Plan specifically to preserve the use "Education/Public Access" on the Matanzas Pass Murphy Oil site. This amendment was deferred during the 1998 amendment cycle to allow further evaluation of the pending Matanzas Harbor Management Plan, with the intent that the Town of Ft. Myers Beach would take the lead role on this issue. Staff has evaluated the Plan and determined that it provides no specific direction for the Murphy Oil site. At this time, with the uncertainty of the University marine facility and the lack of direction from the Matanzas Harbor Management Plan and the Town of Ft. Myers Beach, staff recommends that no further evaluation be performed at this time. If necessary, as these issues are sorted out, staff will reinitiate this amendment in a future plan amendment cycle.

PAT 98-33 is an amendment to review the Standards for Administrative Interpretations. More specifically, the criteria listed under the Single-Family Residence Provision. The County Attorney's Office has determined that there are no overriding problems with the criteria, therefore it is not necessary to proceed with this proposed amendment. Staff recommends that no further evaluation be performed at this time.

PAM 98-38 is an amendment to evaluate the classifications shown on Map 1, the Future Land Use Map, in the Iona/McGregor area to determine their appropriateness based on existing development, current development approvals, and existing and planned infrastructure. This amendment was initiated in 1998 when an attorney representing a group of homeowners in the Iona/McGregor area came forward regarding the possibility of lowering the density of the area. The amendment was reviewed and brought back for evaluation during this cycle due to previous discussions at the LPA and BoCC public hearings where concerns were expressed over doing such a study in a small geographic area. Staff has evaluated the amendment under this direction and met with the residents of the area. Staff has concluded that the issues raised during this meeting cannot be addressed through a lowering of density. Staff has presented the amendment before the LPA where members voted unanimously not to transmit the amendment.

PAM 98-42 is an amendment to review and update lands designated as Conservation Lands on the Lee Plan Future Land Use Map. The intent of this amendment was to verify that all properties currently designated by these categories still meet the definitions of the categories. Properties which have been sold as surplus lands or slated for sale to a non-public entity would have been identified for removal by this amendment. This amendment would also identify new properties meeting the criteria of these categories, such as lands purchased in the Flint Pen Strand, for re-designation into the appropriate category. The Conservation Land Category was adopted into the Lee Plan on June 3, 1998. Since these designations were reviewed so recently, staff does not feel that it is an efficient use of the limited staff resources to complete this amendment. Staff will, however, reinitiate a similar amendment in the work program as staff time becomes available.

PAM 99-06 is an amendment to amend the Lee Plan Appendix, Map 8, Potable Wellfield Cones of Influence, to reflect current conditions and new technical data provided by the Lee County Regional Water Supply Authority. Planning staff worked with the Water Supply Authority to produce the new map. The new maps, however, have not been through a full review by county Natural Resources staff. Planning staff also discovered that there was no formal reference to Map 8 within the text of

the Lee Plan. This is another issue that should be addressed as part of this amendment. Planning staff will likely complete this amendment during the next amendment cycle.

PAT 99-21 is an amendment proposing to incorporate the latest Capital Improvement Plan (CIP) into the Lee plan. The CIP for the years 1999 to 2003 was adopted into the Lee Plan by the Board of Commissioners in November 1999. At this time, this is the latest CIP and the Lee Plan is current. Due to this extremely recent update there is no reason to adopt a new CIP in the current cycle. A new CIP will not be ready until early fall of 2000, therefore staff will initiate a new CIP amendment in the next amendment cycle.

If you have any questions regarding any of these amendments, please feel free to call me at 479-8309.

cc:     *Mary Gibbs, AICP, Director of Community Development*  
          *Tim Jones, Assistant County Attorney*  
          *Mary Armentrout, Clerk of the Courts, Minutes*  
          *Lee Cares*  
          *Planning Files PAT 99-09, PAT 99-13, PAT 99-14, PAT 99-20, PAT 98-15, PAT 98-16, PAT 98-23,*  
          *PAT 98-33, PAM 98-38, PAM 98-42, PAM 99-06, and PAT 99-21*



# LEE COUNTY

## DIVISION OF PLANNING SOUTHWEST FLORIDA

### MEMORANDUM

**To:** Local Planning Agency  
**From:** Paul O'Connor, AICP  
**Subject:** PAT 98-15, PAT 98-16, PAT 98-23, PAT 98-33, PAM 98-42, PAT 99-13, and PAT 99-21  
**Date:** December 14, 1999

Planning staff recommends that no action be taken on amendments PAT 98-15, PAT 98-16, PAT 98-23, PAT 98-33, PAM 98-42, PAT 99-13, and PAT 99-21. Planning staff provides a brief discussion below concerning each amendment.

PAT 98-15 is an amendment to review and possibly adjust the density ranges of the Lee Plan's Future Land Use categories to encourage the development of affordable housing. Due to limited staff resources this review has not been completed. Staff recommends leaving both the standard density and bonus density caps in the Lee Plan unchanged due to the fact that there have not been many requests pushing the existing limits. In addition, a map amendment could be requested if increased densities are desired. Planning staff recommends that no amendment evaluating the Lee Plan's density limitations be processed at this time.

PAT 98-16 is an amendment to evaluate Policy 1.1.9 and Goal 18 which relate to the University Community land use category. It was staff's intention to clarify these sections of the Lee Plan with the fact that the University Conceptual Master Plan has been completed. It was also intended that the Policy and Goal would be reviewed to clarify the results from the master plan. This area of the plan needs to have a comprehensive evaluation and due to staff resources being directed at other issues, this review has not been completed.

PAT 98-23 is an amendment to add a new policy to Goal 12 of the Lee Plan specifically to preserve the use "Education/Public Access" on the Matanzas Pass Murphy Oil site. This amendment was deferred during the 1998 amendment cycle to allow further evaluation of the pending Matanzas Harbor Management Plan, with the intent that the Town of Ft. Myers Beach would take the lead role on this issue. Staff has evaluated the Plan, and determined that it provides no specific direction for the Murphy Oil site. At this time, with the uncertainty of the University marine facility and the lack of direction from the Matanzas Harbor Management Plan and the Town of Ft. Myers Beach, staff

recommends that no further evaluation be performed at this time. If necessary, as these issues are sorted out, staff will reinitiate this amendment in a future plan amendment cycle.

PAT 98-33 is an amendment to review the Standards for Administrative Interpretations. More specifically the criteria listed under the Single-Family Residence Provision. The County Attorney's Office has determined that there are no overriding problems with the criteria, therefore it is not necessary to proceed with this proposed amendment. Staff recommends that no further evaluation be performed at this time.

PAM 98-42 is an amendment to review and update lands designated as Conservation Lands on the Lee Plan Future Land Use Map. The intent of this amendment was to verify that all properties currently designated by these categories still meet the definitions of the categories. Properties which have been sold as surplus lands or slated for sale to a non-public entity would have been identified for removal by this amendment. This amendment would also identify new properties meeting the criteria of these categories, such as lands purchased in the Flint Pen Strand, for re-designation into the appropriate category. The Conservation Land Category was adopted into the Lee Plan on June 3, 1998. Since these designations were reviewed so recently, staff does not feel that it is an efficient use of the limited staff resources to complete this amendment. Staff will, however, reinitiate a similar amendment in the work program as staff time becomes available.

PAT 99-13 is an amendment to reevaluate Policy 14.2.2 which establishes thresholds for traffic on Pine Island Road that affect rezonings and development orders. Lee County DOT has indicated traffic on Pine Island Road has surpassed the first threshold. Per direction from the Board of County Commissioners, staff is working with residents of Pine Island on this amendment and plan on bringing it forth in the next plan amendment cycle. Planning staff recommends that this amendment be continued to the next cycle.

PAT 99-21 is an amendment proposing the Capital Improvement Plan (CIP) for the years 2000 to 2004. The CIP for the years 1999 to 2003 was adopted by the Board of Commissioners in November 1999 and was updated with the latest figures at that time. Due to this extremely recent update there is no reason to adopt a new CIP in the current cycle. A new CIP will not be ready until early fall of 2000, therefore staff will initiate a new CIP amendment in the next amendment cycle.

*cc: Planning Files PAT 98-15, PAT 98-16, PAT 98-23, PAT 98-33, PAM 98-42, PAT 99-13, and PAT 99-21*



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: (941) 479-8585

John E. Manning  
District One

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

August 9, 1999

Ms. Marsha Segal-George, Town Manager  
Town of Ft. Myers Beach  
P.O. Box 3077  
Ft. Myers Beach, FL, 33932

**RE: Matanzas Harbor Management Plan**

Dear Ms. <sup>Marsha</sup> Segal-George:

Lee County Planning Staff is beginning work on the 1999 Lee Plan amendment cycle. Planning staff is re-evaluating Lee Plan Objective 94.6 (attached) and its subsequent policies. Planning staff understands that the Town of Fort Myers Beach has taken the lead towards implementing the Matanzas Harbor Management Plan. We would appreciate it if you or your office could provide an update on the status of the Matanzas Harbor Management Plan. If the management plan has been finalized, we would like to request a copy for our office.

Please feel free to contact Ben Chumley (479-8365) of my staff if you would like to discuss this matter further.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Planning Division

Paul O'Connor, AICP  
Director of Planning

cc: Steve Boutelle, Natural Resources

**POLICY 94.3.2:** The county will continue and expand, as needed, its efforts to coordinate with appropriate law enforcement and environmental agencies in designing enforcement and education measures for current and future marine sanitation laws. (Amended by Ordinance No. 94-30, 98-09)

**POLICY 94.3.3:** The county will provide regulations in the Land Development Code for marine sanitation and waste disposal in marinas, docks, wharfs, piers, seawalls, or other docking structures attached to real property. (Amended by Ordinance No. 98-09)

**POLICY 94.3.4:** The county will coordinate with the Southwest Florida Regional Harbor Board in the development of management standards for marine sanitation in anchorages. (Added by Ordinance No. 98-09)

**OBJECTIVE 94.4: LIVE-ABOARD VESSELS.** The county will re-evaluate the feasibility of establishing regulations to control vessel mooring upon the completion of the Southwest Florida Regional Harbor Board Management Plan. (Amended by Ordinance No. 94-30, 98-09)

**POLICY 94.4.1:** The county will coordinate with the Southwest Florida Regional Harbor Board to establish management standards for vessel mooring in anchorages. (Amended by Ordinance No. 98-09)

**OBJECTIVE 94.5: OFFSHORE COMMERCIAL ACTIVITIES.** The county shall monitor, evaluate and update, as needed, the existing programs regulating offshore commercial activities.

**POLICY 94.5.1:** The county staff shall develop an ongoing program to monitor, evaluate and update, as needed, existing regulations on offshore commercial activities.

**OBJECTIVE 94.6: MATANZAS HARBOR MANAGEMENT PLAN.** The county shall implement a Matanzas Harbor Management Plan.

**POLICY 94.6.1:** The Matanzas Harbor Management Plan shall address the county's plans for use of the property the county acquired on San Carlos Island that is commonly known as the Murphy Oil site.

**POLICY 94.6.2:** The county shall apply to the state of Florida for a submerged land management agreement or a submerged land lease for the county-acquired property on San Carlos Island that is commonly known as the "Murphy Oil site".

**POLICY 94.6.3:** By 1997, the county shall, with recommendations from an advisory committee, affected elements of county government and other affected persons, further develop and implement a Matanzas Harbor Management Plan. The scope of this plan shall include the designation of a managed mooring area; the regulation of trash and wastewater disposal; and establishment of a research facility designed to meet the needs of marine environmental sciences, marine education, marine research and study of the estuarine and intertidal environment of waters unique to Lee County, specifically, Estero Bay, Ostego Bay and Hurricane Bay. This plan will provide mechanisms and standards for the strict enforcement of health, safety and welfare regulations throughout the Estero Bay and Matanzas Harbor area, regulations for the protection of marine

resources; and the initiation and operation of a marine research/educational facility that would provide public access as determined by a final master plan.

**POLICY 94.6.4:** The Matanzas Harbor Management Plan shall address public participation issues and shall be consistent with the San Carlos Island Redevelopment Plan.

**POLICY 94.6.5:** The county shall implement the findings of the study completed concerning the designation of special anchorage areas that would allow the mooring of live-aboard vessels, especially in the Matanzas Harbor area.

**POLICY 94.6.6:** The county shall prepare a preliminary study of the designation of special anchorage areas that would allow the mooring of live-aboard vessels.

**GOAL 95: WATER ACCESS.** To develop and implement a public water access program.

**OBJECTIVE 95.1: SCENIC WATERWAYS PROGRAM.** The county staff shall develop and implement a county scenic waterways program in order to enhance the opportunities for physical, visual, and interpretive access to the water.

**POLICY 95.1.1:** The establishment of vegetated buffer zones along Lee County waterways to prevent erosion of natural shorelines, establish additional wetlands habitat, and enhance the scenery shall be preferred to the indiscriminate clearing of vegetation. These buffer zones shall be evaluated in the review of planned developments and developments of regional impact, and also by specific county regulations (see Policy 39.3.9).

**OBJECTIVE 95.2: WATER ACCESS IN PRIVATE DEVELOPMENTS.** The county shall encourage private landowners to provide some form of water access to the public .

**POLICY 95.2.1:** The county staff shall design a program which would require and/or encourage new water-related developments to provide some form of water access (physical, visual or interpretive) to the public. The program shall be submitted to the Board of County Commissioners for formal consideration.

**GOAL 96: [RESERVED]**

**GOAL 97: ARTIFICIAL REEFS.** To encourage maintenance and development of artificial reefs in the waters in and near Lee County.

**OBJECTIVE 97.1: ARTIFICIAL REEF PROGRAM.** The county shall continue its artificial reef program for increasing fisheries habitat in coordination with the Department of Environmental Protection and appropriate organizations.

**POLICY 97.1.1:** By 1994, the Board of County Commissioners shall create an artificial reef and habitat enhancement advisory committee composed of representatives from the commercial fishing industry, recreational fishing clubs, scuba diving organizations, environmental and conservation groups, and government agencies with an interest in fisheries or environmental matters.

**From:** STEPHEN BOUTELLE  
**To:** LEECOUNTYGROUPTWISE.PLANNING (NOBLEMA)  
**Date:** 3/19/99 2:56pm  
**Subject:** Murphy Oil site -Reply

I will give you my file info. There was a BCC item that was deferred to Service Delivery and sent back to the board for approval to pursue acquisition. I will let you draw your own conclusion, but I do not see any mention of the site being bought for education purposes. Obviously the rezoning made that an acceptable use. I am sure that there is also a blue sheet specific to the closing on the parcel acquisition which I do not have but maybe you can find.

As far as public use, do not forget that our existing DEP conditions for work completed to date make public access required in some areas and precluded from others, so you need to be careful about generalized statements.

Also, I am sure that you know that this may be just another angle toward an ultimate goal of forcing the County to give physical property on the site to the Ostego Bay Foundation, Inc.

Let me know how else I can help.

>>> MATTHEW NOBLE 03/18/99 03:05pm >>>

Steve, I am working on a Lee Plan amendment concerning the above property. What can you tell me about the original reasons why the county acquired the property. Has our thoughts on its future use changed at all, that is from when we rezoned the property as the San Carlos Island Maritime Park?

The STRAP's for the property:

19-46-24-00-00005.0210  
19-46-24-00-00005.0220

This is an amendment to make Joanne Semner (whatever her last name at the moment is) happy. The amendment is to preserve the "educational/public access" on the property. Whatever, if it makes her happy...

**From:** STEPHEN BOUTELLE  
**To:** LEECOUNTYGROUPTIME.PLANNING (NOBLEMA)  
**Date:** 3/19/99 2:47pm  
**Subject:** Matanzas Harbor Mgmt Plan -Reply

I did an update on this in the Lynda Riley era that talked about a change in roles because of the jurisdictional boundary of the Town. The bottom line: the problem area is in the Town and they need to take the lead. They are doing that with our help. They have taken our previous work and hired a consultant to develop a plan to implement the management plan. A draft of that plan is in committee review at the Town and is scheduled to go to the Council soon (April?). Let me know if you need more.

>>> MATTHEW NOBLE 03/18/99 04:23pm >>>

Can you also provide me with an update on the above. Lee Plan Policy 94.6.3 says that by 1997 we will implement the above plan...

**From:** KAREN FORSYTH  
**To:** LEECOUNTYGROUPTIME.PLANNING (NOBLEMA)  
**Date:** 3/18/99 3:31pm  
**Subject:** Murphy Oil Property -Reply

Hi Matt!

We closed on the purchase on January 28, 1991. The total purchase price was \$1,627,335.50 inclusive of fees and costs. Let me know if you need anything further...and GOOD LUCK making her happy!

>>> MATTHEW NOBLE 03/18/99 02:31pm >>>

Karen I am working on a Lee Plan amendment concerning the above property. When was the property purchased? (1/91?) For how much? (\$1.5 million??)

The STRAP's for the property:

19-46-24-00-00005.0210  
19-46-24-00-00005.0220

This is an amendment to make Joanne Semner (whatever her last name at the moment is) happy. The amendment is to preserve the "educational/public access" on the property. Whatever, if it makes her happy, ask Lynda Riley about her experiences with Joanne...

**PLANNING DIVISION**  
M E M O R A N D U M



**to:** Local Planning Agency  
**from:** Paul O'Connor, AICP  
**subject:** February 22, 1999 Regular Meeting Packet  
**date:** March 16, 1999

Partial packet for the above mentioned meeting were delivered today. At this time there are three scheduled items that do not have staff reports.

- Representatives for items 4.A.(1), PAM 98-04, Suburban to Urban Community, have formally withdrawn this amendment.
- Representatives for items 4.A.(5), PAT 98-08, Addition of Private Recreational Facilities to the DR/GR have formally requested that they be deferred until the April meeting. The letter requesting this action is attached.
- Item 4.B.(5), PAT 98-23, Education/Public Access for the Murphy Oil Site, will be sent under separate cover later this week.

In addition, the staff report for PAT 98-14, the Vision Statement, was delivered to you at the February 22, 1999 meeting. That report has not been included again.

OCTOBER 24, 1990

The Regular Meeting of the Board of Lee County Commissioners was held this date with the following Commissioners present:

John Manning, Chairman  
Ray Judah, Vice-Chairman  
Bill Fussell, arrived at 9:40 a.m.  
Donald Slisher  
Doug St. Cerny

The Chairman called the meeting to order at 9:38 a.m. The Invocation was given by the Reverend William F. Stehr, Gateway Lutheran Church, followed by the Pledge of Allegiance to the Flag.

Mr. Frank Nocera, Deputy County Administrator, read and presented to Mr. Ken Wallace, a Resolution commending Wallace International for their contribution to the Lee County Bicycle-Education Program. COMMISSIONER FUSSELL ENTERED THE MEETING DURING THE PRESENTATION.

Mr. Frank Nocera, Deputy County Administrator, read and presented a Resolution commending Lamar Advertising for their contribution to the Lee County Bicycle/Pedestrian Program. Ms. Deborah Dodson, Staff Liaison, Department of Transportation and Engineering, accepted the Resolution on behalf of Ms. Diane Dorsey, General Manager of Lamar Advertising.

Mr. Frank Nocera, Deputy County Administrator, read and presented to Mr. George Richards and Mr. Carl Arick, from the Marine Corps League, a Resolution proclaiming November 5, 1990 through December 22, 1990 as Marine Corps League Toys for Tots Campaign in Lee County. Mr. Arick, Sergeant-of-arms for the Marine Corps, Lee County Detachment, thanked the Board for this honor. In appreciation of the Board's help for veterans and the handicapped in Lee County, Mr. Arick presented a Certificate to each Commissioner.

Mr. Frank Nocera, Deputy County Administrator, read and presented to Ms. Beverly Johnson, owner of Magic Hands Janitorial Service, a Resolution honoring her firm's selection for the Florida Small Business Award from the Florida Department of Commerce Small and Minority Business Advocacy Office. Also present, representing the Office of Equal Opportunity, were Mr. Lovie Wells, Ms. Joan Moore and Mr. Ray Kennix.

Mr. Frank Nocera, Deputy County Administrator, along with County Attorney James G. Yaeger, both co-chairmen of the Board of County Commissioners' portion of the United Way Campaign, commended the County employees for their efforts in this campaign. The goal was \$50,000.00; the amount collected was \$61,750.00. Ms. Sharon Cornelius, of the United Way, also thanked the below listed employees for their help. Ms. Cornelius then presented to Ms. Sue Noe, County Administrator's Office, a plaque acknowledging her outstanding work on this campaign. As Mr. Nocera introduced the following employees, Ms. Marsha Segal-George, County Administrator, and Mr. David S. Graham, Director of Information and Resource Services, presented Certificates of Appreciation to the following 1990 United Way Coordinators:

CLERK OF COURTS

Ms. Kathy Geren  
Ms. Marion Pacelli

COUNTY COMMISSION

Ms. Valerie Ervin

COUNTY ADMINISTRATOR'S OFFICE

Ms. Sue Noe

COUNTY ATTORNEY'S OFFICE

Ms. Judy McGill

COMMUNITY DEVELOPMENT

Ms. Mary Peters, Administration  
Ms. Pearl Poole, Administration  
Ms. Carolyn Meadows, Codes & Building Services  
Ms. Pam Berens, Codes & Building Services  
Ms. Pat McAllister, Concurrency Management  
Ms. Kim Ahlquist, Development Review  
Ms. Susan Hollingsworth, Development Review

RECEIVED

JAN 3-1996

LEE COUNTY DIV. OF  
NATURAL RESOURCES MGMT.

Ms. Kim Carson, Environmental Sciences  
Ms. Karen Hutcherson, Planning  
Mr. Rick Shaver, Water Resources  
Ms. Linda Wice, Zoning

#### COMMUNITY SERVICES

Mr. Gary Ewen

#### COUNTY LANDS

Ms. Janet Foshee

#### EQUAL OPPORTUNITY

Ms. Lorraine Matthews

#### FACILITIES MANAGEMENT

Ms. Pat Palmer, Communications

#### HEARING EXAMINER'S OFFICE

Ms. Tina Jones

#### HUMAN RESOURCES

Ms. Jackie Phares

Ms. Debbie Horbus

#### HUMAN SERVICES

Ms. Karen Dunathan, Administration  
Ms. Lynette Glass, Housing & Grants  
Mr. Richard Emond, Children's Home  
Ms. Sandra Herbert, Shady Rest  
Mr. George Bennett, Social Services  
Ms. Kathy Hawkins, Social Services  
Ms. Lora Gage, Housing Assistance

#### INFORMATION RESOURCES

Mr. Booch Demarchi  
Mr. Paul Arthur

#### LEE CARES

Ms. C. J. Lowe

#### MANAGEMENT AND BUDGET

Ms. Debbie Roan

#### MANAGEMENT INFORMATION SERVICES

Ms. Mary Butler  
Ms. Judy Henderson

#### PORT AUTHORITY

Mr. Chuck Taylor

#### PUBLIC SAFETY

Ms. Karen McDonough, Administration  
Ms. Peggy McGrath, Communications  
Mr. John Wilson, Emergency Management  
Ms. Barbara Schwieger, Emergency Management  
Mr. Dave Kainrad, EMS

#### PURCHASING

Ms. Beverly Watts

#### STRATEGIC FINANCIAL ANALYSIS

Mr. Dan Geston

#### TRANSPORTATION AND ENGINEERING

Ms. Amy Hughes, Cape Coral Toll Facility  
Ms. Hazel Coston, Planning  
Ms. Rochelle Bock, Projects  
Ms. Marilyn Strong, Lee Tran  
Mr. Bobby Faust, Operations  
Ms. Nancy White, Tolls

#### UTILITIES

Ms. Barbara Mann, Administration  
Ms. Ann Parsons, Solid Waste  
Mr. Steve Lang, Olga  
Mr. Kenneth Irvin, Olga  
Mr. Dave Brooks, Fort Myers Beach  
Mr. Bill Paul, Wastewater Treatment  
Ms. Linda McCarthy, Engineering  
Ms. Norma Engle, Fiscal  
Mr. Chad Denney, Corkscrew  
Ms. Kelly Sherman, Corkscrew  
Mr. Dave Wilson, Distribution

#### VISITOR AND CONVENTION BUREAU

Ms. Dinah Johnson

9:30 A.M. AGENDA ITEM - Public Comment  
Consent (CA) and Administrative Agenda (AA)

No one from the audience came forward to offer comment.

The following are the Consent Agenda items that each Board member wished to have discussed:

Commissioner Slusher - 5(c)  
Commissioner Fussell - 4(r)  
Commissioner Judah - 4(o), 4(t), 5(b)  
Commissioner St. Cerny - none  
Commissioner Manning - none

Ms. Marsha Segal-George, County Administrator, requested that 4(s) be deferred to a later date.

#### CONSENT AGENDA

##### 1. COMMUNICATIONS

(a) Request Board approve weekly receipts and County disbursements.

Commissioner Judah moved approval, seconded by Commissioner Fussell, called and carried.

(b) Request Board approve the Minutes of the following meetings of the Board of County Commissioners:

June 13, 1990 (Regular)  
August 15, 1990 (Regular)

Commissioner Judah moved approval, seconded by Commissioner Fussell, called and carried.

(c) Request Board accept for information and filing, the quarterly expenditure report, in accordance with Ordinance 90-18, for the period ending September, 1990.

LEE CARES	\$ 30.00
Community Services/Parks	21.16
County Administrator	320.16
County Commissioners	170.18

Commissioner Judah moved approval, seconded by Commissioner Fussell, called and carried.

##### 2. COMMITTEES AND BOARDS

No requests received.

##### 3. LEGISLATION

No requests received.

#### 4. BUDGETING, PURCHASES, CONTRACTS, AND AGREEMENTS

- (a) Request Board execute Change Order No. 1 with Sverdrup Corporation for Lee County Stadium Project Support Services to add Stadium Threshold Inspection and delete other services for a net contract increase in the not-to-exceed amount of \$68,095.00 for a contract total of \$167,325.00. Funds are available in Account No. 301-2510-572150-6510-002-1735-00.

Commissioner Judah moved approval, seconded by Commissioner Fussell, called and carried.

- (b) Request Board approve the following described purchase of property and approve actions and agreements pertinent to this purchase. Funds are available in Account No. 188-2510-541250-6110-402-4656-00; Staff recommends approval:

Project: Pondella Road Widening  
Project No.: 4656  
Parcel No.: 195  
Location: 1222 Biscayne Drive, North Ft. Myers, FL  
Owner: Samuel V. Johnson, Trustee  
Amount: \$25,000.00  
Closing Costs: \$1,000.00 (approximately)

Commissioner Judah moved approval, seconded by Commissioner Fussell, called and carried.

- (c) Request Board approve the below described Purchase Agreement; funds are available in Account No. 487-2510-536130-6110-414-0901-00:

Project: Iona-McGregor Sanitary Sewer Collection System  
Project No.: 0901  
Easements: 79 and 79T  
STRAP: 06-46-24-01-00004.0010  
Owner: Dr. Brendan M. Dwyer  
Amount: \$2,400.00, which includes \$885.00 in Connection Fee credits and \$1,515.00 cash

Commissioner Judah moved approval, seconded by Commissioner Fussell, called and carried.

- (d) Request Board approve the below described Purchase Agreement; funds for recording are available in Account No. 487-2510-536130-6511-414-901-00:

Project: Iona-McGregor Sewer Collection System  
Project No.: 0901  
Easements: 5 and 6  
STRAP: 31-45-24-01-0000A.0180 and  
31-45-24-01-0000A.0190  
Owner: John M. McCarthy  
Amount: \$590.00 payable as a sewer connection credit

Commissioner Judah moved approval, seconded by Commissioner Fussell, called and carried.

- (e) Request Board approve Budget Amendment to increase Fund #313, North Fort Myers Sewer System Construction Fund \$10,500.00 to a total of \$301,400.00 for FY89-90.

Commissioner Judah moved approval, seconded by Commissioner Fussell, called and carried. RESOLUTION NO. 90-10-25

- (f) Request Board award Quote #Q-90-75, Annual Purchase, Installation and Repair of Fencing for Lee County, to Century Fence Company in the amounts listed on the tabulation sheet; funding will be available in individual Department and Division accounts.

Commissioner Judah moved approval, seconded by Commissioner Fussell, called and carried.

- (g) Request Board adopt Budget Amendment Resolution for Fund #515, Data Processing Fund, for \$138,760.00 for Unanticipated Revenues and Operational Expenses for FY89-90.

Commissioner Judah moved approval, seconded by Commissioner Fussell, called and carried. RESOLUTION NO. 90-10-26

- (h) Request Board execute modification to an agreement with the Florida Department of Community Affairs to amend the time frame for completion of work products; a ninety (90) day extension through December 31,

1990; approve Budget Amendment to increase General Fund by grant amount of \$16,875.00 to be received FY90-91 from Florida Department of Community Affairs; funding will be made available in Account No. 001-000-525010-3190-1340-00-0100.

Commissioner Judah moved approval, seconded by Commissioner Fussell, called and carried. RESOLUTION NO. 90-10-27

- (i) Request Board execute the Annual Agreements for processing all Community Agency Agreements as approved at the final public hearing on September 24, 1990:

Abuse Counseling & Treatment Center, Inc.	\$124,000.00
Child Care of SW Florida, Inc.	109,332.00
Concerned Citizens for Sexually Abused Children of Lee Co., Inc.	
DBA/Sexual Abuse Treatment Program	20,000.00
Deaf Service Center of SW Florida, Inc.	28,050.00
Dr. Ella Piper Center, Inc.	98,251.00
IMPACT for Developmental Education, Inc.	66,842.00
SW Florida Regional AIDS Task Force, Inc. for Lee County AIDS Task Force	24,682.00
Lee County Association for Retarded Citizens, Inc.	98,398.00
Lee County Food Co-Op, Inc.	25,000.00
Lutheran Ministries of Fla., Inc.	25,000.00
Medicare Assistance, Inc.	20,923.00
Senior Friendship Centers of SW Florida, Inc.	47,284.00
Serenity House, Inc.	73,097.00
SW Florida Addiction Services, Inc.	209,497.00
SW Florida Center for Independent Living	20,000.00
The Nations Association, Inc.	30,000.00
Visually Impaired Persons of SW Florida, Inc.	39,967.00
Voluntary Action Center, Inc.	11,000.00

Commissioner Judah moved approval, seconded by Commissioner Fussell, called and carried.

- (j) Request Board approve one new full-time position of Fiscal Officer for Lee County Utilities Administration Division; and transfer from Utility Reserves an amount of \$35,000.00. Funds are available.

Commissioner Judah moved approval, seconded by Commissioner Fussell, called and carried.

- (k) Request Board approve the below described purchase and authorize attendant actions; funds for recording are available in Account No. 487-2510-536130-6511-414-901-00:

Project:	Iona-McGregor Sewer Collection System
Project No.:	0901
Easements:	3 and 4
STRAP:	31-45-24-01-0000A.0160
Owner:	Mr. & Mrs. Stephen D. Keene
Amount:	\$590.00 payable as a sewer connection credit

Commissioner Judah moved approval, seconded by Commissioner Fussell, called and carried.

- (l) Request Board award Quote #0-90-72, Annual Supply of Drywall Materials, for the Department of Facilities Management, to the low quoter, Doby Sales, Inc., at the prices indicated on the Quote Tabulation Sheet; funds are available in Account No. 001-2220-519010-4660-000-0000-00.

Commissioner Judah moved approval, seconded by Commissioner Fussell, called and carried.

- (m) Request Board adopt Contract between the Sheriff's Department, Lee County Health Department, and the Board for Inmate Medical Services for the period of October 1, 1990 through September 30, 1991; the Board share of funding for this contract is \$50,074.68 in Account No. 001-0560-521160-3110-000-0161-00.

Commissioner Judah moved approval, seconded by Commissioner Fussell, called and carried.

- (n) Request Board approve Change Order No. 2 to the County-Wide Road Resurfacing Program 1989-90, Ajax Paving Industries, Inc., Contract II, Pave Shoulders Lee Road/Overlay and Pave Shoulders Sanibel Boulevard; increasing the original contract amount by \$50,709.60 for a revised total not-to-exceed \$440,369.40 and a contract time increase of 20 calendar days for a total contract time of 170 days. Funds are available in Account No. 307-2510-541250-6540-000-4683-00.

Commissioner Judah moved approval, seconded by Commissioner Fussell, called and carried.

- (o) Request Board approve Bid Waiver #BW-91-02 to waive the bidding procedures for the Purchase of Supplements to Code Books of Laws and Ordinances from Municipal Code Corporation, the sole source of these updates.

#### PULLED FOR DISCUSSION

Ms. Janet Sheehan, Purchasing Agent, responded to inquiry from Commissioner Judah. Commissioner Judah moved the item, seconded by Commissioner Fussell, called and carried.

- (p) Request Board execute Change Order No. 2 with David Schilling, Architect for Lehigh Senior Center Expansion to add additional substitution reviews under Construction Contract Administrative Support Services which will increase contract cost in the amount of \$1,935.00 with a resultant total not-to-exceed amount of \$36,275.00. Funds are available in Account No. 301-2510-572150-6510-000-1998-00.

Commissioner Judah moved approval, seconded by Commissioner Fussell, called and carried.

- (q) Request Board approve Professional Services Agreement Contract with Post, Buckley, Schuh & Jernigan, Inc. for a not-to-exceed amount of \$32,798.00 for the Hazardous Waste Transfer Station design; approve Budget Amendment for the Solid Waste Fund for \$100,000.00 for a DER Grant and like expenditures for the design and construction of the Hazardous Waste Transfer Station. Funds are available in Account No. 401-2510-534050-6510-000-7019-13.

Commissioner Judah moved approval, seconded by Commissioner Fussell, called and carried. RESOLUTION NO. 90-10-28  
FOLLOWING DISCUSSION ON 4(r), COMMISSIONER FUSSELL EXPRESSED HIS APPROVAL OF THIS ITEM.

- (r) Request Board execute an amendment to the Solid Waste Collection Franchise Agreement Extension.

#### PULLED FOR DISCUSSION

Mr. George Reilly, Administrative Director, Department of Lee County Utilities, responded to inquiry from Commissioner Fussell. Commissioner Fussell moved approval of 4(r), seconded by Commissioner Judah, called and carried.

- (s) Request Board execute amendment to Colonial Boulevard Extension Agreement and make necessary changes to bond funds and 307 reserves.

THIS ITEM WAS PULLED BY MS. MARSHA SEGAL-GEORGE, COUNTY ADMINISTRATOR, TO BE DEFERRED TO A LATER DATE.

- (t) Request Board accept and file petition to reconfirm and extend the franchise area for the Bonita Springs Water System, Inc., and authorize advertising for a Public Hearing to adopt an amended franchise agreement between Lee County and the Bonita Springs Water System, Inc., to be held Wednesday, November 7, 1990 at 2:55 p.m.

#### PULLED FOR DISCUSSION

In response to Commissioner Judah, Mr. Bill Spikowski, Deputy Director, Divisions of Planning, Concurrency Management & Water Resources, Department of Community Development, suggested that this Public Hearing be delayed two weeks to November 21, 1990, to examine the possible conflict of franchise expansion with the Regional Water Supply Authority and inconsistencies with the Lee Plan. Chairman Manning noted that the Public Hearing would be November 21, 1990 at 2:55 p.m. Commissioner Judah so moved, seconded by Commissioner Slisher, called and carried.

#### 5. DEPARTMENTAL MATTERS

- (a) Request Board approve Lee County's HUD Community Development Block Grant Program Housing Assistance Plan Second Year Goal and First Year Housing Assistance Performance Report and its submission to HUD. Staff recommends approval. There is no financial impact.

Commissioner Judah moved approval, seconded by Commissioner Fussell, called and carried.

- (b) Request Board accept donation of land from Barron Collier Company and an easement from Collier Enterprises for Squaw Creek Restoration Project; authorize attendant actions. Staff recommends approval.

#### PULLED FOR DISCUSSION

Commissioner Judah described this project and expressed his gratitude to all those involved. Commissioner Judah moved approval of this item, seconded by Commissioner Fussell, called and carried.

- (c) Request Board accept 25.7 miles of roads in Lehigh Acres for County maintenance (S18,19,20-T45S-R27E and S16-T44S-R26E) and accept a warranty deed for a parcel of land in (S16-T44S-R26E).  
(Districts #4 and #5)

#### PULLED FOR DISCUSSION

Commissioner Slisher announced that he pulled this item to vote against it; he feels these are substandard roads. Commissioner Fussell moved approval, seconded by Commissioner Manning for discussion purposes. Mr. George L. Crawford, Acting Director, Department of Transportation and Engineering, responded to the Board and outlined the Platting Assurance Agreement. County Attorney James G. Yaeger expressed agreement with Mr. Crawford's explanation. The motion was called and carried with Commissioner Slisher voting nay.

- (d) Request Board accept Petition to Vacate #90-34 in Vanderbilt Lakes II Subdivision, and adopt a Resolution setting the Public Hearing for November 21, 1990 at 2:40 p.m.

Commissioner Judah moved approval, seconded by Commissioner Fussell, called and carried. RESOLUTION NO. 90-10-29

- (e) Request Board accept Plat of North Village. (S23-T43S-R20E)  
(District #1)

Commissioner Judah moved approval, seconded by Commissioner Fussell, called and carried.

#### 6. SUPPORT SERVICES

No requests received.

#### 7. COUNTY ADMINISTRATOR

No requests received.

#### 8. COUNTY ATTORNEY

- (a) Request Board approval for the County Attorney to initiate legal action to collect monies due Lee Civic Center from Arena Promotions, Inc., pursuant to Lease Agreement.

Commissioner Judah moved approval, seconded by Commissioner Fussell, called and carried.

#### 9. HEARING EXAMINER

No requests received.

AT THIS TIME CHAIRMAN MANNING AND THE BOARD WISHED A VERY HAPPY BIRTHDAY TO MR. LOU SLACK, A REPORTER WITH THE BEACH OBSERVER.

#### ADMINISTRATIVE ACTION REQUESTS

##### 1. COMMUNICATIONS

No requests received.

##### 2. COMMITTEES AND BOARDS

No requests received.

##### 3. LEGISLATION

No requests received.

#### 4. BUDGETING, PURCHASES, CONTRACTS, AND AGREEMENTS

- (a) Request Board execute and submit Lee County's Fiscal 1990 HUD Community Development Block Grant Entitlement Grant Agreement to HUD in the amount of \$1.346 Million. There is no financial impact on the County as there is no matching fund requirement. Staff recommends approval.

Commissioner Fussell moved approval, seconded by Commissioner Judah, called and carried.

- (b) Request Board direct the Office of Management and Budget to initiate payment in the amount of \$12,768.00 to the Habitat for Humanity of Lee County, Inc., from reserves in the General Fund; and approve transfer from General Fund Reserves in the amount of \$12,768.00. Funds are available in Account No. 001-000-569020-8210-1720-00-0000.

Commissioner Fussell moved approval, seconded by Commissioner Judah, called and carried.

Following a short break, the Chairman called the meeting back to order with all Commissioners present.

#### 5. DEPARTMENTAL MATTERS

- (a) Request Board review and approve Staff recommendations pertinent to the Matanzas Harbor Plan. Funds are available in Account No. 301-2510-537120-6110-000-2900-00. This item was reviewed by the Service Delivery Committee. Staff recommendations are:

1. Proceed with acquisition/agreement as appropriate for two identified parcels on San Carlos Island to facilitate public land base requirements;
2. Develop community/commercial entity agreements for disposition of marine sanitation/pollution in the Harbor area and adjacent waters;
3. Develop the mooring element of the Harbor Plan;
4. Develop a "Matanzas Harbor" Ordinance;
5. Develop a community presentation to solicit community input based on the design expertise and research of the Waterfront Center (non-profit organization).

Mr. William Hammond, Administrative Director, Department of Community Services, gave a brief overview and introduced Mr. Chuck Listowski, Director, Division of Marine Sciences, Department of Community Services, who made the presentation and responded to Board inquiry. Commissioner Judah moved approval of Item 5(a), seconded by Commissioner St. Cerny, called and carried.

#### 6. SUPPORT SERVICES

No requests received.

#### 7. COUNTY ADMINISTRATOR

- (a) Request Board approve Fixed Assets Disposal Authorization.

Commissioner Fussell moved approval, seconded by Commissioner Judah, called and carried.

#### 8. COUNTY ATTORNEY

- (a) Request Board direction on whether to proceed to Public Hearing for the adoption of an Ordinance establishing a Safe Neighborhood District.

Assistant County Attorney James R. Adams presented this item and reported that it has been discussed by the Service Delivery Committee. The request is to hold two Public Hearings for an enabling Ordinance; then each Safe Neighborhood District, pursuant to the enabling Ordinance, would be set up by a separate Ordinance. Following discussion Commissioner Judah moved Item 8(a), seconded by Commissioner Fussell, called and carried.

Commissioner Fussell requested that an Issue Paper be delivered to the Board dealing with (1) the manner in which it will be done - MSBU, MSTU, 75% by voters; (2) independent versus dependent and the effects on Lee County; (3) DCA grant eligibility.

- (b) Request Board approve Annual Renewal of Agreement between the County and the Public Defender for Offenders of County laws. Funds are available in Account No. 001-0710-514040-XXXX-000-0000-00.

Commissioner Judah moved Item 8(b), seconded by Commissioner Slisher, called and carried.

#### 9. HEARING EXAMINER

No requests received.

#### APPEALS AGENDA

##### 10:30 A.M. AGENDA ITEM - Community Development/Development Review

- (1) Review of decision of Hearing Examiner on case #ADM-90-17, an appeal of a decision by Development Review to deny a Tree Removal Permit until a Development Order is obtained for Masters Landing, Paul M. White, on property located 3.5 miles south of Pine Island Center on Stringfellow Road, Old Masters Landing. (S14,15-T45S-R22E) (District #1)

Assistant County Attorney Marianne Kantor presented the options available to the Board. Mr. Paul J. Bangs, Director, Division of Development Review, Department of Community Development, reviewed the history of this parcel. Attorney Robert E. Bone, Jr., of the law firm of Humphrey & Knott, represented the applicant. Ms. Eleanor Boyd, the only listed interested party, addressed the Board. Mr. Rick Joyce, Principal Planner, Division of Environmental Sciences, described the Notice of Clearing. Following discussion, Commissioner Fussell moved to uphold the Hearing Examiner, seconded by Commissioner Slisher. Chairman Manning clarified, "motion to uphold by Commissioner Fussell, seconded by Commissioner Slisher, and the second motion under discussion, is, unless (it) is clear enough direction for the Staff, is we need to direct them, in the DSO and Tree Protection Ordinance to close those loopholes". The motion was called and carried.

Chairman Manning pointed out the need to look at, from a Policy standpoint, Section 7 of the DSO; another Policy decision is to clarify the Notice of Clearing in the Tree Protection Ordinance.

##### 10:30 A.M. AGENDA ITEM - Community Development/Zoning Division

- (2) Review of decision of Hearing Examiner in Case 90-8-9-V-8, to deny a variance in the RPD district from the Street Setback Requirement to 1/2 right-of-way plus 18 feet for property located at 15721 Chatfield Drive. (S35-T45S-R23E) (District #3)

Assistant County Attorney Marianne Kantor presented this item to the Board. Attorney Russell P. Schropp, of the law firm of Henderson, Franklin, Starnes & Holt, represented the applicant. Following discussion, Commissioner Judah moved to uphold the Hearing Examiner's recommendation for a denial of the variance, seconded by Commissioner Slisher, called and carried. Commissioner Judah moved to grant the deviation for the requested two (2) foot difference in the setback, seconded by Commissioner Slisher. Attorney Kantor clarified, "the request for the deviation would be for Staff to approve it administratively". Chairman Manning clarified that the motion is amended to have the Staff grant the deviation. The motion was called and carried.

##### 10:30 A.M. AGENDA ITEM - County Attorney

- (3) Review the written record for the appeal of an interpretation of a Single Family Residence Provision No. SF90-09-04, Leonard W. Greenwell, Jr. (S17-T43S-R23E) (District #1)

Assistant County Attorney Marianne Kantor presented this item. Following an indepth discussion, Commissioner Fussell moved to uphold the Administrative Designee's decision, seconded by Commissioner Judah, called and carried. Attorney Kantor suggested a motion, "adopt a Resolution finding that based upon the judicially defined principles of equitable estoppel that this overrides the density limitations and that they're permitted to split this into two parcels". Commissioner Fussell declared, "that's my motion"; seconded by Commissioner Judah. Chairman Manning clarified, "the motion is then to approve this request, based on equitable estoppel provisions, and by Resolution declare the applicant having the ability to develop, I guess, his parcels". The motion was called and carried. RESOLUTION NO. 90-10-30

#### COMMISSIONER ITEMS

MILLAGE CAP - Commissioner Slisher referred to a meeting of the

Regional Planning Council where a millage cap of 10 mills, including Special Districts and the School Board were discussed. He requested that Administration make inquiries and perhaps draft a Resolution.

