

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

WHEREAS, Marine Holdings, LLC , filed an application on behalf of the property owners, Marine Holdings II, LLC, and Caloosa Isle Yacht Club, Inc., to rezone 5.77± acres from Commercial Planned Development (CPD) to Commercial Planned Development (CPD), in reference to Caloosa Isle Yacht Club; and,

WHEREAS, a public hearing was advertised and held on July 26, 2006, and with the record held open until August 4, 2006, for written submissions, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2005-00095; and

WHEREAS, a second public hearing was advertised and held on October 30, 2006, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone 5.77± acres from CPD to CPD to permit the redevelopment of Caloosa Isle Marina, to allow a total of 334 boat slips (Wet and Dry), a 7,000-square-foot restaurant and approximately 7,500 square feet of ancillary uses. The property is located in the Suburban Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. The development of this project must be consistent with the single-page Master Concept Plan (MCP) entitled "Caloosa Isle Yacht Club, Concept Plan - Exhibit 6-J - DCI2005-00095," prepared by Vanasse & Daylor, LLP, dated November 30, 2005, last revised October 24, 2006, date stamped "Received Nov 03 2006 Community Development," and attached hereto as Exhibit C, except as modified by the conditions below.

This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

2. The following Limits apply to the project and uses:

a. Schedule of Uses

Accessory Uses and Structures

Administrative offices

Boat:

Docks

Rental

Repair

Sales

Boardwalk (See condition 15)

Boat Storage:

44 Wet Slips

239 Dry Slips

Consumption on Premises (with outdoor seating) (See Conditions 6,7 & 8)

Personal Services, Group II (limited to a fitness center)

Pump-out Facilities

Restaurant, Group III

Recreational Facility; Private, On-site

Parking, accessory

Signs, in accordance with Chapter 30

Essential Services

On-site Fueling

b. Site Development Regulations

Setbacks:

Street : 25 feet

Waterbody: 25 feet (See Deviations 2 & 5)

Side: 15 feet (See Deviation 6)

Maximum Height: 45 feet (See Deviation 3)

Maximum Lot Coverage: 40 percent

Minimum Open Space: 30 percent

3. Environmental Conditions

- a. The Applicant will actively pursue the Clean Marina designation through the Florida Department of Environmental Protection.
- b. Prior to development order approval for the project, the Applicant must demonstrate compliance with Lee County Comprehensive Plan Policies 128.6.8 and 128.6.11 regarding marina environmental design. Environmental enhancements to the adjacent canal system through the creation of in-water habitat must be a part of this environmental design.

This enhancement can be accomplished through the placement of appropriately sized riprap rock along the shoreline to increase filtration of canal water and create habitat within the canal. A minimum of 260 feet of the project seawall shoreline must include this environmental enhancement. A conservation easement reserving riparian rights over Tract "D" (as shown on the MCP) must be recorded in the Public Records of Lee County, Florida prior to development order approval for the project.

The conservation easement must be dedicated to Lee County and be reviewed and approved by the County Attorney's Office prior to recording. At minimum the conservation easement must include provisions establishing the following:

- (1) Existing mangrove trees and other native plants will be retained;
  - (2) Trimming of mangrove trees is prohibited, except for limited trimming, approved by Lee County, to accommodate navigation, boat mooring docks and access walkways, if constructed in the future;
  - (3) Removal of exotic pest plants listed in §10-420(h); and
  - (4) Maintenance of the area in perpetuity free from exotic pest plants listed in §10-420(h) and trash.
- c. No direct canal discharge of bilge water from watercraft being lifted and stored in the dry storage building is allowed. Prior to development order approval, a surface water collection system must be designed into the forklift facility to capture bilge water for appropriate treatment prior to any release into the canal.
- d. Prior to development order approval for the project, the Applicant must submit a Marina Hurricane Plan that is approved by the Lee County Department of Public Safety.
4. A 10-foot-wide buffer consisting of a double staggered hedge row and five trees every 100-linear feet must be installed along the northwestern portion of the property between the seawall and parking lot. A 5-foot-wide buffer consisting of a double staggered hedge row must be installed along the northern portion of the property between the seawall and the parking area. All shrubs must be a minimum ten-gallon container size; planted in double staggered rows; at least 48 inches in height; and spaced 36 inches on center. They must be at least 60 inches in height within 12 months of time of planting and maintained in perpetuity at a height of no less than 60 inches above grade. All required buffer trees must be no

