

RESOLUTION NUMBER Z-88-293

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

WHEREAS, Citizens and Southern National Bank of Lee County, in reference to Caloosa Isle Marine, Inc., d/b/a Island Club Marine, has properly filed an application for a rezoning from C-1A to Commercial Planned Development, to permit the expansion of an existing marina with buildings not to exceed 45 feet above average grade, on 5.8± total acres of land. The proposed development will also include dry storage, retail stores, fuel sales, boat repair services, and pump-out facilities.

NOTE: If approved, the Master Concept Plan will deviate from the following Lee County standards:

- (1) Minimum required number of off-street parking spaces for this development of 122 spaces (202.13.J), to 50 spaces;
- (2) Minimum setback from a structure to a water body of 25 feet (202.15.B.4.b.), to 0 (zero) feet for the existing store #2 as shown on the Master Concept Plan;
- (3) Minimum setback between structures in a Commercial Planned Development which is adjacent to land which is developed in a manner and for uses not compatible with the uses proposed in the CPD of 25 feet (461.C.2.a.2.), to 10 feet for the proposed dry-storage structure, to 0 (zero) feet for the existing store #2 as shown on the Master Concept Plan, and to 3 feet for the existing store #1 as shown on the Master Concept Plan; and
- (4) Minimum buffer type between a proposed commercial development and existing industrial development of a type "B" buffer (15 foot wide) [DSO Section C.5.d.(4)], to a 10 foot wide buffer with a type "B" vegetation.
- (5) Request to be allowed to provide a maximum of 30% of the parking spaces to be designed for small cars in a low turn-over parking space (9 feet by 18 feet) (Sections 202.13.k.1. and 202.13.F.1.c.); and

WHEREAS, the subject property is located at 1647 Inlet Drive, North Fort Myers, described more particularly as:

LEGAL DESCRIPTION: In Section 16, Township 44 South, Range 24 East, Lee County, Florida:

A tract or parcel of land lying in Waterway Estates of Fort Myers Unit 2 in the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section 16, Township 44 South, Range 24 East, Lee County, Florida as shown on Sheet 2 of plat recorded in Plat Book 12 beginning at page 63, Lee County records which tract or parcel is described as follows:

Beginning at a point of curvature on Curve "K" on the South line of Tract "B", as shown on said plat of Waterway Estates of Fort Myers Unit 2 run N.89°24'20"E. along said South line for 201.00 feet to the West line of the parcel described in deed recorded in Official Record Book 307 at page 853, Lee County records; THENCE run N.00°35'40"W. along said West line for 165.94 feet to the Northwesternly line of said parcel; THENCE run N.43°56'37"E. along said Northwesternly line for 136.87 feet to an intersection with the Northerly line of said parcel; THENCE run N.89°24'20"E. along said North line for 90.00 feet to an intersection with the East line of said parcel; THENCE run S.00°35'40"E. along said East line for 263.50 feet to an intersection with the South line of said Tract "B"; THENCE run N.89°24'20"E. along said South line for 342.93 feet to a point of curvature; THENCE run Easterly, Northeasterly and Northerly along the arc of a curve to the left of radius 25.00 feet (delta 89°30'20") (chord bearing N.44°39'10"E.) (chord 35.20 feet) for 39.05 feet to a point of tangency on the East line of said Tract "B"; THENCE run N.00°06'00"W. along said East line and a Northerly prolongation thereof on the East line of the first parcel described in Resolution recorded in Official Record Book 245 beginning at page 753 said public records for 490.23 feet to the North line of said parcel; THENCE run S.89°54'00"W. along said North line for 309.45 feet to an intersection with the Northwesternly line of said parcel; THENCE run S.43°56'37"W. along said Northwesternly line for 27.98 feet to a Northeasterly line of said parcel; THENCE run N.59°33'03"W. along said Northeasterly line for 102.84 feet to the Northerly most corner of said Tract "B"; THENCE run S.43°56'37"W. along the Southeasterly line of Tract "A" said Waterway Estates for 50.00 feet to the Southerly most corner of said Tract "A"; THENCE run S.32°33'43"E. along the Southwesterly line of the second parcel described in said Resolution recorded in Official Record Book 245 at page 753, Lee County records for 102.84 feet to an intersection with the Northwesternly line of said Tract "B"; THENCE run S.43°56'37"W. along said Northwesternly line for 540.61 feet to a point of curvature on said curve "K"; THENCE run Southwesterly, Southerly and Southeasterly along an arc of a curve to the left of radius 25.00 feet (delta 134° 32' 17") (chord bearing S.23°19'32"E.) (chord 46.12 feet) for 58.70 feet to the POINT OF BEGINNING.