WASTE-TO-ENERGY FORUM - Commissioner Slisher registered that he has been receiving complaints on the format for the forum to be held this evening. He questioned that the meeting is advertised from 7 p.m. to 9 p.m. Ms. Marsha Segal-George, County Administrator, stated, "it is my understanding, the commitment has been made to go for as long as there are questions". Chairman Manning advised that the panel representing the County position will consist of Mr. Sam Rosania, Mr. Lee Casey and Dr. Lawrence. No Commissioner will be given time to speak. Ms. Segal-George reviewed the agenda for the Forum.

GOVERNMENT USE OF RECYCLED PAPER PRODUCTS - Mr. David S. Graham, Director of Information and Resource Services, responded to Commissioner Judah regarding his concerns associated with the use of recycled paper products. He noted that the cost is 20% to 30% higher. Mr. Graham explained the different processes used in the printing presses and the copiers. The Board agreed to direct Mr. Graham to test, for about three months, the use of recycled paper in one of the duplicating copiers. The additional \$9,000.00 necessary to budget for the increase in recycled paper for the Print Shop will be brought forward on a Blue Sheet in the future.

COUNTY INITIATED REZONING - Commissioner Judah brought up a problem between the County Attorney's Office and the Department of Community Development and the adequacy of notices sent on County initiated rezonings. County Attorney James G. Yaeger advised that a meeting has been held and the problem is being resolved.

RESOURCE RECOVERY - Commissioner Manning announced that he and Commissioner Slisher will be debating the Resource Recovery issue on WINK-TV to be aired at 6:22 a.m. and 12:22 p.m. Saturday and Sunday.

The Chairman adjourned the meeting at 11:47 a.m.

-----

LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

1528

A. REQUESTED ACTION:

Request Board review and approve staff recommendations pertinent to the Matanzas Harbor Plan. Funding is available.

B. SUBJECT CATEGORY:

Departmental Matters

5a

C. MEETING DATE:

10-24-90

D. ACTION:

☒ CONSENT  
☐ ADMINISTRATIVE  
☐ PUBLIC  
☐ APPEALS

TIME REQUIRED:

E. REQUIREMENT/PURPOSE:

(Specify)

STATUTE

ORDINANCE

ADMIN. CODE

☒ OTHER Board Direction

F. REQUESTOR OF INFORMATION:

A. (ALL REQUESTS)

NAME William H. Hammond

DEPT. Community Services

B. (PUBLIC ONLY)

CITIZEN NAME

CITIZEN PHONE

G. BACKGROUND:

The Matanzas Harbor Plan - A Conceptual View and Summary of Progress/Presentations constitutes an "executive summary" for a compilation of staff reports and analyses of the necessary components of a successful comprehensive harbor plan. This summary and excerpts from the recently published Waterfront Revitalization for Small Cities, are attached.

A synopsis of staff recommendations is

1. proceed with acquisition/agreement as appropriate for two identified parcels on San Carlos Island to facilitate public land base requirements;
2. develop community/commercial entity agreements for disposition of marine sanitation/pollution in the Harbor area and adjacent waters;
3. develop the mooring element of the Harbor Plan;
4. develop a "Matanzas Harbor" ordinance;
5. develop a community presentation to solicit community input based on the design expertise and research of the Waterfront Center (non-profit organization).

Funding will be made available in account 301-2510-537120-6110-000-2900-00.

H. STANDING COMMITTEE REVIEW:

Reviewed by \_\_\_\_\_ Transportation Committee  
\_\_\_\_\_ Finance/Administration Committee  
\_\_\_\_\_ Growth Management and Planning Committee  
☒ Service Delivery Committee  
\_\_\_\_\_ COMMITTEE REVIEW NOT REQUIRED

Date(s): \_\_\_\_\_  
\_\_\_\_\_ 09-18-90

I. RECOMMENDED APPROVAL

DEPARTMENT DIRECTOR	PLF	RISK	COM BUD	DIR	OTHER	COUNTY ADMINISTRATOR	COUNTY ATTORNEY
<i>[Signature]</i>			<i>[Signature]</i>	<i>[Signature]</i>		<i>[Signature]</i>	<i>[Signature]</i>

II. COMMISSION ACTION:

☐ APPROVED  
☐ DENIED  
☐ DEFERRED  
☐ OTHER

REC'D  
BY COM  
10-2-90  
[Signature]

REC'D. 10-2-90  
by CO. ATTY.  
[Signature]

COM  
FORWARDED  
TO CO. ATTY.  
10-2-90

CO. ATTY. [Signature]  
TO CO. ATTY.  
10-18-90  
10:00 am

(0700H)

See'd. 1 PM

1529

**MATANZAS HARBOR  
PLAN**

**A CONCEPTUAL VIEW  
AND  
SUMMARY OF PROGRESS/PRESENTATIONS**

**COMPILATION BY  
COMMUNITY SERVICES DEPARTMENT  
DIVISION OF MARINE SCIENCES**

**DRAFT SEPTEMBER, 1990**

INTRODUCTION

This document represents an effort to provide a comprehensive outline report pertinent to the development of the Matanzas Harbor Plan. This type of project has been described as an integral part of any waterways management master plan for Lee County. The earliest reference to the need for local marine facility management by government is found in the 1983 Lee County Boating Study (Appendix A). Subsequent planning efforts involving the Matanzas Pass area are evident throughout this report. It should be noted that the evolution of this plan, and its ultimate successful completion and implementation, is in direct correlation with the County population growth and associated changes in both the private and public sectors. Several governmental agencies have provided input in this process to date, and several community interest groups have been surveyed regarding specific issues, and have become familiar with the plan.

PROJECT ORIGIN

At the September 3, 1987 meeting of the Service Delivery Subcommittee of the Lee County Commission, a discussion of concerns relative to recreational boating was conducted by Commissioners Bigelow, Fussell, and Goss. The concept of a controlled harbor was introduced at this meeting by Commissioner Bigelow, who indicated the Matanzas Pass area specifically as an example of an area with "boating conflict issues" needing to be addressed. A staff memo (Appendix B) outlines a synopsis of public discussions, and staff recommendations at that stage of the preliminary planning process. It should be noted that 4 of the 5 recommendations mentioned have been accomplished to this date. Also, direction given to staff by the Service Delivery Committee at the September 3, 1987 meeting included a future presentation to the full Board of County Commissioners. Commissioner Bigelow addressed the Board of County Commissioners appointed Marine Advisory Committee in October, 1987 and received very favorable input, including suggested established harbor management plans to study in northern states. This committee, composed of community leaders with marine expertise, also offered assistance in plan development.

County Parks and Recreation staff began formulation of a conceptual plan by studying five major areas of concern to the

PROJECT ORIGIN (continued)

Service Delivery Committee, as listed within the August 31, 1988 Agenda Item Summary for the Board of County Commissioners meeting (Appendix C). An addendum to this presentation outline included a synopsis and comparative analysis of the Scarborough, Maine Harbor and the Lee County Matanzas Harbor area. This comparative analysis and specific references from the comprehensive harbor plan for Scarborough, Maine are found in (Appendix D). The result of the August 31, 1988 County Commission review was to direct staff to proceed with harbor plan development, and appointed Commissioner Bigelow to serve as liaison in this process.

Also County staff did preliminary water survey work in the Matanzas Harbor (Appendix E). These surveys were conducted utilizing volunteer assistance from the San Carlos Bay Power Squadron pertinent to bathymetric work and also assessment of wildlife habitat within the Harbor area and the presence of seagrasses and other aquatic biota (Appendix F).

1533

GEOGRAPHIC LOCATION

Matanzas Harbor Project area can be described as the waterway expanse between Estero Island and San Carlos Island inclusive of the waterfront upland property with U.S.C.G. Aid to Navigation Marker #4 (coordinates: 26 27.8 and 81 58.3) as a northerly reference point (and an easterly line to Bunche Beach, and a southerly reference point near the mouth of Hurricane Pass (County Aids to Navigation Marker # A. coordinates: 26° 27' 56" and 81° 57' 25"). (See Appendix G).

1534

PLAN GOAL

The development of a management mechanism to preserve the character of the Matanzas Harbor Area, by improving facilities presently available and establishing necessary facilities presently unavailable is the plan goal.

COMMUNITY INPUT

In addition to references in the Lee County Boating Study, Lee County Commissioners have received numerous proposals regarding the resultant public benefit derived from the County acquisition of waterfront property located in the Matanzas Harbor area (Appendix A). A Marine Advisory Committee presentation in September or October of 1988 (including comments by Commissioner Bigelow) and most recently a Waterways Advisory Committee presentation have been well received (Appendix B). On January 20, 1989, a group of local officials and County representatives travelled to Miami U.S. Coast Guard District VII Office to present the Harbor Plan and request consideration for a "special anchorage" in Matanzas Harbor. This group consisted of representatives from the Department of Community Services, County Attorney's Office, County Administration, Lee County Sheriff's Department, citizen representatives from the Fort Myers Beach Back Bay Pollution Committee (Appendix H) and the Marine Advisory Committee. Other presentations to Estero Island/San Carlos Island area residents were made to familiarize the public and thereby solicit input for the Plan (Appendix I).

COMMUNITY INPUT (continued)

Presentations made other than the public, County Commission meetings (both Service Delivery Subcommittee and full Board of Commissioners) are the following:

- presentation to the Ft. Myers Beach Land Use Committee
- presentation to the Ft. Myers Beach Advisory Committee to Commissioner Judah
- 2 presentations to the San Carlos Island commercial community, including shrimpers association, processors, fuel co., marinas
- presentation to the recently reinstituted Waterways Advisory Committee
- presentation to City of Sanibel officials

ENVIRONMENTAL

Water quality base line data collection stations have been monitored for several years, and results reflect a tidal and/or seasonally dependent range of bacterial presence, heavy metals, and other water column indicators.

With the commercial fleet "out to sea" staff has done some preliminary sediment sampling of the commercial location waterfront bottom. As expected, the bottom in this shows a concentration of thick black material. Polychaete-type Worms were discovered in this "muck."

Flats areas within the harbor project boundaries are functioning as feeding, and "loafing" areas for a wide variety of birds, including oyster catchers. Further study of the "spoil island" located northerly of the Matanzas Bridge needs to be done, as there is speculation that this "loafing" area may have actually become a nesting habitat for pelicans and other birds.

MOORING AREA

The traditional "safe harbor" anchorage has become one of the most controversial issues in the planning of a managed harbor for Matanzas Pass area. Year around, the average number of cruising vessels and live aboards present in this area is between 40-50. During the busy boating/cruising season and during inclement weather this number has been observed at well over 70 vessels of all sizes.

As referenced in this report, the District VII U.S.C.G. Office is familiar with this plan, and has offered to consider an extension to the existing federally maintained channel from the Matanzas Bridge in a south westerly direction (along Estero Island to the point of beginning of the Lee County Estero Bay markers system - U.S.C.G. permitted). This action would serve to further delineate the most acceptable anchoring area, and eliminate the haphazard practice of anchoring in the navigation channel. The removal and relocation of numbers 24 and 26 (federal channel) to a more straight southerly direction would also be a channel design more reflective of the common navigation practices occurring in the Harbor (Appendix K).

A proposal to create a vessel turn-around/safe harbor area southwest of Palm Grove Marina has been favorably reviewed by

MOORING AREA (continued)

Palm Grove Marina, Ericksen Jensen Seafood Processors, the Board of County Commissioners Service Delivery Subcommittee, and citizen advisory committees from Fort Myers Beach. Essentially, this area will help to facilitate emergency anchorage as well as routine commercial vessel requirements for a wide turn-around (Appendix K). Recently, the City of Vero Beach, Florida installed a model mooring plan which has brought positive national attention to this small coastal community (Appendix L). Lee County Community Services staff, Lee County Sheriff's Department Marine Patrol Coordinator, and Commissioner Judah met with City officials on August 9, 1990. The City of Vero Beach pioneered the Florida Department of Natural Resources State Lands designation for submerged land management agreement. This designation, if approved for Matanzas Harbor, represents a very cost efficient method to gain control of submerged land versus the conventional and costly submerged land lease agreement (Appendix M).

Marine Sciences staff has also surveyed the Four Marinas in the harbor project area, in order to ascertain the potential for cooperative commercial support of the plan, even to the extent of direct operational involvement (Appendix O).

HARBOR LAND BASES

The acquisition of a waterfront parcel(s) to complement the plethora of management activities within the harbor (i.e. marine sanitation, enforcement vessel dockage, ferry/water taxi landing and associated parking and/or mass transit stops), has been a major issue. A recently completed county-wide water access survey indicates several waterfront R.O.W. in the harbor plan project area. These accesses currently are used by neighborhood residents, and occasionally by harbor anchorage users for dinghy landings (survey, Appendix J).

Community Services staff has initiated a request for property appraisals for two parcels on San Carlos Island - Matt Roland Seafood/Trico-Murphy Oil property and the Bacik property on Hurricane Bay. The appraisal background analysis describes the geographic data and other project related values (Appendix R).

The other major County land acquisition (accomplished) within the harbor project area is Bodwitch Point. Master planning for this site is nearly complete and access to the comprehensive waterfront park will be a combination of pedestrian/mass transit/ferry-taxi.

MARINE SANITATION PROJECT (continued)

Purchasing Department will be working to secure a contract from a boat builder, to accomplish the pump-out vessel element of the comprehensive marine sanitation management plan. This activity should result in delivery of a marine sanitation vessel to Lee County by Spring of 1991.

The pump-out vessel will facilitate the need to address the following pollution problems:

- 1) Marine sanitation discharge from cruising/live-aboard vessels
- 2) Collection of bilge water and other petroleum laden by-products such as waste engine oil from the commercial fleet
- 3) Marine debris including plastics and smaller derelict vessels
- 4) Support vessel and/or primary vessel used within the context of an oil spill response

In an economic analysis of the importance of this vessel, two factors become apparent - intangible cost variables and tangible cost variables.

The intangible cost values could basically describe environmental factors and the impact on tourism, and ultimately the impact on all facets of our economy (i.e., an oil spill event devastates a pristine mangrove island system destroys a juvenile fisheries habitat destroys any potential as a bird habitat destroys the recreational/charter fishing industry in that area destroys the area as a recreational boating attraction).

MARINE SANITATION PROJECT (continued)

Other intangible cost values (tourism related) are affected by the presence of aesthetically displeasing marine pollution, i.e., solid waste, fecal material (or what appears to be human waste), plastics and other types of trash.

Tangible cost values can be measured using derelict vessel removal disposal costs as a measurement indicator. Presently, there are approximately twelve derelict vessels to be removed in the harbor plan project area with an estimated fifty more in a general area called Estero Bay and adjacent waters. Since 1987, Lee County has averaged six removal/disposals in the project area, and fifteen throughout the Estero Bay area. Average cost per removal/disposal has been \$2500-\$3000.

MARINE ENFORCEMENT

The Lee County Sheriff's Marine Patrol Division has been expanding to meet the county wide marine enforcement needs. An area of concentrated enforcement by the Sheriff's Department, especially in conjunction with the local U.S.C.G. has been conducted in the anchorage area of Matanzas Harbor. Night boardings of anchored vessels to check on appropriate equipment, lights, and sanitation practices, have resulted in several citations - some relating to serious illegal dumping activity.

The Sheriff's Department is aware of the purpose and goals of the harbor plan and expressed support for the project. As the plan develops, the necessity for regular enforcement "presence" and activity monitoring will be addressed. The budget proposal for FY 90-91 includes an overall \$220,000 operations budget derived from boating registration, supplemented by a proposed \$50,000 grant funded project for "special marine enforcement."

Also, the effort to manage boat speeds in Estero Bay could become the equal responsibility of the Florida Marine Patrol after successful ordinance implementation in Lee County, whereby the State rulemaking procedure will proceed. The second public hearing for the Vessel Control/Water Safety Ordinance will be held in September 1990.

1546

BEACH PROJECT

Long range planning for Matanzas Harbor includes consideration of maintenance of the Federal channel (including periodic dredging). Restoration/renourishment of Estero Island is a federally authorized project per the 1987 Florida Beach Restoration Plan (Appendix S).

---

# WATERFRONT REVITALIZATION

---

FOR SMALL CITIES

---

by J.W. Good and R. F. Goodwin

James W. Good  
Extension coastal resources specialist  
Oregon State University, and  
Robert F. Goodwin  
coastal resources specialist  
University of Washington  
Sea Grant Program

With research assistance from  
Sharmon M. Stambaugh  
Oregon State University

# CONTENTS

1548

1	Introduction	1548
2	What is a Small Waterfront City?	
2	Why a Small City Waterfront Planning Guide?	
3	How this Guidebook is Organized	
3	Part I--Why Revitalize?	
6	Port Angeles, Washington	
8	Astoria, Oregon	
10	Skamokawa, Washington	
12	Reedsport, Oregon	
14	Seaside, Oregon	
16	Edmonds, Washington	
18	Arcata, California	
21	Part II--Revitalizing Your Waterfront	
23	Stage 1--Getting Started	
23	Organizing the Planning Team	
26	Outlining the Planning Process	
27	Getting the Community Involved	
28	Involving State and Federal Agencies	
32	Stage 2--Surveying the Waterfront	
32	Defining the Study Area	
33	Developing a Good Base Map	
33	Inventorying and Mapping Information	
36	Identifying Important Waterfront Issues	
38	Stage 3--Developing the Waterfront Plan	
39	Defining Plan Elements	
45	Formulating Waterfront Goals and Objectives	
46	Developing Alternative Design Schemes	
50	Making Cost Estimates	
51	Design Evaluation and Synthesis	
52	Adopting the Waterfront Plan	
53	Stage 4--Implementing the Waterfront Plan	
54	Managing Waterfront Revitalization	
54	Implementing Land-use Controls and Incentives	
54	Acquiring Necessary Parcels of Waterfront Land	
55	Phasing Waterfront Redevelopment	
55	Identifying Project Sponsors, Funding Sources, and Techniques	
56	Marketing the Waterfront Plan	
57	Stage 5--Revisiting the Waterfront Plan... The Ongoing Process	
59	Part III--Revitalization Issues, Tools, and Techniques	
60	Waterfront Uses and Activities	
72	Land Use and Development Controls and Incentives	
73	Land Acquisition Techniques	
78	Financing Waterfront Revitalization	
84	Choosing and Using Consultants Effectively	
90	Obtaining Permits for Waterfront Development	
95	Appendixes	
97	Appendix A. Citizen Involvement Techniques	
105	Appendix B. Sources of Financial Assistance	
115	Appendix C. References and Resources	

**Figure 1**  
**Waterfront**  
**Planning Checklist**

**Stage One—Getting Started**

- \_\_\_ Organizing the Planning Team
- \_\_\_ Outlining the Planning Process
- \_\_\_ Getting the Community Involved
- \_\_\_ Involving State and Federal Agencies

**Stage Two—Surveying the Waterfront**

- \_\_\_ Defining the Study Area
- \_\_\_ Developing a Good Base Map
- \_\_\_ Inventorying and Mapping Information
- \_\_\_ Identifying Important Waterfront Issues

**Stage Three—Developing the Waterfront Plan**

- \_\_\_ Defining Plan Elements
- \_\_\_ Formulating Waterfront Goals and Objectives
- \_\_\_ Developing Alternative Design Schemes
- \_\_\_ Making Cost Estimates
- \_\_\_ Conducting Design Evaluation and Synthesis
- \_\_\_ Adopting the Waterfront Plan

**Stage Four—Implementing the Waterfront Plan**

- \_\_\_ Managing the Waterfront Revitalization Process
- \_\_\_ Implementing Land Use Controls and Incentives
- \_\_\_ Phasing Waterfront Redevelopment
- \_\_\_ Identifying Project Sponsors and Funding Sources
- \_\_\_ Acquiring Necessary Parcels of Waterfront Land
- \_\_\_ Marketing the Concept Plan

**Stage Five—Revisiting the Plan—The Ongoing Process**

September 18, 1990

A Meeting of the Service Delivery Committee was held this date at 9:06 a.m. in the East Room with the following Commissioners present:

Bill Fussell, Committee Chairman  
Ray Judah, Committee Member

I. SITE PLAN FOR BEACH ACCESS AND PUBLIC PARKING/ANDY ROSSE LANE

Mr. Jim Lavender, Director, Planning & Construction, Community Services, reviewed this project, relating that Staff had met with the interested parties and had arrived at three concepts, and with the aid of drawings, outlined them: Concept A would allow for 13 parking spaces and would utilize the Mucky Duck driveway as the turn around; Concept B allowed 11 parking spaces with a two-lane drive to the beach, Concept C remained as it presently is, which is no parking. He added that A was the easiest for marking off the parking spaces; and discussed the problem of there being no turn-around for emergency vehicles on either of the concepts. The Committee Chairman called for public input and the following persons came forward:

Attorney Tim Jones, representing the Mucky Duck, emphasized using their driveways as turnarounds.  
Attorney Tom Hart, representing the Captiva Civic Association, presented and read a handout (copy on file in the Clerk's Office, Minutes Department).  
Mr. Victor Myeron, Mucky Duck Owner, after inquiry, explained the approved renovation presently being done on the restaurant would not increase seating capacity.  
Ms. Carolyn King, Board of Governors, Captiva Civic Assoc., inquired into the present Ordinance.

Mr. David Milligan, Design & Construction Coordinator, Planning & Construction, gave input and answered questions regarding the space needed for emergency vehicle turnarounds. County Attorney James G. Yaeger responded to legal questions regarding public access, turnarounds, and stated his office would check further into the matter. After discussion between the Committee and the Staff, Commissioner Fussell moved this item to the full Board. Commissioner Judah inquired if that included the opinions of the County Attorney's Office, including the backup concerning the exposure to the County regarding the constraints on the turnaround? Commissioner Fussell concurred. Commissioner Judah seconded the motion, called and carried.

II. FORT MYERS BEACH PARKING GARAGE

Mr. George Crawford, Acting Director, Department of Transportation and Engineering, reviewed this item, and stated that a Section 3 Grant has been forwarded to UMTA (Urban Mass Transportation Administration) for consideration of a Grant for a parking deck and trolley service on the Beach, in a private/public sector type of operation, a joint venture which would assist in handling traffic on/off the Beach. The Grant is for five million dollars in Federal funds. He added the second Public Hearing will be held on September 19th at 3:45 p.m., and the minutes of that meeting will be forwarded to UMTA. He stated this allows seeking of the funds but it does not commit the County to spend the funds, and nothing further can be finalized without the Board's concurrence and approval. He explained that some private sector citizens have contributed "in-lieu of funds" property for this facility, and for that they have asked favors in return; however the County has not committed or accepted anything at this time, and that this was not a "done" deal. One site selection was near Snug Harbor, but that was very tentative. Commissioner Judah requested and received information that the site location is not a requirement of UMTA; and the agreement between the private sector and County does not enter into the eligibility of determining the Grant. The Committee Chairman called for public input and the following persons came forward:

Mr. John Rand, Director, Ft. Myers Beach Civic Assoc., and Member, Advisory Committee, suggested the site be located on the five-lane side of the bridge.  
Mr. Ted Fitzsimmons, Ft. Myers Beach resident  
Ms. Fran Myers, represented 45 businesses, pro garage  
Ms. Cathy Nesbit, President, Beach Voters Assoc., favored site location on five-lane side of bridge.

Mr. Crawford commented that before action was taken, there would be a full and fair disclosure and hearings with the Beach citizens. He added that, regardless of where the garage would be located, it would not be self-sustaining, and Federal funds were necessary. Commissioner Fussell clarified that today's meeting was for the purpose of discussion on submitting the

Grant and the UMTA funding.

Following a short break, the Committee Chairman called the meeting back to order with all Committee Members present.

### III. MATANZAS HARBOR PLAN

Mr. Chuck Listowski, Director, Division of Marine Sciences, reviewed this project by closely following the Matanzas Harbor Plan booklet and Summary overview which he presented to the Committee (copy on file in the Clerk's Office, Minutes Department). Attention was given to the Appendices which can be found at the beginning of the Plan. Mr. Listowski, with the aid of slides, reviewed the Pass, mooring plans, land base acquisition, channels and harbor areas. He then discussed five Staff recommendations, which can be found on Pages 18 and 19 of the Summary. The Committee Chairman called for public input, and the following persons came forward:

- Ms. Kate Gooderham, requested and received information on parking.
- Mr. John Rand, Ft. Myers Beach, supported the Plan.
- Mr. Barney Barnett, Chairman, Beach Advisory Board, requested the opportunity for residents to review the Plan and submit suggestions before proceeding further.
- Mr. Ted Fitzsimmons, Ft. Myers Beach, suggested reviewing the package, and the review should include the two interested CRA Committees.

Mr. William Hammond, Administrative Director, Department of Community Services, gave input, adding that the City of Sanibel had expressed interest, particularly in the transportation/water taxi issue. After discussion regarding the recommendations; the fact that Vero Beach's program was a self-supporting facility; enforcement and penalties relative to disposal; the area's need to be geographically described, with the best vehicle to do that being the Ordinance; and the necessity to draft a Management Plan, Commissioner Judah moved the recommendations to full Board, seconded by Commissioner Fussell. It was agreed that the two CRA groups that wished to review the document would have approximately one month. Commissioner Fussell commented, that in addressing the full Board, Mr. Listowski might identify the harbor plan as well as other areas, the mooring area; and congratulated him on his efforts, particularly since this compilation was completed without outside consultants. The motion was called and carried.

Following a short break, the Committee Chairman called the meeting back to order with all Committee Members present.

### IV. NON-CONFORMING BILLBOARDS - Materials referred to are on file in the Clerk's Office, Minutes Department.

Assistant County Attorney Audrey Kaplan reviewed the backup and the Draft Sign Ordinance, stating that the replacement billboard structure would be deemed in conformance with the Ordinance; adding that on Page 2(a) the word "simultaneously" would be removed. Mr. Bob Stewart, Deputy Director, Codes and Building Services, gave input, answered questions from the Board, assisted in clarification, and addressed permit conditions. Attorney Kaplan reviewed Paragraph (d) of Page 3, stating she had included a definition for the words "less restrictive"; however, Ms. Susan Gauthier, Senior Planner II, Planning Division, suggested that the Land Use Category be spelled out via a hierarchy. Ms. Gauthier presented the Committee with a handout of a hierarchy list, stating the policies were taken from the Lee Plan, starting with the less restrictive categories at the top of the list. Discussion occurred over the confusion of the different maps used by the County, so it would be necessary to be definite on which map was being used as the basis in the Ordinance. The Committee Chairman called for public input, and the following person came forward:

- Attorney Matt Uhle, suggested using the Plummer Map created for the Traffic Circulation Element; and requested the "less/more restrictive" part not appear in the Ordinance, or have the Board spell out where not to replace billboards.
- Mr. Rick Pritchard, Carter Signs, suggested another way to group the hierarchy.

Commissioner Judah preferred the existing Functional Classification Map. Ms. Marsha Segal-George, County Administrator, gave input. After discussion, Commissioner Judah moved to full Board with proposed revisions as a result of staff working with the Industry to fine tune the proposed draft before us (the Committee) today - the Sign Ordinance, particularly pertaining to Paragraph (d) and the identification of a Map, whether it be the existing Functional Classification Map or David Plummer's Map. Commissioner Fussell suggested the

draft be constructed loosely regarding the Map, for the convenience of deciding which Map to go with. Attorney Kaplan suggested alternatives be written in the Ordinance to cover that issue. Commissioner Fussell seconded the motion, called and carried.

The meeting was adjourned at 11:30 a.m.

**SERVICE DELIVERY COMMITTEE**  
**DISTRIBUTION LIST**

**BOARD OF COUNTY COMMISSIONERS**

Val Ervin

**COUNTY ADMINISTRATION**

Jim Bennett  
Randy Oliver

**COUNTY ATTORNEY**

David Owen  
Jack MacKie  
Marianne Kantor  
Bob Warner  
James Adams

**COMMUNITY DEVELOPMENT**

Bill Spikowski  
Bob Gurnham, Concurrency  
Hans Behrens, Codes  
Mary Gibbs, Zoning  
Walt Stephens, Water Resources  
Lisa Dodd, Environmental Sciences  
Lynda Riley, Environmental Sciences  
Bob Stewart, Codes  
Alton Roane, Planning

**COMMUNITY SERVICES**

Bill Hammond  
Jim Lavender, Plng. & Const.  
Chuck Listowski, Marine Sciences

**HUMAN SERVICES**

Julio Arael  
Vernon Kelley, Housing and Grants  
Dennis Simon, Housing and Grants

**LEE CARES**

Anita Flaitz

**MINUTES**

Mary Armentrout

sbn  
1220v

**PUBLIC SAFETY**

Roger Desjarlais

**TRANSPORTATION &  
ENGINEERING**

George Crawford  
Ron Brown  
Bill Nichols  
Scott Gilbertson  
Sue Scanlon

**UTILITIES**

George Reilly  
Lee Casey

**AIRPORT**

Barbara Barnes

**PURCHASING**

Janet Sheehan

AGENDA  
SERVICE DELIVERY COMMITTEE MEETING

SEPTEMBER 18, 1990

9:00 am - 12:00 noon

EAST ROOM

1. Site Plan for Beach Access and Public Parking/Andy Rosse Lane
2. Fort Myers Beach Parking Garage
3. Matanzas Harbor Plan ~
4. Non-Conforming Billboards

sbn  
1231v

MEMORANDUM  
FROM  
THE DIVISION OF  
PLANNING AND CONSTRUCTION

DATE: September 10, 1990

TO: Service Delivery Committee

FROM: Jim Lavender *J. Lavender*

RE: Andy Rosse Lane Beach Access Concept Plan

As directed at the July 19, 1990 Service Delivery Committee meeting, staff has met with Mr. Bates (Captiva Civic Association) and Mr. Myeron (Mucky Duck Restaurant).

Based upon this meeting, several alternative concepts have been developed and will be presented.

JL/mn

cc: William Hammond

(3009C)

1

M E M O R A N D U M  
FROM  
THE OFFICE OF  
THE COUNTY ADMINISTRATOR

TO: Bill Hammond  
Jim Lavender

DATE: July 19, 1990

RE: Site Plan for Beach Access  
for Andy Rosse Lane

FROM: *Bud Nocera*  
Frank Nocera

Per the direction of today's Service Delivery Committee meeting, please prepare a site plan to improve the beach access and public parking on Andy Rosse Lane on Captiva Island. Such improvements, if directed by the Board, would come from the Third Cent (Beach Fund) of the Tourist Tax revenues.

As you develop this plan, we would ask that you work with Mr. John Bates of the Captiva Civic Association and the operators of the Mucky Duck Restaurant to try to arrive at a design that is mutually agreeable.

Additionally, the Captiva Civic Association has asked to be presented with the County's plan to improve beach and water accesses on Captiva Island. I believe their primary interest is in the location of the accesses.

Please prepare the Andy Rosse plan for the September Service Delivery Committee meeting.

cc: Marsha Segal-George  
Terry Dillon  
George Crawford  
Elaine McLaughlin  
Scott Gilbertson

FN:sbn  
1453v

LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

# 901501

1. REQUESTED MOTION:

Request the Board of County Commissioners hold a Public Hearing in compliance with the Urban Mass Transportation Administration (UMTA) Regulation 7(d) 1-3 regarding Public Hearing for Capital Projects as it applies to the Section 3 Grant Application.

2. SUBJECT CATEGORY:

Budget  
Purchases  
Contracts  
and Agreements

3. MEETING DATE:

September 19, 1990

4. AGENDA:

☐ CONSENT  
☐ ADMINISTRATIVE  
☒ PUBLIC  
☐ APPEALS

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

(Specify)  
☐ STATUTE  
☐ ORDINANCE  
☐ ADMIN. CODE  
☒ OTHER

6. REQUESTOR OF INFORMATION:

A. (ALL REQUESTS)  
NAME George L. Crawford P.E.  
DEPT. DOT&E

B. (PUBLIC ONLY)  
CITIZEN NAME  
CITIZEN PHONE

7. BACKGROUND:

LeeTran has applied for a Section 3 Grant which will provide for the construction of a multi-level parking facility and parking lot, and maintenance facilities improvements. According to UMTA Regulations, a public hearing must be held before the 29th of September. A public notice has been placed in the News Press and will appear September 1, 1990.

See attachments: Transmittal Letter of Grant  
UMTA Regulation

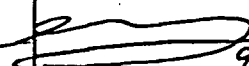
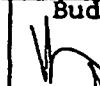



Blue Sheet submitted: August 31, 1990

8. STANDING COMMITTEE REVIEW:

Reviewed by ☐ Transportation Committee  
☐ Finance/Administration Committee  
☐ Growth Management and Planning Committee  
☐ Service Delivery Committee  
☒ COMMITTEE REVIEW NOT REQUIRED

Date(s):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RECOMMENDED APPROVAL

DEPARTMENT DIRECTOR	O M B				OTHER	COUNTY ADMINISTRATOR	COUNTY ATTORNEY
	Pur	Risk	Bud	DIF			
							

10. COMMISSION ACTION:

☐ APPROVED  
☐ DENIED  
☐ DEFERRED  
☐ OTHER

RECVD  
BY OMB  
9-4-90  
3:25

RECVD 9-11-90  
by CO. ATTY.  
11:48

OMB  
FORWARDED  
TO CO. ATTY.  
9-11-90

CO. ATTY.  
FORWARDED  
TO CO. ADMIN.  
9-11-90  
12:05 PM

PUBLIC NOTICE

PLEASE NOTE CHANGE OF DATE AND TIME TO 9/19/90 AT 3:45 P.M.

NOTICE IS HEREBY GIVEN THAT LEE COUNTY WILL HOLD A PUBLIC HEARING ON SEPTEMBER 19, 1990 AT 3:45 P.M. IN THE LEE COUNTY COURTHOUSE, COUNTY COMMISSION CHAMBERS, 2120 MAIN STREET, FORT MYERS, FLORIDA REGARDING ITS APPLICATION FOR A SECTION 3 GRANT TO THE URBAN MASS TRANSPORTATION ADMINISTRATION (UMTA). THIS GRANT WILL PROVIDE CAPITAL ASSISTANCE TO LEE COUNTY TRANSIT, A DIVISION OF THE DEPARTMENT OF TRANSPORTATION AND ENGINEERING OF LEE COUNTY. A COPY OF THE GRANT APPLICATION INCLUDING ENVIRONMENTAL DATA IS AVAILABLE FOR VIEW AT THE OFFICES OF LEE COUNTY TRANSIT LOCATED AT 10715 EAST AIRPORT ROAD, FORT MYERS, FLORIDA 33907, BETWEEN THE HOURS OF 9:00 A.M. TO 5:00 P.M., MONDAY THROUGH FRIDAY, SEPTEMBER 4 THROUGH SEPTEMBER 18, 1990.

1. Section 3 provides funding for Capital Projects utilizing the Urban Mass Transit Administration (UMTA) initiatives Public/Private Partnership; Suburban Mobility; and Parking Condominium Concepts.
2. Project Description: maintenance and facilities improvements; purchase and construction of Park and Ride facilities including a multi-level garage and parking lot; purchase of five (5) trolley buses, and purchase of two (2) buses and contingency.
3. The total project for Section 3 Capital Assistance will not exceed \$8,470,000. Federal \$5,009,500; State \$1,058,750, Local and Other Funds \$2,401,750
4. Purpose of Project to improve Lee County Transit maintenance, administrative facilities, reduce traffic on Fort Myers Beach, assist in financing public transit.

# Urban Mass Transportation Act of 1964

As Amended through  
May 1983 and  
Related Laws

(d) Any application for a grant or loan under this Act to finance the acquisition, construction, reconstruction, or improvement of facilities or equipment which will substantially affect a community or its mass transportation service shall include a certification that the applicant—

(1) has afforded an adequate opportunity for public hearings pursuant to adequate prior notice, and has held such hearings unless no one with a significant economic, social, or environmental interest in the matter requests a hearing;<sup>20</sup>

(2) has considered the economic and social effects of the project and its impact on the environment; and

(3) has found that the project is consistent with official plans for the comprehensive development of the urban areas.<sup>21</sup>

Notice of any hearings under this subsection shall include a concise statement of the proposed project, and shall be published in a newspaper of general circulation in the geographic area to be served. If hearings have been held, a copy of the transcript of the hearings shall be submitted with the application.<sup>22</sup>



U.S. Department  
of Transportation

Urban Mass  
Transportation



BOARD OF COUNTY COMMISSIONERS

P.O. Box 398  
Fort Myers, Florida 33902-0398  
(813) 334-2166  
813-936-6091

Writer's Direct Dial Number

LEE COUNTY TRANSIT  
10715 EAST AIRPORT ROAD  
FORT MYERS, FLORIDA 33907

September 1, 1989

John E. Manning  
District One

Charles L. Bigelow, Jr.  
District Two

Ray Judah  
District Three

Bill Fussell  
District Four

Donald Slisher  
District Five

Marsha Segal George  
County Administrator

James G. Yaeger  
County Attorney

R. Scott Barker  
County Hearing  
Examiner

Mr. Peter N. Stowell  
Regional Administrator  
Urban Mass Transportation Administration  
1720 Peachtree Road NW, Suite 400  
Atlanta, GA 30309

RE: FY'89 SECTION 3 GRANT APPLICATION

Dear Mr. Stowell:

Enclosed is the Lee County grant application for Section 3, Capital Assistance. The total Federal amount is \$5,009,500 of a total \$8,470,000.

I. Project Description

The capital grant request for the Parking System is to fund engineering, design and construction of parking facilities.

A. Parking System

The Parking System consists of the following: two parking facilities (a lot and a structure) located at the entrance of Fort Myers Beach, a narrow seven-mile long island which is intensively developed. The parking lots will intercept employees bound for work destinations along the island as well as customers and visitors. The parking facilities will be connected to work, shopping and recreational destinations by transit vehicles operating on 15-minute headways. The location of the parking facilities and transit routes are shown on Map 4, page 21.

1. Site A on Estero Island (Old San Carlos Boulevard) where a parking garage of 519 spaces will be built, and Site B (off-island) Main Street, where a 101-space surface parking lot will be constructed.

Mr. Peter N. Stowell  
Urban Mass Transportation Administration  
September 1, 1989  
Page Two

The trolley route is 10 miles long with 7 miles along Estero Island itself.

Implementation of the Parking System will increase trolley ridership, already at 300,000-passenger trips per season, by 200%

This innovative project by a small Section 3 system having both elements of value capture and private sector parking space purchase, becomes a potential national demonstration project. This project shows that public/private sector participation can work in every level of transit.

2. Associated five trolley bus purchase used for the park-and-ride system. There will be seven trollies operating seven days per week during the five-month peak season with 15-minute headways, off-peak season three trollies will operate on 30-minute headways.

B. Additions to the Maintenance and Administrative Facilities

Must relocate fueling and buswash facility because of existing leaking gas tanks and necessity to clean it up. This is in cooperation with State of Florida Department of Environmental Protection Early Detection Program.

Due to system growth, increases in trolley bus service and contracting out maintenance service to our handicapped provider, we must increase the capacity in both maintenance and administration.

C. Two Replacement 30' Buses

This will bring the LeeTran fleet replacement program for buses to 67%.

D. Contingency

II. Cost Estimates and Financing Plan

The Cost Estimates and Financing Plan are shown on the following three tables.

Table 1

COST ESTIMATE/FINANCING PLAN

LEE COUNTY (LEETRAN)

SECTION 3 GRANT FY'89

## PROJECT BUDGET

Urbanized Area:

Fort Myers, Florida

		<u>ESTIMATED COST</u>	<u>FEDERAL SHARE</u>
(1) Construction of additions to the crowded maintenance and administrative facility	75% Federal 25% Local	\$1,300,000	\$ 975,000
Build a bus washing facility			
Removal and relocation of a gasoline storage facility			
(2) (A) Construction of park-and-ride system facilities	51.2% Federal 48.8% Local	5,640,000	2,887,000
(B) Purchase of (5) trollies for local private providers for use in park and ride project	75% Federal 25% Local	750,000	562,500
(3) Replacement of two 1979 Bluebird buses	75% Federal 25% Local	300,000	225,000
(4) Contingency		<u>480,000</u>	<u>360,000</u>
TOTAL		\$8,470,000	\$5,009,500

II. Cost Estimate/Financing Plan  
Table 2

Lee County  
Fiscal 1989 - Section 3 Grant

	<i>Project Cost</i>	<i>Federal Share</i>	<i>Value Capture</i>	<i>Private Sector Participation</i>	<i>Lee County Revenue Bonds</i>	<i>Lee County Match</i>	<i>State of Florida Match</i>
I	<i>Maintenance Facility</i>	\$ 1,300,000	\$ 975,000			\$ 162,500	\$ 162,500
			75%			12.5%	12.5%
II	<i>(A) Park &amp; Ride System</i>	\$5,640,000	\$2,887,000	\$950,000	\$ 350,000	\$353,750	\$ 394,250
			51.2%	23%	6.3%	7%	12.5%
	<i>(B) Trolleys (5)</i>	\$ 750,000	\$ 562,500			\$ 93,750	\$ 93,750
			75%			12.5%	12.5%
	<i>Subtotal</i>	\$6,390,000	\$3,449,500				
			54%				
III	<i>Buses (2)</i>	\$ 300,000	\$ 225,000			\$ 37,500	\$ 37,500
			75%			12.5%	12.5%
IV	<i>Contingency</i>	\$ 480,000	\$ 360,000			\$ 60,000	\$ 60,000
			75%			12.5%	12.5%
	<i>Total</i>	\$8,470,000	\$5,009,500	\$950,000	\$ 350,000	\$ 748,000	\$ 1,058,750

Table 4

**LeeTran**  
**Capital Financing Plan**  
**Fort Myers Beach - Park & Ride System**

Project Cost	Percent Share	Funding Sources
\$2,887,000	51.2%	o UMTA - Section 3 Capital Assistance
\$950,000	16.8%	o Donation of Real Estate by Private Developer in Exchange for Off-peak Consecutive Use Permit
\$350,000	6.2%	o Private Purchase of 44 Condominium Spaces
\$748,000	13.3%	o Lee County Capital Improvement Revenue Bonds and Match
\$705,000	12.5%	o Florida Department of Transportation Grant
<b>\$5,640,000</b>	<b>100%</b>	

Table 5  
**LeeTran**  
**Fort Myers Beach - Park & Ride System**  
**National Demonstration Project**

<b>UMTA Policy Initiative</b>	<b>LeeTrans Innovative Application</b>
<p>Secretary's Overmatch Policy</p>	<p>LeeTran is financing 52 percent of the Park &amp; Ride System from a combination of local government and private sector sources.</p>
<p>Suburban Parking Initiative</p>	<p>The proposed Fort Myers Beach Park &amp; Ride facility will increase ridership on the local mass transit system by 200 percent.</p>
<p>Value Capture</p>	<p>The Snug Harbor Group has proffered \$950,000 in land as the site of the Estero Island Garage in exchange for a conjunctive use permit for 144 parking spaces. Patrons of the Snug Harbor Restaurant will have free access to the parking facility after peak usage hours.</p>
<p>Joint Development / Condominium Sales</p>	<p>The Mariner Corporation has agreed to the bulk purchase of 44 spaces for use in association with planned development on Estero Island.</p>

<p>Stable and Reliable Operating Revenue</p>	<p>Operation of the Park &amp; Ride System will provide \$600,000 per year in operating assistance after payment of debt service. Construction of the garage not only dramatically increases transit ridership, but funds the expansion of service to meet new demands.</p>
<p>Small Urban Project</p>	<p>The Fort Myers Project demonstrates that small transit agencies are fully capable of utilizing the innovative techniques developed by UMTA.</p>
<p>New Sources of Non-Federal Capital</p>	<p>Lee County has agreed to accept the patronage and cashflow risk associated with operation of the Park &amp; Ride facility. Based on receiving a portion of the operating profit from the garage, Lee County will issue its own Capital Improvement Bonds to help pay for the initial capital costs. The County has agreed to accept the credit risk of a parking facility, which given its size and lack of track-record, would not be marketable commercially.</p>

Mr. Peter N. Stowell  
Urban Mass Transportation Administration  
September 1, 1989  
Page Six

### III How the Proposal Fits UMTA Policy

This proposal fits the following eight UMTA policy themes:

- A. A park-and-ride system will be built with an innovative financing package which relies primarily on private source, and requests a minimum of federal assistance. Twenty-eight percent of capital costs will come from private sources and revenue bonds, twenty-four percent from public sources for a total of fifty-two percent, and finally forty-eight percent from UMTA Section 3. All of the operating costs of the parking facility and the related transit service will be covered by parking and farebox revenues. The project, therefore, will be self-supporting. It will also increase transit ridership dramatically.
- B. The park-and-ride system portion of the Section 3 Grant will trigger joint development, including \$14 million of private commercial construction. This joint development will reinforce transit ridership and farebox revenue. (See enclosed private sector letters.)
- C. The park-and-ride portion of the Section 3 Grant of \$5,640,000 will leverage \$1,300,000 of private and local public investment and therefore responds to Secretary Skinner's overmatch policy.
- D. The project will be implemented on a "super turnkey" basis, i.e., the parking facilities and transit equipment will be designed, constructed and operated by private firms. Further details on ownership management and continuing publication plan in the Official Grant Application, Exhibit F, Project Justification.
- E. The improvements to the public transit operator bus maintenance facility not only puts this component in Category 2 of the Section 3 bus account, but also will remove and replace leaking underground fuel tanks which poses a serious environmental hazard which moves the project to a higher category according to the UMTA AFI initiative.