less than four (4) inches in diameter at 12 inches above the ground and no less than 16 feet in height at the time of planting.

One-half (50 percent) of the required buffer trees along the northwest portion of the property must be Sabal Palms planted in clusters with staggered heights ranging from 12 feet in overall height to a maximum of 20 feet in overall height. All required landscape planting material must be of native species.

5. Prior to issuance of local development order an access easement providing access for Lee County Utilities from Inlet Drive to the wastewater treatment plant must be recorded. Prior to recording the easement must be reviewed and approved by Lee County Utilities and the Lee County Attorney's office.
6. Consumption on Premises is approved only in conjunction with a restaurant pursuant to a 4-COP and/or 4-COP-SRX alcoholic beverage license. The service of alcoholic beverages is contingent on meeting the requirements for the applicable COP license.
7. Hours of operation for Consumption on Premises:

Indoor seating - limited to 10:00 a.m. until 12:00 a.m. (midnight),  
Monday through Sunday.

Outdoor seating - limited to Sunday through Thursday, 10:00 a.m.  
until 9:00 p.m., and Friday and Saturday, 10:00 a.m. until 11:00 p.m.

Outdoor pool-side area - limited to 10:00 a.m. through 8:00 p.m.,  
Monday through Sunday (See also Condition 8.)

Outdoor entertainment:

Outdoor entertainment is limited to piped and /or recorded music (amplified or non-amplified) which will not exceed a "conversational" level of volume, in the outdoor seating area, and cannot be heard by individuals located off the subject property. No live entertainment is permitted. The hours of operation for outdoor entertainment are limited to the hours of operation permitted for consumption on premises in conjunction with outdoor seating as specified above. Speakers and any sound amplification devices must be oriented towards the building, to minimize music from being conveyed off site.

8. The restaurant may serve alcoholic beverages to members of the marina in the outdoor pool side area. These hours of operation for the outdoor pool-side area are limited to 10:00 a.m. through 8:00 p.m., Monday through Sunday.
9. Boat repair and service are limited to the hours of 8:00 a.m. through 5:00 p.m., Monday through Saturday.

10. Valet Parking must be provided for the restaurant customers between the hours of 6:00 p.m. and close of business if needed to accommodate parking within the project. A minimum of 50 valet parking spaces must be provided in areas of the project other than those currently designated for parking areas.
11. Boat service, repair and storage:

No outdoor storage of boats or equipment is permitted. All boat service, repair, and maintenance must be done completely within the dry storage building. Boat service, repair and maintenance does not include boat preparation for storage or launch. Boat preparation may take place in the area designated for boat wash in the area south and southwest of the dry storage building.

The storage and removal of boats or equipment from the boat storage building must be accomplished using the door on the south side of the dry storage building. The existing (travel lift) boat drop located on the northwest portion of the peninsula is limited to use for emergency purposes or for boats which are too heavy to be handled by a fork lift.
12. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.
13. Approval of this zoning request does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee County Comprehensive Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee County Comprehensive Plan provisions.
14. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.
15. Prior to the issuance of a local development order authorizing construction of a boardwalk along the boundary line of the Lee County Utilities Wastewater Treatment Plant property, the property owner must secure a license from the Lee County Board of County Commissioners authorizing placement of a boardwalk for pedestrian access in that location and an administrative amendment to the zoning approval incorporating the license authorizing the boardwalk into zoning approval. The license must specifically address the property owner's ability to trim mangroves in conjunction with the installation of the boardwalk.