SUBJECT TO easements, restrictions and reservations of record.

Containing 5.80 acres more or less.

Bearings hereinabove mentioned are based on said record plat of Waterway Estates of Fort Myers Unit 2.

WHEREAS, the applicant has indicated the property's current STRAP number is 16-44-24-03-0030B.0000; and

WHEREAS, proper authorization has been given to James P. Carroll, by Citizens and Southern National Bank, the fee simple owners of the subject parcel, to act as agent to pursue this zoning application; and

WHEREAS, proper authorization has been given to Neale Montgomery, Esquire of Pavese, Garner, Haverfield, Dalton, Harrison & Jensen and to Johnson Engineering, Inc., by James P. Carroll, the agent of the subject parcel, to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Planning and Zoning Commission, with full consideration of all the evidence available to the Planning and Zoning Commission; and

WHEREAS, the Lee County Planning and Zoning Commission fully reviewed the matter in a public hearing held on October 3, 1988; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and

WHEREAS, in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Planning and Zoning Commission, 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 of County Commissioners does hereby APPROVE with conditions a rezoning from C-1A to Commercial Planned Development, to permit the expansion of an existing marina with buildings not to exceed 45 feet above average grade, on 5.8± total acres of land. The proposed development will also include dry storage, retail stores, fuel sales, boat repair services, and pump out facilities.

Approval is subject to the following conditions:

- 1.a. The development and use of this property shall be in accordance with the one-page Master Concept Plan for Caloosa Isle Marine (dated November, 1987, last revised November 15, 1988, project no. 16295 file no. 16-44-24) prepared by Johnson Engineering, Inc. except as may be modified by the conditions herein. This approval does not relieve this development from compliance with zoning regulations, and all other applicable state and local regulations except for those specifically approved as part of this development.

b. The uses within this CPD shall be further limited as follows:

- 1) The total allowable number of boat slips within this marina shall be 44 wet slips and 239 dry slips. These totals assume that a favorable vesting letter is received from the Department of Community Affairs for the 44 wet slips. If a favorable determination is not received, the number shall be adjusted downward accordingly. Approval for additional wet or dry slips shall require an amendment to this approval and a Binding Letter of Development of Regional Impact status.
- 2) Those uses that cannot be relocated, such as structures, to the easterly side of the property can remain. Those items that can be moved, such as the dry sand blasting area, shall be enclosed in an at least 45-foot by 25-foot, two walled room with drop curtains and a waterfall booth to prevent the sand from bothering the neighbors contiguous to the site. An opaque 8-foot screen (fencing and vegetation) shall be provided along that side of the development contiguous to the existing residential area.
- 3) The schedule of uses as noted on the MCP are hereby amended, deleting marine salvage as a permitted use.
- 4) On-site trash receptacles shall be placed upon the property to assist patrons of the site in the proper disposal of the trash.
2. If part of the permitting process, the applicants shall submit a spill containment plan and flushing study to the Lee County Departments of Community Development and Public Safety, to the Department of Environmental Regulation, and to the Department of Natural Resources. No final development order shall be approved until a letter from each of these agencies is received showing that they have reviewed and approved this plan.
3. Prior to the issuance of a final development order, provisions shall be made to provide on-site storm water retention in accordance with South Florida Water Management District requirements.
4. The hours of operation for all maintenance and repair operations allowed in this CPD zoning shall be from 8:00 a.m. to 5:00 p.m. Monday through Saturday.
- 5.a. Prior to final plan approval, the marina management shall prepare and submit a written emergency plan to the Department of Public Safety which shall be followed in the event of a hurricane emergency. This plan shall be updated on an annual basis. All owners of boats within this facility shall be advised of the requirements of this plan and any annual changes. A letter from the Department shall be submitted as part of the final plan approval request indicating acceptance of the procedures, to constitute compliance with this condition.
- b. At the completion of development construction or each phase thereof, a development representative shall contact Lee County Emergency Medical Service to discuss: 1) the designation of emergency helicopter landing zones; and 2) the accessibility of the EMS unit.
6. The applicants, prior to the issuance of a final development order, shall coordinate with the Lee County department granted the authority to oversee the posting of "Idle Speed" and "Caution, Manatee Awareness" signs extending from the marina site, out to the Caloosahatchee River main channel. The marina shall be required to maintain these signs in good condition.