BOARD OF COUNTY COMMISSIONERS

P.O. Box 398  
Fort Myers, Florida 33902-0398  
(813) 334-2166  
813-936-6091

Writer's Direct Dial Number

John E. Manning  
District One

Charles L. Bigelow, Jr.  
District Two

Ray Judah  
District Three

Bill Fussell  
District Four

Donald Slisher  
District Five

Marsha Segal George  
County Administrator

James G. Yaeger  
County Attorney

R. Scott Barker  
County Hearing  
Examiner

LEE COUNTY TRANSIT  
10715 EAST AIRPORT ROAD  
FORT MYERS, FLORIDA 33907

September 1, 1989

Mr. Peter N. Stowell  
Regional Administrator  
Urban Mass Transportation Administration  
1720 Peachtree Road NW, Suite 400  
Atlanta, GA 30309

RE: FY'89 SECTION 3 GRANT APPLICATION

Dear Mr. Stowell:

Enclosed is the Lee County grant application for Section 3, Capital Assistance. The total Federal amount is \$5,009,500 of a total \$8,470,000.

I. Project Description

The capital grant request for the Parking System is to fund engineering, design and construction of parking facilities.

A. Parking System

The Parking System consists of the following: two parking facilities (a lot and a structure) located at the entrance of Fort Myers Beach, a narrow seven-mile long island which is intensively developed. The parking lots will intercept employees bound for work destinations along the island as well as customers and visitors. The parking facilities will be connected to work, shopping and recreational destinations by transit vehicles operating on 15-minute headways. The location of the parking facilities and transit routes are shown on Map 4, page 21.

1. Site A on Estero Island (Old San Carlos Boulevard) where a parking garage of 519 spaces will be built, and Site B (off-island) Main Street, where a 101-space surface parking lot will be constructed.

Mr. Peter N. Stowell  
Urban Mass Transportation Administration  
September 1, 1989  
Page Two

The trolley route is 10 miles long with 7 miles along Estero Island itself.

Implementation of the Parking System will increase trolley ridership, already at 300,000-passenger trips per season, by 200%

This innovative project by a small Section 3 system having both elements of value capture and private sector parking space purchase, becomes a potential national demonstration project. This project shows that public/private sector participation can work in every level of transit.

2. Associated five trolley bus purchase used for the park-and-ride system. There will be seven trollies operating seven days per week during the five-month peak season with 15-minute headways, off-peak season three trollies will operate on 30-minute headways.

B. Additions to the Maintenance and Administrative Facilities

Must relocate fueling and buswash facility because of existing leaking gas tanks and necessity to clean it up. This is in cooperation with State of Florida Department of Environmental Protection Early Detection Program.

Due to system growth, increases in trolley bus service and contracting out maintenance service to our handicapped provider, we must increase the capacity in both maintenance and administration.

C. Two Replacement 30' Buses

This will bring the LeeTran fleet replacement program for buses to 67%.

D. Contingency

II. Cost Estimates and Financing Plan

The Cost Estimates and Financing Plan are shown on the following three tables.

Table 1

COST ESTIMATE/FINANCING PLAN

LEE COUNTY (LEETRAN)

SECTION 3 GRANT FY'89

## PROJECT BUDGET

Urbanized Area:

Fort Myers, Florida

		<u>ESTIMATED COST</u>	<u>FEDERAL SHARE</u>
(1) Construction of additions to the crowded maintenance and administrative facility	75% Federal 25% Local	\$1,300,000	\$ 975,000
Build a bus washing facility			
Removal and relocation of a gasoline storage facility			
(2) (A) Construction of park-and-ride system facilities	51.2% Federal 48.8% Local	5,640,000	2,887,000
(B) Purchase of (5) trollies for local private providers for use	75% Federal 25% Local	750,000	562,500
(3) Replacement of two 1979 Bluebird buses	75% Federal 25% Local	300,000	225,000
(4) Contingency		<u>480,000</u>	<u>360,000</u>
TOTAL		\$8,470,000	\$5,009,500

II. Cost Estimate/Financing Plan  
Table 2

Lee County  
Fiscal 1989 - Section 3 Grant

		Project Cost	Federal Share	Value Capture	Private Sector Participation	Lee County Revenue Bonds	Lee County Match	State of Florida Match
I	Maintenance Facility	\$1,300,000	\$ 975,000				\$ 162,500	\$ 162,500
			75%				12.5%	12.5%
II	(A) Park & Ride System	\$5,640,000	\$2,887,000	\$950,000	\$ 350,000	\$353,750	\$394,250	\$ 705,000
			51.2%				7%	12.5%
	(B) Trolleys (5)	\$ 750,000	\$ 562,500				\$ 93,750	\$ 93,750
			75%				12.5%	12.5%
	Subtotal	\$6,390,000	\$3,449,500					
			54%					
III	Buses (2)	\$ 300,000	\$ 225,000				\$ 37,500	\$ 37,500
			75%				12.5%	12.5%
IV	Contingency	\$ 480,000	\$ 360,000				\$ 60,000	\$ 60,000
			75%				12.5%	12.5%
	Total	\$8,470,000	\$5,009,500	\$950,000	\$ 350,000	\$353,750	\$ 748,000	\$ 1,058,750

Table 4

**LeeTran**  
**Capital Financing Plan**  
**Fort Myers Beach - Park & Ride System**

Project Cost	Percent Share	Funding Sources
\$2,887,000	51.2%	o UMTA - Section 3 Capital Assistance
\$950,000	16.8%	o Donation of Real Estate by Private Developer in Exchange for Off-peak Consecutive Use Permit
\$350,000	6.2%	o Private Purchase of 44 Condominium Spaces
\$748,000	13.3%	o Lee County Capital Improvement Revenue Bonds and Match
\$705,000	12.5%	o Florida Department of Transportation Grant
<b>\$5,640,000</b>	<b>100%</b>	

Table 5  
LeeTran  
Fort Myers Beach - Park & Ride System  
National Demonstration Project

UMTA Policy Initiative	LeeTrans Innovative Application
Secretary's Overmatch Policy	LeeTran is financing 52 percent of the Park & Ride System from a combination of local government and private sector sources.
Suburban Parking Initiative	The proposed Fort Myers Beach Park & Ride facility will increase ridership on the local mass transit system by 200 percent.
Value Capture	The Snug Harbor Group has proffered \$250,000 in land as the site of the Estero Island Garage in exchange for a conjunctive use permit for 144 parking spaces. Patrons of the Snug Harbor Restaurant will have free access to the parking facility after peak usage hours.
Joint Development / Condominium Sales	The Mariner Corporation has agreed to the bulk purchase of 44 spaces for use in association with planned development on Estero Island.

<p>Stable and Reliable Operating Revenue</p>	<p>Operation of the Park &amp; Ride System will provide \$600,000 per year in operating assistance after payment of debt service. Construction of the garage not only dramatically increases transit ridership, but funds the expansion of service to meet new demands.</p>
<p>Small Urban Project</p>	<p>The Fort Myers Project demonstrates that small transit agencies are fully capable of utilizing the innovative techniques developed by UMTA.</p>
<p>New Sources of Non-Federal Capital</p>	<p>Lee County has agreed to accept the patronage and cashflow risk associated with operation of the Park &amp; Ride facility. Based on receiving a portion of the operating profit from the garage, Lee County will issue its own Capital Improvement Bonds to help pay for the initial capital costs. The County has agreed to accept the credit risk of a parking facility, which given its size and lack of track-record, would not be marketable commercially.</p>

Mr. Peter N. Stowell  
Urban Mass Transportation Administration  
September 1, 1989  
Page Six

### III How the Proposal Fits UMTA Policy

This proposal fits the following eight UMTA policy themes:

- A. A park-and-ride system will be built with an innovative financing package which relies primarily on private source, and requests a minimum of federal assistance. Twenty-eight percent of capital costs will come from private sources and revenue bonds, twenty-four percent from public sources for a total of fifty-two percent, and finally forty-eight percent from UMTA Section 3. All of the operating costs of the parking facility and the related transit service will be covered by parking and farebox revenues. The project, therefore, will be self-supporting. It will also increase transit ridership dramatically.
- B. The park-and-ride system portion of the Section 3 Grant will trigger joint development, including \$14 million of private commercial construction. This joint development will reinforce transit ridership and farebox revenue. (See enclosed private sector letters.)
- C. The park-and-ride portion of the Section 3 Grant of \$5,640,000 will leverage \$1,300,000 of private and local public investment and therefore responds to Secretary Skinner's overmatch policy.
- D. The project will be implemented on a "super turnkey" basis, i.e., the parking facilities and transit equipment will be designed, constructed and operated by private firms. Further details on ownership management and continuing publication plan in the Official Grant Application, Exhibit F, Project Justification.
- E. The improvements to the public transit operator bus maintenance facility not only puts this component in Category 2 of the Section 3 bus account, but also will remove and replace leaking underground fuel tanks which poses a serious environmental hazard which moves the project to a higher category according to the UMTA AFI initiative.

Mr. Peter N. Stowell  
Urban Mass Transportation Administration  
September 1, 1989  
Page Seven

- F. Section 9 funds allocated by the state to the applicant will be spent on other needed transit facilities. Since 1987, Lee County has spent its own allocation plus its share of Section 9 funds not spent by other operators in the state.

IV. Additional Reasons Why This Application Should be Funded

There are nine additional reasons why this proposal should be funded. They are:

- A. No substantial adverse environmental impacts are anticipated. See Section VIII for a more detailed description. Also, see the Official Grant Application, Exhibit F, Project Justification.
- B. The project is a cost/effective use of UMTA funds. The public capital cost per rider is expected to be \$0.31 which compares favorably with other investments.
- C. Capital costs have been kept to a minimum and this will be a "no-frills" system.
- D. A plan has been developed for the ownership and management of the facilities. This is discussed more fully in Section IX.
- E. Lee County and its Department of Transportation and Engineering will supervise construction and operation is a well-managed, capable organization. See Certification of Economic Stability, Exhibit F in the Official Grant Application, Exhibit F, Project Justification.

Mr. Peter N. Stowell  
Urban Mass Transportation Administration  
September 1, 1989  
Page Eight

- F. The county has assembled an outstanding team of consultants including Harland Bartholomew & Associates for engineering and Public Financial Management for financial planning to help implement this project.
- G. The total federal capital cost of the proposed Parking System is modest compared to other capital proposals likely to be received by UMTA (i.e., the federal request for the park-and-ride component is \$2,887,000). This would be a "model" small urban system project.
- H. The project is ready for design and construction. Construction can be completed, a private operator selected, and transit service initiated within 300 days of the federal grant award. See Implementation Schedule, Official Grant Application, Exhibit F, Project Justification.
- I. The needs, market, and financial feasibility for this project already has been proved through a three-year demonstration project financed by the Florida Department of Transportation. See Official Grant Application, Exhibit F, Project Justification.

V. Local Public and Private Sector Commitment

The project is supported by the county, the State of Florida, the local Chamber of Commerce, and by the leading private employers. This support is very tangible. The county government has committed \$748,000 plus its full-faith-and-credit in revenue bonds in the amount of \$353,750. In addition, the county has paid for the planning and engineering of this project without the use of state and federal funds. The Florida Department of Transportation already has granted \$725,000 to support a three-year trolley park-and-ride demonstration project which proved the feasibility of this permanent project. The leading private employers have committed \$1,300,000 toward the project's capital cost. In addition, the project is supported by the Chamber of Commerce, the Metropolitan Planning Organization, neighborhood groups and the media.

Mr. Peter N. Stowell  
Urban Mass Transportation Administration  
September 1, 1989  
Page Nine

VI. Parking Demand

Parking is in great demand at Fort Myers Beach and around the Times Square area due to the tourists and local residents attracted to the beach area. The need for additional parking becomes obvious during the peak season when the demand exceeds the supply. During this period, many cars park illegally in private lots or along the streets. An inventory of the parking duration indicates that the free spaces are being used by employees. Parking in the metered lot has a duration of about two hours while the previous lot at Le'ni Beach Liquors/Lounge has a duration of about 2.5 hours. Traffic congestion in the area has led to a study for improvements to the traffic circulation. These proposed improvements are going to require the removal of the 401 parking spaces adjacent to the roadway. As mentioned above, the majority of these spaces are being used by employees in the area. The loss of these spaces will increase the demand for long term parking. In addition, the county is proposing the removal of 120 metered spaces that are being provided at the public park. The county has obtained access to the Florida Department of Transportation right-of-way under the Matanzas Pass Bridge and will stabilize this area and mark it for parking. This will result in a loss of 40 spaces. Under development on the northwest end of Estero Island is Bodwich Point Park (16+ acres) and no parking is to be provided. Shuttle service with buses or trolleys will provide the access. We estimate the need for 200 spaces for Bodwich Point Park. In addition to the demands above, several local developers have indicated the need to lease approximately 184 spaces to provide for their needs. When the above elements are considered, a demand currently exists to replace 561 parking spaces which are to be lost and provide 400 new spaces for a total of 961 parking spaces. Although no formal occupancy study has been done, observation by local parking attendants and local officials indicate that during the peak seasons all spaces are full throughout the day. As existing vacant land is developed, there will be additional demands for parking. Existing surface parking lots will be developed into more profitable ventures, further reducing the parking supply and creating additional demand.

Mr. Peter N. Stowell  
Urban Mass Transportation Administration  
September 1, 1989  
Page Ten

VII. The Site and Operating Plan

See the Official Grant Application, Exhibit F, Project Justification.

VIII. Environmental and Land Use Compatibility

Environmental impacts are significantly eliminated with the proposed location and type of facilities. As indicated in the description and illustrations of the facilities and in accordance with Federal Regulations for the Urban Mass Transportation Administration, these projects qualify for a Class II Action (Categorical Exclusion). The actions associated with this project "do not individually or cumulatively have a significant environmental effect" and are excluded from the requirement to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS). Documentation further supporting a Class II action will be provided as part of this project. Refer to the Official Grant Application, Exhibit F, Project Justification.

IX. Ownership, Management and Continuing Public Control

The off-island parking lot will be publicly owned and the on-island parking facility will be owned by Lee County. The Mariner Corporation and Snug Harbor Group will obtain long term leases for their reserved parking spaces. The operation and maintenance of the parking facility will be managed by a form of association. The county will hold a majority position and, therefore, control of the public mass transit portion of the facility.

The design, construction, operation and maintenance of both the parking facility and the operation of the related transit service will be competitively contracted by a private firm.

Mr. Peter N. Stowell  
Urban Mass Transportation Administration  
September 1, 1989  
Page Eleven

X. Marketing Plan

A substantial portion of the parking spaces have already been purchased by private employers for use by their employees and customers. The Mariner Corporation has conditionally agreed to purchase 44 spaces for \$350,000 and the Snug Harbor Group has conditionally agreed to donate land worth \$950,000 in return for 144 spaces. The initial target for the sale of spaces has been met for the grant application. Marketing efforts, however, will continue, particularly at the off-island lot location and the UMTA grant request reduced by the amount of additional sales or long-term leases, if any. The price of about \$8,000 per space reflects the estimated cost of construction. It is unlikely that large numbers of additional spaces can be sold at this time because no other private firms have development plans which require additional parking which can be provided by purchasing spaces in the proposed parking facilities.

XI. Cost Effectiveness of the Parking System

The proposed parking system will be a cost effective use of public funds both in terms of transportation and other benefits.

The capital, operating and maintenance cost estimates and the ridership forecasts were prepared for the county by Harland Bartholomew and Associates.

The cost estimates are based on the experience from similar parking facilities within Lee County and throughout the United States.

The ridership estimates were based on:

- (a) The experience of the demonstration park-and-ride project which began in December, 1987.
- (b) Parking demand analysis conducted specifically for this project.
- (c) Travel demand to the Fort Myers Beach area and strategically locating parking facilities to intercept traffic destined to areas of high traffic congestion.

Mr. Peter N. Stowell  
Urban Mass Transportation Administration  
September 1, 1989  
Page Twelve

- (d) The commitment of the private sector to buy and use spaces for their employees and customers.

Although it is difficult to estimate the capital cost per rider, we know they are low compared to other bus operations in Florida.

The estimated revenues from the parking facilities will cover the operating costs of the facility and the operating deficit of the related transit service. Operating costs were based on a review of 15 similar garages in the United States as well as a local parking facility in Downtown Fort Myers. The appendix to the application provides a complete summary of the review of similar garages and a breakdown of specific costs related to this project. The operating costs for this project fall within the range of other comparable facilities.

The total capital cost per daily rider is estimated to be 47 cents based on the estimated construction costs of the parking facilities, the cost of transit vehicles, and estimated ridership. This is very low compared with costs reported from other Florida cities, which range between \$1.12 and \$2.30. The 47 cent figure for this project is realized from the captive ridership created by the current lack of parking and extreme traffic congestion. The public cost per daily rider will be about 31 cents. Although we do not have comparable information about other projects proposed under the UMTA "Reserved Parking Initiative", we would expect our 31 cents estimate to compare favorably.

There are a number of other non-transportation benefits expected from the project. These include the stimulation of new commercial development, modest reductions in traffic congestion, fuel consumption, and air pollution. Two of the largest private firms in the Fort Myers Beach area, the Mariner Group and Snug Harbor Inc. have offered to contribute \$1,300,000 to the project conditioned in part on the county granting the necessary building permits, which the county has agreed in principle to do. The proposed parking system is expected to stimulate existing business.

Mr. Peter N. Stowell  
Urban Mass Transportation Administration  
September 1, 1989  
Page Thirteen

In summary, the cost estimates are reasonable based on comparable figures from similar parking facilities and that the ridership estimates are conservative based on the experience of the demonstration project.

The capital cost per additional rider is low and there will be no operating and maintenance deficit. Also, significant other public benefits can be realized by the project. We believe, therefore, that the proposed system would be a cost effective use of Lee County and Federal funds.

XII. Degree of Innovation, particularly as a Potential National Demonstration

This proposal would demonstrate how private employers can be induced to purchase parking spaces in parking facilities located away from their businesses which are connected by transit service. This concept should have potential in all parts of the nation.

The inducement is the granting of building permits. The financing plan also demonstrates how the general credit of a local municipality can be used to make parking revenue bonds marketable. The project also will demonstrate that parking revenues can cover the operating cost of the facility, cover the operating cost of the connecting transit service and provide debt service for revenue bonds. This proposal will demonstrate these innovations in a middle-sized county which operates a modest transit fleet of 30 vehicles. Most of the other proposals UMTA has received, or is likely to receive, are from large metropolitan areas.

The parking facility will demonstrate how a county and private firms can jointly develop, finance and operate a parking and transit system through a public-private series of long term leases and management association.


Mr. Peter N. Stowell  
Urban Mass Transportation Administration  
September 1, 1989  
Page Fourteen

Sources of UMTA Financing

This project is eligible and meets the criteria for at least three UMTA grant categories: (1) the suburban park-and-ride initiative, (2) the joint development program, and (3) the regular Section 3 bus and related facilities program.

Attached is the project proposal and a completed Section 3 application for your review. If you wish more information about the project or how to sort out the appropriate sources of UMTA financing, we would be happy to visit your office in Atlanta or Washington, DC. We would, of course, welcome a site visit. If you wish more written information, please contact Suzanne R. Scanlon, Transit Director at (813)275-0875.

Sincerely,

  
Charles L. Bigelow, Jr.  
Chairman, Lee County  
Board of County Commissioners

SRS:mfc

Enclosures: Private Sector Letters  
Maps  
Parking System Project Proposal

cc: Brian Clymer, UMTA Administrator  
Robert Cline, Associate Administrator  
for Budget and Policy  
Robert McManus, Associate Administrator  
for Grants Management  
Larry Schulman, Associate Administrator  
for Technical Assistance



FT. MYERS BEACH

ASSOCIATION, INC.

P.O. Box 2356

Fl. Myers Beach FL 33932

(813) 338-5656

1. M. O. C. 11.1

*Marsha*

RECEIVED

AUG 16 1990

COUNTY ADMINISTRATOR

Chairman John Manning  
Board of County Commissioners  
P.O.Box 398  
Fort Myers, FL 33901

August 11, 1990.

Re: Section 3 Grant Application (UMTA FL 030105)

Dear Commissioner Manning:

In an attempt to determine the present status of the proposed parking garage for Ft. Myers Beach, the viability of its proposed location and the above referenced Park and Ride Grant Request Application, our organization has reviewed the available documentation and would appreciate clarification of the following items:

A. The Grant Request Application is quite specific relative to the location of the proposed parking garage, parking lot, anticipated expenses and revenues, etc., and states that no feasible alternatives are available. County staff has indicated that the project is merely a plan and nothing specific has been resolved. The UMTA (Urban Mass Transit Administration) office in Atlanta has indicated that if the Federal funding is approved, they would expect the plan to be fulfilled as represented in the Request Application.

B. The BCC (Board of County Commissioners) resolution of May 31, 1989, (pg. 41) authorized Chairman Bigelow "...to sign any or all agreements, assurances, warranties and other documents...without any of these documents having to go through the full Board at a regular scheduled meeting." Does this mean that the BCC was not aware (as indicated by one Commissioner) of the proposed granting of concessions requested by the two private developers which the County "...has agreed in principle to do"?

C. The proposal indicates that numerous public forums were held on the proposed plan, but we, and one Commissioner stated to the press, are not aware of any public hearings having been held on the plan.

D. The plan proposes the removal of 120 metered parking spaces at Lynn Hall Park but does not suggest any justification or alternate use and related expense associated with this proposal.

E. The plan suggests that these projects qualify for categorical exclusion from Environmental Assessment or Environmental Impact Statement. Does this also apply to the developer's concessions which include such items as dockage construction?

F. If it is true that "The estimated revenues from the parking facilities will cover the operating costs of the facility and the operating deficit of the related transit service" why is it necessary to involve the private developers and their extensive permit concessions?

G. Have any developer permit concessions been granted in anticipation of the Federal funding approval?

While we hesitate to pass judgement on the proposed project at this time, we find it most disturbing that the Federal Grant request and the related project details may be approved before any public hearing takes place.

We have many more questions relative to the referenced material but would appreciate your clarification of the above items, and thank you for your attention to this subject so critical to the future of our community.



Johanna Campbell - Director  
Fort Myers Beach Civic Assn., Inc.  
PO Box 2356  
Fort Myers Beach, FL 33932

cc: Commissioner St.Cerny  
Commissioner Judah  
Commissioner Fussell  
Commissioner Slisher  
County Administrator Segal-George  
County DOT&E Acting Director Crawford  
UMTA Administrator Brian Clymer  
Associate Administrator- Budget and Policy Robert Cline  
Associate Administrator-Grants Management  
Associate Administrator-Technical Assistance  
Florida Dept. of Trans.- Fred Kinch  
Florida DER - Gary Shaffer  
Florida State Clearinghouse Director - Karen MacFarland  
SW Florida Regional Planning Council  
U.S.Senator Bob Graham  
U.S.Senator Connie Mack  
U.S.Representative Porter Goss  
State Senator Fred Dudley  
State Representative Keith Arnold  
State Representative Tim Ireland

MEMORANDUM  
FROM  
COMMISSIONER JUDAH  
DISTRICT #3

RECEIVED

AUG 14 1990

COUNTY ADMINISTRATOR

TO: Frank Nocera  
Deputy County Administrator

DATE: August 13, 1990  
FROM: Ray Judah  
Commissioner, District #3

RE: FT. MYERS BEACH PARKING GARAGE

It is my understanding that the UMTA grant that Lee County has made application to for the Fort Myers Beach parking garage will require additional information concerning private/public sector agreement and location suitability.

Kindly schedule this item before the next available Service Delivery committee to fully discuss the UMTA requirements.

Thank you.

8/14/90 *Ray Judah*  
*Sue Scanlon*  
*George Crawford*

RJ:mat

*The above referenced issue  
has been scheduled for the  
Sept. 18<sup>th</sup> Service Delivery  
Committee meeting.*

(2549H)

*Sue Roe*

MEMORANDUM

FROM

THE DEPARTMENT OF

COMMUNITY SERVICES

TO: Service Delivery Subcommittee

DATE: September 12, 1990

RE: Matanzas Harbor Plan

FROM: William H. Hammond



Attached for your review is a compilation report on the Matanzas Harbor Plan. The appendices have been bound separately, however, and are not included with the attached report. A complete set of the appendices can be obtained from Lee Cares.

The Matanzas Harbor Plan is scheduled for review by the Service Delivery Subcommittee on September 18, 1990.

/bfm  
Attachment  
(0659M)

MATANZAS HARBOR  
PLAN

A CONCEPTUAL VIEW  
AND  
SUMMARY OF PROGRESS/PRESENTATIONS

COMPILATION BY  
COMMUNITY SERVICES DEPARTMENT  
DIVISION OF MARINE SCIENCES

DRAFT SEPTEMBER, 1990

## INTRODUCTION

This document represents an effort to provide a comprehensive outline report pertinent to the development of the Matanzas Harbor Plan. This type of project has been described as an integral part of any waterways management master plan for Lee County. The earliest reference to the need for local marine facility management by government is found in the 1983 Lee County Boating Study (Appendix A). Subsequent planning efforts involving the Matanzas Pass area are evident throughout this report. It should be noted that the evolution of this plan, and its ultimate successful completion and implementation, is in direct correlation with the County population growth and associated changes in both the private and public sectors. Several governmental agencies have provided input in this process to date, and several community interest groups have been surveyed regarding specific issues, and have become familiar with the plan.

## PROJECT ORIGIN

At the September 3, 1987 meeting of the Service Delivery Subcommittee of the Lee County Commission, a discussion of concerns relative to recreational boating was conducted by Commissioners Bigelow, Fussell, and Goss. The concept of a controlled harbor was introduced at this meeting by Commissioner Bigelow, who indicated the Matanzas Pass area specifically as an example of an area with "boating conflict issues" needing to be addressed. A staff memo (Appendix B) outlines a synopsis of public discussions, and staff recommendations at that stage of the preliminary planning process. It should be noted that 4 of the 5 recommendations mentioned have been accomplished to this date. Also, direction given to staff by the Service Delivery Committee at the September 3, 1987 meeting included a future presentation to the full Board of County Commissioners. Commissioner Bigelow addressed the Board of County Commissioners appointed Marine Advisory Committee in October, 1987 and received very favorable input, including suggested established harbor management plans to study in northern states. This committee, composed of community leaders with marine expertise, also offered assistance in plan development.

County Parks and Recreation staff began formulation of a conceptual plan by studying five major areas of concern to the

PROJECT ORIGIN (continued)

Service Delivery Committee, as listed within the August 31, 1988 Agenda Item Summary for the Board of County Commissioners meeting (Appendix C). An addendum to this presentation outline included a synopsis and comparative analysis of the Scarborough, Maine Harbor and the Lee County Matanzas Harbor area. This comparative analysis and specific references from the comprehensive harbor plan for Scarborough, Maine are found in (Appendix D). The result of the August 31, 1988 County Commission review was to direct staff to proceed with harbor plan development, and appointed Commissioner Bigelow to serve as liaison in this process.

Also County staff did preliminary water survey work in the Matanzas Harbor (Appendix E). These surveys were conducted utilizing volunteer assistance from the San Carlos Bay Power Squadron pertinent to bathymetric work and also assessment of wildlife habitat within the Harbor area and the presence of seagrasses and other aquatic biota (Appendix F).

## GEOGRAPHIC LOCATION

Matanzas Harbor Project area can be described as the waterway expanse between Estero Island and San Carlos Island inclusive of the waterfront upland property with U.S.C.G. Aid to Navigation Marker #4 (coordinates: 26 27.8 and 81 58.3) as a northerly reference point (and an easterly line to Bunche Beach, and a southerly reference point near the mouth of Hurricane Pass (County Aids to Navigation Marker # A, coordinates: 26° 27' 56" and 81° 57' 25"). (See Appendix G).

PLAN GOAL

The development of a management mechanism to preserve the character of the Matanzas Harbor Area, by improving facilities presently available and establishing necessary facilities presently unavailable is the plan goal.

## COMMUNITY INPUT

In addition to references in the Lee County Boating Study, Lee County Commissioners have received numerous proposals regarding the resultant public benefit derived from the County acquisition of waterfront property located in the Matanzas Harbor area (Appendix A). A Marine Advisory Committee presentation in September or October of 1988 (including comments by Commissioner Bigelow) and most recently a Waterways Advisory Committee presentation have been well received (Appendix B). On January 20, 1989, a group of local officials and County representatives travelled to Miami U.S. Coast Guard District VII Office to present the Harbor Plan and request consideration for a "special anchorage" in Matanzas Harbor. This group consisted of representatives from the Department of Community Services, County Attorney's Office, County Administration, Lee County Sheriff's Department, citizen representatives from the Fort Myers Beach Back Bay Pollution Committee (Appendix H) and the Marine Advisory Committee. Other presentations to Estero Island/San Carlos Island area residents were made to familiarize the public and thereby solicit input for the Plan (Appendix I).

COMMUNITY INPUT (continued)

Presentations made other than the public, County Commission meetings (both Service Delivery Subcommittee and full Board of Commissioners) are the following:

- presentation to the Ft. Myers Beach Land Use Committee
- presentation to the Ft. Myers Beach Advisory Committee to Commissioner Judah
- 2 presentations to the San Carlos Island commercial community, including shrimpers association, processors, fuel co., marinas
- presentation to the recently reinstituted Waterways Advisory Committee
- presentation to City of Sanibel officials

## ENVIRONMENTAL

Water quality base line data collection stations have been monitored for several years, and results reflect a tidal and/or seasonally dependent range of bacterial presence, heavy metals, and other water column indicators.

With the commercial fleet "out to sea" staff has done some preliminary sediment sampling of the commercial location waterfront bottom. As expected, the bottom in this shows a concentration of thick black material. Polychaete-type Worms were discovered in this "muck."

Flats areas within the harbor project boundaries are functioning as feeding, and "loafing" areas for a wide variety of birds, including oyster catchers. Further study of the "spoil island" located northerly of the Matanzas Bridge needs to be done, as there is speculation that this "loafing" area may have actually become a nesting habitat for pelicans and other birds.

## MOORING AREA

The traditional "safe harbor" anchorage has become one of the most controversial issues in the planning of a managed harbor for Matanzas Pass area. Year around, the average number of cruising vessels and live aboards present in this area is between 40-50. During the busy boating/cruising season and during inclement weather this number has been observed at well over 70 vessels of all sizes.

As referenced in this report, the District VII U.S.C.G. Office is familiar with this plan, and has offered to consider an extension to the existing federally maintained channel from the Matanzas Bridge in a south westerly direction (along Estero Island to the point of beginning of the Lee County Estero Bay markers system - U.S.C.G. permitted). This action would serve to further delineate the most acceptable anchoring area, and eliminate the haphazard practice of anchoring in the navigation channel. The removal and relocation of numbers 24 and 26 (federal channel) to a more straight southerly direction would also be a channel design more reflective of the common navigation practices occurring in the Harbor (Appendix K).

A proposal to create a vessel turn-around/safe harbor area southwest of Palm Grove Marina has been favorably reviewed by

- continued -

MOORING AREA (continued)

Palm Grove Marina, Ericksen Jensen Seafood Processors, the Board of County Commissioners Service Delivery Subcommittee, and citizen advisory committees from Fort Myers Beach. Essentially, this area will help to facilitate emergency anchorage as well as routine commercial vessel requirements for a wide turn-around (Appendix K). Recently, the City of Vero Beach, Florida installed a model mooring plan which has brought positive national attention to this small coastal community (Appendix L). Lee County Community Services staff, Lee County Sheriff's Department Marine Patrol Coordinator, and Commissioner Judah met with City officials on August 9, 1990. The City of Vero Beach pioneered the Florida Department of Natural Resources State Lands designation for submerged land management agreement. This designation, if approved for Matanzas Harbor, represents a very cost efficient method to gain control of submerged land versus the conventional and costly submerged land lease agreement (Appendix M).

Marine Sciences staff has also surveyed the Four Marinas in the harbor project area, in order to ascertain the potential for cooperative commercial support of the plan, even to the extent of direct operational involvement (Appendix O).

## HARBOR LAND BASES

The acquisition of a waterfront parcel(s) to complement the plethora of management activities within the harbor (i.e. marine sanitation, enforcement vessel dockage, ferry/water taxi landing and associated parking and/or mass transit stops), has been a major issue. A recently completed county-wide water access survey indicates several waterfront R.O.W. in the harbor plan project area. These accesses currently are used by neighborhood residents, and occasionally by harbor anchorage users for dinghy landings (survey, Appendix J).

Community Services staff has initiated a request for property appraisals for two parcels on San Carlos Island - Matt Roland Seafood/Trico-Murphy Oil property and the Bacik property on Hurricane Bay. The appraisal background analysis describes the geographic data and other project related values (Appendix R).

The other major County land acquisition (accomplished) within the harbor project area is Bodwitch Point. Master planning for this site is nearly complete and access to the comprehensive waterfront park will be a combination of pedestrian/mass transit/ferry-taxi.

## WATER-ORIENTED TRANSPORTATION SYSTEM

As described graphically in the August 31, 1988 presentation outline, Matanzas Harbor, by virtue of its geographical location, is the hub of a county-wide array of waterfront attractions (Appendix C).

Community Services staff has met with the Director of Lee Tran and also ferry boat builders that could conduct service if adequate passenger landbases could be developed. A Spring 1991 pilot project is planned to assess usership, contingent upon landbase issues and facility development, and Lee Tran system development.

Utilizing a map of Estero Island as an example of the survey information derived from a county-wide water access survey (Appendix N), it is apparent that real potential exists for some of the county owned access points to become part of a pedestrian pick-up/discharge dockage system.

MARINE SANITATION PROJECT

The Department of Community Development has actively monitored the issue of marine sanitation relative to compliance to the Lee Plan (Appendix P).

Generally, the Matanzas Harbor project area represents the type of diverse vessel concentration which usually results in a measure of illegal discharge of all types. In fact, data obtained from the DNR shellfish environmental assessment section indicates fecal coliform counts taken in winter in Matanzas Harbor average 26.5 (MPN/100 ml) with 18% of the samples having values greater than 43. In comparison, guidelines for open shellfishing waters call for a maximum median acceptable level of 14 (MPN/100 ml) and less than 10% of the samples taken at 43 or higher.

The Marine Sciences Division of the Department of Community Services secured \$100,000 through the W.C.I.N.D. funding mechanism and then developed an application for the coastal zone management grant (federal) process for the maximum funding allowable (\$60,000). Using the W.C.I.N.D. funding as the required match, the proposal indicated a comprehensive management program (Appendix Q).

Although Lee County did not receive supplemental funding via the coastal management grant program, the County

MARINE SANITATION PROJECT (continued)

Purchasing Department will be working to secure a contract from a boat builder, to accomplish the pump-out vessel element of the comprehensive marine sanitation management plan. This activity should result in delivery of a marine sanitation vessel to Lee County by Spring of 1991.

The pump-out vessel will facilitate the need to address the following marine pollution problems:

- 1) Marine sanitation discharge from cruising/live-aboard vessels
- 2) Collection of bilge water and other petroleum laden by-products such as waste engine oil from the commercial fleet
- 3) Marine debris including plastics and smaller derelict vessels
- 4) Support vessel and/or primary vessel used within the context of an oil spill response

In an economic analysis of the importance of this vessel, two factors become apparent - intangible cost variables and tangible cost variables.

The intangible cost values could basically describe environmental factors and the impact on tourism, and ultimately the impact on all facets of our economy (i.e., an oil spill event devastates a pristine mangrove island system destroys a juvenile fisheries habitat destroys any potential as a bird habitat destroys the recreational/charter fishing industry in that area destroys the area as a recreational boating attraction).

MARINE SANITATION PROJECT (continued)

Tangible cost values can be measured using derelict vessel removal disposal costs as a measurement indicator. Presently, there are approximately twelve derelict vessels to be removed in the harbor plan project area with an estimated fifty more in a general area called Estero Bay and adjacent waters. Since 1987, Lee County has averaged six removal/disposals in the project area, and fifteen throughout the Estero Bay area. Average cost per removal/disposal has been \$2500-\$3000.

MARINE ENFORCEMENT

The Lee County Sheriff's Marine Patrol Division has been expanding to meet the county wide marine enforcement needs. An area of concentrated enforcement by the Sheriff's Department, especially in conjunction with the local U.S.C.G. has been conducted in the anchorage area of Matanzas Harbor. Night boardings of anchored vessels to check on appropriate equipment, lights, and sanitation practices, have resulted in several citations - some relating to serious illegal dumping activity.

The Sheriff's Department is aware of the purpose and goals of the harbor plan and expressed support for the project. As the plan develops, the necessity for regular enforcement "presence" and activity monitoring will be addressed. The budget proposal for FY 90-91 includes an overall \$220,000 operations budget derived from boating registration, supplemented by a proposed \$50,000 grant funded project for "special marine enforcement."

Also, the effort to manage boat speeds in Estero Bay could become the equal responsibility of the Florida Marine Patrol after successful ordinance implementation in Lee County, whereby the State rulemaking procedure will proceed. The second public hearing for the Vessel Control/Water Safety Ordinance will be held in September 1990.

## BEACH PROJECT

Long range planning for Matanzas Harbor includes consideration of maintenance of the Federal channel (including periodic dredging). Restoration/renourishment of Estero Island is a federally authorized project per the 1987 Florida Beach Restoration Plan (Appendix S).

## SUMMARY/RECOMMENDATIONS

The Matanzas Harbor Plan, in a comprehensive approach, is the coordination of the following elements: a mooring plan for the traditional anchorage area, including land bases; landbase acquisition and development; navigation enhancements including channel modifications and creation of a commercial vessel turn-around/severe weather anchorage; marine sanitation plan, including "pump-out/pollution" vessel; water-oriented transportation system; and harbor enforcement plan.

Staff has recognized throughout the process, the importance of public input, which leads to the following recommendations:

1. As part of the landbase appraisals analysis, direction to the County Lands Office to review and respond/strategize resolution to the "special assumptions/limitations listed. This action requires cooperative effort from the Department of Community Services Marine Sciences Division and Planning & Construction Division; working closely with the Community Redevelopment Agency, and other appropriate County staff.
2. Continue working with community based commercial entities to develop working agreements for the appropriate disposition of marine sanitation/pollution

- continued -

SUMMARY/RECOMMENDATIONS (continued)

in the harbor area and adjacent bay waters (Palm Grove Marina and Ericksen/Jensen Seafood Processors have expressed strong interest in cooperating with the marine sanitation element of the plan).

3. Develop the mooring area element using the Vero Beach, Florida plan as a model.
4. Create a "Matanzas Harbor" ordinance to fully describe enforcement issues and regulations and the penalties associated with non-compliance.
5. Survey the communities of Estero Island and San Carlos Island through utilization of the design expertise available through the Waterfront Center "team." The Waterfront Center is a non-profit organization based in Washington, D.C., which offers an array of presentation offerings to communities that are planning waterfront management and redevelopment projects (Appendix T).

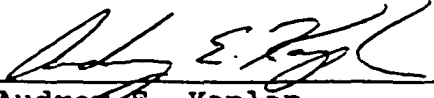
## APPENDICES

- A 1983 - Lee County Boating Study References
- B 1987 - Staff Synopsis Report - Service Delivery Committee
- C 1988 - Board of Commissioners Presentation Outline
- D 1988 - Supplement to Presentation - Scarborough, Maine
- D<sup>1</sup> Excerpts from the Comprehensive Plan for Scarborough, Maine
- E 1988 - Staff Report on Bathymetric Survey of Harbor Area
- F 1988 - Staff Report on Preliminary Biological Assessment
- G Location map Including Conceptual Projects and Key Elements
- H Presentation Announcement - U.S.C.G. District VII Miami
- I List and Dates of Presentations
- I<sup>1</sup> Letter to the Ft. Myers Beach Comprehensive Plan Committee
- I<sup>2</sup> Progress Report Outline - Presentation to City of Sanibel
- J Copy of Estero Island Survey Map of County Water Accesses
- K Copy of Project Chartlet and Submerged Management Coordinates
- K<sup>1</sup> Study Excerpts - "The Investigation of Options Related to the Location, Operation, and Funding of Shrimp Docks in the San Carlos Island Area, Lee County, Florida."
- L Vero Beach, Florida - Mooring Plan Documents
- M Application for Submerged Land Management (DNR)
- M<sup>1</sup> Letter to Florida Marine Patrol Requesting Consideration for Plan.
- M<sup>2</sup> U.S.C.G. Presentation
- N Enlarged Water Access Survey Map and Descriptions
- O Survey Letters to Four Marinas Located Within the Project Area
- P Marine Sanitation Plan (County-wide Overview)
- Q Matanzas Harbor Marine Sanitation Plan and Grant Application Proposal
- R Property Appraisals - Overview
- S Federally Authorized Beach Restoration/Management Plan
- T Outline of Available Services - The Waterfront Center Plan
- T<sup>1</sup> Staff Memo Recommendation - Waterfront Center

M E M O R A N D U M  
FROM  
THE OFFICE OF  
LEE COUNTY ATTORNEY

DATE: September 10, 1990

TO: Commissioner Fussell and  
Commissioner Judah

FROM:   
Audrey E. Kaplan  
Assistant County Attorney

RE: NONCONFORMING BILLBOARDS

At the September 4, 1990 Service Delivery Committee meeting, I was requested to research whether it was possible to exchange nonconforming billboard structures with replacement structures that are deemed conforming. Based on the discussion of the law below, it is my opinion that the ordinance can be drafted to allow the replacement billboard structure to be deemed conforming.

Nonconforming uses are allowed as "an effort to secure a reasonable exercise of police power for the interest of the community against the interest of private owner[s] so as not to interfere with existing conditions more than necessary for the public welfare." State v. Danner, 33 So.2d 45 (Florida 1947). Since nonconforming uses are not favored in law and are allowed as part of police power, the Board of County Commissioners can change the regulations which will make the use lawful effective on the date of the zoning regulation. Ultimately, the legislation can make a nonconforming sign into one which does conform with the sign ordinance.

The draft of the ordinance will be changed to reflect that the replacement structure shall conform with the sign ordinance. I look forward to discussing this issue further, if necessary, at the September 18, 1990 Service Delivery Committee Meeting.