### SECTION C. DEVIATIONS:

- (1) Deviation (1) seeks relief from the §34-2020 requirement to provide a total of 236 parking spaces, to allow a total of 164 defined parking spaces, with additional parking provided in the boat storage building by valet service. This deviation is APPROVED, SUBJECT TO Condition 10.
- (2) Deviation (2) seeks relief from the § 34-2194 requirement to provide a minimum 25-foot waterbody setback for structures, to allow a 5-foot waterbody setback for the proposed restaurant/office/gazebo building. This deviation is APPROVED.
- (3) Deviation (3) seeks relief from the §34-936(f) requirement to provide a maximum height of 45 feet above base flood elevation, to allow a maximum height of 55 feet above base flood elevation. This deviation is APPROVED.
- (4) Deviation (4) seeks relief from the §10-416(d) requirement to provide a minimum 15-foot-wide Type "B" buffer between a commercial development and an existing industrial development, to allow a 10-foot-wide buffer with the required Type B plantings. This deviation is APPROVED, SUBJECT TO Condition 4.
- (5) Deviation (5) seeks relief from the §34-2194 requirement to provide a minimum 25-foot setback for structures, to allow a zero-foot waterbody setback for proposed Fitness Center/Tiki Bar. This deviation is APPROVED.
- (6) Deviation (6) seeks relief from the §34-935(b)(1) requirement that all structures be setback a minimum width of any required buffer or 15 feet for properties zoned Commercial Planned Development (CPD), to allow a zero-foot setback for the proposed fuel storage tank, fire suppression tank, and the proposed storage shed. This deviation is APPROVED.

### SECTION D. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: Legal description of the property  
Exhibit B: Zoning Map (with the subject parcel indicated)  
Exhibit C: The Master Concept Plan

The applicant has indicated that the STRAP numbers for the subject property are:  
16-44-24-03-00308.0000, 16-44-24-03-0030A.0000 & 16-44-24-03-0030D.0000

### SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.

2. The rezoning, as approved:
  - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
  - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;
  - c. is compatible with existing or planned uses in the surrounding area;
  - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and
  - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
  - a. the proposed use or mix of uses is appropriate at the subject location;
  - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
  - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

Commissioner John E. Albion made a motion to adopt the foregoing resolution, seconded by Commissioner Douglas R. St. Cerny. The vote was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Tammara Hall	Absent
John E. Albion	Aye

DULY PASSED AND ADOPTED this 30th day of October, 2006.

ATTEST:  
CHARLIE GREEN, CLERK

BY: Isaiah Pierce  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: [Signature]  
Robert P. Janes, Chair

Approved as to form by:

John J. Fredyma  
John J. Fredyma  
Assistant County Attorney  
County Attorney's Office



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MINUTES OFFICE  
2006 DEC 22 AM 9:54

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
Property located in Lee County, Florida



**Dagostino & Wood, Inc.**

Legal for Main Tract  
(5.925 acres)