7. The applicant shall reserve one dry boat storage slip for County or State agencies to be rented out at the going rate when the dry storage opens, in perpetuity.
8. All lighting provided for this project shall be limited to low-intensity, low-level types and shielded away from the adjacent residential areas. The roofs and upper levels of the existing or proposed buildings shall not be illuminated.
9. A 20-foot-wide area on at least three sides of the dry storage building shall be kept open (no parking, storage, etc.) to allow for emergency vehicle access to this building. This building shall conform with the required fire codes.
10. The proposed "private club" shall be limited to the owners of the marina, owners of boats stored in the marina, and their guests.
11. A ratio of one sailboat to three powerboats shall be established and maintained for the wet slips in this marina.
12. A gazebo shall be provided as a public amenity, as part of the open space requirement for this development. This gazebo shall be located at the southeastern point of the island overlooking the entrance to the river.
13. Deviation #1 is hereby APPROVED with the condition that if Code Enforcement should find at any time that parking demand exceeds the provided on-site parking within this development, resulting in vehicles parking along the nearby residential streets, additional on-site parking shall be provided or this planned development shall be rescheduled by County staff before the Board of County Commissioners to evaluate the need for additional parking or reduction of development intensity to reduce the adverse impacts on the nearby residential areas. Deviation (2) is hereby APPROVED only for the existing structure shown as Store #2 on the Master Concept Plan. Deviation (3) is hereby APPROVED. Deviation (4) is hereby DENIED. Deviation (5) is hereby APPROVED solely for assigned parking spaces only and shall be clearly marked as such in accordance with the Zoning Ordinance.
14. The owner(s) will participate, on an equitable basis in any MSBU that is created toward providing sidewalks and street repaving, to or along Inlet Drive.

Site Plan 88-293 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings of fact were made in conjunction with this approval of Commercial Planned Development zoning:

- a. The proposed uses, as conditioned, are appropriate at the subject location;
- b. Sufficient safeguards to the public interest are provided by the recommended conditions to the Master Concept Plan and by applicable regulations;
- c. All recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the development; and
- d. Each deviation recommended for approval will enhance the achievement of the objective of the development and the general intent of the zoning regulations to preserve and promote the protection of the public health, safety, and welfare.

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

John E. Manning	AYE
Charles L. Bigelow, Jr.	ABSENT
Ray Judah	AYE
Bill Fussell	AYE
Donald D. Slisher	AYE

DULY PASSED AND ADOPTED this 12th day of December, A.D., 1988.

ATTEST: BOARD OF COUNTY COMMISSIONERS  
CHARLIE GREEN, CLERK

BY: Charlie Green  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: Manning  
Chairman

Approved as to form by:

[Signature]  
County Attorney's Office

**FILED**

APR 11 90

CLERK CIRCUIT COURT  
BY C. W. W. W. D.C.