AEK/mfr

cc: Commissioner John Manning  
Commissioner Douglas St Cerny  
Commissioner Donald Slisher  
James Yaeger, County Attorney  
John G. Mac'Kie III, Assistant County Attorney  
Gregory S. Hagen, Assistant County Attorney  
Hans Behrens, Deputy Director, D.C.D.  
Bill Spikowski, Deputy Director, D.C.D.  
Bob Stewart, Acting Director, Div. of Codes & Bldg. Svcs.  
Rick Roberts, Chief Code Enforcement Officer

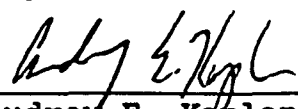
(38081/77)

B.C. to Gini Ross, Code Enforcement Officer  
Linda Flack, Code Enforcement Officer

M E M O R A N D U M  
FROM  
THE OFFICE OF  
LEE COUNTY ATTORNEY

DATE: September 10, 1990

TO: Susan Gauthier,  
Senior Planner

FROM:   
Audrey E. Kaplan  
Assistant County Attorney

RE: PROPOSED NONCONFORMING BILLBOARD EXCHANGE ORDINANCE

This memorandum is in reference to the above proposed ordinance, in particular Section II, Paragraph D. That section reflects the need that the replacement billboard is to be located in the "less restrictive" location. As noted in my July 26, 1990 memorandum to Bob Stewart, neither the Sign Ordinance nor the Lee Plan quantifies which land use category could be termed "less restrictive". I appreciate your assistance in drafting language which will solve the problem.

As an idea, perhaps we could solve the problem by including in the definitions of the goals of the Sign Ordinance the term "less restrictive". The definition could be "a land use category". Conversely, we could define "more restrictive". This is an approach cited in Rohan's Zoning and Land Use Controls, which I have attached for your review.

I appreciate your input. I look forward to meeting with you at your convenience to address this issue.

cc: John G. Mac'Kie III, Assistant County Attorney  
Gregory S. Hagen, Assistant County Attorney  
Hans Behrens, Deputy Director, DCD  
Bill Spikowski, Deputy Director, DCD  
Bob Stewart, Acting Director, Div. of Codes & Bldg. Svcs.  
Rick Roberts, Chief Code Enforcement Officer  
All above w/attachments

AEK/mfr

(38081/78)

\* \* The term "more restrictive" in ordinance provisions of this type means a classification that permits fewer uses.<sup>28</sup> The purpose of such a limitation is to insure that a change in use will result in a less harmful nonconformity.<sup>29</sup>

When an ordinance permits change to a nonconforming use of the same or more restrictive classification, the factual issue may arise whether a particular change meets the statutory guidelines. In a New York decision,<sup>30</sup> for example, the question arose whether a three- or four-family dwelling could be changed without permission to a rooming or boarding house that would be used in conjunction with a family care program under the state mental hygiene law. The court, after reviewing the facts and numerous earlier cases,

of premises zoned residential for light manufacturing use could be changed to storage of household effects).

*New York: Uffier v. Baldwin*, 33 Misc2d 848, 219 NYS2d 474 (1961)(a zoning ordinance allowing the continuation of nonconforming uses and their conversion to other uses of the same or a higher classification permitted issuance of a permit to allow use of building for church from previous nonconforming use as a fire-house).

*Cf. Diocese of Buffalo, New York v. Buczkowski*, 112 Misc2d 336, 446 NYS2d 1015, *aff'd* 90 AD2d 994, 456 NYS2d 909 (4th Dep't 1982)(zoning board had not erred in denying a use permit to allow a change of a nonconforming use of a building from one nonprofit institution to another, involving a change from a residential care institution for predelinquent and delinquent young men to an intermediate care facility for the developmentally handicapped, where the change in use was barred because the ordinance permitted only changes to a more restrictive use and not changes to an equally restrictive use).

<sup>28</sup> See, e.g., Ord. City of Buffalo, N.Y., Ch. LXX § 18 (1953).

The reference may also be to a "higher classification." See *Steudel v. Troberg*, 76 Ohio App 136, 31 Ohio Ops 435, 63 NE2d 241 (1945).

<sup>29</sup> See, e.g., *Lower Moreland Twp. v. Shell Oil Co.*, 3 Pa Cmwith 259, 281 A2d 201 (1971)(denial of use change of premises containing gasoline station, small grocery and beer distributorship to automotive service station was abuse of discretion; statutory provision allowed change of nonconforming use to another nonconforming use of the same or more restricted classification when authorized as a special exception).

<sup>30</sup> See *Ganim v. Vill. of New York Mills*, 75 Misc2d 653, 347 NYS2d 372 (1973).

(Ed. 18-10/86 Pub. 845)

Taken from:

6 P. Rotan, Zoning and Land Use

Controls § 41.03[2]

Restrictions and Limitations

on Nonconforming Uses

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING LEE COUNTY SIGN ORDINANCE NO. 85-26, AS AMENDED, SO AS TO PROVIDE FOR REPLACEMENT BILLBOARD STRUCTURES IN EXCHANGE FOR REMOVING NONCONFORMING BILLBOARD STRUCTURES, PROVIDING FOR AMENDMENTS TO SECTION VIII.B.4., LOSS OF LEGAL NON-CONFORMITY; PROVIDING FOR SEVERABILITY, INCLUSION IN CODE, CODIFICATION, SCRIVENERS ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 125.0101, Florida Statutes, authorizes the Board of County Commissioners to adopt a Sign Ordinance; and

WHEREAS, the Board of County Commissioners has adopted a Sign Ordinance in the interest of the public health, safety and welfare of the citizens of Lee County; and

WHEREAS, the Board of County Commissioners finds it would reduce the nonconforming billboards in the County by allowing a replacement billboard structure in exchange for removing two nonconforming billboard structures.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, that:

SECTION ONE:

Lee County Sign Ordinance No. 85-26, as amended, is hereby further amended by showing additions to existing language with underlines and deletions with virgules.

SECTION TWO:

Section VIII.A., NON-CONFORMING SIGNS STATUS, is hereby amended by creating a new subsection 4, as follows:

VIII.A.4. A replacement billboard structure may be rebuilt in its present location provided that the structure is in compliance with the following conditions:

- a. Pursuant to the Application for Replacement, two legal nonconforming billboard structures shall be removed simultaneously in exchange for the right to reconstruct one replacement billboard structure.
- b. One of the structures which is to be removed must be located on the same site of the replacement billboard structure. In the event that only one structure is located on the site of the replacement sign, another nonconforming billboard structure must be removed from another location within unincorporated Lee County.
- c. The replacement billboard structure must meet all current Lee County height, size and setback requirements.

- d. The land use category in which the replacement sign is to be erected shall be the less restrictive of the two land use categories where the two removed nonconforming billboard structures were located. If the land use category is the same for both nonconforming billboard structures, the replacement structure may be located at either site. For purposes of this section, the term "less restrictive" means a land use category which permits more uses than the other land use category. The Director of Codes and Building Services or his designee shall have the authority to review and approve appropriate locations for the replacement and rebuilding.
- e. Upon acceptance of the Application for Replacement and completion of the above conditions, the replacement billboard structure shall be deemed in conformance with this ordinance.
- f. No replacement billboard structure may be located in the locations designated in Section V.C.1.

SECTION THREE:

Section VIII.B.4. NON-CONFORMING SIGNS - LOSS OF LEGAL NON-CONFORMITY, is hereby amended as follows:

A legal non-conforming sign shall become an illegal sign which must comply with these regulations if:

4. The sign is replaced except as provided in Section VIII.A.4.

SECTION FOUR: - SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, said portion shall be deemed a separate, distinct, and independent provision and such holdings shall not affect the validity of the remaining portion thereof.

SECTION FIVE:- INCLUSION IN CODE, CODIFICATION, AND SCRIVENERS ERRORS

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Lee County Code; and that sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the

Code is accomplished, Sections of this Ordinance may be renumbered or relettered and typographical errors which do not affect the intent, may be authorized by the County Administrator, or his designee, without need of Public Hearing, by filing a corrected or recodified copy of same with the Clerk of Circuit Court.

SECTION SIX: - EFFECTIVE DATE

This Ordinance shall become effective immediately upon receipt of official acknowledgement of the Office of Secretary of State of Florida that this Ordinance has been filed with said office.

THE FOREGOING ORDINANCE was offered by Commissioner \_\_\_\_\_ who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and, upon being put to a vote, the vote was as follows:

JOHN MANNING	_____
DOUGLAS R. ST. CERNY	_____
WILLIAM FUSSELL	_____
DONALD SLISHER	_____
RAY JUDAH	_____

DONE AND ADOPTED this \_\_\_\_ day of \_\_\_\_, 1990

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Chairman

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
County Attorney's Office

LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

## 1. REQUESTED MOTION:

Request Board review consultant report on San Carlos Island commercial dockage and approve staff recommendations to include the acquisition of the "Murphy Oil" property on San Carlos Island for a commercial shrimp dock/recreation/marine commercial area as part of the Matanzas Harbor Plan.

Partial funding is available in account #301-2510-537120-6110-000-2900-00 for the Matanzas Harbor Plan.

## 2. SUBJECT CATEGORY:

#5 Departmental Matters  
Department of Community Services

5-d

## 3. MEETING DATE:

December 13, 1989

## 4. AGENDA:

CONSENT  
☒ ADMINISTRATIVE  
☐ PUBLIC  
☐ APPEALS  
TIME REQUIRED:

## 5. REQUIREMENT/PURPOSE:

(Specify)  
☐ STATUTE  
☐ ORDINANCE  
☐ ADMIN. CODE  
☒ OTHER Board Direction

## 6. REQUESTOR OF INFORMATION:

A. (ALL REQUESTS)  
NAME William H. Hammond  
DEPT. COMMUNITY SERVICES  
B. (PUBLIC ONLY)  
CITIZEN NAME  
CITIZEN PHONE

## 7. BACKGROUND:

About a year ago the members of the commercial shrimping industry and related industries on San Carlos Island met with County staff concerning the loss and potential continued loss of additional dock space in Lee County due to development and recreational pressures.

The Board commissioned T.A. Herbert & Assoc. to perform a dockage option study including background and emphasis on local input. The executive summary of the study entitled "The Investigation of Options Related to the Location Operation and Funding of Shrimp Docks in the San Carlos Area, Lee County", is attached.

The T.A. Herbert Study listed six options for the Board's consideration. There is a consensus among County staff that option number one (1) is the most feasible and compatible with the proposed Matanzas Harbor Plan. This option also is consistent with the Board approved water-dependent overlay zone for San Carlos Island. Option number one (1) is the purchase of the "Murphy Oil Property" for shrimp docks and for recreation and marine-oriented commercial uses.

Fifteen (15) to eighteen (18) shrimp boats presently dock at an area known as the "Murphy Oil" property. The Murphy Oil property could be purchased by Lee County or the Port Authority which could repair the docks and lease them to the commercial shrimping industry and also possibly lease the land for a seafood shrimping processing plant.

(CONTINUED ON NEXT PAGE)

## 8. STANDING COMMITTEE REVIEW:

Reviewed by ☐ Transportation Committee  
☐ Finance/Administration Committee  
☒ Growth Management and Planning Committee  
☒ Service Delivery Committee  
☐ COMMITTEE REVIEW NOT REQUIRED

Date(s):  
OCT. 17, 1989

## RECOMMENDED APPROVAL

DEPARTMENT DIRECTOR	PUR	OR	OR	OR	OTHER	COUNTY ADMINISTRATOR	COUNTY ATTORNEY
<i>[Signature]</i>		<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>		<i>[Signature]</i>	<i>[Signature]</i>

## 10. COMMISSION ACTION:

☐ APPROVED  
☒ DENIED  
☐ DEFERRED  
☐ OTHER

*To Service Delivery*  
12/13

RECVD BY OMB  
12-1-89

RECVD. BY CO. ATTY.  
3:40  
12-6-89

FORWARDED TO LEE CAPS  
12-1-89

CO. ATTY. FORWARDED TO CO. ADMIN.  
12-7-89

7. BACKLOG: (continued)

The upland area could possibly be used for a parking lot, maritime museum, seafood restaurant, and maritime oriented retail shops in conjunction with this project. Several potential sources of funding were identified in the study for this potential project such as the U.S. Economic Development Administration, the Fisheries Obligation Guarantee Program, and the West Coast Inland Navigation District.

This study should be reviewed by the Board as one component of the overall Matanzas Harbor Plan. The Service Delivery Committee, at its October 17, 1989 meeting, approved the following staff recommendations:

1. To approve option number one (1) above to acquire and develop the "Murphy Oil" Property.
2. Creation of a public management area for "Safe Harbor" turn around for boats during storms at the south end of San Carlos Island.
3. Use of the most creative dockage construction and configuration to maximize the efficient use of the available dock space.
4. Study the feasibility of acquiring additional waterfront and upland property on San Carlos Island for the same uses as above.

(0132M)

The Investigation of Options Related  
to the  
Location, Operation, and Funding  
of Shrimp Docks  
in the San Carlos Island Area,  
Lee County, Florida

T. A. Herbert and Associates  
Post Office Box 10129  
Tallahassee, Florida 32302  
(904)222-4634

Prepared for Lee County Board of Commissioners

Draft Submitted June 1989

Final Submitted September 1989

The Investigation of Options Related to the Location  
Operation, and Funding of Shrimp Docks in the San Carlos Area,  
Lee County, Florida

Executive Summary

In March 1989, the Lee County Board of County Commissioners authorized research to investigate options that could maintain and/or expand the amount available dock space at San Carlos Island, which is the primary location for shrimp production in Lee County. The objectives of the research were: 1) identify options for docking that would be useful to the commercial fishing industry 2) to identify the potential for conflicts and mitigation of conflicts with environmental agencies and area property owners, and 3) to identify sources of funding.

The San Carlos Island dock study was conducted between March 1 and June 1, 1989, and involved three tasks: a literature review, the development of a process to identify and to develop options, and to evaluate the options. The literature review was conducted to locate information related to development of waterfront and port projects and to the San Carlos Island area. Informal meetings, interviews, and presentations were conducted at San Carlos Island to involve a cross section of the community and to develop a communication process that could be used in future investigations. The last phase of the project focused on evaluation and prioritization of options. Each option was evaluated in terms of the potential for obtaining environmental permits for the activity and the location and according to its potential for maintaining or increasing the dock space for commercial shrimp boats.

...

Historic documents and reports were used to construct a limited history of shrimping at San Carlos Island. The shrimping industry began at San Carlos Island c. 1950 soon after the discovery of pink shrimp in the Tortugas Ground and later in the Campeche Grounds off Mexico. The modern day shrimp fleet based at San Carlos Island generally harvests pink shrimp off the Lee County coast south to the Tortugas from November or December. The pink shrimp harvest has remained relatively stable over a 25-year period, despite the fact that the Campeche Grounds were closed to U.S. harvesters by 1980 and that a portion of the Tortugas Grounds was declared a sanctuary in 1981. The San Carlos fleet migrates in May or June of each year to the Texas area to harvest brown shrimp. Some shrimpers take part in the harvest of white shrimp off Louisiana in the late spring as they travel to Texas.

Over the years, the size and the number of boats that use San Carlos Island as a base of operations have changed. The earlier "Campeche-type" shrimp boats were smaller than the 74-foot boats now used. In 1956, 280 shrimp boats (including some boats that made the trip for repair services, not unloading) used the harbor; in 1965 more than 300 boats are believed to have unloaded their catch at San Carlos Island. In 1989, approximately 127 boats regularly used the docks at San Carlos Island. Captains of shrimp boats and shoreside processors report that the amount of shrimp landed in Lee County is

limited by the amount of dock space. In addition, both groups are concerned that waterfront properties now used by the shrimping industry could be converted to other uses, such as marinas for recreational boats, thus further limiting the economic return to the shrimping industry and to Lee County.

Lee County ranks third among all Florida counties in terms of commercial fisheries landings and dockside value. Economists have identified commercial fishing as a basic industry in Lee County's economy. The dockside value of shrimp and shellfish landed commercially in Lee County in 1985 totaled \$18.2 million. It is estimated that the commercial fishing industry at San Carlos Island generated in 1985 between \$20.6 and \$21.6 million in economic activity and between \$4 and \$7 million in local earnings and provided the equivalent of between 393 and 479 full time jobs.

In accordance with the objectives of this study, research was conducted 1) to identify options for docking that would be useful to the commercial fishing industry 2) to identify the potential for conflicts and mitigation of conflicts with environmental agencies and area property owners, 3) to identify sources of funding. Four potential locations at San Carlos Island were considered. Two sites were eliminated because of a high potential for conflict with either property owners or environmental agencies. The remaining two sites were recommended for further study. These options are:

1. The Murphy Oil Property

Fifteen to 18 shrimp boats presently dock at an area known as "The Murphy Oil Property." The Murphy Oil Property could be purchased by Lee County or a private organization which could repair the docks and commit the docks to use by the commercial industry to insure the continuation or maintenance of this docking space. Several sources of funding were identified for each entity for each phase of the potential project including the financing for feasibility studies and construction.

2. South End of San Carlos Island

This area is located at the south end of San Carlos Island. The alternative identified for this location is to construct a dock over open water, connecting the dock to San Carlos Island via a foot bridge. This alternative could add 12 to 24 dock spaces to the San Carlos area. Funding sources were identified for each phase of the project, including the feasibility studies, extension of the Fort Myers Beach Channel, and construction.

It is recommended that Lee County pursue the alternatives developed for the Murphy Oil Property and for the location at the south end of San Carlos Island. Purchase and operation of the Murphy Oil Property could maintain the number of docks available to the shrimping industry in the area; construction of additional docks at the end of the island could add dock space for from 12 to 24 additional boats.

This research was funded by a grant from the Lee County Board of County Commissioners. The opinions and points-of-view expressed in this report are those of the authors and do not necessarily reflect the views of the Lee County Board of County Commissioners.

SAN CARLOS ISLAND - BACIK PROPERTY

## I. BACKGROUND

Community Development staff related the potential of a San Carlos Island parcel as a positive element to the Matanzas Harbor Plan. Community Services staff did a follow-up study of this parcel, including access road research to determine the potential for integration into a comprehensive waterways master plan. The following are potential uses for this parcel, for public benefit:

1. dockage leasing
2. boat ramp
3. public parking to facilitate mass transit program needs
4. beach-oriented concessions
5. marine sanitation deposition landbase
6. official dockage

The property owner has indicated that he prefers to retain ownership and enter into a public use oriented agreement with Lee County. The nature of this agreement could be owner-development of the parcel as per county's specified public benefit needs.

## II. STAFF RECOMMENDATIONS

1. continue refinement of discussions including the County Attorney's Office to draft an appropriate "use" document
2. assess permitting potential for such a project, ie., zoning, environmental, neighborhood impacts

/bfm  
(0249M)

# **MATANZAS HARBOR ACTION PLAN**

## **WATERFRONT SUPERVISOR'S OPERATIONS & MANAGEMENT HANDBOOK**

Prepare<sup>d</sup> for:

TOWN OF FORT MYERS BEACH  
TOWN COUNCIL  
2523 ESTERO BLVD.  
FT. MYERS BEACH, FLORIDA 33931

CONTACT: MS. MARSHA SEGAL-GEORGE  
TOWN MANAGER  
PHONE: 941-765-0202  
FAX: 941-765-0909

Prepared by:

COASTAL ENGINEERING CONSULTANTS, INC.  
3106 S. HORSESHOE DRIVE  
NAPLES, FLORIDA 34104  
PHONE 941-643-2324  
FAX 941-643-1143

April 15, 1999

CEC Job No. 98.161

**MATANZAS HARBOR ACTION PLAN  
WATERFRONT SUPERVISOR'S  
OPERATIONS & MANAGEMENT HANDBOOK**

**TABLE OF CONTENTS**

I.	INTRODUCTION	1
II.	RULES AND REGULATIONS FOR THE USE AND OPERATION OF THE TOWN OF FORT MYERS BEACH MUNICIPAL ANCHORAGE	2
	A. Authority of the Waterfront Supervisor	2
	B. Rules and Regulations Governing the Lease Agreement	2
	C. Rules and Regulations Governing Mooring and Other Activities at the Anchorage	4
III.	FEES	7
	A. Mooring Rates	7
	B. Collection Procedures	8
IV.	HARBOR FACILITIES	9
	A. Mooring Fields	9
	B. Shoreside Facilities	9
V.	COMMUNICATION	11
	A. Communication Procedures With Harbor Patrons	11
	B. Communication With Other Jurisdictional Authorities	11
	C. VHF Radio Procedures	11
	D. Calls To Harbor Headquarters	12
VI.	ENVIRONMENT	13
	A. Statement Of Purpose	13
	B. Environmental Warning	13
	C. Marine Sanitation	13
	D. Litter Control	15
	E. Fuel and Oil Spills	15
	F. Manatees and other Protected Species	17
VII.	CONTACTS	18
	A. Emergency Telephone Numbers	18
	B. Key Town of Fort Myers Beach Municipal Anchorage Staff After Hours	18
	C. Agency Contacts with Jurisdiction in the Anchorage	19

## **TABLE OF CONTENTS (cont.)**

### **APPENDICES**

#### **I. POSITION TITLE: WATERFRONT SUPERVISOR**

- A. General Description of Duties
- B. Specific Duties and Responsibilities
- C. Authority
- D. Minimum Training and Experience
- E. Performance Aptitudes
- F. ADA Compliance

#### **II. TOWN OF FORT MYERS BEACH MOORING LEASE AGREEMENT**

#### **III. PLANS**

- A. Jurisdictional Map
- B. Mooring And Facilities Plan

## I. INTRODUCTION

It is the intent of this Handbook to provide a quick reference for the primary management responsibilities of the Waterfront Supervisor for the Town of Fort Myers Beach Municipal Anchorage. It is the stated purpose of the Town of Fort Myers Beach to provide the Municipal Anchorage and amenities to accommodate the needs of as many responsible, considerate boaters as possible, while protecting our environmental resources, navigational access, and the property of others.

The Town desires to provide safe, environmentally sound mooring areas, provide for clear navigational fairways, improve compliance with the Clean Vessel Act thereby improving water quality and ecosystem health of Estero Bay, and provide boating safety and environmental awareness education to our resident and visitor boaters.

This Handbook may be modified and changed as needed to address unanticipated issues and needs pursuant to the future Management Agreement with the State of Florida Department of Environmental Protection and as deemed necessary by the Town. It may also become necessary or desirable to expand or otherwise modify the mooring fields to provide additional moorage to accommodate future demand. This expansion and/or modification may also include additional management issues and concerns, resulting in a modification of this Handbook. However, before any such modification becomes effective, these modifications to the Handbook must be accepted by the Florida Department of Environmental Protection pursuant to their Management Agreement with the Town.

The rules and procedures outlined in this Handbook shall apply to any vessel, its owner(s), crew, and guests entering the Town of Fort Myers Beach Municipal Anchorage. Failure to comply with these rules shall be a violation of Town Ordinance, ~~and be sufficient for ejection from the Town of Fort Myers Beach Municipal Anchorage~~

## **II. RULES AND REGULATIONS FOR THE USE AND OPERATION OF THE TOWN OF FORT MYERS BEACH MUNICIPAL ANCHORAGE (ORD. # \_\_\_\_\_)**

### **A. Authority of the Waterfront Supervisor**

1. The Waterfront Supervisor has the right to assign moorings. Boat owners desiring to moor in or at said anchorage shall register contact with the Waterfront Supervisor via radio or telephone prior to mooring, to make arrangements for registration and vessel mooring assignment. A vessel entering the Harbor during regular business hours, for the purpose of mooring, must immediately register with the Waterfront Supervisor. Vessels arriving after hours shall register at the start of business on the following day.

2. The Waterfront Supervisor is responsible for the enforcement of the rules and regulations for the Town of Fort Myers Beach Municipal Anchorage and may terminate the Mooring Lease Agreement and order any boat or vessel to vacate the space occupied by said boat or vessel for violation of any rule or regulation relating to said Anchorage. The Lessee may request the Town Manager to reconsider the Waterfront Supervisor decision.

3. In the event it becomes necessary to move a boat or vessel, for safety purposes or otherwise, and the boat owner is not immediately available, the Waterfront Supervisor is authorized to effect the necessary move through towing, at the boat owner's expense.

### **B. Rules and Regulations Governing the Lease Agreement:**

1. The Town of Ft. Myers Beach (LESSOR) operates and maintains mooring facilities at the Town of Ft. Myers Beach Municipal Anchorage for the use of yacht and/or boat owners (LESSEES). The LESSEE will provide pertinent ownership and vessel information to the Lessor in the Lease Agreement.

2. The LESSEE shall agree to pay to LESSOR the rental rate as provided by ordinance, including subsequent amendments. The first and last month's rental, plus a refundable damage deposit in an amount equal to one month's rent (plus business surcharge when applicable), payable at the time of signing this lease and returned upon termination thereof, less any portion used as payment under Sec. \_\_\_\_\_ of the Fort Myers Town Code or paragraph 6 of the lease. Thereafter, rental fees shall be payable in advance and shall be considered delinquent if not paid in full on or before the tenth of the month. In the event any rental fee shall remain unpaid for thirty (30) days after the same becomes due and payable, LESSOR may, at the option of the Town Manager, terminate said lease.

3. Said LEASES shall begin on the date of vessel mooring at the Anchorage by the LESSEE and shall continue from month to month thereafter until terminated by either party, unless sooner terminated in accordance with one of the following:

- a) By destruction of the facilities by fire, storm, or otherwise.
- b) By default in the payment of the rent hereunder prescribed.
- c) At the sole discretion of the Town Manager, or his/her designee.

NOTE: Thirty (30) days' notice required by LESSEE to Waterfront Supervisor to terminate the Lease Agreement.

4. Further, LESSEE shall agree to comply with all rules and regulations relating to the Town of Fort Myers Beach Municipal Anchorage and all State, Federal, and local laws pertaining to marinas and boating and acknowledges the fact that a breach of any provision hereof or of any of said rules and regulations may result in the immediate termination of the Lease Agreement.

5. LESSEE may not assign said LEASE or sublet the MOORING Lease Agreement thereunder. No vessel other than the vessel described in the lease agreement may be moored at said mooring without prior coordination with the Waterfront Supervisor. In the event the above described vessel is sold, or otherwise permanently removed, the LESSEE shall immediately notify the Waterfront Supervisor and provide intentions as to the future use of the MOORING.

6. The Municipal Anchorage shall be able to place a lien against the above-described vessel, her appurtenances and contents for unpaid sums due for use of mooring facilities, other services, materials and supplies charged to their account, or for damages caused or contributed to by the above described vessel, her owner, or their representatives or agents to any docks, property of the Municipal Anchorage or any other person or vessel at the Municipal Anchorage. THE MUNICIPAL ANCHORAGE MAY SELL THE BOAT OR VESSEL TO SATISFY ANY UNPAID CLAIMS FOR STORAGE AND/OR SERVICES IF 6 MONTHS OR MORE PAST DUE PER F.S. 328.17.

7. Said Lease Agreement is for mooring space only. Such space is to be used at the sole risk of the LESSEE, and the LESSOR shall not be liable for the care, protection or security of the vessel, her appurtenances or contents, or for any loss or damage of any kind or nature to the vessel, her appurtenances or contents, for any reason. LESSEE shall agree to hold the LESSOR harmless and to indemnify the LESSOR from any loss, damage, or liability imposed by reason of any acts or omissions on the part of the LESSEE, his agents, employees, or guests in the use of the leased facilities. The indemnification provided herein shall include, but not be limited to, all costs, expenses and reasonable attorney's fees incurred by the LESSOR in any action based on the foregoing, including, but not limited to, any action brought by the LESSEE, his family, invitee, guests, heirs, or assigns.

8. In the event of a tropical storm or hurricane watch or warning, all vessels at the Municipal Anchorage should be properly secured for foul weather by the LESSEE. It shall be the LESSEE'S responsibility to be aware of such warnings and to make arrangements for the proper securing of the vessel or removal of the vessel to another location. It is agreed that the LESSOR will and shall not be held liable for any consequences in its attempt to protect life and property in the event of a tropical storm or

hurricane. In the event it becomes necessary to move LESSEE'S vessel, for safety purposes or otherwise, and the vessel is unattended, the Waterfront Supervisor is authorized to effect the necessary move at LESSEE'S expense, which costs shall become a part of the rent for mooring of LESSEE'S vessel.

9. In the event LESSEE fails to vacate the mooring space within seven (7) days after receipt of Notice of Termination by LESSOR, LESSEE hereby grants LESSOR permission to board the vessel and move it under its own power or place it in tow and remove the vessel from its mooring space to a location to be chosen by the LESSOR at its sole discretion, at LESSEE'S expense, and to take possession of the mooring space.

10. LESSEE shall be responsible for and shall pay any and all reasonable attorney's fees, together with any costs and/or other charges incurred by LESSOR in the enforcement of any provision of this Lease Agreement.

11. The mooring of the boats and vessels at the said Municipal Anchorage is hereby declared to be a privilege and not a right, and all leases shall be terminable upon one week's notice at the sole discretion of the Town Manager, or his/her designee.

12. Should a dispute arise regarding these Rules and Regulations or the provisions of the contract, the vessel owner may bring the issue(s) before the Town Council.

**C. Rules and Regulations Governing Mooring and Other Activities at the Anchorage:**

1. **Mooring Assignments:** Boat owners desiring to moor in or at said anchorage shall register with the Waterfront Supervisor prior to mooring. Moorings will be assigned by the Waterfront Supervisor.

2. **Applicable Rules:** All sections of \_\_\_\_\_, the Vessel Control and Water Safety Ordinance (96-26), and all other ordinances of the Town of Fort Myers Beach shall apply to persons using the anchorage insofar as the same may be applicable.

3. **Operational Condition:** Only vessels that are deemed to be in compliance with the United States Coast Guard regulations and safety standards and Chapter 327, Florida Statutes shall be allowed to moor within the Town of Fort Myers Beach Municipal Anchorage. Only vessels in good operational condition, capable of maneuvering under their own power and with current registration and acceptable documentation shall be allowed to moor within the mooring fields. The decision of whether a vessel is considered to be in good operational condition, capable of maneuvering under its own power shall be the sole discretion of the Waterfront Supervisor. In the event of an emergency, such as, but not limited to, breakdown of bilge pump, leaks or bad lines, the Waterfront Supervisor is authorized to have the necessary repairs made, as economically as possible, and to charge the owner therefor.

✓  
4. **Vessel Relocation:** In the event it becomes necessary to move a boat or vessel, for safety purposes ~~or otherwise~~, and the boat owner is not immediately available, the Waterfront Supervisor is authorized to effect the necessary move through towing at the boat owner's expense. This authority will only be used as a last resort when there is no other practicable alternative available.

5. **Vessel Operation within the Anchorage:** The Rules of the Road relating to boats and vessels shall apply in and around the Municipal Anchorage. All vessels shall observe the "idle speed/no wake" zone in the Anchorage.

6. **Temporary Leave of Moorage:** Boat owners leaving the anchorage for more than three (3) days shall notify the Waterfront Supervisor of the departure and return dates. The Town of Fort Myers Beach reserves the right to rent vacant moorings on a temporary basis for transient boats or vessels. Such boats or vessels shall be required to vacate the mooring within 24 hours in the event the mooring LESSEE returns prior to the scheduled return date. All proceeds from said rental shall be retained by the Town of Fort Myers Beach Municipal Anchorage.

will rewrite  
7. **Vessel Inspections:** The Lessee authorizes inspections at any time by the Waterfront Supervisor, Florida Marine Patrol, or U.S. Coast Guard representative for safety and marine sanitation purposes.

8. **Peaceful Usage:** All guests of the Anchorage shall agree to peacefully use the Anchorage facilities and moorage space assigned. All guests shall not cause, suffer, or allow, whether individually or as part of an organization of persons, any act which may have the effect of disturbing the peace, disturbing, inconveniencing or subjecting to physical jeopardy the Anchorage waters, facilities, employees, vessels moored at the Anchorage, or do any act which may impede, disrupt, or injure the orderly operation of the Anchorage or any portion thereof.

Add mobile pump out language  
9. **Marine Sanitation:** All vessels mooring in the Municipal Anchorage shall contain a U.S. Coast Guard approved marine sanitation device as required, complying with the requirements of the Coast Guard governing the installation and use of such devices upon the particular vessel involved. Said sanitation devices shall be properly functioning and used at all times while the vessel is in the Municipal Anchorage and are subject to inspection by the Waterfront Supervisor. Y-valves shall be locked and sealed in the non-overboard position. All vessels, upon entering into a lease agreement at the Anchorage, shall pump out their sewage holding tanks into the authorized sewage pump out facilities prior to mooring. Absolutely no pumping of sewage in any area within the Anchorage shall be allowed except at approved pump out stations. All vessels with liveaboard occupants shall be required to have their tanks pumped at the approved pump out stations not less than every three (3) days without fail, unless an alternative pump out schedule for the vessel is approved by the Waterfront Supervisor. This alternative pump out schedule shall be accepted at the discretion of the Waterfront Supervisor, shall become a part of the mooring lease agreement, and shall be based on holding tank capacity and vessel usage. ~~Violation of these conditions will be reason for immediate ejection and~~

~~withholding of the security deposit and will be prosecuted to the fullest extent of the law.~~  
Overboard discharge of human or pet sewage waste is strictly prohibited in the Anchorage.

10. **Marine Pollution:** No person shall litter into the water or discharge or throw overboard any oils, spirits, flammable liquids or oily bilge into Matanzas Harbor/Estero Bay. Overboard dumping of any trash is illegal and will not be tolerated within the Town's jurisdiction. Hazardous materials, including sealed paint cans, waste oil, or solvents shall not be deposited in trash receptacles. For disposal of these materials, please contact the Waterfront Supervisor. Clean up of boater's refuse and unsightly material will be billed to the Owner's account at applicable Anchorage rates. All boats with in-board or in-board/outboard engines shall be equipped with a sorbent sock, properly installed in the engine compartment bilge. Sorbent socks are available at ship's stores in the vicinity of the Anchorage. The socks shall be renewed annually or when contaminated. Bilge cleaners and liquid detergents shall not be used in boat bilges, as they will destroy the effectiveness of the sorbent socks.

11. **Oil Spills:** The Waterfront Supervisor and the oil spill reporting hot line (1-800-424-8802) shall be contacted immediately when a spill is discovered. **WARNING:** There is a large fine if even minor spills aren't reported. Oil absorbent pads and pillows should be used to contain and remove a spill. Detergents should never be used to contain oil spills! The cause of the spill should be identified and measures taken to secure against spreading.

~~12. **Fish Cleaning:** Large amounts of fish cleaning should be done offshore or the wastes must be carried ashore in sealed plastic bags. Fish wastes for more than a few fish may not be dumped into waters of the Anchorage.~~

13. **Noise:** The Town's Noise Ordinance is in effect in the Municipal Anchorage. Noise shall be kept to a minimum so as not to create a nuisance or disturbance to other guests in the Anchorage, particularly between the hours of 10 P.M. and 7 A.M. Patrons shall use discretion in operating engines, generators, radios, TVs, etc. Sailboat halyards and other lines shall be tied off to prevent slapping against masts or other structures.

14. **Protected Species:** Guests shall acquaint themselves with the publications and warnings available from the Waterfront Supervisor regarding safe operation in waters frequented by manatees and to abide by all laws, ordinances, rules and regulations governing the operation of watercraft in the presence of manatees. Harassment of protected wildlife is illegal and will not be tolerated in the Anchorage. Any incident relating to injured marine wildlife shall be reported immediately to the Florida Marine Patrol, "1-800-DIAL FMP".

### **III. FEES**

#### **C. Mooring Rates**

1. Short-term transient (four weeks or less):
  - a. \$5 to \$6/day is a typical rate for municipal mooring fields in South Florida.
2. Monthly transients (less than three months):
  - a. \$5 to \$6/day is a typical rate for municipal mooring fields in South Florida. A \$35/month liveaboard fee to support shoreside amenities is being instituted at the City of Vero Beach.
  - b. Dockage rates at municipal marinas are typically \$8-\$10/foot/day. Calculate 60% of lower rate for 35' and 45' vessels:
    - 1) 70' swing mooring: \$170/month + \$35/month liveaboard fee
    - 2) 80' swing mooring: \$220/month + \$35/month liveaboard fee
3. Long term (three to six months):
  - a. \$5 to \$6/day is a typical rate for municipal mooring fields in South Florida. A \$35/month liveaboard fee to support shoreside amenities is being instituted at the City of Vero Beach.
  - b. Dockage rates at municipal marinas are typically \$6-8.25/foot/day. Calculate 60% of lower rate for 35' and 45' vessels:
    - 1) 70' swing mooring: \$125/month + \$35/month liveaboard fee
    - 2) 80' swing mooring: \$160/month + \$35/month liveaboard fee
4. Renewals: Vessel owners wishing to continue to moor at the Municipal Anchorage beyond the six month time limit may renew their lease at the discretion of the Waterfront Supervisor.
5. Grandfathered vessels: Any vessel within the boundaries of the Municipal Anchorage at the time of adoption of the Matanzas Harbor Action Plan by the Town of Fort Myers Beach shall be considered to be "grandfathered in" from the requirement to pay fees for mooring within the field for a period of six (6) months. At the end of that term, this exemption shall be voided and compliance with all of the provisions of this Plan shall be required or the vessel will be required to vacate the anchorage. However, these vessels shall be required to meet the remainder of the rules within this Plan, regardless of their status.
6. Fee includes coupons for free use of sewer pump-out, dinghy docks, and shower facilities, garbage and recycling bins at authorized locations during stay.
7. Fees shall be established by the Town Council by resolution. All lessees shall be subject to the appropriate current fees in force.

#### **D. Collection Procedures**

1. Boat owners desiring to moor in or at anchorage shall register contact with the Waterfront Supervisor via radio or telephone prior to mooring, to make arrangements for registration and vessel mooring assignment. A vessel entering the Harbor during regular business hours must immediately register with the Waterfront Supervisor. Vessels arriving after hours shall register at the start of business on the following day.
2. Initial payment shall be submitted to the Waterfront Supervisor at Registration. Subsequent fees shall be submitted to the Waterfront Supervisor in a timely manner in order to remain in the harbor.
3. The first and last month's rental, plus a refundable damage deposit in an amount equal to one month's rent (plus business surcharge when applicable), is payable at the time of signing the lease and returned upon termination thereof, less any portion used as payment under Sec. \_\_\_\_\_ of the Fort Myers Town Code or paragraph 6 of the lease. Thereafter, rental fees shall be payable in advance and shall be considered delinquent if not paid in full on or before the tenth of the month. In the event any rental fee shall remain unpaid for thirty (30) days after the same becomes due and payable, the Waterfront Supervisor may, at the option of the Town Manager, terminate the lease.
4. The Municipal Anchorage shall be able to place a lien against the above-described vessel, her appurtenances and contents for unpaid sums due for use of docking facilities, other services, materials and supplies charged to their account, or for damages caused or contributed to by the above described vessel, her owner, or their representatives or agents to any docks, property of the Municipal Anchorage or any other person or vessel at the Municipal Anchorage. **THE MUNICIPAL ANCHORAGE MAY SELL THE BOAT OR VESSEL TO SATISFY ANY UNPAID CLAIMS FOR STORAGE AND/OR SERVICES IF 6 MONTHS OR MORE PAST DUE PER F.S. 328.17.**

## **IV. HARBOR FACILITIES**

### **A. Mooring Facilities**

#### Mooring Fields

A conceptual plan for two mooring fields is proposed. The total area is approximately 29.4 acres in size. Depending on the size mix of vessels and the specifications of the engineered mooring system to be used, approximately 60 to 85 vessels may be accommodated within the proposed mooring areas. To accommodate the expected fleet mix, our suggestion is to use approximately 60% of the 29.5 acres for 70' swing radius moorings and 40% of that acreage for 80' swing radius moorings. This would accommodate approximately 50 vessels up to 35' in length and 25 vessels up to 45' in length, for a total of 75 vessels.

#### Other areas within Town limits

Twenty-four hour limit of anchoring. Exceptions: Emergency malfunctions of vessels; or workboats performing water-related construction.

### **B. Shoreside Facilities**

*Note: The following is an outline of existing shoreside facilities that may or may not continue to be available to anchorage users. It is recommended that sufficient high quality shoreside amenities be made available to support the mooring facilities.*

#### **1. Dinghy Docks**

- San Carlos Island: Palm Grove Marina, Bonita Bills (for restaurant and store customers).
- Estero Island: Harbor Headquarters (to be determined), Private residence (Mr. Bob Wallace), unofficial landing behind Topp's Supermarket property.

#### **2. Fueling Facilities**

- San Carlos Island: Palm Grove Marina, Bonita Bills, Ft. Myers Beach Marina, Gulf Star Marina
- Estero Island: Moss Marine

#### **3. Sewer Pump-outs**

- San Carlos Island: Palm Grove Marina, Bonita Bills (fee information not available), Ft. Myers Beach Marina (fee information not available).

- Estero Island: Harbor Headquarters (to be determined) , Island Bay Marina (fee information not available), Trico(fee information not available), Moss Marine (fee information not available).

*Note: with the exception of Palm Grove Marina, the facilities noted above do not generally offer or promote pump-out services to vessels other than those docked there.*

4. Laundry Facilities (coin operated)

- San Carlos Island: Palm Grove Marina, Bonita Bills.
- Estero Island: Harbor Headquarters (to be determined), Casey's Alley Bar, local laundromat accessible by trolley or foot

5. Shower Facilities

- San Carlos Island: Palm Grove Marina
- Estero Island: Harbor Headquarters (to be determined)

6. Garbage and Recycling

- San Carlos Island: Palm Grove Marina
- Estero Island: Harbor Headquarters (to be determined)

7. Public Transportation

- San Carlos Island: Taxi service available
- Estero Island: Public trolley, taxi service available

8. Ship's Stores

- San Carlos Island: Palm Grove Marina, Bonita Bills, Ft. Myers Beach Marina, Gulf Star Marina
- Estero Island: Moss Marine

## **V. COMMUNICATION**

### **A. Communication Procedures with Harbor Patrons**

1. The Waterfront Supervisor or designee continuously monitors VHF Channel 16 during operating hours. The caller will be directed to the Municipal Anchorage standby station for further communication.
2. The Waterfront Supervisor will be available via Harbor Head Quarters telephone and cellular telephone during operating hours.
3. An answering machine will pick up telephone calls during non-operating hours. The Waterfront Supervisor will respond to those calls at his/her earliest opportunity.

### **B. Communication with Other Jurisdictional Authorities**

1. The Waterfront Supervisor or designee will continuously monitor VHF Channel 16 during operating hours and will report to emergency or other law enforcement issues in the Harbor to the appropriate authority.
2. The Waterfront Supervisor will meet regularly with the local Florida Marine Patrol, U.S. Coast Guard, County, and Town emergency and law enforcement staff to participate in emergency and law enforcement issues involving the Harbor (fuel spill, medivac, disabled vessel, etc.).

### **C. VHF Radio Procedures**

1. All Anchorage personnel operating radios at the Town of Fort Myers Beach Municipal Anchorage shall be properly licensed and instructed in their use.
2. The marine radio is on a port operations frequency and can be heard for some distance. The Town of Fort Myers Beach Municipal Anchorage is authorized to transmit on channels 16, \_\_ and \_\_ ONLY. The Anchorage CALL is \_\_\_\_\_.
3. Channel 16 is a calling and distress frequency only.
4. When receiving or calling a boat, communications should first be established on channel 16 and then shift to channels \_\_ or \_\_ for conversation.
5. All conversations should be kept to a minimum, brief and to the point.
6. It is illegal to advertise on VHF channels.

***NOTE:*** *The required US FCC Marine Radio Licenses for the Municipal Anchorage base station should be applied for. Boat owners should also be reminded to register with the FCC for a boat radio license, also required. Boats operating in international waters require a separate license from the FCC.*

**D. Calls To Harbor Headquarters**

1. Any incoming calls for Municipal Anchorage customers and guests, unless the caller states that an emergency exists, will be noted by the receptionist, and this message will be posted on the Waterfront Supervisor's bulletin board.
2. Emergency calls will be given immediate attention. The emergency should be clearly described (e.g., fire, heart attack, fall, fuel spill, sinking boat, etc.).
3. Use of Harbor Headquarters telephones by customers for personal calls is prohibited.
4. Municipal Anchorage customers and all Employees must use pay phones for all personal calls.

## **VI. ENVIRONMENT**

### **A. Statement of Purpose**

The Town of Fort Myers Beach Municipal Anchorage has committed itself to providing high quality facilities, customer satisfaction, and productive use of its resources. The creation and maintenance of a clean and safe work environment must be regarded as an essential part of our business practices.

Clean water and a clean environment are essential to good boating and good boating experiences are essential to our success. To protect our waters, marine life, fish, and waterfowl from possible boat and marina pollutants is a major goal of the Town of Fort Myers Beach Municipal Anchorage. Every Customer and each Employee must work together to keep our Anchorage and boating environment clean.