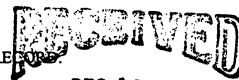
A PARCEL OF LAND BEING A PORTION OF WATERWAY ESTATES UNIT 2 AS RECORDED IN PLAT BOOK 12, PAGE 63 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA AND LYING IN SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST LEE COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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; THENCE NORTH 89°24'00" EAST, ALONG THE SOUTH LINE OF SAID TRACT "B", 200.94 FEET TO THE WEST LINE OF THE PARCEL DESCRIBED IN THE DEED RECORDED IN OFFICIAL RECORDS BOOK 145, PAGE 95 OF SAID PUBLIC RECORDS OF LEE COUNTY FLORIDA; THENCE NORTH 00°35'40" WEST, ALONG SAID WEST LINE 165.80 FEET; THENCE NORTH 43°52'37" EAST, ALONG SAID WEST LINE, 137.02 FEET TO THE NORTH LINE OF SAID PARCEL; THENCE NORTH 89°29'15" EAST, ALONG SAID NORTH LINE, 90.00 FEET TO THE EAST LINE OF SAID PARCEL; THENCE SOUTH 00°37'31" EAST, ALONG SAID EAST LINE 263.45 FEET TO THE SOUTH LINE OF SAID TRACT "B"; THENCE NORTH 89°23'35" EAST, ALONG SAID SOUTH LINE, 342.89 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST; THENCE EASTERLY, NORTHEASTERLY AND NORTHERLY 39.28 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°01'49", AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 45°04'58" EAST 35.36 FEET TO THE END OF SAID CURVE; THENCE NORTH 00°06'00" WEST, ALONG THE EAST LINE OF SAID TRACT "B" AND THE NORTHERLY PROLONGATION THEREOF, 490.23 FEET; THENCE SOUTH 89°53'58" WEST 309.71 FEET; THENCE SOUTH 44°21'45" WEST 28.12 FEET; THENCE NORTH 59°30'14" WEST 102.61 FEET TO THE SOUTHEASTERLY CORNER OF TRACT "A" OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2 AND THE POINT OF CURVATURE OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; THENCE NORTHWESTERLY 72.75 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 718.68 FEET, A CENTRAL ANGLE OF 05°47'59", AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 48°46'15" WEST 72.72 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE EAST; THENCE NORTHWESTERLY, NORTHERLY, AND NORTHEASTERLY 41.72 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 95°36'51", AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 03°51'49" WEST 37.04 FEET TO THE SOUTHEASTERLY LINE OF HARBOUR LANE; THENCE SOUTH 43°56'37" WEST, ALONG SAID SOUTHEASTERLY LINE 100.56 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; THENCE NORTHEASTERLY, EASTERLY AND SOUTH EASTERLY 36.44 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 83°30'36", AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 85°41'55" EAST 33.30 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; THENCE SOUTHEASTERLY 77.91 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 668.68 FEET, A CENTRAL ANGLE OF 06°40'32", AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 49°12'31" EAST 77.86 FEET TO THE END OF SAID CURVE AND THE SOUTHEASTERLY CORNER OF SAID TRACT "A"; THENCE SOUTH 32°28'19" EAST 102.74 FEET THE NORTHWESTERLY LINE OF SAID TRACT "B"; THENCE SOUTH 43°55'47" WEST, ALONG SAID NORTHWESTERLY LINE, 540.48 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST BEING SAID CURVE "K" AS SHOWN ON THE PLAT OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2; THENCE SOUTHWESTERLY, SOUTHERLY AND SOUTHEASTERLY 58.66 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 134°26'42" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 23°13'33" EAST 46.10 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.925 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD

610 18<sup>th</sup> Avenue NE Naples, FL 34120  
Phone (239)352-6085 Fax (239)352-6095



DEC 02 2005

DCI 2005-00095

COMMUNITY DEVELOPMENT  
DCI 2005-00095



**Dagostino & Wood, Inc.**

BEARINGS SHOWN HEREON ARE BASED UPON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1986 (1999 ADJUSTMENT). THE RECORD PLAT OF WATERWAYS OF FORT MYERS UNIT 2 IS ALSO BASED UPON THE SAME ROTATION.

PREPARED BY:

DAVID S. DAGOSTINO, PSM REG. NO. 5762

\*\*NOT VAILD WITHOUT SKETCH\*\*

**Applicant's Legal Checked**

by Lgm 1/25/2006

DCI 2005-00095

**RECEIVED**

DEC 02 2005

COMMUNITY DEVELOPMENT

610 18<sup>th</sup> Avenue NE Naples, FL 34120  
Phone-(239)352-6085 Fax-(239)352-6095

**EXHIBIT "A"**  
(Page 2 of 5)



**Dagostino & Wood, Inc.**

Legal for Tract "D"  
(0.316 acres)