Since many boats congregate in the Anchorage, it is the policy of The Town of Fort Myers Beach Municipal Anchorage to do everything possible to discourage anyone from polluting, while encouraging and helping customers do the right thing. All Employees are part of the team dedicated to cleaning up, eliminating contaminants before they contaminate, and cleaning up anything which can wash into the water, to spoil our environment.

### **B. Environmental Warning**

**Any Employee, any Customer, or any Outside Contractor violating The Town of Fort Myers Beach Municipal Anchorage Pollution Control Regulations will be expected to pay for cleanup, and/or have mooring use privileges terminated.**

### **C. Marine Sanitation**

Pursuant to the Clean Vessel Act of 1994, boaters are prohibited from discharging raw sewage into fresh water or within coastal salt water limits. Coastal limits are nine nautical miles on the Gulf of Mexico and three nautical miles on the Atlantic Ocean.

The Florida Marine Patrol enforces the Clean Vessel Act and has the authority to board vessels to check for compliance with this Act, including inspecting for marine sanitation devices and holding tanks. The U.S. Coast Guard also regulates the installation and use of marine sanitation devices.

Florida Statute 327.53 includes the requirements for marine sanitation devices (MSDs) and discharge of sewage. No waste may be discharged from MSD Types I, II, or III into Florida waters. All such waste must be discharged into an approved sewage pump-out facility.

The Waterfront Supervisor has authorization, pursuant to the lease agreement, to board vessels to assure compliance with the marine sanitation requirements of the Municipal Anchorage.

To provide incentives for boaters to comply with Clean Vessel requirements, coupons for free sewage pump-out service will be given to lessees for their length of stay. Pump-out facilities are provided free of charge by cooperating shoreside facilities in the Harbor area.

The use of shoreside shower and laundry facilities are encouraged to reduce the impacts associated with gray water discharges from vessels (increased phosphates, reduced dissolved oxygen, and other water quality problems). To this end, coupons for free use of shower facilities will be given to lessees for their length of stay, which are provided by cooperating shoreside facilities in the Harbor area. Coin operated laundry facilities are easily accessible at the shoreside facilities noted in the Handbook.

**The Town of Fort Myers Beach Municipal Anchorage Marine Sanitation Policies Are:**

1. All vessels mooring in the Municipal Anchorage shall contain a U.S. Coast Guard approved marine sanitation device as required, complying with the requirements of the Coast Guard governing the installation and use of such devices upon the particular vessel involved.
2. Said sanitation devices shall be properly functioning and used at all times while the vessel is in the Municipal Anchorage and are subject to inspection by the Waterfront Supervisor.
3. Y-valves shall be locked and sealed in the non-overboard position.
4. All vessels, upon entering into a lease agreement at the Anchorage, shall pump out their sewage holding tanks into the authorized sewage pump out facilities prior to mooring.
5. Absolutely no pumping of sewage in any area within the Anchorage shall be allowed except at approved pump out stations.
6. All vessels with liveaboard occupants shall be required to have their tanks pumped at the approved pump out stations not less than every three (3) days without fail, unless an alternative pump out schedule for the vessel is approved by the Waterfront Supervisor. This alternative pump out schedule shall be accepted at the discretion of the Waterfront Supervisor, shall become a part of the mooring lease agreement, and shall be based on holding tank capacity and vessel usage. Violation of these conditions will be reason for immediate ejection and withholding of the security deposit and will be prosecuted to the fullest extent of the law.

7. Overboard discharge of human or pet sewage waste is strictly prohibited in the Anchorage.

#### **D. Litter Control**

Dumping plastic and trash in state and federal waters is against the laws enforced by the U.S. Coast Guard and the Florida Marine Patrol. This type of debris is especially harmful to water fowl, sea turtles, fish, and other wildlife, and has been known to cause entanglement, strangulation, choking and mortality in these species.

The U.S Coast Guard requires every boat greater than 26' in length operating in U.S. waters to have a sign or placard clearly visible that states:

"It is illegal for any vessel to dump plastic trash anywhere in the ocean or navigable waters of the United States. Annex V of the MARPOL (MARine POLLution) TREATY is an International Law for a cleaner, safer marine environment. Violation of these requirements may result in civil penalty up to \$25,000, fine and imprisonment".

Biodegradable litter may also be problematic in the Anchorage area. Overboard dumping of food items, fish cleaning wastes, etc. increase bacteria, nutrient loading, odors, and biochemical oxygen demand and lower dissolved oxygen in the anchorage.

The use of shoreside trash and recycling facilities are encouraged to reduce the impacts associated with litter from vessels. To this end, free use of these facilities, located at the Harbor Headquarters and other authorized facilities, will be given to lessees for their length of stay.

#### **The Town of Fort Myers Beach Municipal Anchorage Litter Control Policies Are:**

1. Overboard dumping of any trash is illegal and will not be tolerated within the Town's jurisdiction.
2. All vessels greater than 26' in length staying at the Anchorage must have a MARPOL sign properly attached.
3. Use of shoreside trash and recycling receptacles is encouraged.
4. Large amounts of fish cleaning should be done offshore or the wastes must be carried ashore in sealed plastic bags. Fish wastes for more than a few fish may not be dumped into waters of the Anchorage.

#### **E. Fuel & Oil Spills**

The U.S. Coast Guard, Florida Marine Patrol, and the emergency response staff of the DEP regulatory office deal with oil spill containment and clean-up. The Ostego Bay Environmental Emergency Response Co-op located on San Carlos Island, assists these

agencies in the event of an oil spill in the harbor or surrounding waterways. The Waterfront Supervisor will contact appropriate authorities at Lee County, DEP, Florida Marine Patrol, and/or U.S. Coast Guard, and the oil spill reporting hot line (1-800-424-8802) immediately, in the event of a spill

U.S. Law requires that every vessel greater than 26' in length and powered with an inboard engine have a sign by the bilge that states:

"Discharge of Oil Is Prohibited! The Federal Water Pollution Control Act prohibits the discharge of oil or oily waste into or upon the navigable waters and contiguous zone of the United States if such discharge causes a film or sheen upon, or discoloration of the surface of the water, or causes a sludge or emulsion beneath the surface of the water. Violators are subject to a penalty of \$5,000."

The Waterfront Supervisor will require all boaters using the Anchorage to use bilge pillows and/or other absorbent material in the bilges, and the use of the waste oil disposal facilities located at \_\_\_\_\_.

**The Town of Fort Myers Beach Municipal Anchorage Fuel & Oil Spill Control Policies Are:**

1. No person shall litter into the water or discharge or throw overboard any oils, spirits, flammable liquids or oily bilge into Matanzas Harbor/Estero Bay.
2. All boats with in-board or in-board/outboard engines shall be equipped with a sorbent sock, properly installed in the engine compartment bilge. Sorbent socks are available at ship's stores in the vicinity of the Anchorage. The socks shall be renewed annually or when contaminated. Bilge cleaners and liquid detergents shall not be used in boat bilges, as they will destroy the effectiveness of the sorbent socks.
3. The Waterfront Supervisor and the oil spill reporting hot line (1-800-424-8802) should be contacted immediately when a spill is discovered. WARNING: There is a large fine if even minor spills aren't reported.
4. The Waterfront Supervisor will have basic oil containment supplies available at the Harbor Headquarters. Oil absorbent pads and pillows should be used to contain and remove a spill. Detergents should never be used to contain oil spills!
5. The cause of the spill should be identified and measures taken to secure against spreading.

**F. Manatees and other Protected Species**

Matanzas Harbor, Estero Bay Aquatic Preserve, and surrounding waters are known to be home to the endangered West Indian Manatee. Manatees are protected under the Federal

Endangered Species Act and Marine Mammal Protection Act. Speed zones to protect manatees from boat strikes are enforced primarily by the Florida Marine Patrol.

Other protected species that use or frequent the Anchorage and surrounding waterways include bottlenose dolphin, loggerhead, Kemp's Ridley, and green sea turtles, and several species of migratory and resident shore and wading birds.

The Waterfront Supervisor shall make available relevant literature, such as publications and warnings regarding safe operation in waters frequented by manatees, to all guests entering the harbor, and explain the rules, regulations, and safety precautions that apply to manatee protection in the Harbor and surrounding waters.

**The Town of Fort Myers Beach Municipal Anchorage Protected Species Policies Are:**

1. Guests shall acquaint themselves with the publications and warnings available from the Waterfront Supervisor regarding safe operation in waters frequented by manatees and to abide by all laws, ordinances, rules and regulations governing the operation of watercraft in the presence of manatees.
2. Harassment of protected wildlife is illegal and will not be tolerated in the Anchorage.
3. Any incident relating to injured marine wildlife shall be reported immediately to the Florida Marine Patrol, "1-800-DIAL FMP".

## VII. CONTACTS

### A. Emergency Telephone Numbers

*When calling an Emergency, clearly state nature and location of the emergency.*

<b>All Safety &amp; Security Emergencies</b>	<b>911</b>
Fire Department	_____-_____-_____
Local Police Department	_____-_____-_____
State Police Department	_____-_____-_____
Medical Rescue/Ambulance	_____-_____-_____
Hospital Emergency Room	_____-_____-_____
Poison Information	_____-_____-_____
Local Coast Guard Station	463-5754
US Coast Guard Marine Safety National Office	800-424-8802
State Emergency Response (FDEP)	332-6975
Florida Marine Patrol	332-6966
Oil Spill Reporting Hot Line	800-424-8802
Commercial Fuel Spill Cleanup Company	_____-_____-_____
Federal Bureau of Investigation (FBI)	_____-_____-_____
US Marshals Service	_____-_____-_____
US Customs Service	_____-_____-_____
Town's Attorney _____	_____-_____-_____
Town's Insurance Agent _____	_____-_____-_____

### B. Key Town of Fort Myers Beach Municipal Anchorage Staff After Hours

Waterfront Supervisor	_____-_____-_____
Town Hall	_____-_____-_____

### **C. Agency Contacts with Jurisdiction in the Anchorage:**

#### **Lee County:**

- Law Enforcement: Sargeant Glen Boyette, Marine Unit of the ICD: (941) 964-2400
- Marine Resources: Steve Boutelle, Marine Services Division (941) 479-8128
- Water quality testing: Keith Kibbey, Environmental Laboratory: (941) 278-7070
- Permitting: Rick Joyce, Planning and Development: (941) 479-8182
- Code Enforcement: Dave Crabtree, (941) 332-2159
- Hazardous Waste: Dale Nottingham, Small Quantity Generator Program: (941) 479-8126
- Environmental/Enforcement: Deputy Jack Foley, (941) 479-8108

#### **West Coast Inland Navigation District:**

- Chuci Listowski, Executive Director (941) 485-9402

#### **U.S. Coast Guard:**

- Commanding Officer J.M. "Red" Henson (941) 463-5754

#### **Florida Department of Environmental Protection:**

- Law Enforcement: Lt. Steve Meevers, Florida Marine Patrol: (941) 332-6966
- Permitting: Lucy Blair, Submerged Lands and Environmental Resources Division: (941) 332-6975
- Estero Bay Aquatic Preserve: Heather Stafford, Preserve Manager: (941) 463-3240

#### **U.S. Army Corps of Engineers:**

- Chip Clough, Ft. Myers Regulatory Office (941) 334-1975
- Charlie Stevens, Project Manager for Matanzas Channel (904) 232-2113

## **APPENDICES**

## **APPENDIX I.**

### **POSITION TITLE: WATERFRONT SUPERVISOR**

#### **A. General Description of Duties**

Under direction, the purpose of the position is to provide management for Town facilities engaged in water/marine operations. Employees (subcontractors) manage mooring/leasing activities and operational maintenance of the Town's mooring fields, and the activities of the shore side facilities under charge. Position oversees sales operations, facility security, and facility maintenance activities. Performs related work as directed.

#### **B. Specific Duties and Responsibilities**

Provides administration for the operation, maintenance, and security of the municipal mooring and shore side facilities.

Assigns mooring spaces in the Town mooring fields, to include maintaining records and the collection and disposition of applicable fees and corrective actions for delinquent accounts.

Monitors and controls harbor traffic to ensure adherence to established harbor rules, regulations and safe boating practices.

Supervises personnel engaged in providing for the security, care and safety of boats, moorings, and facilities.

Provides overall assistance to the general public regarding the waterways in Matanzas Harbor, i.e. water and weather conditions, harbor rules and regulations, mooring fees, transient mooring, and safe boating practices.

Prepares and maintains various records or reports concerning harbor activities; i.e. revenues and fees collected, maintenance and repair activities, materials/supplies purchases, operating budgets, transient registrations.

Inspects boats, moorings, dinghy docks, and adjacent facilities for adherence to established safety regulations, and for the purpose of preventing accident or injury to personnel and patrons.

Inspects mooring and physical condition of vessels in mooring.

Schedules and coordinates improvements to harbor facilities.

Oversees operations of the harbor sales office; ensures accurate accounting and balancing of all monies processed; prepares and submits bank deposits.

Operates Municipal Anchorage boat as needed, and VHF radio equipment in communicating and responding to public docking/boating needs.

Oversees response to oil and hazardous materials spills; ensures containment according to established regulations.

Coordinate and oversee cleanup efforts after a storm with all towing, salvage, and cleanup crews from a central office.

Coordinate the Hurricane Preparation and Recovery Plan to ensure Plan is updated as needed and put in to action when necessary.

Responsible for ensuring all signage in the waterways of the harbor is proper and readable. Reports all discrepancies to the proper authorities. Coordinate with the Town Manager's Office.

Annual inspections and maintenance of moorings.

Annual updates of Operations & Management Handbook, and Regulatory and Jurisdictional Handbook.

The list of essential functions, as outlined herein, is intended to be representative of the tasks performed within this classification. It is not necessarily descriptive of any one position in the class. The omission of an essential function does not preclude management from assigning duties not listed herein if such functions are a logical assignment to the position.

### **C. Authority**

1. Enforces rules of the Harbor.
2. Authority to seal overboard discharges.
3. FMP and USCG requirements: Authority to board vessels, check for such things as marine sanitation devices and their working order, safety equipment, registration, etc.
4. Traffic control in anchorage (excluding the federal channel). Assigns vessels to anchoring/mooring locations.
5. Serves as liaison to appropriate authorities to report violations or conflicts in the Harbor.

#### **D. Minimum Training And Experience**

High school diploma or GED and USCG license; supplemented by minimum five (5) years experience that demonstrates extensive knowledge of safe boating practices and procedures, and experience in operational maintenance/management of a moderately sized marina/docking facility or similar water related business. Certification by OSHA will be necessary in order to oversee and respond to hazardous material and oil spills.

#### **E. Performance Aptitudes**

**Data Utilization:** Requires the ability to review, classify, categorize, prioritize, and/or analyze data and/or information. Includes exercising discretion in determining data classification, and in referencing such analysis to established standards for the purpose of recognizing actual or probable interactive effects and relationships.

**Human Interaction:** Requires the ability to function in a supervisory/managerial capacity for a group of workers. Includes the ability to make decisions on procedural and technical levels.

**Equipment, Machinery, Tools, and Materials Utilization:** Requires the ability to operate and control the actions of equipment, machinery, tools and/or materials requiring complex and rapid adjustments.

**Verbal Aptitude:** Requires the ability to utilize a wide variety of reference, descriptive, and/or advisory data and information.

**Mathematical Aptitude:** Requires the ability to perform addition, subtraction, multiplication, and division; ability to calculate decimals and percentages.

**Functional Reasoning:** Requires the ability to apply principles of influence systems, such as motivation, incentive, and leadership. Ability to exercise independent judgment to apply facts and principles for developing approaches and techniques to problem resolution.

**Situational Reasoning:** Requires the ability to exercise the judgment, decisiveness, and creativity required in situations involving evaluation of information against measurable or verifiable criteria.

#### **F. Ada Compliance**

**Physical Ability:** Tasks involve the regular and, at times, sustained performance of moderately physically demanding work, typically involving some combination of climbing and balancing, stooping, kneeling, crouching, and crawling, and that may involve the lifting, carrying, pushing, and/or pulling of moderately heavy objects and materials (20-50 pounds).

Sensory Requirements: Some tasks require the ability to perceive and discriminate depths. Some tasks require visual perception and discrimination. Some tasks require oral communications ability.

Environmental Factors: Tasks may risk exposure to adverse environmental conditions, such as dust, odors, wetness, humidity, rain, fumes, temperature and noise extremes, machinery, vibrations, electric currents, traffic hazards, and/or toxic/poisonous agents.

### **WATERFRONT SUPERVISOR**

The Town of Fort Myers Beach is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the Town of Fort Myers Beach will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.

APPROVED BY:

---

TOWN MANAGER

---

DATE

**APPENDIX II.**

**TOWN OF FORT MYERS BEACH MUNICIPAL ANCHORAGE  
LEASE AGREEMENT**

**PAT 98-23  
BoCC SPONSORED  
AMENDMENT  
TO THE**

---

LEE COUNTY COMPREHENSIVE  
PLAN

---

**THE**

**LEE PLAN**

---

LPA Public Hearing Document  
for  
March 22<sup>nd</sup> Public Hearing

---

*Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(941) 479-8585*

**March 19, 1999**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
PAT 98-23**

✓	<b>This Document Contains the Following Reviews:</b>
✓	<b>Staff Review</b>
	<b>Local Planning Agency Review and Recommendation</b>
	<b>Board of County Commissioners Hearing for Transmittal</b>
	<b>Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report</b>
	<b>Board of County Commissioners Hearing for Adoption</b>

STAFF REPORT PREPARATION DATE: March 19, 1999

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT:**

LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

**2. REQUEST:**

Add a new policy to Goal 12 to specifically preserve the use "Education/Public Access" on the Matanzas Pass Murphy Oil site.

**B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:**

**1. RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners not transmit this proposed amendment at this time.

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

- The subject of this request is known locally as the Murphy Oil site. The 5.58-acre site was acquired by Lee County on January 28, 1991. The total purchase price was \$1,627,335.50.
- Fort Myers Beach became incorporated on December 31, 1995. The new Town encompasses the majority of Matanzas Harbor.

- The Town of Fort Myers Beach is taking the lead role in the development of a plan to implement the Matanzas Harbor Management Plan.
- The Murphy Oil Site is designated Public Facilities on the Lee Plan Future Land Use Map. Allowable uses within Public Facilities areas are determined by the entity owning each such parcel and the local government having zoning and permitting jurisdiction.

### **C. BACKGROUND INFORMATION**

This amendment was initiated by the Board of County Commissioners on September 15, 1998. The background material for this meeting contained the following:

*Planning staff coordinated with the San Carlos Island Community Redevelopment Committee regarding last years amendment to eliminate the Fort Myers Beach Goal. This amendment was requested by members of the committee to make it clear that these uses will be preserved on the Murphy Oil site.*

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

The Public Facility property that is the subject of this request is known locally as the old Murphy Oil site. The Murphy Oil site was acquired by Lee County on January 28, 1991. The total purchase price was \$1,627,335.50. The property was viewed as a possible land base for several different water related public activities associated with the Matanzas Harbor Plan. Concerning the acquisition of a parcel, the Matanzas Harbor Plan provides the following:

*The acquisition of a waterfront parcel(s) to complement the plethora of management activities within the harbor (i.e. marine sanitation, enforcement vessel dockage, ferry/water taxi landing and associated parking and/or mass transit stops), has been a major issue.*

Staff identified the potential uses for the property as follows:

1. dockage leasing
2. boat ramp
3. public parking to facilitate mass transit program needs
4. beach-oriented concessions
5. marine sanitation deposition landbase
6. official dockage

The Matanzas Harbor Plan was adopted by the Board of County Commissioners on October 24, 1990. Several earlier studies, such as the 1983 Lee County Boating Study, referenced the need for a local government marine management facility.

The development of the Matanzas Harbor Plan stems from a September 3, 1987 meeting of the Service Delivery Subcommittee of the Lee County Commission. At this meeting, Commissioners Bigelow, Fussell, and Goss discussed the boating conflicts in the Matanzas Pass area and the "concept of a controlled harbor." After several subsequent meetings, including discussions with the marine Advisory Committee,

staff was directed by the Board of County Commissioners on August 31, 1988 to begin formulating a conceptual plan. Staff, in formulating the harbor plan, coordinated with a variety of committees and agencies including: the Marine Advisory Committee; the Waterways Advisory Committee; the U.S. Coast Guard; the Lee County Sheriff's Department; citizen representatives from the Fort Myers Beach Back Bay Pollution Committee; the Fort Myers Beach Land Use Committee; and, the City of Sanibel.

In 1988 members of the commercial shrimping industry and related industries on San Carlos Island met with County staff concerning the loss and potential continued loss of additional dock space in Lee County due to development and recreational pressures. In response, the Board of County commissioners commissioned T. A. Herbert and Associates to perform a dockage option study. This study, entitled "The Investigation of Options Related to the Location, Operation, and Funding of Shrimp Docks in the San Carlos Island Area, Lee County, Florida," provided the following recommendation concerning the subject property:

*Fifteen to 18 shrimp boats presently dock at an area known as "The Murphy Oil Property." The Murphy Oil Property could be purchased by Lee County or a private organization which could repair the docks and commit the docks to use by the commercial industry to insure continuation or maintenance of this docking space. Several sources of funding were identified for each entity for each phase of the potential project including the financing for feasibility studies and construction.*

The result of all of this was the September, 1990 draft Matanzas Harbor Plan.

#### **REZONING OF THE SUBJECT PROPERTY**

At a May 31, 1995 Board of County Commissioner's public hearing, Commissioner Judah brought up the subject property. At this meeting the Board directed staff to proceed with a county-initiated rezoning to IPD and CFPD to incorporate various uses proposed for the site by the County, Southwest Florida Marine Institute and the Ostego Bay Foundation.

Division of Planning staff represented the Board of County Commissioners through the rezoning process. The property was rezoned to IPD and CFPD on January 10, 1996. The rezoning, known as San Carlos Island Maritime Park, accommodates a variety of uses for the property including:

- Administrative offices for the Lee County Division of Natural Resources Management, along with a boat ramp, dockage, and an open storage area.
- Cultural facilities which will include a marine science center and an auditorium (Ostego Bay Foundation)
- The existing manufacturer of food and kindred products (Trico Shrimp Company)
- Parks, public & private, along with schools, non-commercial (Southwest Florida Marine Institute)

Fort Myers Beach became incorporated on December 31, 1995. The new Town encompasses the majority of Matanzas Harbor. For example, the municipal boundary is only approximately 30 feet off-shore of the County owned parcels on San Carlos Island. This has resulted in the Town of Fort Myers Beach taking the lead role in the development of a plan to implement the Matanzas Harbor Management Plan. The Town has hired a consultant to develop a plan to implement the management plan. A draft of that plan is in committee review at the Town and is scheduled to go to the Town Council in the near future.

## **EVALUATION AND APPRAISAL REPORT (EAR) DISCUSSION**

A new objective and policies concerning the "Matanzas Harbor Management Plan" were added as part of the Evaluation and Appraisal Report based amendments. The July 7, 1994 EAR for Ports, Aviation and Related Facilities contained the following:

*The Board of County Commissioners approved the conceptual Matanzas Harbor Management Plan in August, 1988. It would be appropriate to include an objective the (sic) would show commitment to the Matanzas Harbor Management Plan and the use of property the county purchased on San Carlos Island. The current Lee Plan Policy 18.1.1 describes the Matanzas Harbor Management Plan. This policy should be moved from the Future Land Use element into the Ports, Aviation and Related Facilities element and renumbered as Policy 94.6.3...*

**RECOMMENDATION:** *A new objective and policies should be included as follows:*

**OBJECTIVE 94.6: MATANZAS HARBOR MANAGEMENT PLAN.** *The county shall implement a Matanzas Harbor Management Plan.*

**POLICY 94.6.1:** *The Matanzas Harbor Management Plan shall address the county's plans for use of the property the county acquired on San Carlos Island that is commonly known as the Murphy Oil site.*

**POLICY 94.6.2:** *The county shall apply to the state of Florida for a submerged land management agreement or a submerged land lease for the county-acquired property on San Carlos Island that is commonly known as the "Murphy Oil site".*

**POLICY 94.6.3:** *By 1997, the county shall, with recommendations from an advisory committee, affected elements of county government and other affected persons, further develop and implement a Matanzas Harbor Management Plan. The scope of this plan shall include the designation of a managed mooring area; the regulation of trash and wastewater disposal; and establishment of a research facility designed to meet the needs of marine environmental sciences, marine education, marine research and study of the estuarine and intertidal environment of waters unique to Lee County, specifically, Estero Bay, Ostego Bay and Hurricane Bay. This plan will provide mechanisms and standards for the strict enforcement of health, safety and welfare regulations throughout the Estero Bay and Matanzas Harbor area, regulations for the protection of marine resources; and the initiation and operation of a marine research/educational facility that would provide public access as determined by a final master plan.*

**POLICY 94.6.4:** *The Matanzas Harbor Management Plan shall address public participation issues and shall be consistent with the San Carlos Island Redevelopment Plan.*

**POLICY 94.6.5:** *The county shall implement the findings of the study completed concerning the designation of special anchorage areas that would allow the mooring of live-aboard vessels, especially in the Matanzas Harbor area.*

The above language was adopted and incorporated into the Lee Plan through the EAR based amendments.

## **EAR ADDENDUM AMENDMENTS DISCUSSION**

The Lee Plan Future Land Use element previously contained a duplicate of Policy 96.4.3 that was adopted by the Board of County Commissioners on July 9, 1991 as part of the planning effort that lead to the creation of the Fort Myers Beach Goals, Objectives, and Policies. This policy was originally included as Policy 18.1.1. Subsequent codification of the Lee Plan result in this policy being renumbered to Policy 16.1.1.

The EAR Addendum Report, as adopted by the Board of County Commissioners on February 1, 1996 identified that the incorporation of Fort Myers Beach necessitated a review of the Fort Myers Beach goals and policies "to determine their applicability to the portions of the Fort Myers Beach Fire District that have not been incorporated..." This amendment is known as PAM/T 96-27. Policy 16.1.1 was identified as being duplicated by "Policy 94.6.3 of the Ports, Aviation and Related Facilities Element..." The Board of County Commissioners adopted PAM/T 96-27 on May 27, 1998, resulting in the deletion of Policy 16.1.1.

## **B. CONCLUSIONS**

The Murphy Oil site was acquired by Lee County on January 28, 1991. The property was viewed as a possible land base for several different water related public activities associated with the Matanzas Harbor Plan.

Fort Myers Beach became incorporated on December 31, 1995. The new Town encompasses the majority of Matanzas Harbor. The Town of Fort Myers Beach is now taking the lead role in the development of a plan to implement the Matanzas Harbor Management Plan.

With Lee County no longer in the lead role in the implementation of the harbor management plan, staff recognizes that Objective 94.6 and subsequent policies should be reevaluated.

## **C. STAFF RECOMMENDATION**

Planning staff recommends that the Board of County Commissioners not transmit this proposed amendment at this time. Staff recommends that Objective 94.6 and subsequent policies be evaluated in the next regular round of amendments in light of the Town of Fort Myers Beach's lead efforts towards implementing the harbor management plan.

**PART III - LOCAL PLANNING AGENCY  
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: March 22<sup>nd</sup>, 1999

**A. LOCAL PLANNING AGENCY REVIEW**

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

**1. RECOMMENDATION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**C. VOTE:**

<b>BARBARA BARNES-BUCHANAN</b>	_____
<b>WILLIAM HICKOK</b>	_____
<b>MITCH HUTCHCRAFT</b>	_____
<b>RONALD INGE</b>	_____
<b>BILL SPIKOWSKI</b>	_____
<b>GREG STUART</b>	_____
<b>MATT UHLE</b>	_____

**PART IV - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: \_\_\_\_\_

**A. BOARD REVIEW:**

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**C. VOTE:**

**JOHN ALBION**

**ANDREW COY**

**RAY JUDAH**

**JOHN MANNING**

**DOUG ST. CERNY**

_____
_____
_____
_____
_____
_____

**OBJECTIVE 12.1: SAN CARLOS ISLAND WATER-DEPENDENT OVERLAY ZONE**

To protect marine-orientated land uses on San Carlos Island from incompatible or pre-emptive land uses all development must be consistent with the following policies in addition to other provisions of this plan.

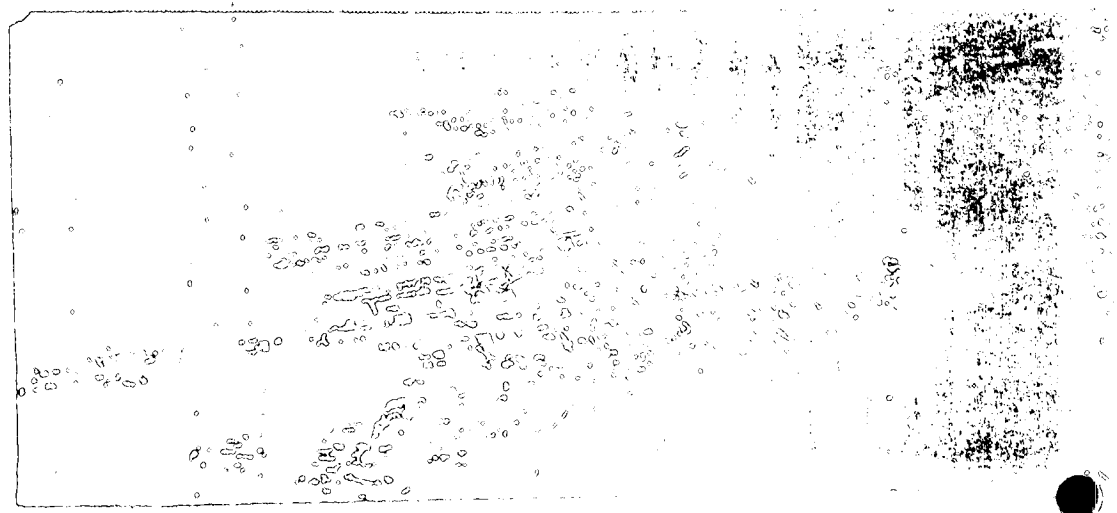
**OBJECTIVE POLICY 12.1.1:** New development and substantial redevelopment within the Industrial Development land use category on San Carlos Island shall be permitted only in accordance with ~~Policy 12.1.1 of the Lee Plan~~ the following criteria. (See glossary for definitions and Map 2 for map boundaries.) However, in no event shall Lee County permit new or expanded petroleum facilities which would serve uses other than marine-related uses. (Amended by Ordinance No. 94-30)

***THE REST OF THE POLICY REMAINS UNCHANGED***

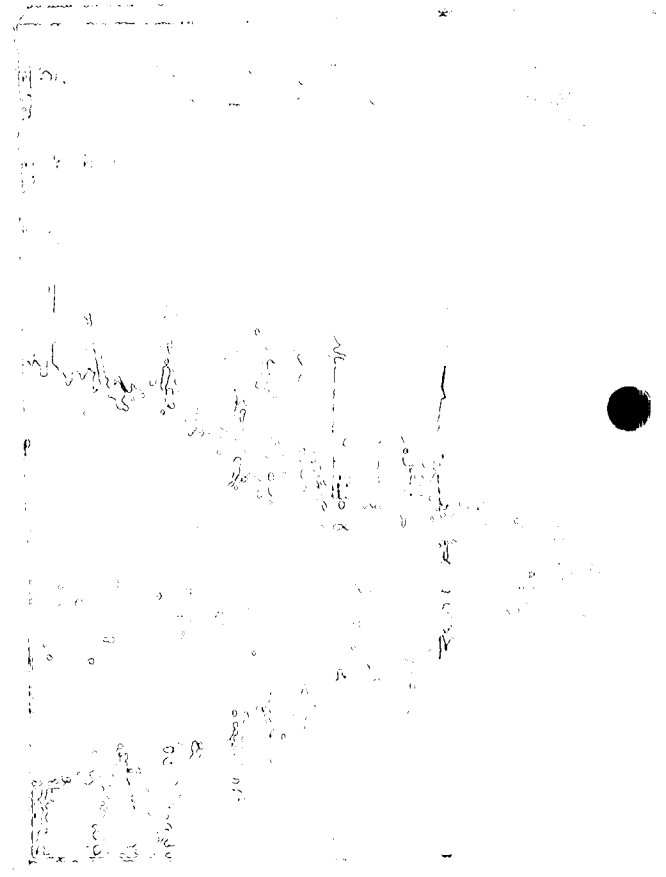
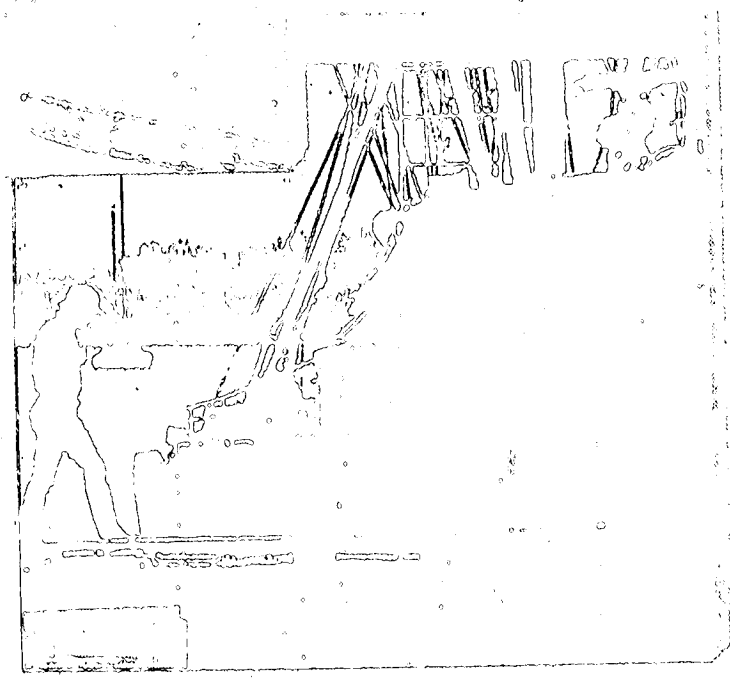
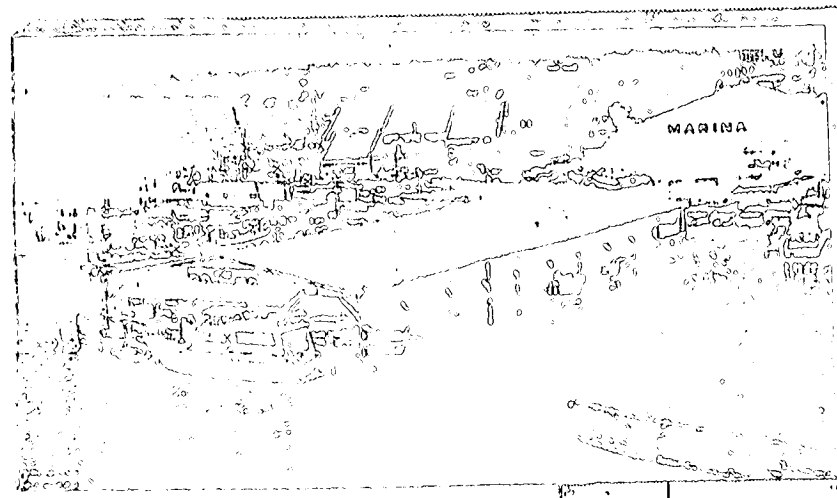
**POLICY 12.1.12:**

***THE REST OF THE POLICY REMAINS UNCHANGED***

LEE COUNTY  
COMMUNITY  
REDEVELOPMENT  
AGENCY



SAN CARLOS



RECEIVED JUNE 5, 1991

Photo by Don Chisholm

County DOT&E, and the state Department of Transportation during the expansion of San Carlos Boulevard.

OBJECTIVE 26.4: OTHER MODES OF TRANSPORTATION. Consider the needs and opportunities for allowing and encouraging the use of other modes of transportation when conducting all transportation planning and engineering studies.

A "people mover" study will be conducted during Phase I of the plan to evaluate and recommend alternative forms of transportation countywide. Funding for this study is anticipated to come from an Urban Mass Transit Authority (UMTA) grant to be administered by LeeTran. The study will evaluate alternative modes of transportation, such as water taxis, trolleys, and bike-carrying buses, as well as evaluate existing transportation choices and methods to encourage residents and tourists to select alternative means of transportation. Implementation of the recommendations of the study will be included in Phases I and II.

Coordination of any traffic study and the people mover study is essential and is a responsibility that will be assumed by the Community Redevelopment Agency staff. In addition, these studies will also address parking needs associated with mass transit and with concentration of attractive recreational uses. Existing parking lot locations will be evaluated in the circulation study to assure that the following standards are met:

- Public expenditures for parking facilities shall be directly related to programs to improve the level of service on backlogged and constrained roads.
- It is basic that San Carlos Island neither become the parking lot for Fort Myers Beach (Estero Island) nor for Lee County. This would preclude construction of a parking garage on San Carlos Island or additional surface parking for benefit of other areas of Lee County which cannot be directly related to achieving the goals and objectives of the San Carlos Island Plan, or which would be utilized as temporary parking with the people parking their vehicles then being transported to another area by any means.

During Phase I of the San Carlos Island Plan, planning staff and the San Carlos Island Local CRA Advisory Committee will work closely with the Division of Marine Sciences to incorporate the proposed Matanzas Harbor Plan in the San Carlos Island Plan to assure consistency with the community objectives expressed in the redevelopment plan. As a major priority in the development of the Matanzas Harbor Plan, joint venture with Lee County and private enterprise will be encouraged. The Matanzas Harbor Plan will address several of the objectives included in the Lee Plan: navigational markers (Objective 94.2), marine sanitation (Objective 94.3), and live-aboard vessels (Objective 94.4).

## APPENDIX B

### COMMUNITY OBJECTIVES FOR REDEVELOPMENT NEEDS

#### LAND USE

- Add an additional water-related commercial category to the water-dependent overlay zone.
- Change the maximum requirements of ancillary commercial uses within the water-dependent overlay zone to permit such use on 50% of the parcel's total area.
- Reduce the depth of the water-dependent overlay zone boundary south of Main Street.
- Establish development regulations to enable property development or redevelopment, including the area along San Carlos Boulevard.
- Allow upgrade of existing docks to take place, to include repairs and maintenance.
- Amend the water-dependent overlay zone to permit flexible setback requirements and ease the permitting process.
- Evaluate, on a countywide basis, the Lee County Building Codes to ensure that they are the most appropriate for redevelopment on San Carlos Island.
- Ensure buildback regulations would allow property owners to rebuild their properties to like uses and densities.
- Increase the island's self-determination of zoning and land use issues.
- Relax development regulations to enable refurbishment of non-conforming properties.

#### TRAFFIC CIRCULATION

- Improve traffic circulation, including reversing the one-way frontage roads under the Matanzas Pass Bridge, utilizing existing Florida and Lee County Departments of Transportation studies.
- Explore the possibilities of installing a traffic signal on San Carlos Boulevard between Matanzas Pass Bridge and Hurricane Pass Bridge.
- Explore design possibilities to improve traffic circulation on Main Street, utilizing existing Florida and Lee County Departments of Transportation studies.
- Repave local roads and bring them up to county standards.

#### SURFACE WATER MANAGEMENT

- Improve surface water management; including the proper maintenance of existing drainage ditches.

#### COMMUNITY DEVELOPMENT

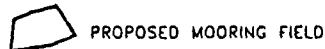
- Require community input on Matanzas Harbor Plan.
- Ensure community input on any development waterfront property recently purchased by Lee County.
- Increase Lee County sheriff services on San Carlos Island.

# MATANZAS HARBOR: HARBOR FACILITIES PLAN

PREPARED FOR:

TOWN OF FORT MYERS BEACH

## LEGEND



PROPOSED MOORING FIELD

### ENVIRONMENTALLY SENSITIVE AREAS



SHOAL



MANGROVES



SEA GRASS



UPLANDS

### JURISDICTIONS

TOWN/COUNTY BORDER

FEDERAL CHANNEL

CHANNEL RIGHT-OF-WAY

### NAVIGATION



EXISTING DAY MARKER



PROPOSED DAY MARKER



BATHYMETRY (IN FEET BELOW MLLW)



PROPOSED HAZARD SIGN



PROPOSED INFORMATION SIGN



JETPROBE LOCATION

### FACILITIES



EMERGENCY SERVICES



MARINA



DINGHY DOCK



PUMP OUT



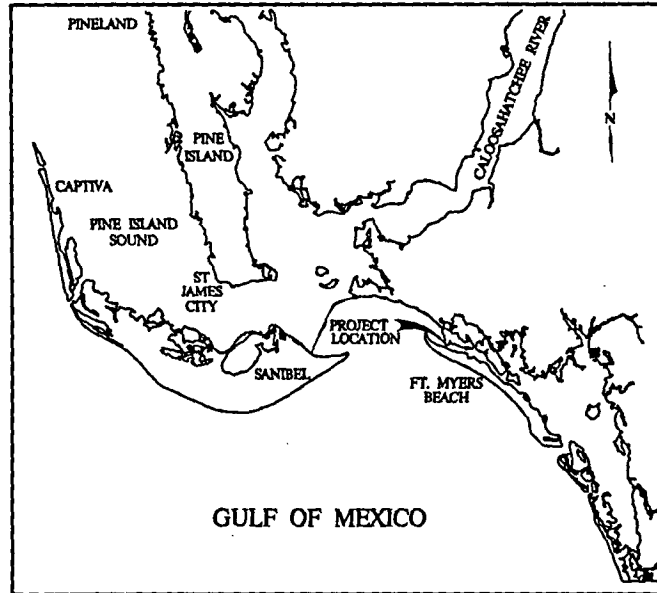
GOVERNMENT-OWNED PROPERTY



FUEL



PROPOSED WATERFRONT  
SUPERVISOR HEADQUARTERS



LOCATION MAP

### TIDE STATION 872 5366 FORT MYERS BEACH

TIDAL DATUMS AT FORT MYERS BEACH ARE BASED ON THE FOLLOWING:

TIDAL EPOCH	=	1960 - 1978
CONTROL TIDE STATION	=	ST. PETE (872 6520)
		FT, NCVD
MEAN HIGHER HIGH WATER (MHHW)	=	2.15'
MEAN HIGH WATER (MHW)	=	1.89'
MEAN TIDE LEVEL (MTL)	=	0.94'
NATIONAL GEODETIC VERTICAL DATUM 1929 (NGVD)	=	0.49'
MEAN LOW WATER (MLW)	=	0.00'
MEAN LOWER LOW WATER (MLLW)	=	-0.55'

### NOTES:

1. HARBORAGE AREAS ARE IDLE SPEED NO WAKE
2. NO ANCHORING OR DOCKING IN FEDERAL CHANNEL, FAIRWAYS, OR ENVIRONMENTALLY SENSITIVE AREAS

## INDEX

- 1 COVER SHEET
- 2 EXISTING CONDITIONS MAP: WEST
- 3 EXISTING CONDITIONS MAP: EAST
- 4 PROPOSED MOORING & SIGNAGE PLAN: WEST
- 5 PROPOSED MOORING & SIGNAGE PLAN: EAST
- 6 MOORING DETAILS: WEST
- 7 MOORING DETAILS: EAST
- 8 MOORING SYSTEM ANCHOR DETAIL
- 9 MOORING SYSTEM BUOY DETAIL
- 10 SIGN DETAILS

### REVISIONS

No.	DATE	DESCRIPTION	APPR.