A PARCEL OF LAND BEING A PORTION OF WATERWAY ESTATES UNIT 2 AS RECORDED IN PLAT BOOK 12, PAGE 63 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA AND LYING IN SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST LEE COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF TRACT "D" LYING EASTERLY OF THE SOUTHERLY PROLONGATION OF BLOCK 1 OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2 AS PER SAID PLAT RECORDED IN PLAT BOOK 12 PAGE 64, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF CURVATURE OF CURVE "K" ON THE SOUTH LINE OF TRACT "B" AS SHOWN ON SAID PLAT OF WATERWAY ESTATES OF FORT MYERS UNIT 2 FOR A POINT OF REFERENCE; THENCE SOUTH 00°36'25" EAST 60.07 FEET TO THE NORTH LINE OF SAID TRACT "D" AND THE POINT OF BEGINNING; THENCE SOUTH 89°23'35" WEST, ALONG SAID NORTH LINE 259.08 FEET TO THE SOUTHERLY PROLONGATION OF BLOCK 1 OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2; THENCE SOUTH 43°56'37" WEST, ALONG SAID SOUTHERLY PROLONGATION 20.43 FEET TO THE SOUTH LINE OF SAID TRACT "B"; THENCE NORTH 89°23'04" EAST, ALONG SAID SOUTH LINE 962.11 FEET TO THE EAST LINE OF SAID TRACT "B"; THENCE NORTH 39°40'53" WEST, ALONG SAID EAST LINE, 18.56 FEET TO SAID NORTH LINE OF TRACT "B"; THENCE SOUTH 89°23'35" WEST, ALONG SAID NORTH LINE 677.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.316 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

BEARINGS SHOWN HEREON ARE BASED UPON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1986 (1999 ADJUSTMENT). THE RECORD PLAT OF WATERWAYS OF FORT MYERS UNIT 2 IS ALSO BASED UPON THE SAME ROTATION.

Applicant's Legal Checked  
by lsm 1/25/2006

PREPARED BY:

DAVID S. DAGOSTINO, PSM REG. NO. 5762

\*\*NOT VAILD WITHOUT SKETCH\*\*

DCI 2005-00095

RECEIVED  
DEC 02 2005

610 18<sup>TH</sup> Avenue NE Naples, FL 34120  
Phone-(239)352-6085 Fax-(239)352-6095

COMMUNITY DEVELOPMENT

EXHIBIT "A"  
(Page 3 of 5)

**SKETCH OF DESCRIPTION  
OF A PORTION OF WATERWAY ESTATES OF FORT MYERS UNIT 2  
LYING IN SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST,  
LEE COUNTY, FLORIDA**

**LEGAL DESCRIPTION**

A PARCEL OF LAND BEING A PORTION OF WATERWAY ESTATES UNIT 2 AS RECORDED IN PLAT BOOK 15, PAGE 43 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA AND LYING IN SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST LEE COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF CURVATURE ON CURVE "X" ON THE SOUTH LINE OF TRACT "B" AS SHOWN ON SAID PLAT OF WATERWAY ESTATES OF FORT MYERS UNIT 2; THENCE NORTH 89°24'00" EAST, ALONG THE SOUTH LINE OF SAID TRACT "B", 200.04 FEET TO THE WEST LINE OF THE PARCEL DESCRIBED IN THE DEED RECORDED IN OFFICIAL RECORDS BOOK 144, PAGE 85 OF SAID PUBLIC RECORDS OF LEE COUNTY FLORIDA; THENCE NORTH 00°25'40" WEST, ALONG SAID WEST LINE 165.80 FEET; THENCE NORTH 43°32'37" EAST, ALONG SAID WEST LINE, 137.80 FEET TO THE NORTH LINE OF SAID PARCEL; THENCE NORTH 89°28'15" EAST, ALONG SAID NORTH LINE, 80.00 FEET TO THE EAST LINE OF SAID PARCEL; THENCE SOUTH 00°37'31" EAST, ALONG SAID EAST LINE 263.45 FEET TO THE SOUTH LINE OF SAID TRACT "B"; THENCE NORTH 00°22'01" EAST, ALONG SAID SOUTH LINE, 542.86 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST; THENCE EASTERLY, NORTHEASTERLY AND NORTHEAST 26.36 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°01'49", AND BEING SURVEYED BY A CHORD WHICH BEARS NORTH 40°04'38" EAST 35.36 FEET TO THE END OF SAID CURVE; THENCE NORTH 89°04'01" WEST, ALONG THE EAST LINE OF SAID TRACT "B" AND THE NORTHERLY PROLONGATION THEREOF, 480.33 FEET; THENCE SOUTH 89°33'38" WEST 306.71 FEET; THENCE SOUTH 44°21'45" WEST 26.12 FEET; THENCE NORTH 56°30'14" WEST 102.61 FEET TO THE SOUTHEASTLY CORNER OF TRACT "C" OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2 AND THE POINT OF CURVATURE OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; THENCE NORTHEASTERLY 72.75 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 71.86 FEET, A CENTRAL ANGLE OF 89°47'38", AND BEING SURVEYED BY A CHORD WHICH BEARS NORTH 46°46'15" WEST 72.75 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE EAST; THENCE NORTHEASTERLY, NORTHERLY AND NORTHEAST 41.72 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 89°30'31", AND BEING SURVEYED BY A CHORD WHICH BEARS NORTH 67°31'48" WEST 37.04 FEET TO THE SOUTHEASTLY LINE OF HARBOR LINE; THENCE SOUTH 47°56'37" WEST, ALONG SAID SOUTHEASTLY LINE 190.56 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; THENCE NORTHEASTERLY, EASTERNLY AND SOUTH EASTERNLY 36.44 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 87°30'38", AND BEING SURVEYED BY A CHORD WHICH BEARS NORTH 89°13'35" EAST 33.36 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; THENCE SOUTHEASTERLY 72.81 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 80.68 FEET, A CENTRAL ANGLE OF 86°40'52", AND BEING SURVEYED BY A CHORD WHICH BEARS SOUTH 49°12'21" EAST 77.86 FEET TO THE END OF SAID CURVE AND THE SOUTHEASTLY CORNER OF SAID TRACT "C"; THENCE SOUTH 32°28'14" EAST 102.74 FEET THE NORTHEASTLY LINE OF SAID TRACT "B"; THENCE SOUTH 47°55'47" WEST, ALONG SAID NORTHEASTLY LINE, 546.48 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST BEING SAID CURVE "X" AS SHOWN ON THE PLAT OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2; THENCE SOUTHWESTERLY, SOUTHERLY AND SOUTHEASTERLY 58.86 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 134°29'42" AND BEING SURVEYED BY A CHORD WHICH BEARS SOUTH 22°12'57" EAST 46.10 FEET TO THE POINT OF BEGINNING.

COVERING 5.825 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

BEHINDS SHOWN HEREON ARE THE EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD SYSTEM, WITH 2004, NORTH ARROWS, AND THE RECORD PLAT OF WATERWAY ESTATES OF FORT MYERS UNIT 2, LEE COUNTY, FLORIDA, AS SHOWN ON SAID PLAT.

DEC 02 2005

COMMUNITY DEVELOPMENT

Applicant's Legal Checked  
by Lyn 1/25/2006

DCI 2005-00095

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
11	N 89°24'00" E	200.04	12	N 00°25'40" W	165.80
12	N 43°32'37" E	137.80	13	N 89°28'15" E	80.00
14	N 00°37'31" E	263.45	15	N 00°22'01" E	542.86
16	N 40°04'38" E	35.36	17	N 89°04'01" W	480.33
18	N 56°30'14" W	102.61	19	N 46°46'15" W	72.75

RASIN

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
20	N 89°13'35" E	33.36	21	N 47°56'37" W	190.56
22	N 87°30'38" E	36.44	23	N 89°13'35" E	72.81
24	N 32°28'14" E	102.74	25	N 47°55'47" W	546.48
26	N 22°12'57" S	46.10	27	N 89°24'00" E	200.04

GRAPHIC SCALE  
(IN FEET)  
1 inch = 100 ft.