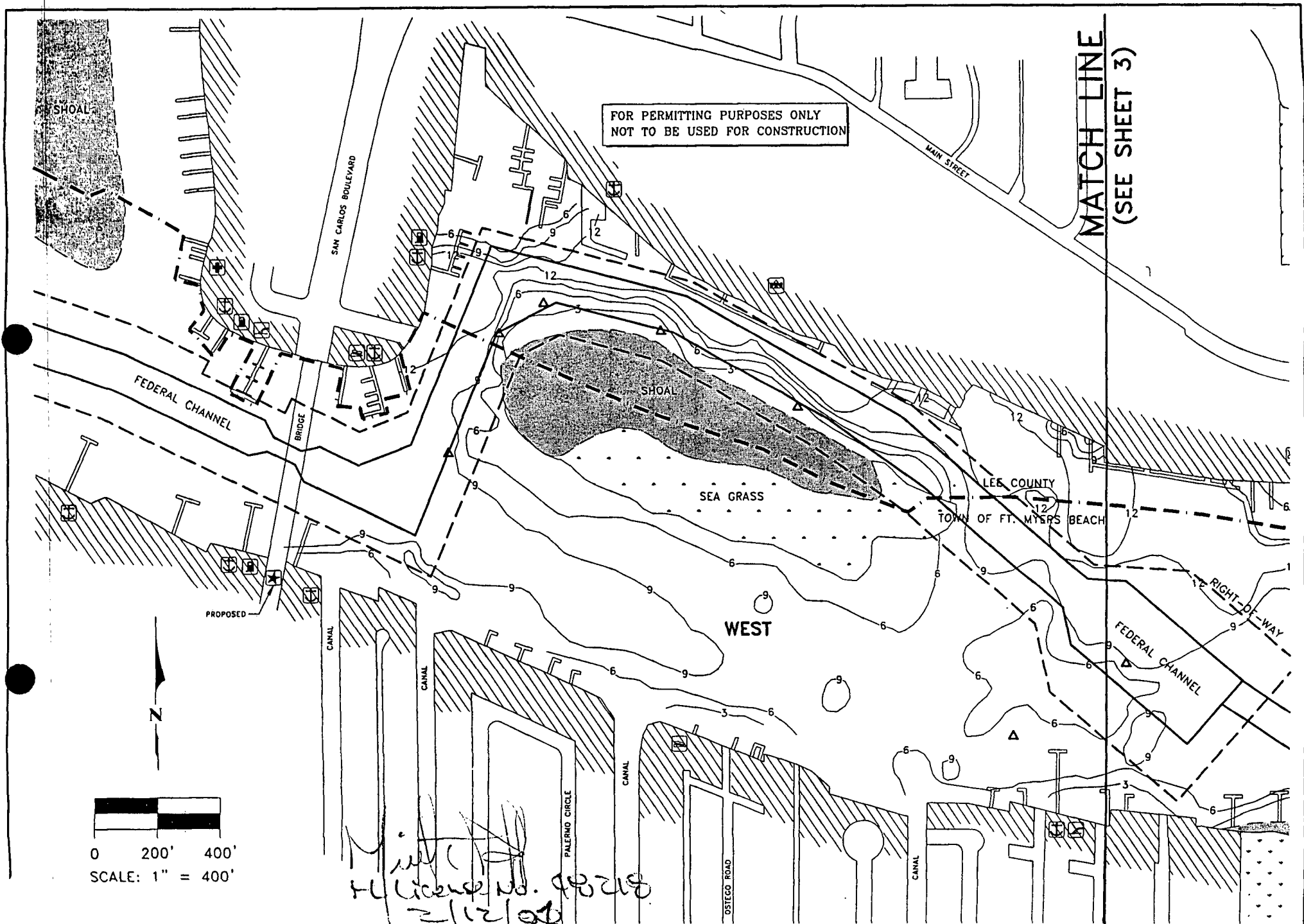
COASTAL ENGINEERING CONSULTANTS, INC.

COASTAL & CIVIL ENGINEERS • SURVEYORS • GEOLOGISTS  
PLANNERS • APPRAISERS • ENVIRONMENTALISTS

17596 S. TAMiami TR., STE. #102 • FT. MYERS, FL. 33908  
(941) 690.9900 • FAX (941) 690.9909 • E-MAIL: englco@coecfl.com

PROJECT NO. 99.273  
FILE No. 99.273-P-1  
SHEET 1 OF 10

*Handwritten:* License No. 48218  
2/12/01



**COASTAL ENGINEERING CONSULTANTS, INC.**  
 COASTAL & CIVIL ENGINEERS • SURVEYORS • GEOLOGISTS  
 PLANNERS • APPRAISERS • ENVIRONMENTALISTS  
 17696 S. TAMiami TR., STE. #102 • FT. MYERS, FL 33908

CLIENT: TOWN OF FORT MYERS BEACH  
 TITLE: MATANZAS HARBOR: HARBOR FACILITIES PLAN

SCALE: 1"=400' DATE: 1-31-01  

SECTION 19	TOWNSHIP 46S	RANGE 24E
SHEET 2	OF 10	

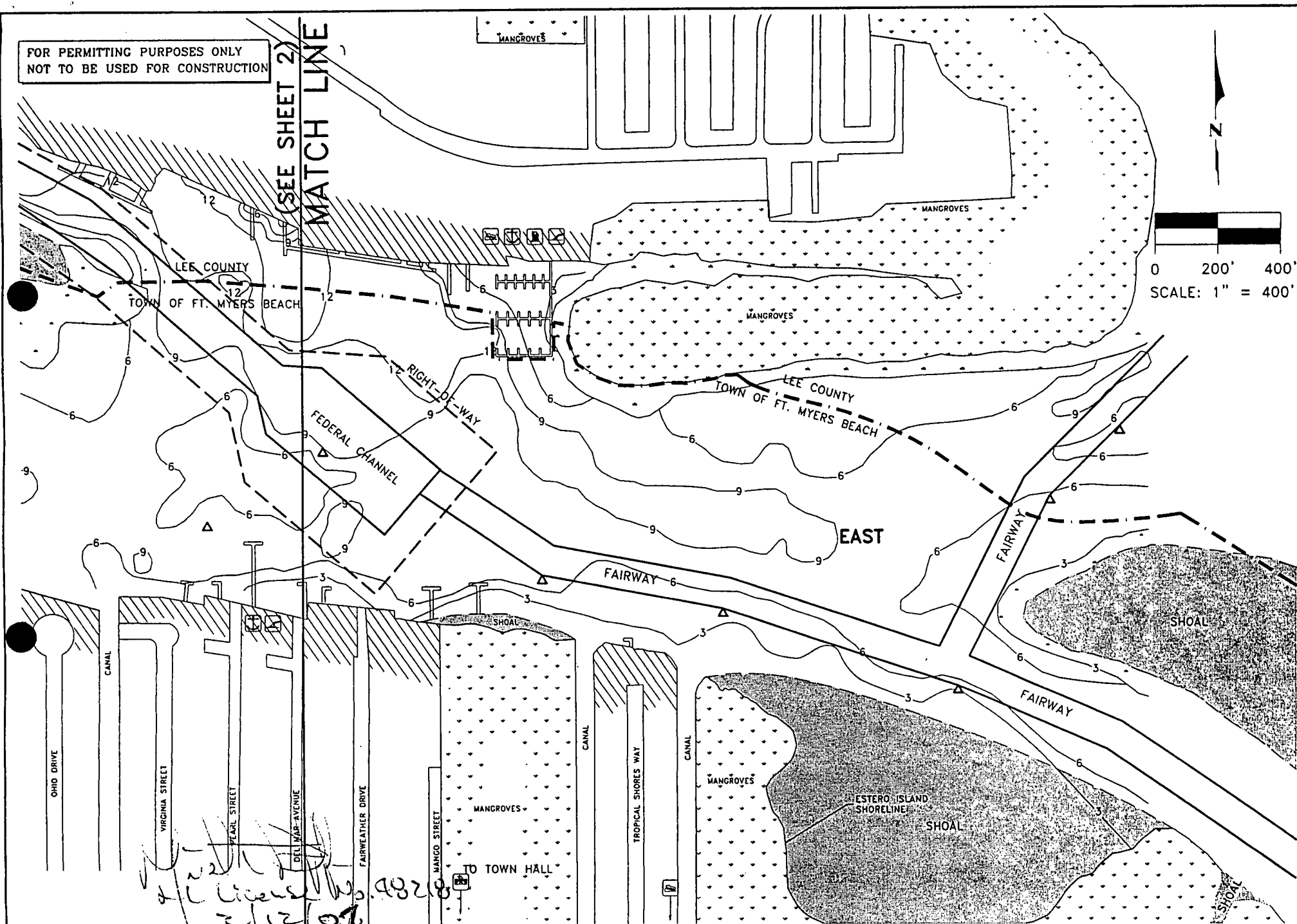
 FIG. 110

FOR PERMITTING PURPOSES ONLY  
NOT TO BE USED FOR CONSTRUCTION

(SEE SHEET 2)  
MATCH LINE



0      200'      400'  
SCALE: 1" = 400'



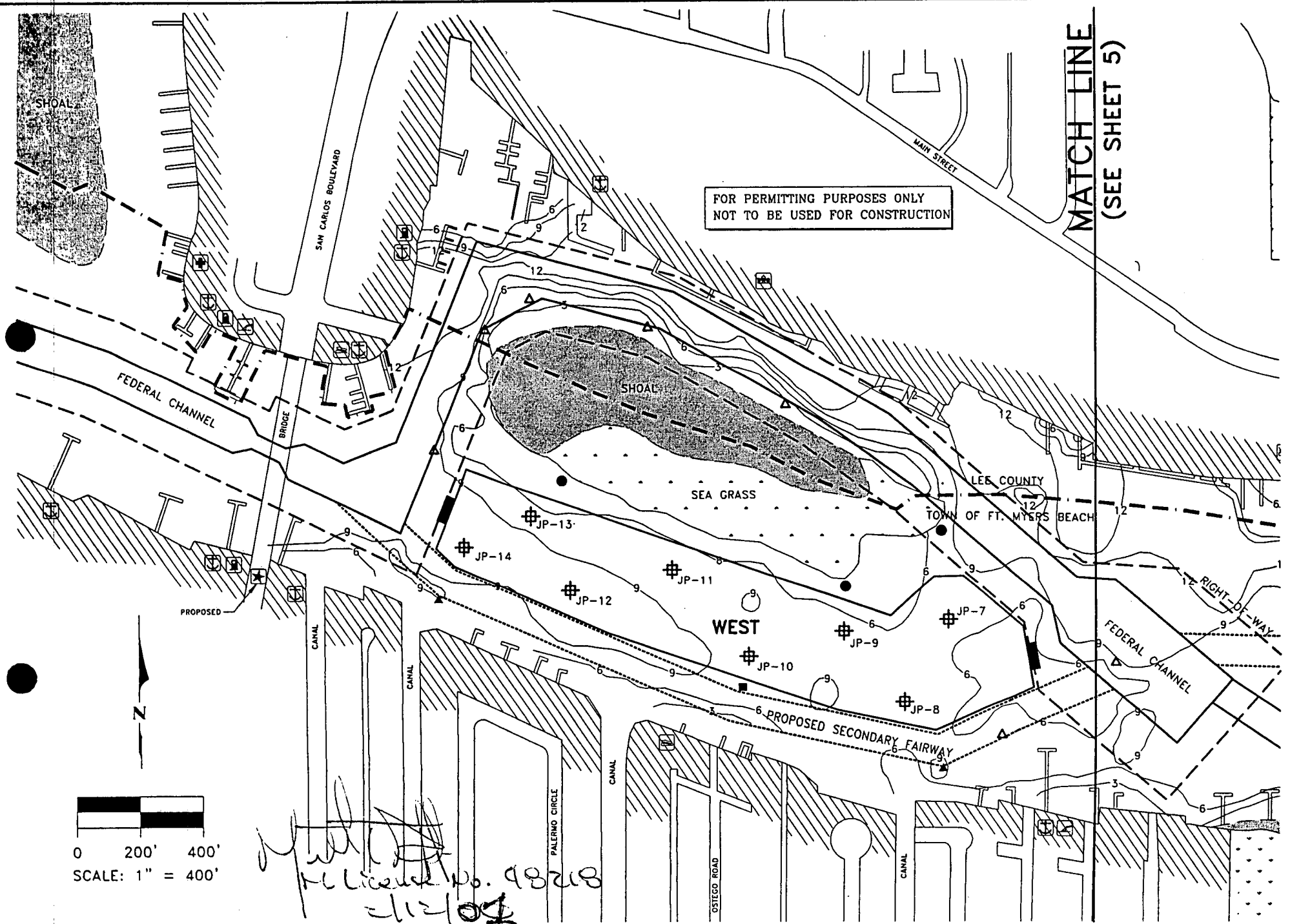
DESIGNED:	JMC
DRAWN:	JMC
CHECKED:	MAK
ACAD NO	9273EXC
PROJECT NO	99 273

**COASTAL ENGINEERING CONSULTANTS, INC.**  
COASTAL & CIVIL ENGINEERS • SURVEYORS • GEOLOGISTS  
PLANNERS • APPRAISERS • ENVIRONMENTALISTS  
1759 S. TAMMAMULT, STE. #102 • FT. MYERS, FL. 33908

CLIENT: TOWN OF FORT MYERS BEACH

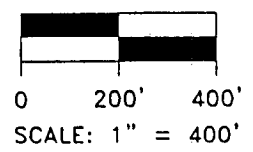
TITLE: MATANZAS HARBOR: HARBOR FACILITIES PLAN

SCALE: 1" = 400'		DATE: 1-31-01	
SECTION 19	TOWNSHIP 46S	RANGE 24E	
SHEET 3		OF 10	



FOR PERMITTING PURPOSES ONLY  
NOT TO BE USED FOR CONSTRUCTION

MATCH LINE  
(SEE SHEET 5)



*Handwritten:* License No. 98218  
2/12/04

DESIGNED:	JMC
DRAWN:	JMC
CHECKED:	MAK
ACAD NO:	9273MS
PROJECT NO:	99-27

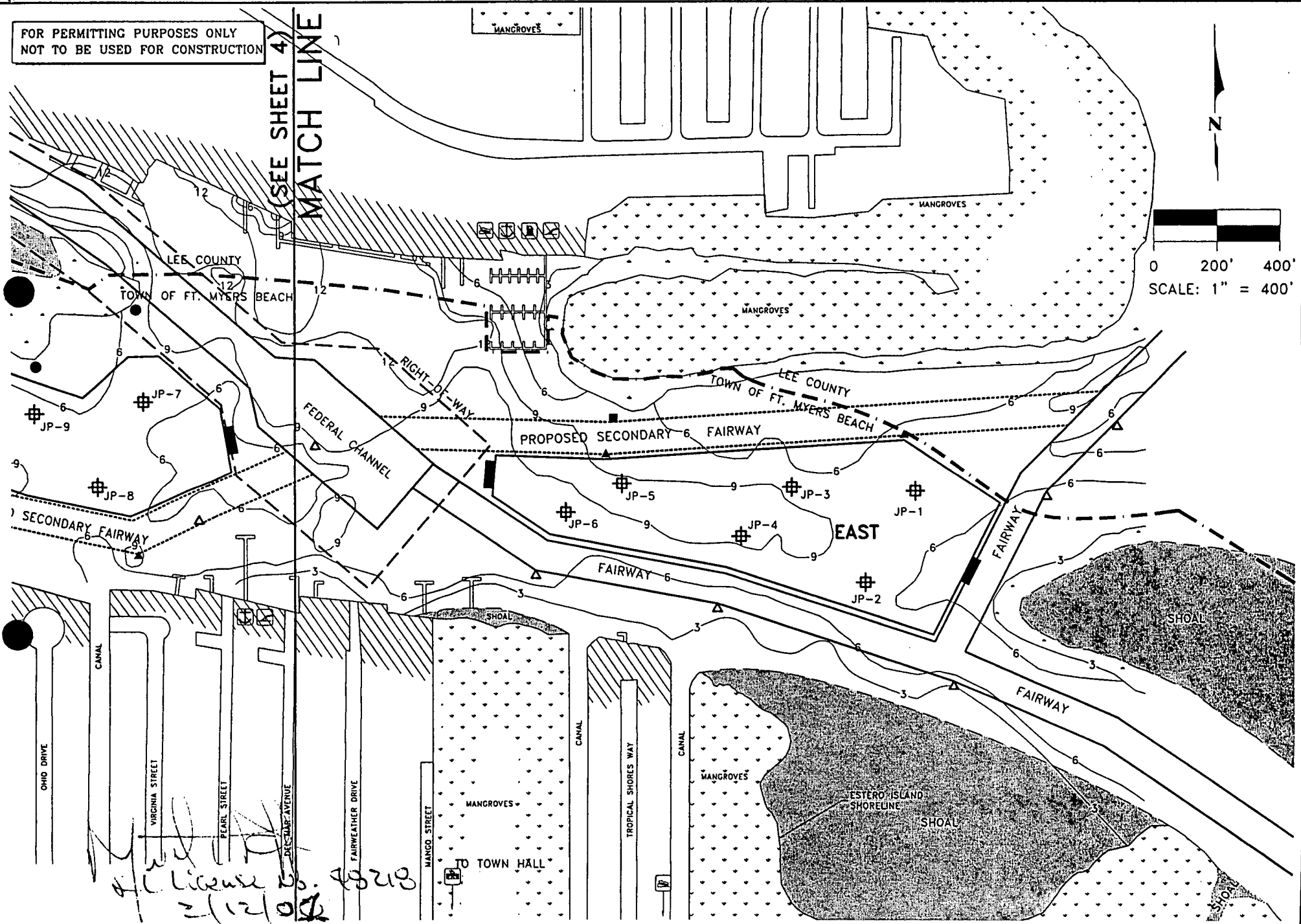
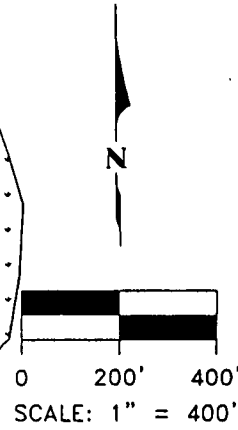
**COASTAL ENGINEERING CONSULTANTS, INC.**  
COASTAL & CIVIL ENGINEERS • SURVEYORS • GEOLOGISTS  
PLANNERS • APPRAISERS • ENVIRONMENTALISTS  
17596 S. TAMiami TR. STE. #102 • FT. MYERS, FL 33908

CLIENT: TOWN OF FORT MYERS BEACH  
TITLE: MATANZAS HARBOR: HARBOR FACILITIES PLAN  
DREDGING AND STORAGE (WEST)

SCALE: 1" = 400'	DATE: 1-31-01
SECTION 19	TOWNSHIP 46S
RANGE 24E	
SHEET 4	OF 10
FILE NO.	99-27

FOR PERMITTING PURPOSES ONLY  
NOT TO BE USED FOR CONSTRUCTION

(SEE SHEET 4)  
MATCH LINE

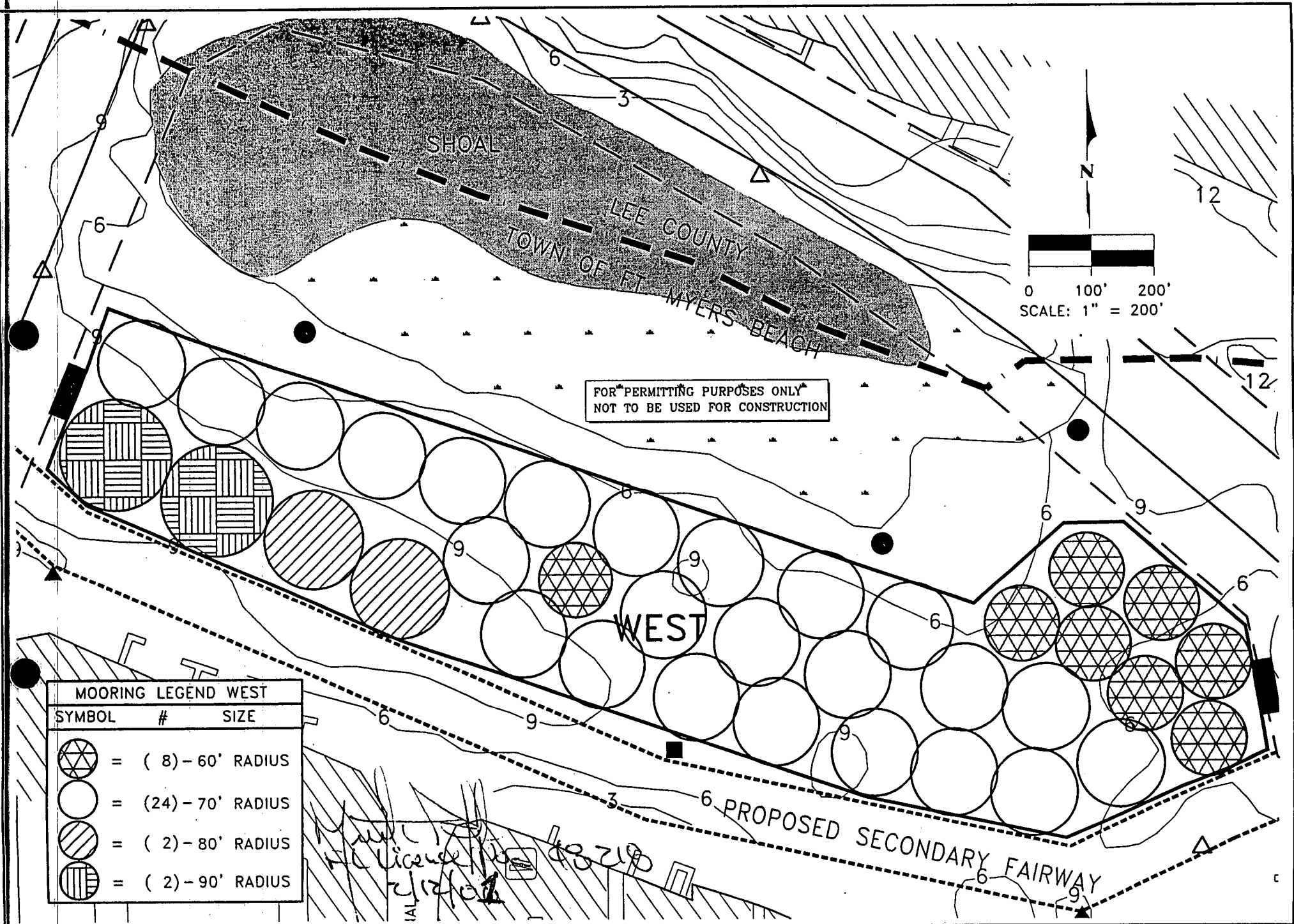


DESIGNED: JMC  
DRAWN: NTC  
CHECKED: MAX  
ACAD NO. 9273WS  
PROJECT NO. 99.273

**COASTAL ENGINEERING CONSULTANTS, INC.**  
COASTAL & CIVIL ENGINEERS • SURVEYORS • GEOLOGISTS  
PLANNERS • APPRAISERS • ENVIRONMENTALISTS  
17595 S. TAMiami TR., STE. #102 • FT. MYERS, FL. 33908

CLIENT: TOWN OF FORT MYERS BEACH  
TITLE: MATANZAS HARBOR: HARBOR FACILITIES PLAN

SCALE: 1" = 400'	DATE: 1-31-01
SECTION 19	TOWNSHIP 46S
SHEET 5	RANGE 24E
OF 10	



MOORING LEGEND WEST		
SYMBOL	#	SIZE
	= ( 8 )	- 60' RADIUS
	= ( 24 )	- 70' RADIUS
	= ( 2 )	- 80' RADIUS
	= ( 2 )	- 90' RADIUS

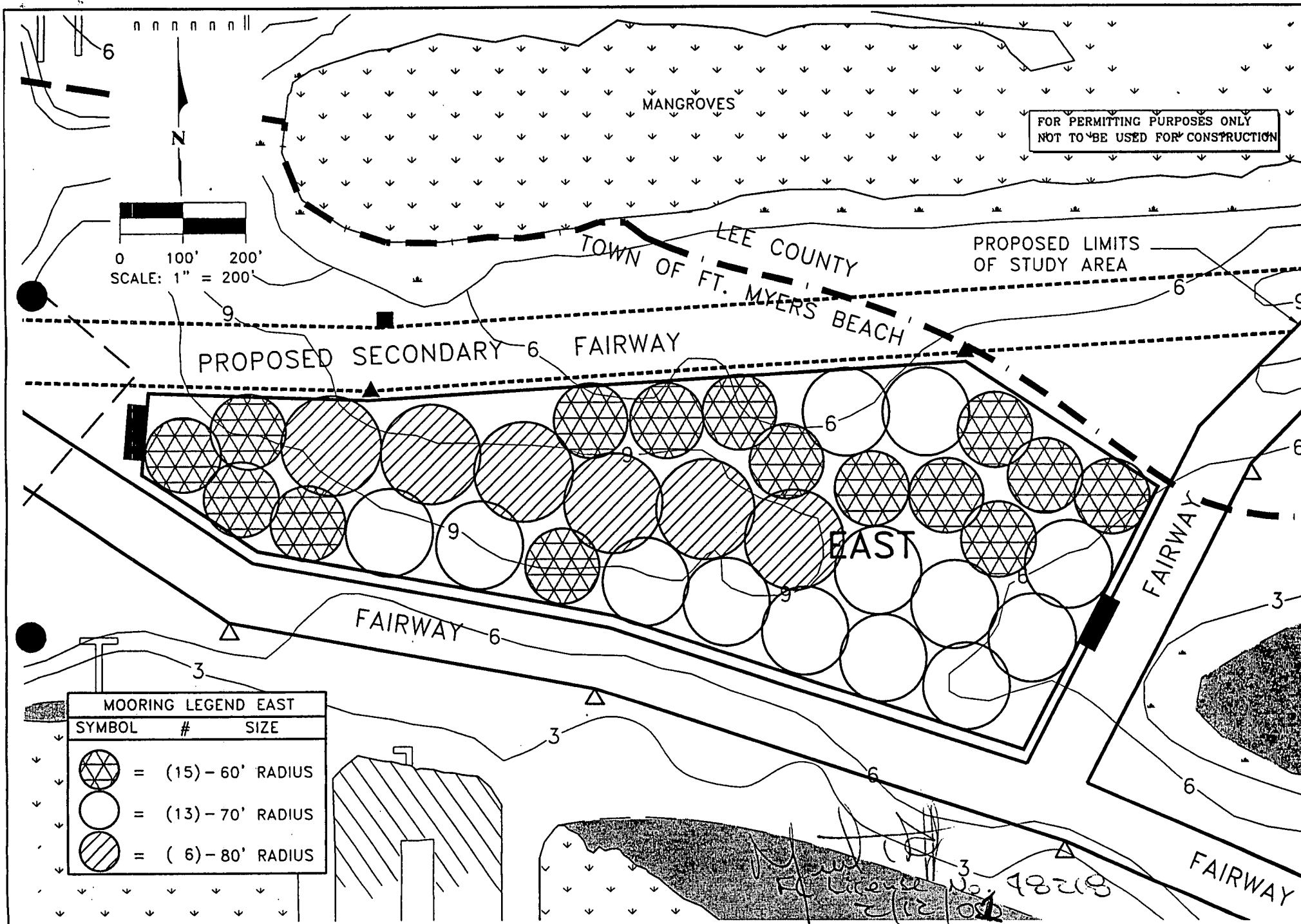
*Handwritten notes:*  
 No license 1-3-21  
 2/12/01

DESIGNED: [initials]  
 DRAWN: [initials]  
 CHECKED: [initials]  
 READ: [initials]  
 PROJECT NO. 99-273

**COASTAL ENGINEERING CONSULTANTS, INC.**  
 COASTAL & CIVIL ENGINEERS • SURVEYORS • GEOLOGISTS  
 PLANNERS • APPRAISERS • ENVIRONMENTALISTS  
 17695 S. TAMiami TR., STE. #102 • FT. MYERS, FL. 33908

CLIENT: TOWN OF FORT MYERS BEACH  
 TITLE: MATANZAS HARBOR: HARBOR FACILITIES PLAN  
 MOORING DETAILS (WEST)

SCALE: 1" = 200' DATE: 1-31-01		
SECTION 19	TOWNSHIP 46S	RANGE 24E
SHEET 6	OF 10	
FILE NO. 99-273		



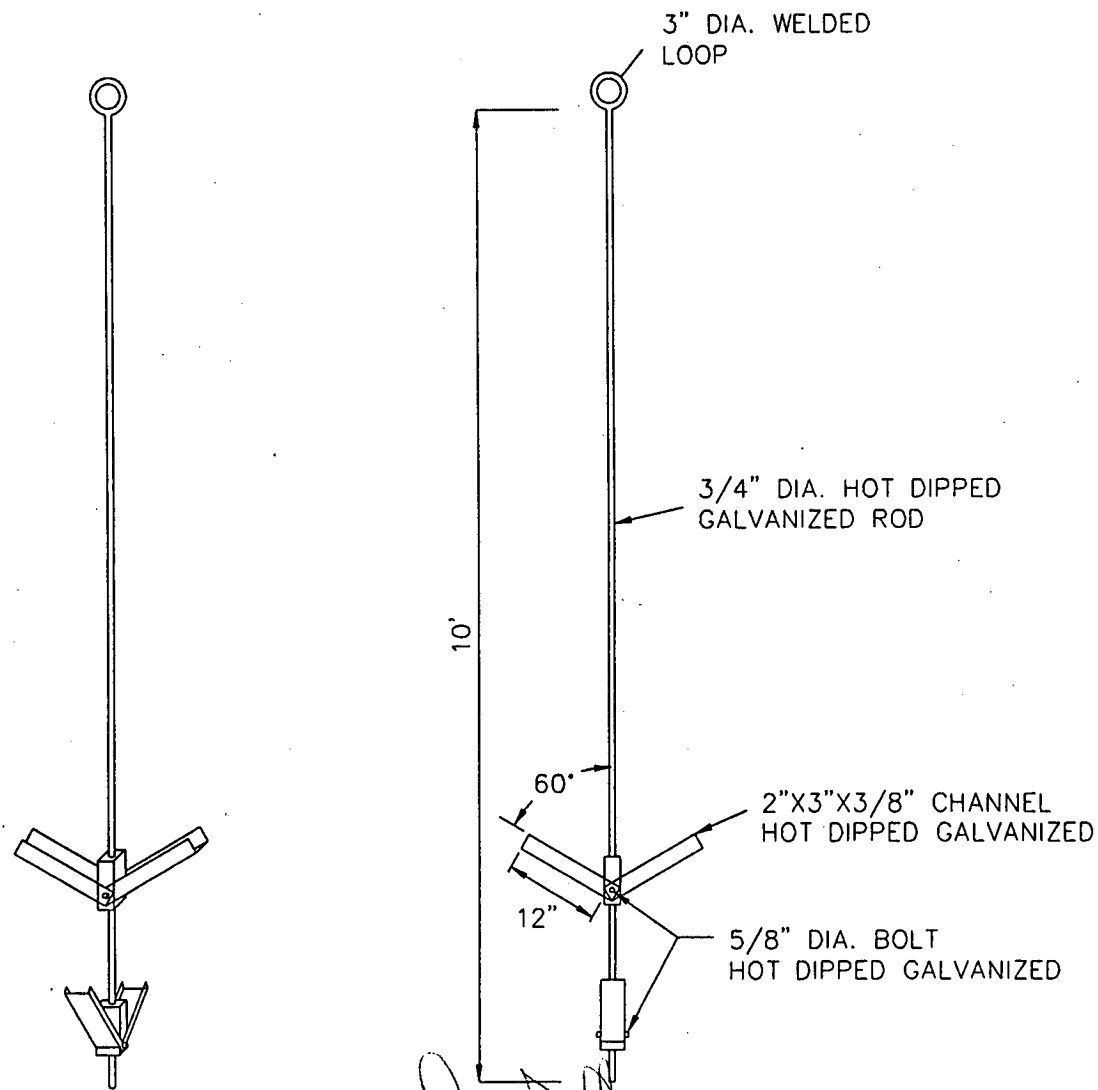
DESIGNED: IB  
DRAWN: TW  
CHECKED: IB  
ACAD NO. 9273MD  
PROJECT NO. 99.273

**COASTAL ENGINEERING CONSULTANTS, INC.**  
COASTAL & CIVIL ENGINEERS • SURVEYORS • GEOLOGISTS  
PLANNERS • APPRAISERS • ENVIRONMENTALISTS  
17695 S. TAMiami TR., STE. #102 • FT. MYERS, FL. 33908

CLIENT: TOWN OF FORT MYERS BEACH  
TITLE: MATANZAS HARBOR: HARBOR FACILITIES PLAN  
MOORING NETWORK

SCALE: 1"=400' DATE: 1-31-01  
SECTION 19 TOWNSHIP 46S RANGE 24E  
SHEET 7 OF 10  
FILE NO.

# MOORING SYSTEM ANCHOR DETAIL



## NOTES:

1. ANCHOR TO BE JETTED INTO BAY BOTTOM.
2. ANCHOR PENETRATION DEPTHS TO BE DETERMINED FROM RESULTS OF BAY BOTTOM SEDIMENT ANALYSIS.

*Handwritten signature and notes:*  
 FL License No. 48218  
 2/12/01

FOR PERMITTING PURPOSES ONLY  
 NOT TO BE USED FOR CONSTRUCTION

DESIGNED: JMC  
 DRAWN: JMC  
 CHECKED: JMC  
 ACADINO: 11927MSD  
 PROJECT NO: 99.275

**COASTAL ENGINEERING CONSULTANTS, INC.**  
 COASTAL & CIVIL ENGINEERS • SURVEYORS • GEOLOGISTS  
 PLANNERS • APPRAISERS • ENVIRONMENTALISTS  
 17606 S. TAMiami TR. STE. #102 • FT. MYERS, FL 33908

CLIENT: TOWN OF FORT MYERS BEACH

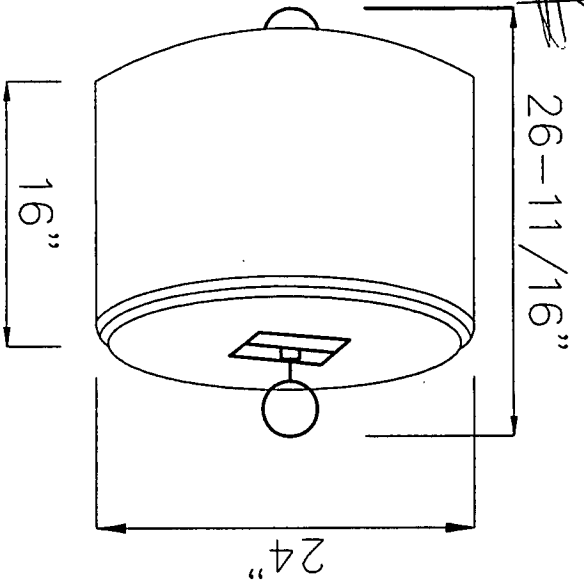
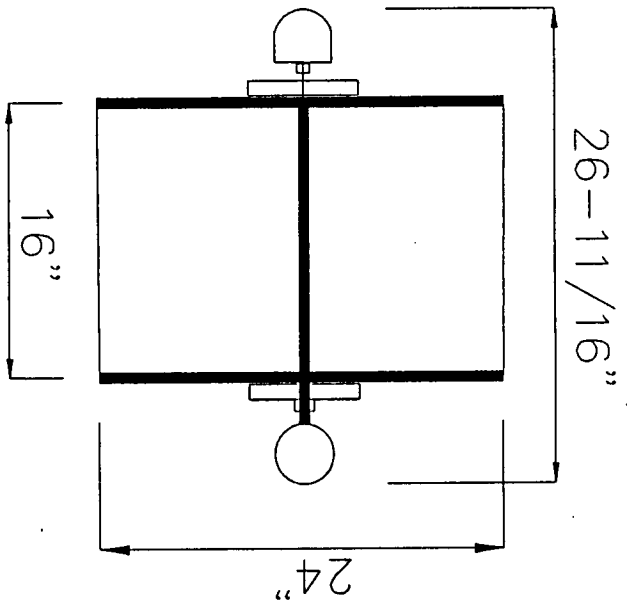
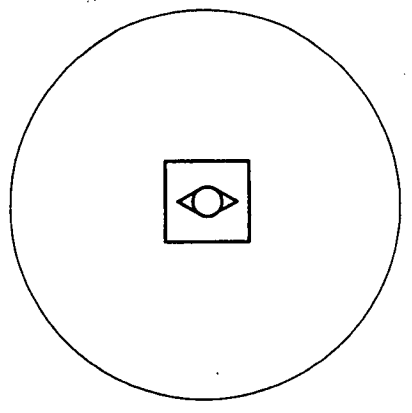
TITLE: MATANZAS HARBOR: HARBOR FACILITIES PLAN  
 MOORING SYSTEM ANCHOR DETAIL

SCALE: N.T.S. DATE: 1-31-01  
 SECTION 19 TOWNSHIP 46S RANGE 24E  
 SHEET 8 OF 10  
 FILE NO. 99.275

DESIGNED: UT  
 DRAWN: TFW  
 CHECKED: LB  
 PROJECT NO. 99-273  
 ACAD NO. 927MSO

COASTAL ENGINEERING CONSULTANTS, INC.  
 COASTAL & CIVIL ENGINEERS • SURVEYORS • GEOLOGISTS  
 PLANNERS • APPRAISERS • ENVIRONMENTALISTS  
 17696 S. TAMiami TR. STE. #102 • FT. MYERS, FL. 33908

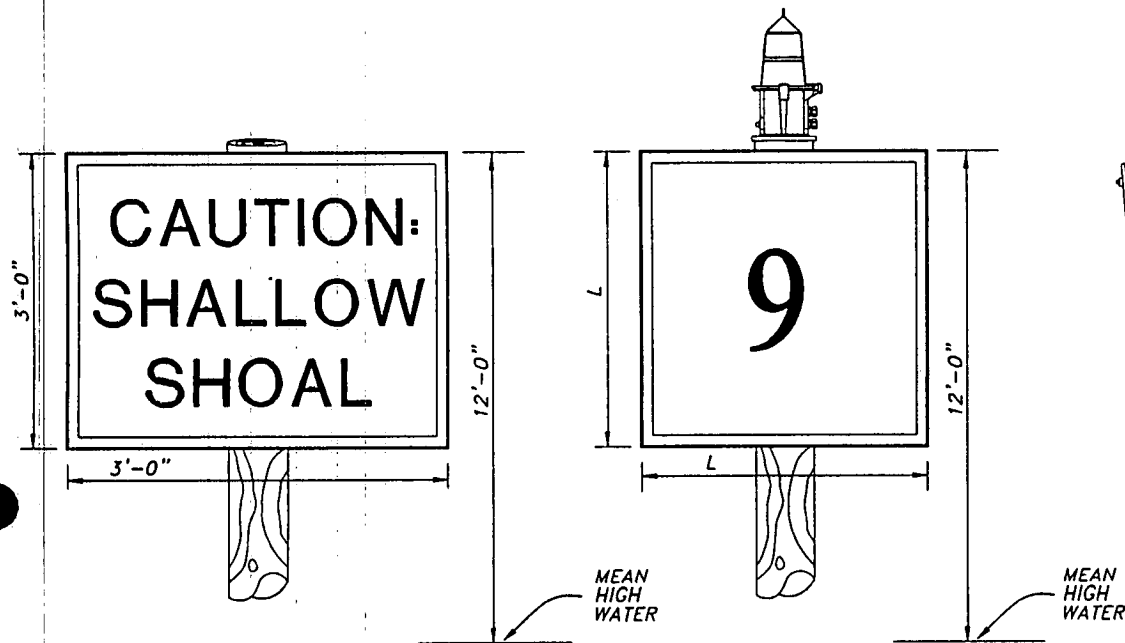
CLIENT: TOWN OF FORT MYERS BEACH  
 TITLE: MATANZAS HARBOR: HARBOR FACILITIES PLAN  
 SHEET: 9 OF 10  
 SCALE: N.T.S. DATE: 1-31-01  
 SECTION: 19  
 TOWNSHIP: 46S  
 RANGE: 24E



*Handwritten:*  
 License No. 48218  
 2/12/00

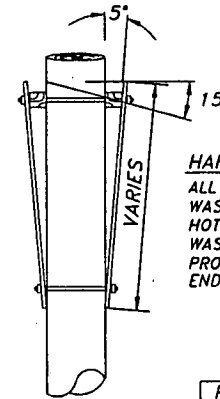
FOR PERMITTING PURPOSES ONLY  
 NOT TO BE USED FOR CONSTRUCTION

MOORING SYSTEM BUOY DETAIL



SHOAL WARNING SIGN

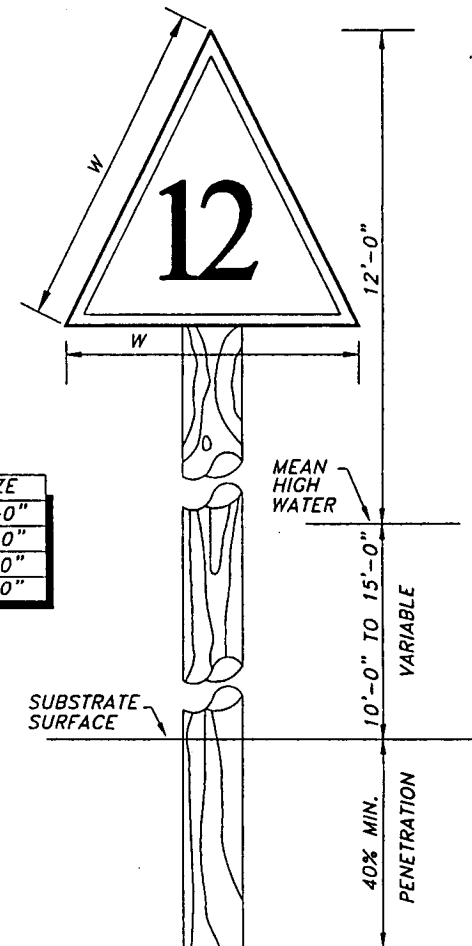
GREEN CHANNEL MARKER W/  
OPTIONAL LIGHTED AID



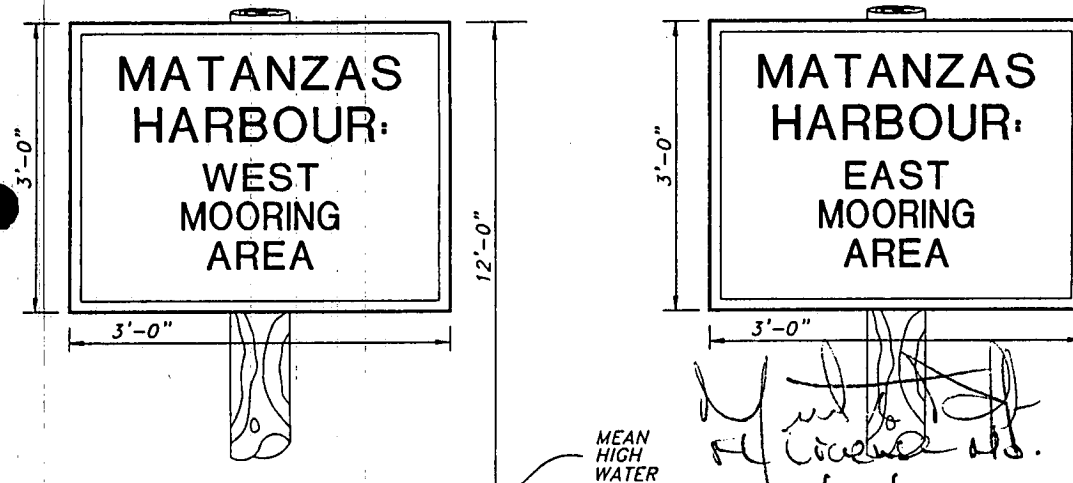
**HARDWARE**  
ALL NUTS, BOLTS AND  
WASHERS SHALL BE  
HOT GALVANIZED.  
WASHERS SHALL BE  
PROVIDED AT BOTH  
ENDS OF ALL BOLTS.

**DIMENSIONS**

RANGE	DIM	SIZE
1/2 MILE	L	2'-0"
	W	3'-0"
1 MILE	L	3'-0"
	W	4'-0"



RED CHANNEL MARKER



INFORMATIONAL SIGNS

*Handwritten signature and date: 2/12/01*  
FOR PERMITTING PURPOSES ONLY  
NOT TO BE USED FOR CONSTRUCTION

**NOTES:**

1. THE PERMANENT SIGNS SHALL HAVE DIMENSIONS AND MESSAGES AS SHOWN.
2. THE SIGNS WILL BE CONSTRUCTED WITH 125 GAUGE 61TS ALUMINUM, COVERED WITH WHITE, ENGINEER GRADE, REFLECTING SHEETING; BLACK SCREENED LETTERING AND DESIGN; AND ORANGE, ENGINEER GRADE REFLECTIVE BORDER.
3. THESE SIGNS SHALL CONFORM TO THE FLORIDA UNIFORM MARKING SYSTEM AND U.S. COAST GUARD STANDARDS.

DESIGNED: EC  
DRAWN: EC  
CHECKED: LJB  
ACAD. NO. 9273SIGN  
PROJECT NO. 99.273  
FBI  
RC

**COASTAL ENGINEERING CONSULTANTS, INC.**

COASTAL & CIVIL ENGINEERS \* SURVEYORS \* GEOLOGISTS  
PLANNERS \* APPRAISERS \* ENVIRONMENTALISTS  
17595 S. TAMiami TR., STE. #102 \* FT. MYERS, FL. 33908  
(941) 590-9900 \* FAX (941) 590-9909 \* E-MAIL: englee@cecill.com

CLIENT:

TOWN OF FORT MYERS BEACH

TITLE:

MATANZAS HARBOR: HARBOR FACILITIES PLAN  
SIGN DETAILS

SCALE: N.T.S. DATE: 1-31-01

SECTION 19 TOWNSHIP 46S RANGE 24E

SHEET 10 OF 10

FILE NO. 99273

## **EXHIBIT 3B: Upland Facilities**

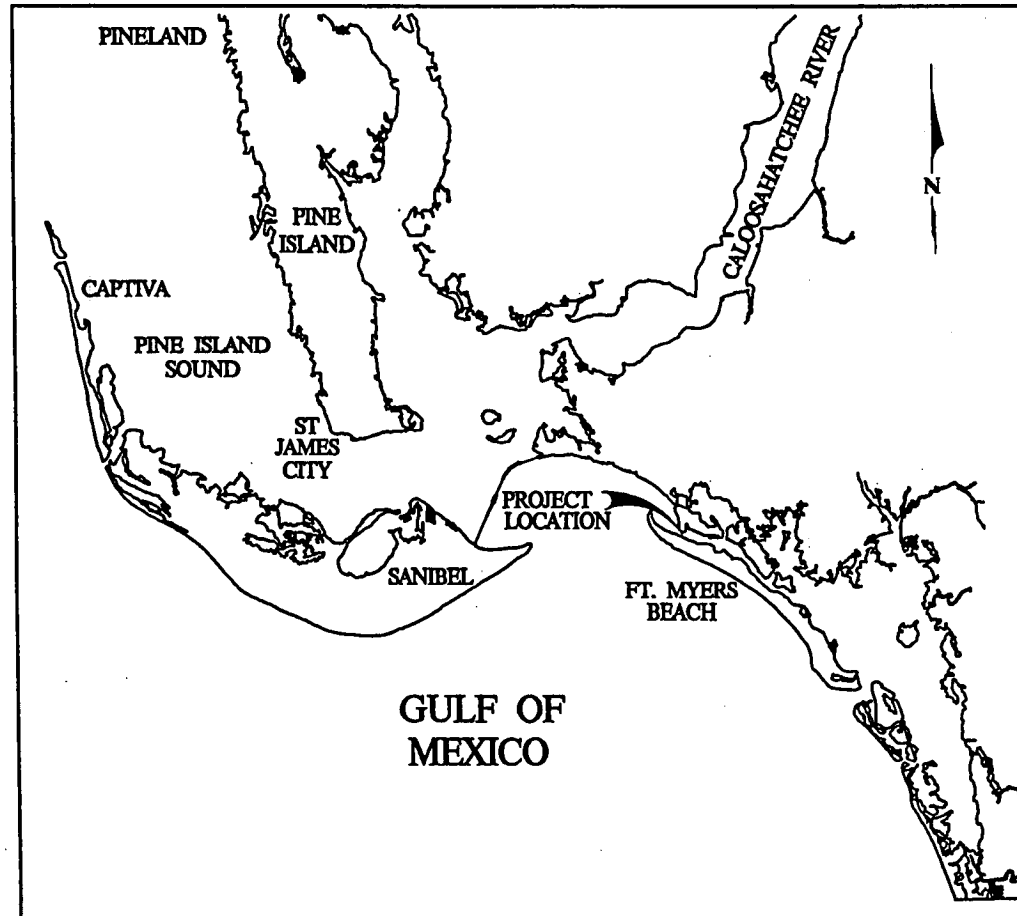
# MATANZAS HARBOR: UPLAND FACILITIES PLAN

PREPARED FOR:

TOWN OF FORT MYERS BEACH

## MASTER LEGEND

ARV	AIR RELEASE VALVE
GV	GATE VALVE
RED	REDUCER
PLUG	PLUG
PH#	PROPOSED FIRE HYDRANT ASSEMBLY
PH	EXISTING FIRE HYDRANT ASSEMBLY
BSP	BACTERIAL SAMPLING POINT
BFP	BACK FLOW PREVENTOR
TBO	TEMPORARY BLOW-OFF VALVE
W	SINGLE WATER SERVICE
W	DOUBLE WATER SERVICE
PVC	POLYVINYL CHLORIDE PIPE
DIP	DUCTILE IRON PIPE
ICV	IRRIGATION CONTROL VALVE
PIV	POST INDICATING VALVE
FDC	FIRE DEPARTMENT CONNECTION
MH	PROPOSED MANHOLE
MH	EXISTING MANHOLE
CO	DOUBLE SERVICE SEWER LATERAL W/ CLEAN OUT
CO	SINGLE SERVICE SEWER LATERAL W/ CLEAN OUT
PV	PLUG VALVE
WM	WATER MAIN
FM	FORCE MAIN
IM	IRRIGATION MAIN
EM	EFFLUENT MAIN
CUE	COLLIER COUNTY UTILITY EASEMENT
NUE	CITY OF NAPLES UTILITY EASEMENT
UE	UTILITY EASEMENT
LE	LANDSCAPE EASEMENT
UE	ACCESS EASEMENT
BE	BUFFER EASEMENT
SE	SIDEWALK EASEMENT
DE	DRAINAGE EASEMENT
LME	LAKE MAINTENANCE EASEMENT
ME	PROPOSED PAVEMENT GRADES (FT. NGVD)
ME	EXISTING PAVEMENT ELEVATION (FT. NGVD)
CB	EXISTING GROUND ELEVATION (FT. NGVD)
CB	PROPOSED CATCH BASIN
CB	EXISTING CATCH BASIN
YD	PVC YARD DRAIN
HDWL	HEADWALL / ENDWALL
FE	SURFACE WATER FLOW DIRECTION
FE	FLARED END SECTION
ME	METERED END
EQ	EQUALIZER CULVERT
WCS	WATER CONTROL STRUCTURE
RCP	REINFORCED CONCRETE PIPE
ERCP	ELLIPTICAL REINFORCED CONCRETE PIPE
NGVD	NATIONAL GEODETIC VERTICAL DATUM
INV	INVERT ELEVATION (N.G.V.D.)
PVI	POINT OF VERTICAL INTERSECTION
PC	POINT OF CURVATURE
PT	POINT OF TANGENCY
WPP	EXISTING LIGHT POLE
GW	WOODEN POWER POLE
GW	GUY WIRE
CPP	CONCRETE POWER POLE
UTS	TELEPHONE SERVICE BOX
FPL	FLORIDA POWER & LIGHT
CATV	CABLE TELEVISION
U	UTILITY MANHOLE
H	HANDICAPPED PARKING SPACE



LOCATION MAP

COASTAL ENGINEERING CONSULTANTS, INC.

COASTAL & CIVIL ENGINEERS • PLANNERS • SURVEYORS • GEOLOGISTS

17595 S. TAMiami TRAIL, SUITE #102  
FORT MYERS, FLORIDA 33908  
JAN. 3, 2000  
(941) 590-9900

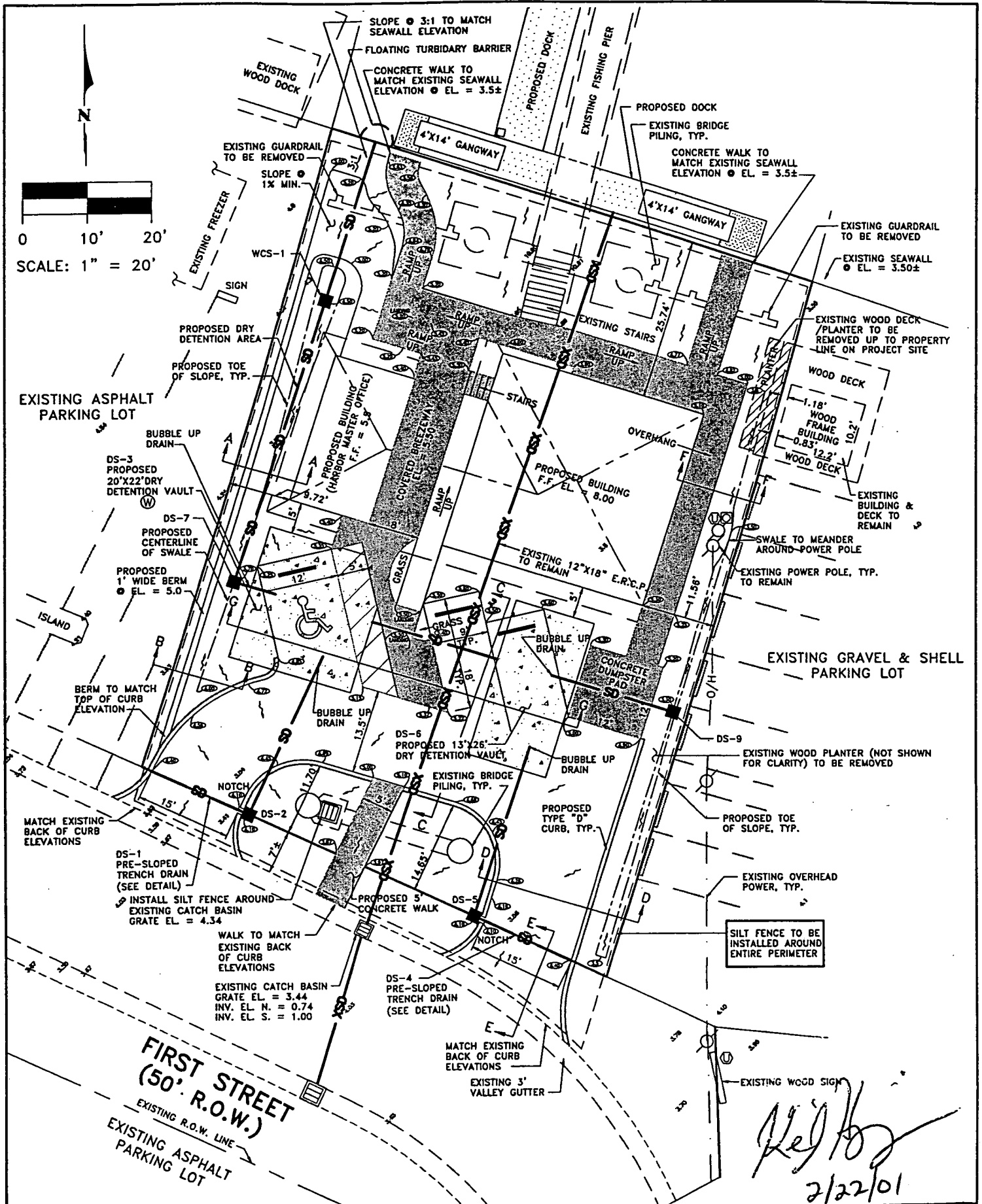
## INDEX

1	COVER SHEET
2	SITE PLAN
3	FLOOR PLAN
4	CROSS-SECTIONS
5	DETAILS & NOTES
6	DETAILS
7	DETAILS

## REVISIONS

No.	DATE	DESCRIPTION	APPR.

PROJECT NO. 99.273  
FILE No. 99.273  
SHEET 1 OF 7  
ACAD DWG. NO. 9273CVR

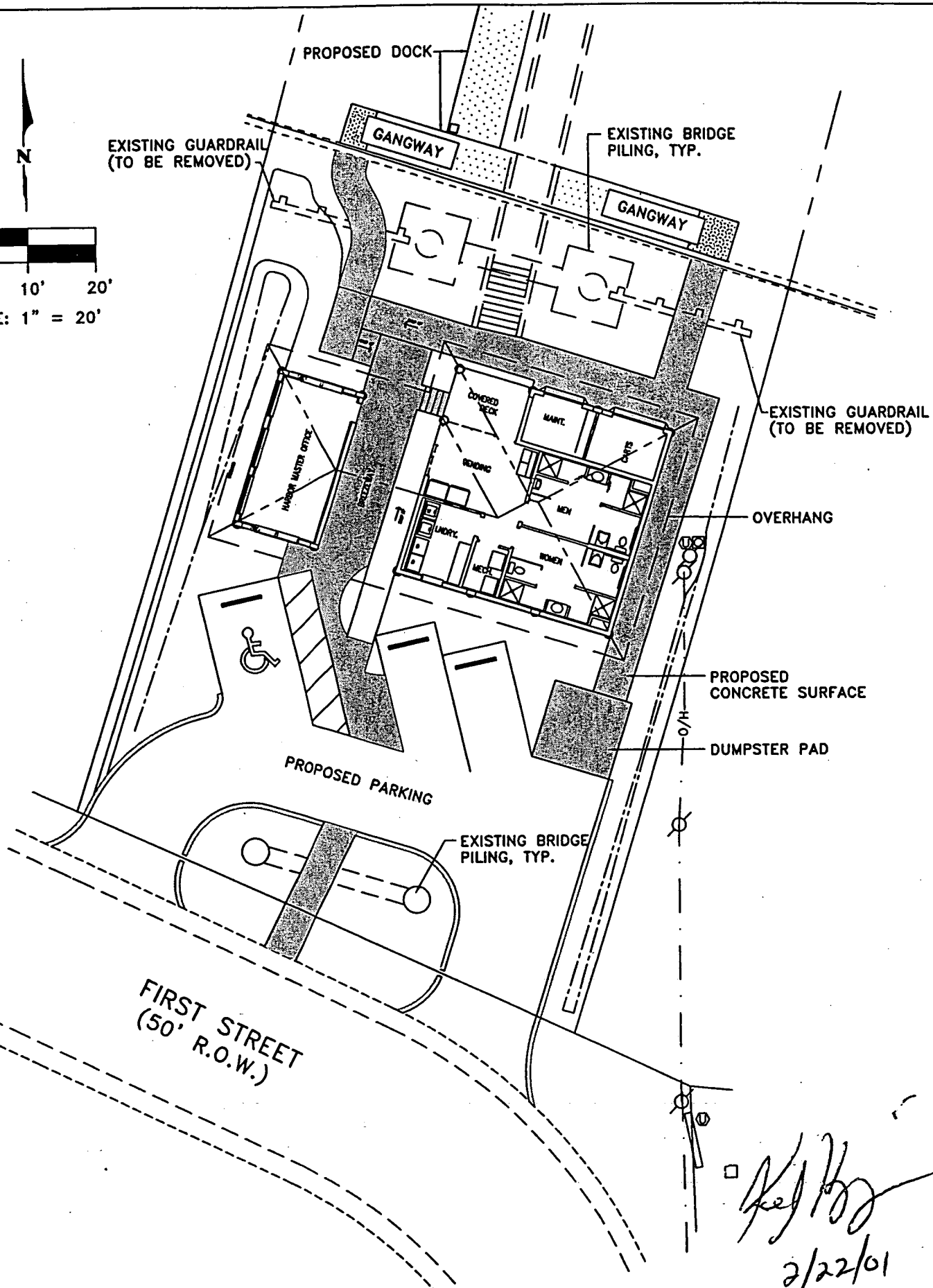
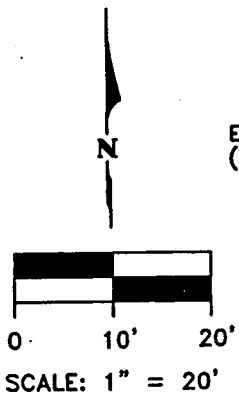


DESIGNED: JTL  
 DRAWN: JTL  
 CHECKED: KUL  
 ACAD NO. SIP8X1  
 PROJECT NO. 99273  
 F.B.  
 P.C.

**COASTAL ENGINEERING CONSULTANTS, INC.**  
 COASTAL & CIVIL ENGINEERS • PLANNERS • SURVEYORS • GEOLOGISTS  
 17595 S. TAMiami TR. STE. #102 • FT. MYERS, FL. 33908  
 (941) 590-9900 • FAX 590-9909 • E-MAIL: engeer@cecill.com

CLIENT: TOWN OF FORT MYERS BEACH  
 TITLE: MATANZAS HARBOR:  
 UPLAND FACILITY SITE PLAN

SCALE: 1"=20' DATE: DEC 2000  
 SECTION 24 TOWNSHIP 46S RANGE 26E  
 SHEET 2 OF 7  
 FILE NO. 99273



DESIGNED: JTL  
 DRAWN: JTL  
 CHECKED: KLA  
 ACAD. NO.: ELPB11  
 PROJECT NO.: 99273  
 P.B.  
 P.C.

# COASTAL ENGINEERING CONSULTANTS, INC.

COASTAL & CIVIL ENGINEERS \* PLANNERS \* SURVEYORS \* GEOLOGISTS  
 17595 S. TAMiami TR., STE. 102 • FT. MYERS, FL. 33908  
 (941) 590-9900 • FAX (941) 590-9909 • E-MAIL: engco@cecil.com

CLIENT:

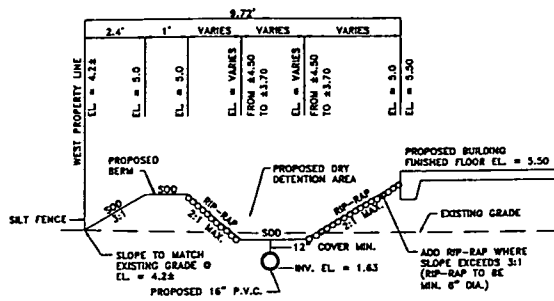
TOWN OF FORT MYERS BEACH

TITLE:

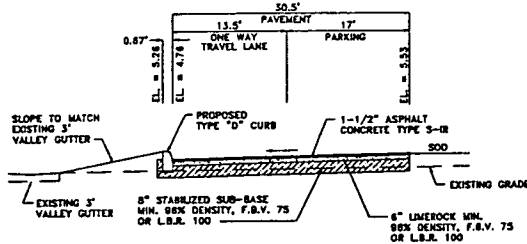
MATANZAS HARBOR:  
 UPLAND FACILITY FLOOR PLAN

SCALE: 1"=20' | DATE: DEC 2000

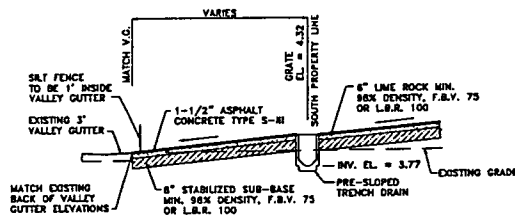
SECTION	TOWNSHIP	RANGE
24	46S	25E
SHEET	OF	
3	7	
FILE NO.	99273	



**CROSS-SECTION A-A**  
N.T.S.



**CROSS-SECTION C-C**  
N.T.S.

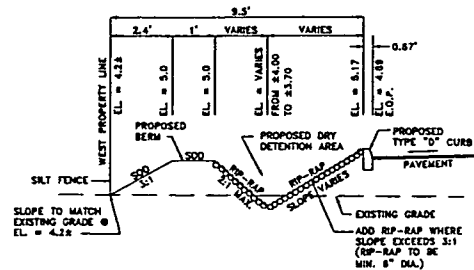


**CROSS-SECTION E-E**  
N.T.S.

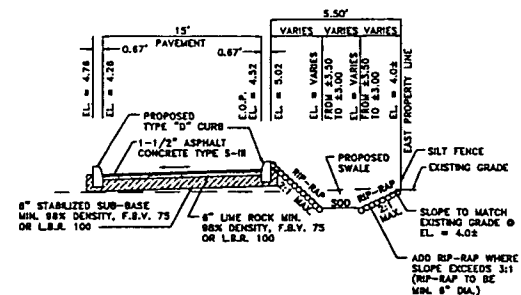
**GENERAL NOTES:**

1. ALL ELEVATIONS ARE REFERENCED TO THE NATIONAL GEODETIC VERTICAL DATUM (NGVD).
2. THE TOWN OF FORT MYERS BEACH SHALL BE RESPONSIBLE FOR THE OPERATION AND MAINTENANCE OF THE SURFACE WATER MANAGEMENT SYSTEM.
3. THE SITE LIES WITHIN ZONE "A12" (EL.12) PER FEMA FIRM PANEL NO. 125124 0428 D WHICH IS PART OF THE 100 YEAR FLOOD PLAIN.
4. 1 1/2" TYPE S-H ASPHALTIC CONCRETE TO BE CONSTRUCTED IN TWO 3/4" LIFTS.

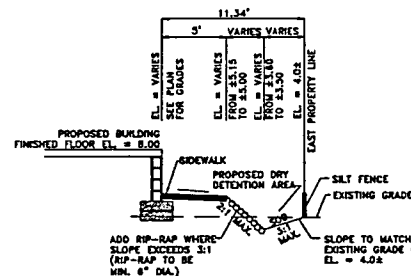
WATER QUALITY			
PER SPWM BASIS OF REVIEW SECTION 5.2			
AREA USE	AREA (SF)	AREA (AC)	% OF TOTAL
TOTAL	8931'	0.205	100
IMPERVIOUS	3710'	0.085	41.54
ROOFED	2237'	0.052	25.28
PERVIOUS	2982'	0.068	33.18
VOLUMETRIC REQUIREMENTS			
TOTAL WATER QUALITY AREA = 0.205 AC - 0.052 AC = 0.153 AC			
IMPERVIOUS WATER QUALITY AREA = 0.085 AC			
MINIMUM RETENTION VOLUME GREATER OF A OR B			
A.) 1" X 1/12" X 0.205 AC = 0.0174 AC-FT = 744 CF			
B.) 2.5" X 1/12" X (0.085 AC/0.153) X 0.205 AC = 0.0237 AC-FT = 1,034 CF > 744 CF			
DRY DETENTION CREDIT			
1,034 CF X .75 = 776 CF OR .018 AC-FT			
VOLUME PROVIDED			
APPROXIMATELY 776 CF OR .018 AC-FT			



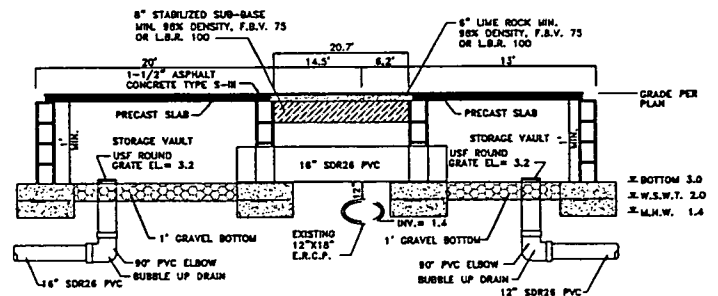
**CROSS-SECTION B-B**  
N.T.S.



**CROSS-SECTION D-D**  
N.T.S.



**CROSS-SECTION F-F**  
N.T.S.



**CROSS-SECTION G-G**  
**DETENTION VAULT SCHEMATIC**  
**(STRUCTURAL ENGINEERING DESIGN BY OTHERS)**  
N.T.S.

**DRAINAGE STRUCTURE TABLE**

FROM	DESCRIPTION	INVERT (NGVD)	GRADE / RW (NGVD)	TO	DESCRIPTION	INVERT (NGVD)	GRADE EL. (NGVD)	LENGTH (F')	SIZE (IN)	TYPE
DS-1	PRE-SLOPED TRENCH DRAIN	SEE DETAIL	4.40 TO 4.10	DS-2	CATCH BASIN (Z-B87)	3.50	4.10	N/A	N/A	N/A
DS-2	CATCH BASIN (Z-B87)	3.50	4.10	DS-3	BUBBLE UP DRAIN	SEE DETAIL	3.50	23	12	PVC
DS-3	PRE-SLOPED TRENCH DRAIN	SEE DETAIL	4.40 TO 4.10	DS-4	CATCH BASIN (Z-B87)	3.50	4.10	N/A	N/A	N/A
DS-4	CATCH BASIN (Z-B87)	3.50	4.10	DS-5	BUBBLE UP DRAIN	SEE DETAIL	3.50	23	12	PVC
DS-5	PRE-SLOPED TRENCH DRAIN	SEE DETAIL	4.40 TO 4.10	DS-6	DRY DETENTION VAULT	3.00	4.10	22	16	PVC
DS-6	DRY DETENTION VAULT	3.00	4.10	DS-7	CATCH BASIN (Z-B87)	3.50	4.10	6	16	PVC
DS-7	CATCH BASIN (Z-B87)	3.50	4.10	DS-8	WATER CONTROL STRUCTURE	1.50	4.10	44	16	PVC
DS-8	WATER CONTROL STRUCTURE	1.50	4.10	DS-9	BUBBLE UP DRAIN	SEE DETAIL	1.50	23	12	PVC
DS-9	BUBBLE UP DRAIN	SEE DETAIL	1.50	DS-10	CATCH BASIN (Z-B87)	3.50	4.10	19	12	PVC

DESIGNED: JTL  
DRAWN: JTL  
CHECKED: KLT  
ACAD NO. 9273SEC  
PROJECT NO. 99273  
F.B.  
PG.

**COASTAL ENGINEERING CONSULTANTS, INC.**  
COASTAL & CIVIL ENGINEERS \* PLANNERS \* SURVEYORS \* GEOLOGISTS  
17596 S. TAMIAH LTR., STE #102 \* FT. MYERS, FL 33908  
(41) 690-9900 \* (41) 690-9909 \* E-MAIL: eng@coastal.com

CLIENT:

TOWN OF FORT MYERS BEACH

TITLE:

MATANZAS HARBOR:  
UPLAND FACILITY CROSS-SECTIONS

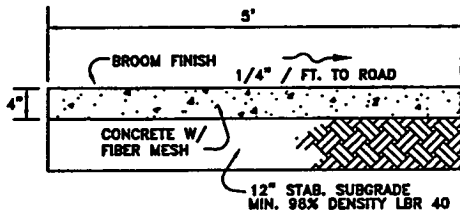
SCALE: N.T.S. DATE: DEC 2000

SECTION 24 TOWNSHIP 46S RANGE 26E

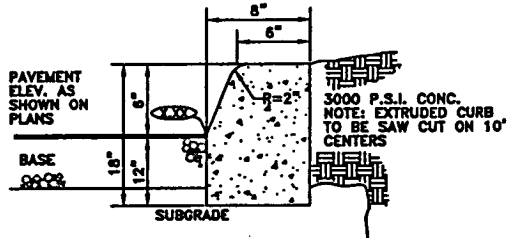
SHEET 4 OF 7

FILE NO. 99273

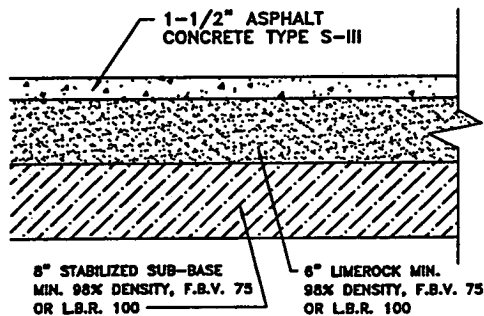
ALL CONCRETE WALKS SHALL CONFORM TO SECTION 522 OF THE FDOT STANDARDS FOR ROAD & BRIDGE CONSTRUCTION, LATEST EDITION



SECTION SIDEWALK DETAIL  
N.T.S.



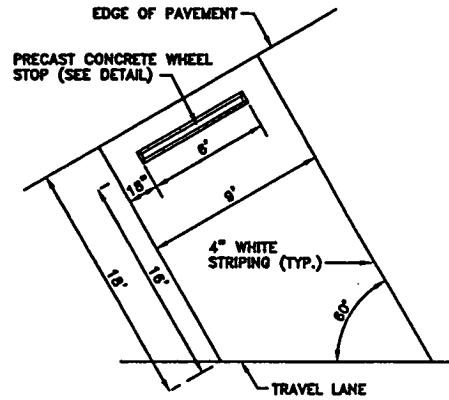
TYPE "D" CURB  
N.T.S.



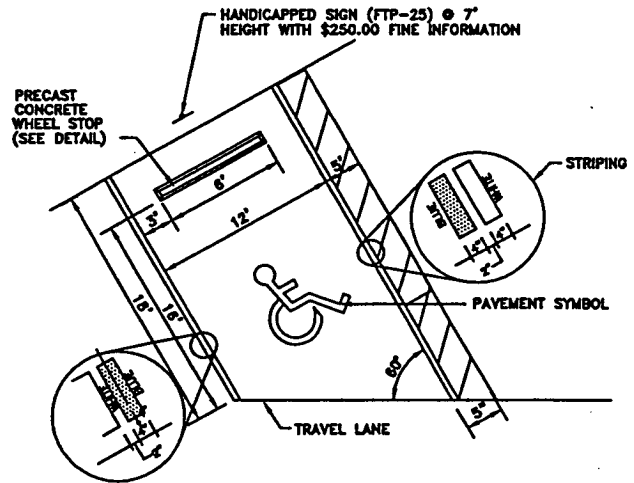
TYPICAL PAVEMENT SECTION  
N.T.S.

## PARKING PAVING NOTES

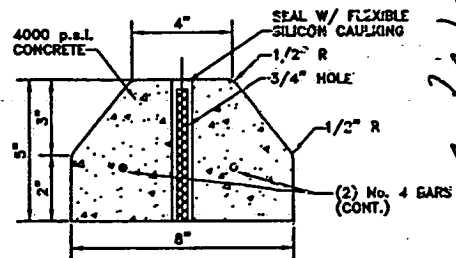
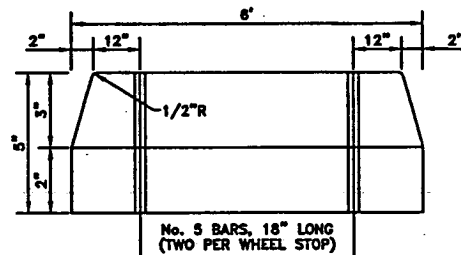
1. THE PROPOSED STABILIZED SUBGRADE SHALL HAVE L.B.R. OF 40 AND SHALL BE COMPACTED TO 98% MIN. DENSITY AS DETERMINED BY AASHTO T-180.
2. THE PROPOSED LIMEROCK BASE SHALL HAVE L.B.R. OF 100 AND BE PLACED IN TWO (2) LIFTS, WITH EACH LIFT COMPACTED TO 98% MIN. DENSITY AS DETERMINED BY AASHTO T-180.
3. LIMEROCK BASE SHALL BE PRIMED WITH TYPE RC-70 BITUMINOUS MATERIAL OF SS-1 (ASPHALT EMULSION) AND SHALL COMPLY WITH SECTION 270-2 OF THE STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION (CURRENT EDITION).
4. ONE (1) FIELD DENSITY TEST SHALL BE REQUIRED EVERY 250 LF. OR PART THEREOF ON THE FINISHED SUBGRADE MATERIAL AND OF EACH LIFT OF LIMEROCK BASE MAT'L.
5. TWO (2) COPIES OF THE L.B.R. PROCTOR AND COMPACTION TEST RESULTS SHALL BE SUBMITTED TO THE ENGINEER FOR SUBMITTAL TO C.C.E.R.S.
6. PRIOR TO PRELIMINARY ACCEPTANCE A MINIMUM 1' STRIP OF SOD SHALL BE PLACED AT EDGE OF PAVEMENT OR BACK OF CURB AND ALL UNPAVED AREAS IN RIGHT-OF-WAY SHALL BE SEEDDED AND MULCHED OR SODDED.
7. THE CONTRACTOR SHALL PROVIDE CORE SAMPLES OF BOTH THE BASE COURSE AND SURFACE COURSE OF THE COMPLETED ROADWAYS PRIOR TO PRELIMINARY APPROVAL. THE CORE SAMPLES SHALL BE TAKEN AT A MAXIMUM OF 300 FOOT INTERVALS AND ARRANGEMENTS SHALL BE MADE TO IMMEDIATELY REPLACE THE AREAS REMOVED. THE REPLACEMENT MATERIALS AND CONSTRUCTION SHALL CONFORM TO THE SPECIFICATIONS AND TO THE LINE AND GRADE OF THE ADJACENT PAVEMENT SURFACE. THE CORE SAMPLES SHALL BE TAKEN BY AN APPROVED TESTING LABORATORY AND / OR PROFESSIONAL ENGINEER AND CERTIFIED AS TO LOCATION TAKEN AND THICKNESS MEASURED.



TYPICAL PARKING SPACE  
N.T.S.



TYPICAL HANDICAPPED PARKING SPACE WITH OUT CURB  
N.T.S.



PRECAST CONCRETE WHEEL STOP  
N.T.S.

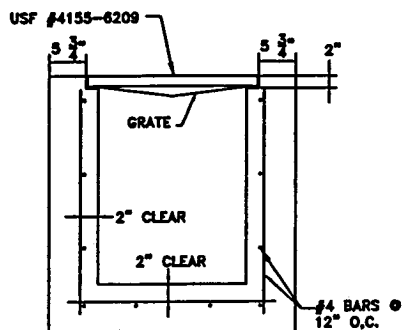
DESIGNED: JTL  
DRAWN: JTL  
CHECKED: KJA  
ACAD. NO.: POL/EXT  
PROJECT NO.: 99273  
F.B.S.  
P.C.

COASTAL ENGINEERING CONSULTANTS, INC.  
COASTAL & CIVIL ENGINEERS • PLANNERS • SURVEYORS • GEOLOGISTS  
17595 S. TAMIAW DRIVE, STE. 102 • FT. MYERS, FL. 33908  
(941) 590-9900 • FAX (941) 590-9901 • E-MAIL: eng@cecill.com

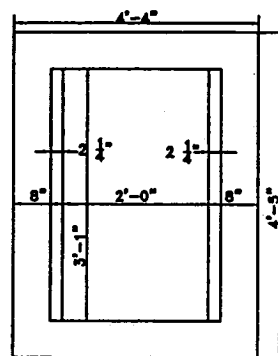
CLIENT: TOWN OF FORT MYERS BEACH  
TITLE: MATANZAS HARBOR:  
UPLAND FACILITY DETAILS & NOTES

SCALE: N.T.S. DATE: DEC 2000  
SECTION 24 TOWNSHIP 48S RANGE 28E  
SHEET 5 OF 7  
FILE NO. 99273





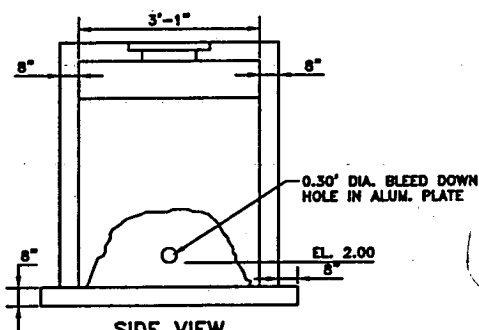
SECTION  
RECOMMENDED PIPE SIZES:  
2'-0" WALL - 18" PIPE  
3'-1" WALL - 24" PIPE



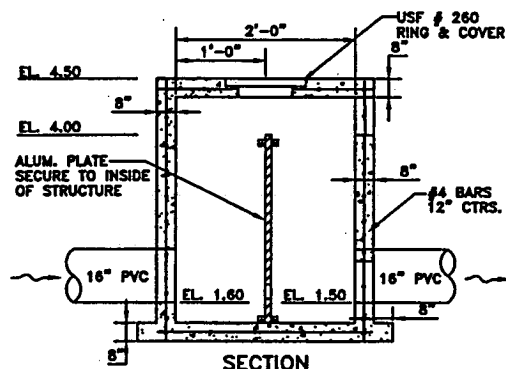
PLAN

### TYPE "C" DITCH BOTTOM INLET

N.T.S.



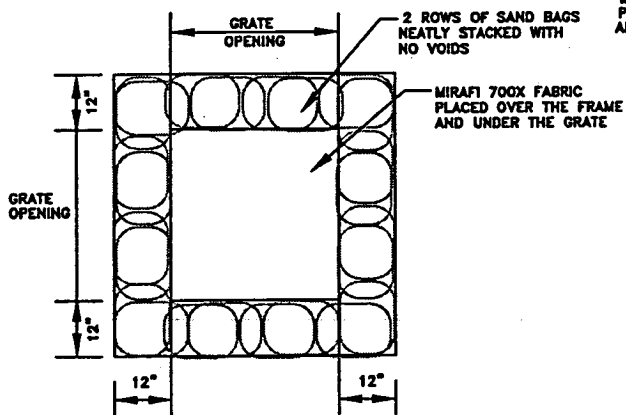
SIDE VIEW



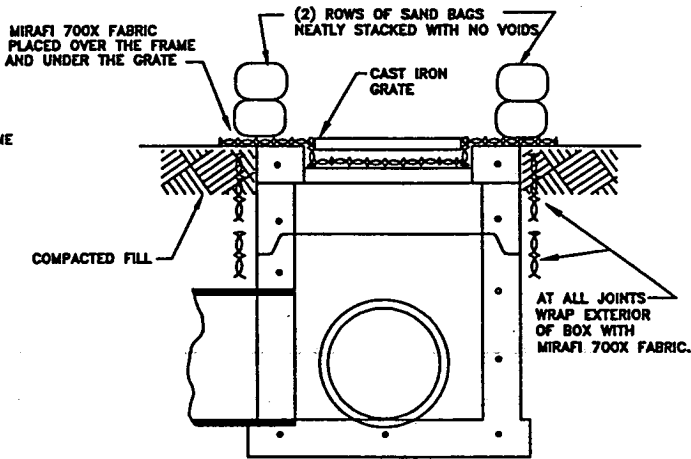
SECTION

### WATER CONTROL STRUCTURE

N.T.S.



PLAN VIEW



DITCH BOTTOM INLET  
SECTION

#### NOTES:

1. AFTER DRAINAGE STRUCTURE (CONCRETE BOX & TOP) ARE INSTALLED MIRAFI 700X-FABRIC, OR APPROVED-EQUAL SHALL BE PLACED OVER THE TOP AND UNDER THE GRATE OF THE INLET SO THAT AT LEAST 12" OF FABRIC EXTENDS ACROSS THE INLET COVER AND FABRIC FROM THE INLET OPENING.
2. 2 ROWS OF SAND BAGS SHALL BE NEATLY STACKED AGAINST THE FABRIC SO AS TO ANCHOR IT AGAINST THE GUTTER AND INLET COVER.
3. IF THE FABRIC & SAND BAG FILTER BECOMES CLOGGED W/ SEDIMENT SO THAT IT NO LONGER ADEQUATELY PERFORMS ITS FUNCTION, THE SAND BAGS MUST BE PULLED AWAY FROM THE FABRIC, CLEANED AND REPLACED.

### SEDIMENT FILTER OVER DITCH BOTTOM INLET

N.T.S.

DESIGNED: JTL  
DRAWN: JTL  
CHECKED: KLP  
ACAD. NO.: POTLX11  
PROJECT NO.: 99273  
P.B. NO.:  
K.S.

### COASTAL ENGINEERING CONSULTANTS, INC.

COASTAL & CIVIL ENGINEERS • PLANNERS • SURVEYORS • GEOLOGISTS  
17595 S. TAMiami TR., STE. 2102 • FT. MYERS, FL. 33908  
(941) 590-9900 • FAX (941) 590-9901 • E-MAIL: engco@ccill.com

#### CLIENT:

TOWN OF FORT MYERS BEACH

#### TITLE:

MATANZAS HARBOR:  
UPLAND FACILITY DETAILS

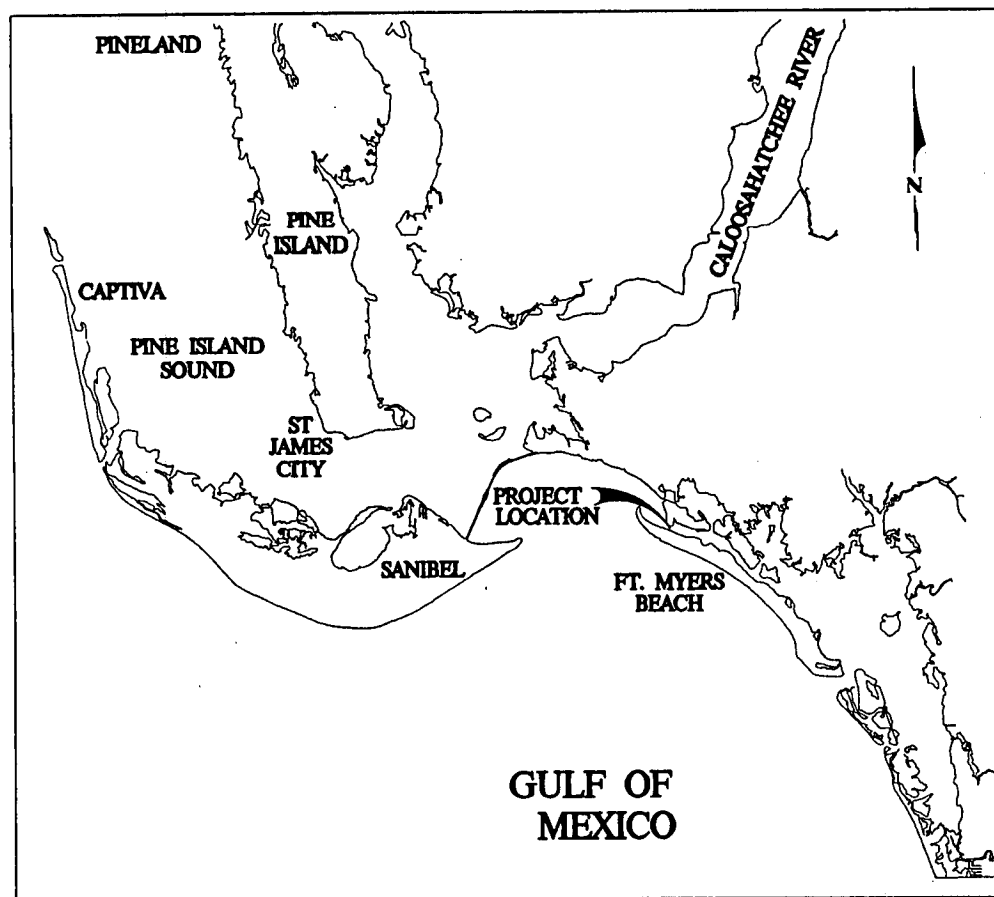
SCALE: N.T.S. DATE: DEC 2000		
SECTION 24	TOWNSHIP 46S	RANGE 20E
SHEET 7	OF 7	
FILE NO.	99273	

*Handwritten signature and date:*  
2/22/01

**EXHIBIT 3C: Harbormaster Dock Plan**

# MATANZAS HARBORMASTER DOCK

PREPARED FOR:  
TOWN OF FORT MYERS BEACH



LOCATION MAP

COASTAL ENGINEERING CONSULTANTS, INC.  
COASTAL & CIVIL ENGINEERS • PLANNERS • SURVEYORS • GEOLOGISTS

3106 SOUTH HORSESHOE DRIVE  
NAPLES, FLORIDA 34104  
JAN. 3, 2000  
(941) 643-2324

## INDEX

- 1 COVER SHEET
- 2 EXISTING CONDITIONS
- 3 PROPOSED DOCK PLAN
- 4 PROPOSED DOCK PLAN
- 5 PROFILE A-A, SECTION B-B
- 6 PROFILE C-C, SECTION D-D
- 7 PROFILE E-E
- 8 MANATEE PROTECTION PLAN

REVISIONS			
No.	DATE	DESCRIPTION	APPR.

PROJECT NO. 99.273  
FILE No. 99.273-P-1  
SHEET 1 OF 8  
ACAD DWG. NO. 9273-P1

*Handwritten signature and notes:*  
FL license No. 48218

FOR PERMITTING PURPOSES ONLY  
NOT TO BE USED FOR CONSTRUCTION



SCALE: 1" = 40'

EXISTING CONCRETE DOCK  
EXISTING WOOD DOCK

PROPOSED  
FLOATING DOCK

EXISTING WOOD WALKWAY

EXISTING WOOD DOCK

PROPOSED  
FLOATING DOCK

EXISTING  
FISHING PIER

STATE ROAD #865  
SAN CARLOS BOULEVARD

PORT MYERS BEACH SKY BRIDGE  
(OVERHEAD)

EXISTING WOOD DOCK

MATANZAS INN  
RESTAURANT

PROPOSED  
HARBORMASTER  
BUILDING

PARKING LOT

**COASTAL ENGINEERING CONSULTANTS, INC.**  
COASTAL & CIVIL ENGINEERS • PLANNERS • SURVEYORS • GEOLOGISTS  
3108 SOUTH HORSESHOE DRIVE • NAPLES, FLORIDA 34104  
(941) 643-2324 • FAX (941) 643-1143 • E-MAIL: ENGCOLLIER@CECFL.COM

DESIGNED: MAK  
DRAWN: CFD  
CHECKED: MTP  
ACAD NO. 9273-P2  
PROJECT NO. 99-273  
P.B.  
Pc.

CLIENT  
TOWN OF FORT MYERS BEACH

**MATANZAS HARBORMASTER DOCK**  
EXISTING CONDITIONS PLAN

SCALE: 1" = 40'  
TOWNSHIP 24  
RANGE 46  
SHEET 2 OF 8  
DATE: JAN. 3, 2000  
FILE NO. 99-273-P-2

*Handwritten signature and notes:*  
License # 113161  
1/31/01



NOTES:

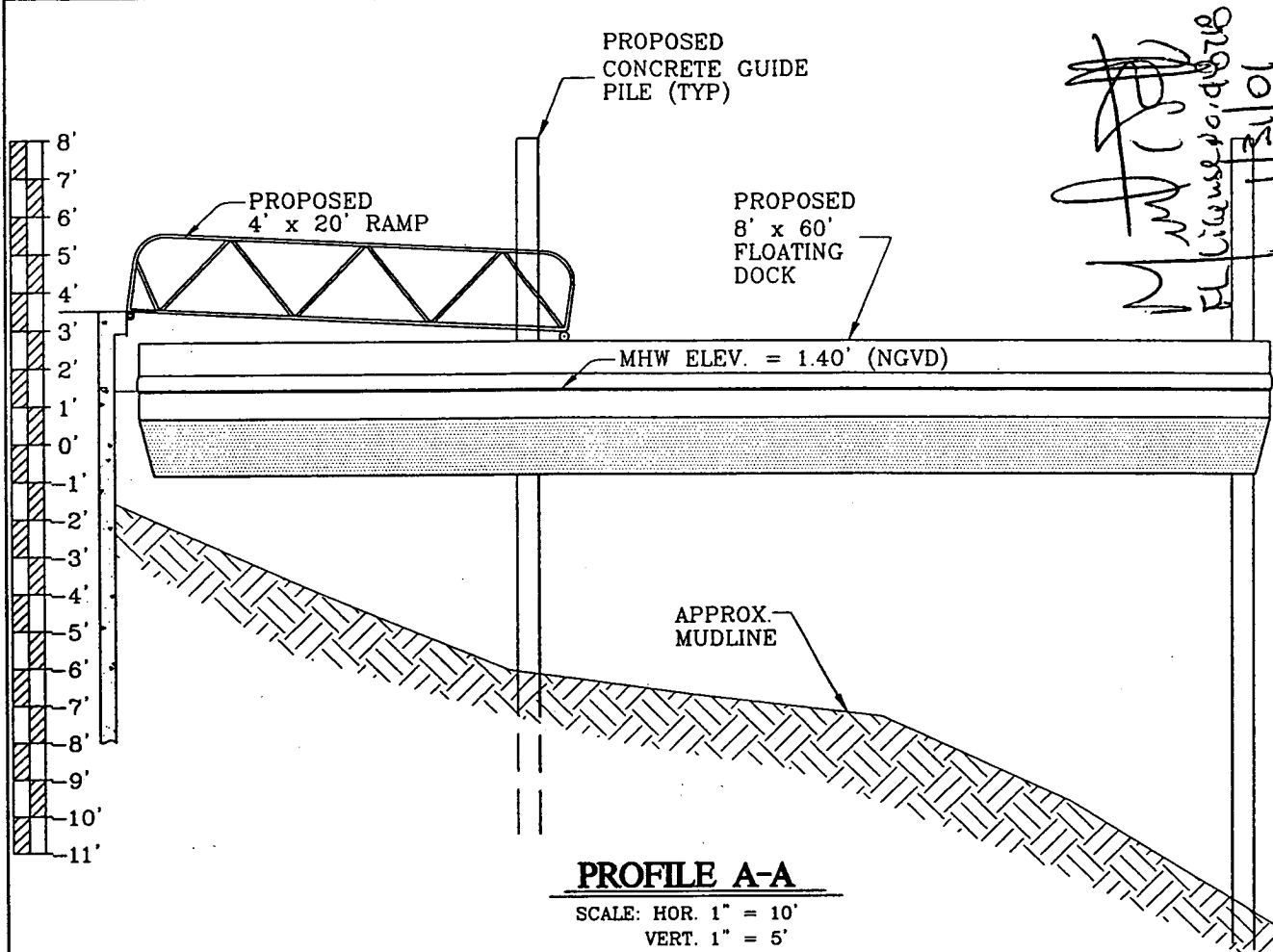
- 

**COASTAL ENGINEERING CONSULTANTS, INC.**  
COASTAL & CIVIL ENGINEERS • PLANNERS • SURVEYORS • GEOLOGISTS  
(941) 643-2324 • FAX (941) 643-1143 • E-MAIL: ENGCOLLIER@CCECFI.COM

SCALE: 1" = 20'

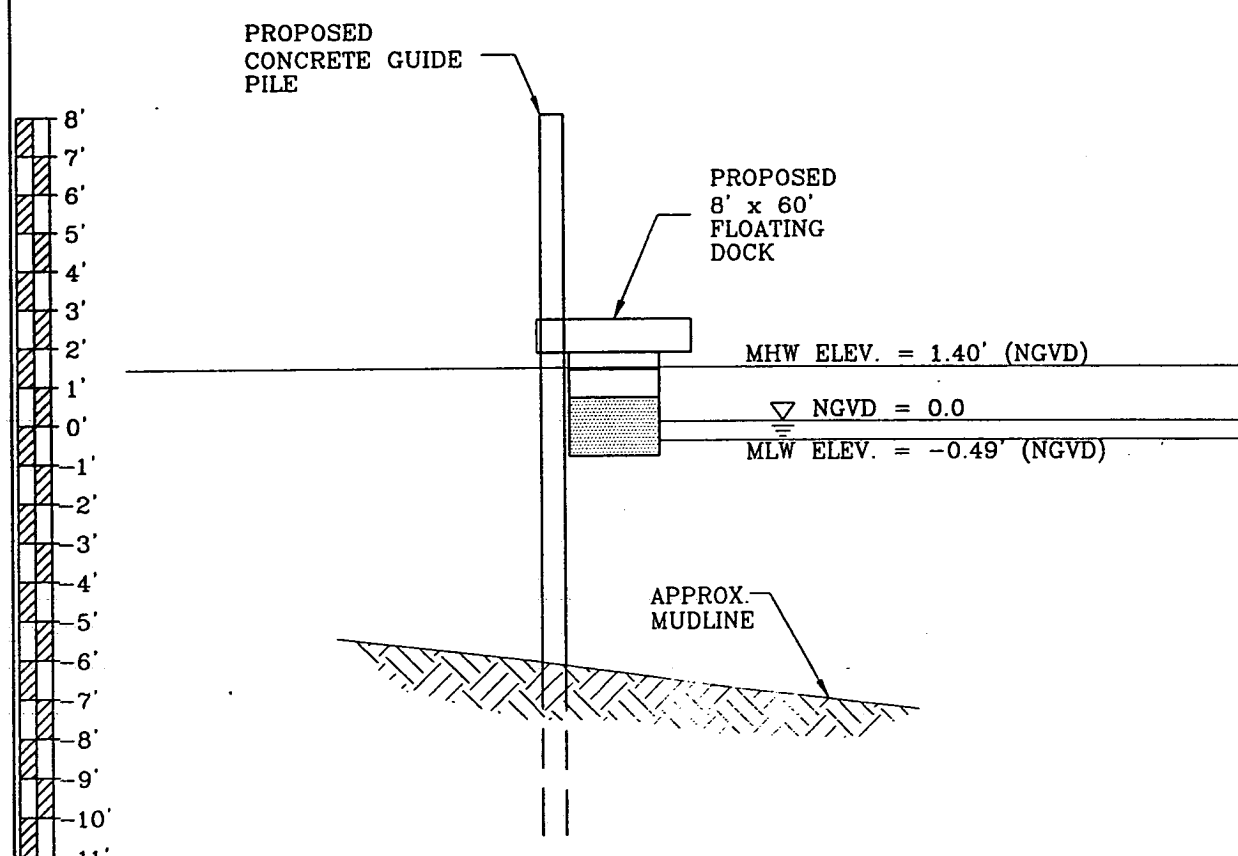
EXISTING WOOD DECK			
SCALE:	1" = 20'	DATE: JAN. 3, 2000	
TOWNSHIP	46	RANGE	24
SHEET	4	SECTION	19
		OF	

**MATANZAS HARBORMASTER DOCK  
PROPOSED DOCK PLAN**



### PROFILE A-A

SCALE: HOR. 1" = 10'  
VERT. 1" = 5'



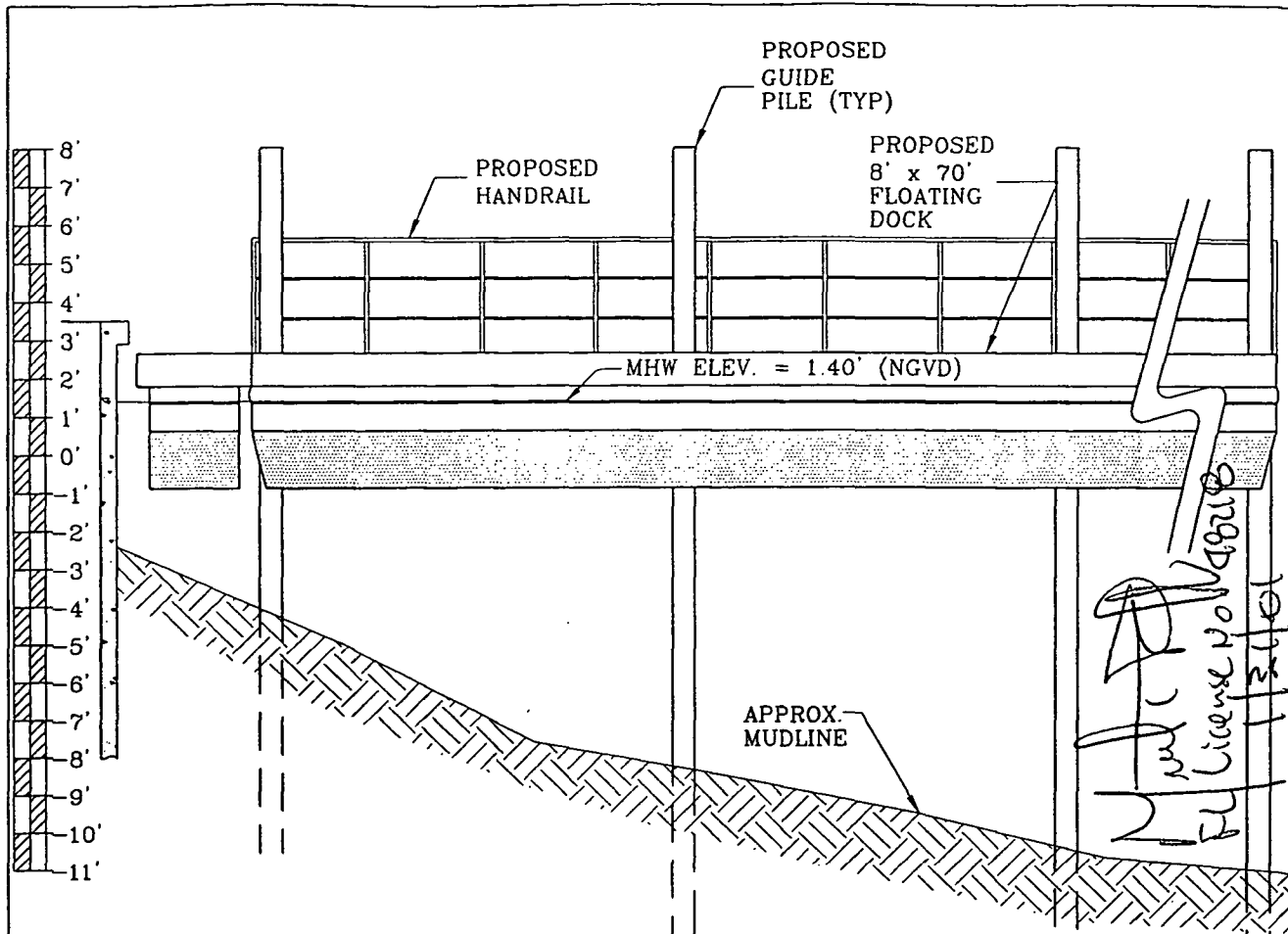
### SECTION B-B

SCALE: HOR. 1" = 10'  
VERT. 1" = 5'

FOR PERMITTING PURPOSES ONLY  
NOT TO BE USED FOR CONSTRUCTION

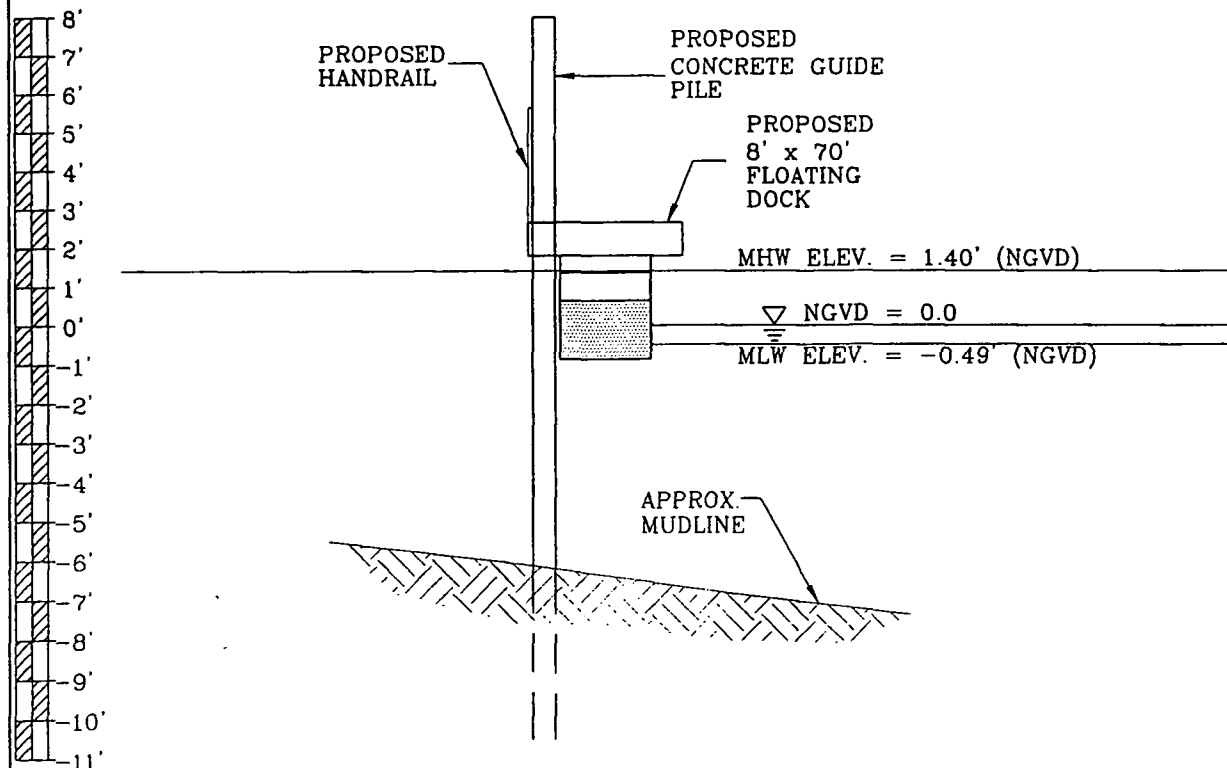
*Handwritten:* 173101  
FL 173101

DESIGNED: MAK	DATE: JAN. 3, 2000	SCALE: AS INDICATED	TOWNSHIP: 48	RANGE: 24	SECTION: 19
DRAWN: GFD					
CHECKED: MTP					
ACAD NO. 9273-P5					
PROJECT NO. 99.273					
SUB: 1					
FILE NO. 99.273-P-5					
CLIENT: TOWN OF FORT MYERS BEACH					
TITLE: MATANZAS HARBORMASTER DOCK PROFILE AND SECTION					
COASTAL ENGINEERING CONSULTANTS, INC.					
COASTAL & CIVIL ENGINEERS • PLANNERS • SURVEYORS • GEOLOGISTS					
3106 SOUTH HORSESHOE DRIVE • NAPLES, FLORIDA 34104					
(941) 643-2324 • FAX (941) 643-1143 • E-MAIL: ENGCOLLIER@CECIFL.COM					



### PROFILE C-C

SCALE: HOR. 1" = 10'  
VERT. 1" = 5'



### SECTION D-D

SCALE: HOR. 1" = 10'  
VERT. 1" = 5'

FOR PERMITTING PURPOSES ONLY  
NOT TO BE USED FOR CONSTRUCTION

DESIGNED: MAK DRAWN: GFD CHECKED: MTP ACAD NO. 0273-P6 PROJECT NO. 99.273 F.B. 1/0	SCALE: AS INDICATED		DATE: 3, 2000
	TOWNSHIP 46	RANGE 24	SECTION 19
	SHEET 6		OF 6
	FILE NO. 99.273-P-6		
CLIENT: TOWN OF FORT MYERS BEACH			
TITLE: MATANZAS HARBORMASTER DOCK PROFILE AND SECTION			
COASTAL ENGINEERING CONSULTANTS, INC. COASTAL & CIVIL ENGINEERS • PLANNERS • SURVEYORS • GEOLOGISTS 3106 SOUTH HORSESHOE DRIVE • NAPLES, FLORIDA 34104 (941) 643-2324 • FAX (941) 643-1143 • E-MAIL: ENGCOLLIER@CECFI.COM			

PROPOSED 4' x 6'  
FIXED TIMBER  
ACCESS PLATFORM

PROPOSED  
HANDRAIL

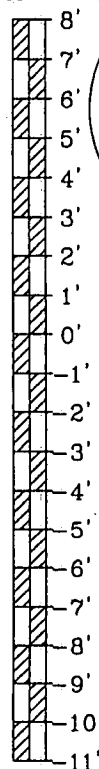
PROPOSED  
4' x 14' RAMP

PROPOSED  
6' x 50'  
FLOATING  
DOCK

PROPOSED  
HANDRAIL

PROPOSED  
4' x 20' RAMP

PROPOSED 6' x 6'  
FIXED TIMBER  
ACCESS PLATFORM



APPROX.  
MUDLINE

MHW ELEV. = 1.40' (NGVD)

▽ NGVD = 0.0

MLW ELEV. = -0.49' (NGVD)

WRAP PILES W/PVC  
FROM ELEV. +3.0' TO  
1 FT BELOW MUDLINE  
(TYP. TIMBER PILES)

### PROFILE E-E

SCALE: HOR. 1" = 10'  
VERT. 1" = 5'

FOR PERMITTING PURPOSES ONLY  
NOT TO BE USED FOR CONSTRUCTION

*[Signature]*  
FL License No. 48218  
1/31/01

DESIGNED: MAK  
DRAWN: GFD  
CHECKED: MTP  
ACAD. NO. 9273-P7  
PROJECT NO. 99.273  
FIR  
PCI

**COASTAL ENGINEERING CONSULTANTS, INC.**  
COASTAL & CIVIL ENGINEERS • PLANNERS • SURVEYORS • GEOLOGISTS  
3106 SOUTH HORSESHOE DRIVE • NAPLES, FLORIDA 34104  
(941) 643-2324 • FAX (941) 643-1143 • E-MAIL: ENGCOLLIER@CECIFL.COM

CLIENT

TOWN OF FORT MYERS BEACH

TITLE

**MATANZAS HARBORMASTER DOCK  
PROFILE**

SCALE: AS INDICATED		DATE: JAN. 3, 2000
TOWNSHIP 46	RANGE 24	SECTION 19
SHEET 7	OF 8	
FILE NO.		99.273-P-7

## MANATEE PROTECTION PLAN

In order to ensure that manatees are not adversely affected by the construction activities as described in these specifications, the Permittee and Contractor shall adhere to the Federal, State and local regulations.

(a) The Contractor shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with the manatees. The Contractor shall be responsible for all construction personnel to observe water-related activities for the presence of manatees, and shall implement appropriate precautions to ensure protection of manatees.

(b) The Contractor shall advise all construction personnel that there are civil and criminal penalties for harming, harassing or killing manatees which are protected under the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act. The Contractor will be held responsible for any manatee harmed, harassed or killed as a result of construction of the project.

(c) Prior to commencement of construction of the project, the Contractor shall construct and display at least two temporary signs (placards) concerning manatees. A sign measuring at least 3 ft. by 4 ft. which reads "Caution: Manatee Area" shall be posted in a location prominently visible to water related construction crews. A second sign shall be posted on all vessels and placed visible to the vessel operator. The second sign measuring at least 8½" x 11" shall read: "Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shut down if a manatee comes within 50 feet of operation. Any collision with and/or injury to a manatee shall be reported immediately to the Florida Marine Patrol (FMP) at 1/800/DIAL-FMP, or 1/800/342-5367. The U.S. Fish and Wildlife Service (FWS) should also be contacted in Vero Beach at 1/407/562/3909." Temporary notices are to be removed by the Contractor and disposed of properly upon completion of the project.

(d) The Contractor shall ensure that siltation barriers, if deployed, are properly secured so that manatees cannot become entangled, and are monitored at least daily to avoid manatee entrapment. Barriers must not block manatee entry to or exit from essential habitat.

(e) The Contractor shall ensure that all vessels associated with the project will operate at idle speed with no wake at all times during the construction and while in water where the draft of the vessel provides less than four feet clearance from the bottom. All vessels will follow routes of deep water whenever possible.

(f) If manatees are seen within 100 yards of the active daily construction/dredging operation, the Contractor shall ensure that all appropriate precautions shall be implemented to ensure protection of the manatee. The precautions shall include the operation of all moving equipment no closer than 50 feet of a manatee. The Contractor is advised that operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Activities shall not resume until the manatee(s) has departed the WORK sites of its own volition.

(g) The Contractor shall report any collision with and/or injury to a manatee immediately to the FMP (1/800/DIAL-FMP, or 1/800/342-5367), Florida Fish and Wildlife Conservation Commission (FFWCC) (1/850/922/4330) and FWS (1/407/562-3909).

(h) The Contractor shall maintain a daily log of detailing all sightings, collisions, or injuries to manatees should they occur during construction. A report prepared by the Contractor summarizing all such incidents and sightings shall be provided to the Permittee and Engineer at the conclusion of the project. The Permittee and Engineer shall provide the report to the FFWCC and FWS.

(i) The standard manatee construction conditions require that all of the Contractor's personnel are responsible for observing manatees in the area and shutting down equipment in the event a manatee comes within 50 feet of the equipment. The Contractor is required to designate one person per WORK shift responsible for the duty of manatee observer. This person should have some experience observing manatees and should not be performing any other duties that would hinder their ability to watch for manatees.

*M. J. [Signature]*  
FL license no. 98218  
1/21/01

DESIGNED: CFP  
DRAWN: CFP  
CHECKED: MTP  
ACAD NO. 9273-P8  
PROJECT NO. 99-273  
F.B.  
PG

**COASTAL ENGINEERING CONSULTANTS, INC.**  
COASTAL & CIVIL ENGINEERS • PLANNERS • SURVEYORS • GEOLOGISTS  
3108 SOUTH HORSESHOE DRIVE • NAPLES, FLORIDA 34104  
(941) 643-2324 • FAX (941) 643-1143 • E-MAIL: ENGCOLLIER@CECIFL.COM

CLIENT

TOWN OF FORT MYERS BEACH

TITLE

**MATANZAS HARBORMASTER DOCK  
MANATEE PROTECTION PLAN**

SCALE:

DATE:

JAN. 3, 2000

TOWNSHIP RANGE SECTION

SHEET 8 OF 8

FILE NO. 99.273-P-8

**Property Data for Parcel 19-46-24-05-00000.0100**

[Next Lower Parcel Number][Next Higher Parcel Number]

[Display Building Permits on this Parcel]

Display Tax Bills on this Parcel

<b>Owner of Record</b>		<b>Legal Description</b>		<b>Image of Structure</b>	
LEE COUNTY P O BOX 398 FT MYERS FL 33902		SWANKS K.L.SUBD. PB 8 PG 81 LOTS 10 11 + 12		(Not Presently Available)	
<b>Site Address</b>		0 OSTEBO DR Fort Myers Beach 33931			
<b>Taxing District</b>				<b>DOR Code</b>	
023 - FT MY BCH FIRE/LIGHT/MOSQUITO/LIBRARY/SEWER				86 - COUNTIES- OTHER	
<b>Property Values</b>		<b>Exemptions</b>		<b>Dimensions</b>	
Just	71270	Homestead	0	Measurement Units	SF
Assessed	71270	Agricultural	0	Number of Units	18275
Assessed SOH	71270	Widow	0	Frontage	0
Taxable	0	Widower	0	Depth	0
Building	0	Disability	0	Bedrooms	N/A
Land	71270	Wholly	71270	Bathrooms	N/A
Building Extra Features	0	Energy	0	Total Sq. Ft.	N/A
Land Extra Features	0	SOH Difference	0	Year Built	N/A
<b>Sales Transactions</b>					
<b>Sale Price</b>	<b>Date</b>	<b>OR Book/Page</b>	<b>Transaction Type</b>	<b>Vacant/Improved</b>	
1500000	1/1/1991	<u>2199/4649</u>	03	I	
100	12/1/1987	<u>1960/4534</u>	01	I	

Solid Waste (Garbage) Roll Data				
Solid Waste District	Roll Type	Category	Unit/Area	Tax Amount
001 - Service Area 1 - Fort Myers Beach Area	-		0	0

Land Lines (Land Use)		
Description	Use Code	Units
County Owned, Offices, Library, Government Bldg	8600	18275.00 Square Feet

Storm Surge Category	Flood Insurance (FIRM)				
	Rate Code	Community	Panel	Version	Date
0	A12:EL12	125124	0429	D	092096

[\[View 2000 TRIM Notice\]](#)

[\[View 1999 TRIM Notice\]](#)

[\[Hide Building Details\]](#)

[\[Show Aerial View\]](#)

[\[Next Lower Parcel Number\]](#)[\[Next Higher Parcel Number\]](#)

[\[New Query\]](#)[\[Parcel Queries Page\]](#)[\[Lee PA Home\]](#)

**Property Data for Parcel 19-46-24-00-00005.0220**[\[Next Lower Parcel Number\]](#)[\[Next Higher Parcel Number\]](#)[\[Display Building Permits on this Parcel\]](#)[Display Tax Bills on this Parcel](#)

<b>Owner of Record</b>		<b>Legal Description</b>		<b>Image of Structure</b>	
LEE COUNTY C/O PARKS & REC. P O BOX 398 FT MYERS FL 33902		PARL IN W 1/2 OF NW 1/4 SEC 19 TWP 46 R 24		(Not Presently Available)	
<b>Site Address</b>		<b>1184 MAIN ST Fort Myers Beach 33931</b>			
<b>Taxing District</b>				<b>DOR Code</b>	
023 - FT MY BCH FIRE/LIGHT/MOSQUITO/LIBRARY/SEWER				86 - COUNTIES- OTHER	
<b>Property Values</b>		<b>Exemptions</b>		<b>Dimensions</b>	
Just	509860	Homestead	0	Measurement Units	SF
Assessed	509860	Agricultural	0	Number of Units	105000
Assessed SOH	509860	Widow	0	Frontage	0
Taxable	0	Widower	0	Depth	0
Building	74620	Disability	0	Bedrooms	0
Land	435240	Wholly	509860	Bathrooms	2
Building Extra Features	0	Energy	0	Total Sq. Ft.	8377
Land Extra Features	0	SOH Difference	0	Year Built	1946
<b>Sales Transactions</b>					
<b>Sale Price</b>	<b>Date</b>	<b>OR Book/Page</b>	<b>Transaction Type</b>	<b>Vacant/Improved</b>	
1500000	1/1/1991	2199/4649	03	I	
1050000	12/1/1987	1960/4532	02	I	

## Solid Waste (Garbage) Roll Data

Solid Waste District	Roll Type	Category	Unit/
001 - Service Area 1 - Fort Myers Beach Area	C - Commercial Category	C	83

## Land Lines (Land Use)

Description	Use Code	Units
Packing Plant	4400	105000.00 Square Feet

## Storm Surge Category

## Flood Insurance (FIRM)

Rate Code	Community	Panel	Version	Date
0	A12:EL12	125124	0429	D 092096

## Building/Structure Details - (4 total structures)

<b>Building 1</b>	Improvement Code: 80 - manufacturing - light		Model: 6 - warehouse/industrial
Bedrooms: 0	Bathrooms: 1	Stories: 1	Year Built: 1946
<b>Subareas</b>	<b>Description</b>	<b>Year Added</b>	<b>Area (sq. ft.)</b>
	BASE (BAS)	1946	4097

Plan not available

Extra Features	Description	Year Added	Units
	PIER - COMMERCIAL	1993	2592
	BLACK TOP - PAVEMENT	1946	1076
	DECK - WOOD	1997	2060
	SEAWALL - RIPRAP	1997	212
	PAVEMENT - CONCRETE - PARKING	1997	960
	ADDITIONS - ITEMS NOT ON MAIN LISTING	1997	1
<b>Building 2</b>	Improvement Code: 80 - manufacturing - light		Model: 6 - warehouse/industrial
Bedrooms: 0	Bathrooms: 1	Stories: 1	Year Built: 1946
Subareas	Description	Year Added	Area (sq. ft.)
	BASE (BAS)	1946	1474

Plan not available

<b>Building 3</b>	Improvement Code: 80 - manufacturing - light		Model: 6 - warehouse/industrial
Bedrooms: 0	Bathrooms: 0	Stories: 1	Year Built: 1952
<b>Subareas</b>	<b>Description</b>	<b>Year Added</b>	<b>Area (sq. ft.)</b>
	BASE (BAS)	1952	1040

Plan not available

<b>Building 4</b>	Improvement Code: 80 - manufacturing - light		Model: 6 - warehouse/industrial
Bedrooms: 0	Bathrooms: 0	Stories: 1	Year Built: 1946
<b>Subareas</b>	<b>Description</b>	<b>Year Added</b>	<b>Area (sq. ft.)</b>
	BASE (BAS)	1946	1766

Plan not available

[\[View 2000 TRIM Notice\]](#)

[\[View 1999 TRIM Notice\]](#)

[\[Hide Building Details\]](#)

[\[Show Aerial View\]](#)

[\[Next Lower Parcel Number\]](#)[\[Next Higher Parcel Number\]](#)

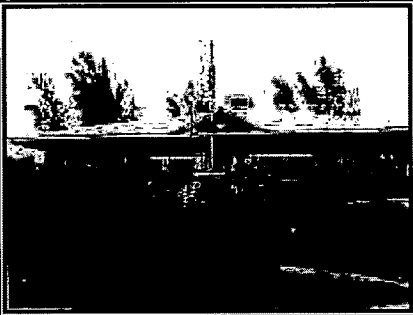
[\[New Query\]](#)[\[Parcel Queries Page\]](#)[\[Lee PA Home\]](#)

**Property Data for Parcel 19-46-24-00-00005.0210**

[Next Lower Parcel Number][Next Higher Parcel Number]

[Display Building Permits on this Parcel]

Display Tax Bills on this Parcel

<b>Owner of Record</b>	<b>Legal Description</b>	<b>Image of Structure</b>			
LEE COUNTY C/O PARKS & REC. P O BOX 398 FT MYERS FL 33902	PARL IN W 1/2 OF NW 1/4 SEC 19 TWP 46 R 24				
<b>Site Address</b>		<b>1196 MAIN ST Fort Myers Beach 33931</b>			
<b>Taxing District</b>		<b>DOR Code</b>			
023 - FT MY BCH FIRE/LIGHT/MOSQUITO/LIBRARY/SEWER		86 - COUNTIES- OTHER			
<b>Property Values</b>		<b>Exemptions</b>		<b>Dimensions</b>	
Just	677850	Homestead	0	Measurement Units	SF
Assessed	677850	Agricultural	0	Number of Units	120000
Assessed SOH	677850	Widow	0	Frontage	0
Taxable	0	Widower	0	Depth	0
Building	317850	Disability	0	Bedrooms	0
Land	360000	Wholly	677850	Bathrooms	12
Building Extra Features	0	Energy	0	Total Sq. Ft.	7470
Land Extra Features	0	SOH Difference	0	Year Built	1997

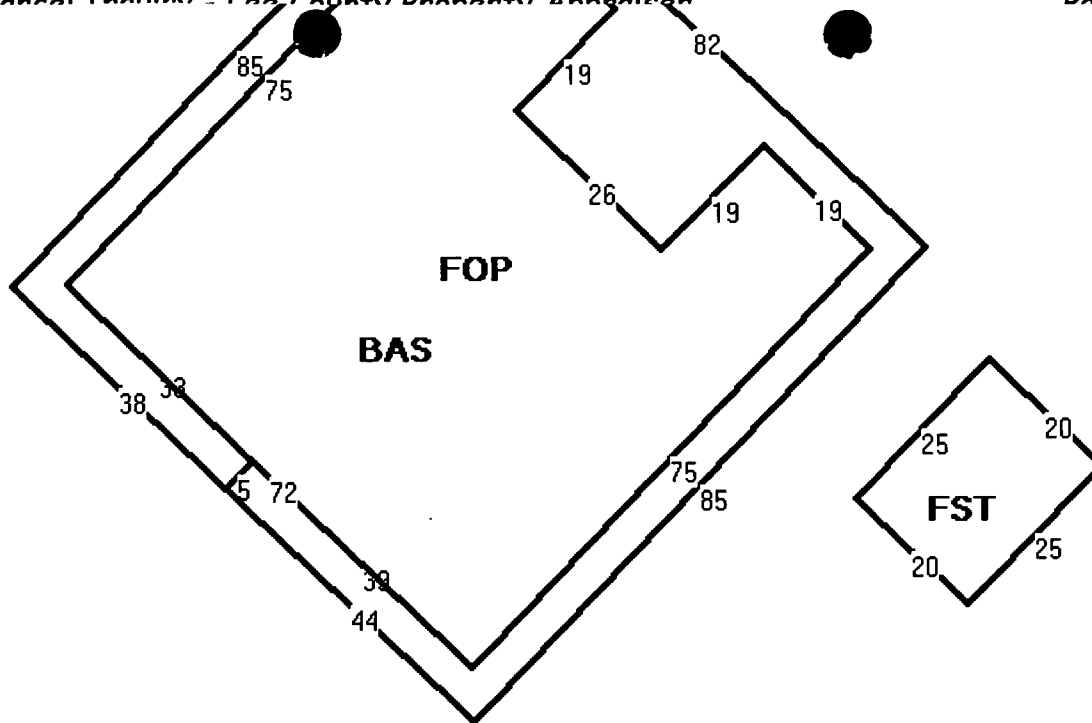
Sales Transactions				
Sale Price	Date	OR Book/Page	Transaction Type	Vacant/Improved
1500000	1/1/1991	2199/4649	03	V
1050000	12/1/1987	1960/4532	02	V

Solid Waste (Garbage) Roll Data			
Solid Waste District	Roll Type	Category	Unit/
001 - Service Area 1 - Fort Myers Beach Area	C - Commercial Category	C	57

Land Lines (Land Use)		
Description	Use Code	Units
County Owned, Offices, Library, Government Bldg	8600	120000.00 Square Feet

Storm Surge Category	Flood Insurance (FIRM)				
	Rate Code	Community	Panel	Version	Date
0	A12:EL12	125124	0429	D	092096

Building/Structure Details - (1 total structure)			
<b>Building 1</b>	Improvement Code: 93 - government building	Model: 4 - commercial	
Bedrooms: 0	Bathrooms: 12	Stories: 1	Year Built: 1997
Subareas	Description	Year Added	Area (sq. ft.)
	BASE (BAS)	1997	4915
	FINISHED OPEN PORCH (FOP)	1997	2055
	FINISHED UTILITY (FST)	1999	500



Extra Features	Description	Year Added	Units
	PAVEMENT - CONCRETE - PARKING	1997	630

[\[View 2000 TRIM Notice\]](#)

[\[View 1999 TRIM Notice\]](#)

[\[Hide Building Details\]](#)

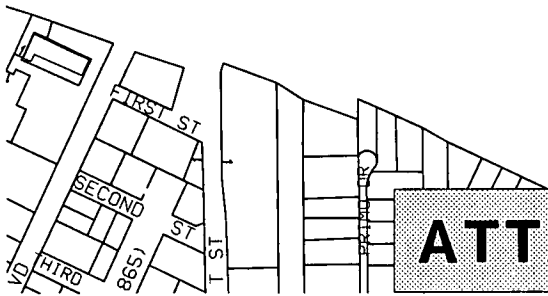
[\[Show Aerial View\]](#)

[\[Next Lower Parcel Number\]](#)[\[Next Higher Parcel Number\]](#)

[\[New Query\]](#)[\[Parcel Queries Page\]](#)[\[Lee PA Home\]](#)



**Murphy Oil Site**  
**Zoning is CFPD and IPD**  
**Future Land Use is Public Facilities**



## ATTACHMENT 1: LOCATION MAP

[About AMI](#)[Mission](#)[Youth Services](#)[Institute Directory](#)[AMI Foundation](#)[AMI Boat Yard](#)[Research Statistics](#)[Jobs at AMI](#)[Press Articles](#)[Winter Olympics 2K](#)[Summer Olympics 2K](#)

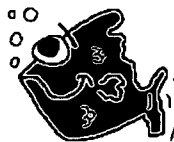
# Associated Marine Institutes, Inc.®

Welcome to Associated Marine Institutes.  
AMI is a private non-profit government services  
provider to state juvenile justice programs.  
AMI specializes in marine and wilderness based  
juvenile rehabilitation programs as well as  
other youth oriented services.



"One Kid at a Time"

[A Parent's letter](#)

[Site Map](#)[FeedBack](#)[Search](#)

Juvenile Justice  
Accountability  
Board

77165



The Juvenile Justice Clearinghouse

Questions or comments about AMI or it's programs  
should be directed to [info@ami-fl.org](mailto:info@ami-fl.org)

Copyright © 1996 Associated Marine Institutes, Inc.  
All rights reserved.

# Associated Marine Institutes, Inc.®



## Tampa Office Directions

## About AMI

---

● AMI had its beginnings at Florida Ocean Sciences Institute (FOSI) in 1969, as a spin-off from Florida Atlantic University in Boca Raton. Its first four years were spent engaged in a variety of oceanographic research projects. The staff consisted primarily of scientists, technicians and divers. Then in 1969, through the combined efforts of FOSI President Robert A. Rosof and a juvenile court judge named Frank Orlando, several troubled boys were brought into the Institute to work on the research projects. The positive changes which occurred while the youth were there brought about the idea of a permanent program to serve these kinds of kids. FOSI gradually evolved from a research lab into an Institute. Most of the scientists and technicians were replaced by teachers; not only teachers with formal certifications (although some of them were), but men and women who were eager to share their vocational skills, aquatics skills and life skills with these troubled youth. In 1972, expansion began with programs starting in Tampa, St. Petersburg and Jacksonville.

● In 1974, **Associated Marine Institutes, Inc.** was formed to provide a central office for consistent and uniform management and administrative services to the affiliate organizations. Although the Institutes are autonomous, non-profit corporations, they have become known collectively as **AMI** and are managed through contractual agreements between **Associated Marine Institutes, Inc.**, and the local Boards of Directors. In fact, **AMI's** Board is comprised of representatives of the local Boards.

● Over the years, **AMI** and its affiliates have participated in many diverse projects and have received numerous awards and recognitions. The **Associated Marine Institutes, Inc.** has grown to its current size of approximately 48 Institutes in 7 different states and the Cayman Islands.

---

Questions or comments about this web site should be directed to [webadmin@ami-fl.org](mailto:webadmin@ami-fl.org).  
Copyright © 1996 Associated Marine Institutes, Inc. All rights reserved.

# **Associated Marine Institutes, Inc.®**



## **OUR MISSION**

Associated Marine Institutes (AMI) is a non profit organization dedicated to helping troubled youth develop into responsible and productive citizens. AMI's mission is to protect the public safety and positively impact as many youth as possible through the efforts of a diverse and innovative staff. AMI works in partnership with youth agencies, local communities and families.

## **OUR VISION**

An organization focused on exceptional service to individual kids and their families:

Where every decision is value-driven and in the best interest of the students;

Where students become productive, successful citizens leading well-balanced lives;

Where totally committed communities provide acceptance, approval, and support;

Which has an enthusiastic, innovative, diverse staff committed to outstanding service to students and their families;

Which youth agencies, businesses, communities and families view as their partner;

Which achieves financial security from cost effective operations and creative, aggressive development of resources;

Which is recognized as a leader in redirecting the lives of troubled youths; and

Which has a board dedicated to fund raising, giving, and the development of resources, guiding policy, and educating the public and policy makers.

**From:** "Mike Myers" <MikeM@passarella.net>  
**To:** "Kim Trebatoski (E-mail)" <trebatkm@bocc.co.lee.fl.us>  
**Date:** 3/11/01 5:30PM  
**Subject:** Estero Golf Resort (00CEC553)

Kim, in response to your Condition 3b, in the staff report for Estero Golf Resort, I would like to propose the following "draft" response for your review and comment:

The development order plans will show a connection between the conservation area in the southeast corner of the MPD Tract-5 and the upland conservation area on the eastern side of the restored wetland. The wildlife connection will run under the road and include a set of 2 tunnels constructed of, 36 inch wide X 24 inch high, elliptical concrete pipe. The plans will show the 2 elliptical wildlife connections placed under the road in a side by side position unless directed otherwise by ES staff. At a minimum, the bottom of the pipes will be placed no lower than the existing upland preserve grade to help prevent inundation, within the pipes, during the wet season.

This is what we had in mind for the wildlife crossing. Please let me know if this is acceptable. I will be in Naples, in meetings, most of Monday so the best way to reach me is via my mobile phone (707-4924). Thanks for your help on this. Mike

**CC:** "Farmer Dave (E-mail)" <dfarmer@arhomes.com>, "J. Ciccarone Michael (E-mail)" <mcicc@annislaw.com>, "Carron Day (E-mail)" <FLP1@earthlink.net>

**OBJECTIVE 94.6: MATANZAS HARBOR MANAGEMENT PLAN.** The county shall implement a Matanzas Harbor Management Plan.

**POLICY 94.6.1:** The Matanzas Harbor Management Plan shall address the county's plans for use of the property the county acquired on San Carlos Island that is commonly known as the Murphy Oil site.

**POLICY 94.6.2:** The county shall apply to the state of Florida for a submerged land management agreement or a submerged land lease for the county-acquired property on San Carlos Island that is commonly known as the "Murphy Oil site".

**POLICY 94.6.3:** By 1997, the county shall, with recommendations from an advisory committee, affected elements of county government and other affected persons, further develop and implement a Matanzas Harbor Management Plan. The scope of this plan shall include the designation of a managed mooring area; the regulation of trash and wastewater disposal; and establishment of a research facility designed to meet the needs of marine environmental sciences, marine education, marine research and study of the estuarine and intertidal environment of waters unique to Lee County, specifically, Estero Bay, Ostego Bay and Hurricane Bay. This plan will provide mechanisms and standards for the strict enforcement of health, safety and welfare regulations throughout the Estero Bay and Matanzas Harbor area; regulations for the protection of marine resources; and the initiation and operation of a marine research/educational facility that would provide public access as determined by a final master plan.

**POLICY 94.6.4:** The Matanzas Harbor Management Plan shall address public participation issues and shall be consistent with the San Carlos Island Redevelopment Plan.

**POLICY 94.6.5:** The county shall implement the findings of the study completed concerning the designation of special anchorage areas that would allow the mooring of live-aboard vessels, especially in the Matanzas Harbor area.

**POLICY 94.6.6:** The county shall prepare a preliminary study of the designation of special anchorage areas that would allow the mooring of live-aboard vessels.