2005-00095  
DWI  
JACOSTA & WOOD, INC.  
1000 N. W. 10th Ave., Suite 100  
Fort Myers, FL 33901  
Phone: (813) 935-1000  
Fax: (813) 935-1001  
E-mail: info@dwiconsulting.com  
www.dwiconsulting.com

# SKETCH OF DESCRIPTION OF A PORTION OF WATERWAY ESTATES OF FORT MYERS UNIT 2 LYING IN SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA

## LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF WATERWAY ESTATES UNIT 2 AS  
RECORDED IN PLAT BOOK 12, PAGE 63 OF THE PUBLIC RECORDS OF LEE  
COUNTY, FLORIDA AND LYING IN SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24  
EAST LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF TRACT "D" LYING EASTERLY OF THE SOUTHERLY PROLONGATION OF  
BLOCK 1 OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2 AS PER SAID  
PLAT RECORDED IN PLAT BOOK 12 PAGE 64, BEING MORE PARTICULARLY  
DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF CURVATURE OF CURVE "C" ON THE SOUTH LINE  
OF TRACT "B" AS SHOWN ON SAID PLAT OF WATERWAY ESTATES OF FORT MYERS  
UNIT 2 FOR A POINT OF REFERENCE; THENCE SOUTH 00°36'25" EAST 80.07  
FEET TO THE NORTH LINE OF SAID TRACT "B" AND THE POINT OF BEGINNING;  
THENCE SOUTH 89°23'35" WEST, ALONG SAID NORTH LINE 29.08 FEET TO THE  
SOUTHERLY PROLONGATION OF BLOCK 1 OF SAID WATERWAY ESTATES OF FORT  
MYERS UNIT 2; THENCE SOUTH 43°36'37" WEST, ALONG SAID SOUTHERLY  
PROLONGATION 20.43 FEET TO THE SOUTH LINE OF SAID TRACT "B"; THENCE  
NORTH 89°23'04" EAST, ALONG SAID SOUTH LINE 962.11 FEET TO THE EAST LINE  
OF SAID TRACT "B"; THENCE NORTH 39°40'31" WEST, ALONG SAID EAST LINE,  
145.56 FEET TO SAID NORTH LINE OF TRACT "B"; THENCE SOUTH 89°23'35" WEST,  
ALONG SAID NORTH LINE 677.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.316 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

BEARINGS SHOWN HEREON ARE BASED UPON THE FLORIDA STATE PLANE  
COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1984 (1999  
ADJUSTMENT). THE RECORD PLAT OF WATERWAYS OF FORT MYERS UNIT 2 IS  
ALSO BASED UPON THE SAME DATUM.

Applicant's Legal Checked  
by Lm 1/25/2006

DCI 2005-00095

THIS IS NOT A SURVEY

RECEIVED

DEC 02 2005

COMMUNITY DEVELOPMENT

DEC 02 2005

COMMUNITY DEVELOPMENT

DCI 2005-00095

LINE	BEARING	DISTANCE	CHORD BEARING	CHORD DISTANCE
1	S 43°36'25" E	80.07	S 43°36'25" E	80.07
2	S 89°23'35" W	29.08	S 89°23'35" W	29.08
3	S 43°36'37" W	20.43	S 43°36'37" W	20.43

BASIN

LINE	BEARING	DISTANCE	CHORD BEARING	CHORD DISTANCE
1	S 43°36'25" E	80.07	S 43°36'25" E	80.07
2	S 89°23'35" W	29.08	S 89°23'35" W	29.08
3	S 43°36'37" W	20.43	S 43°36'37" W	20.43
4	N 89°23'04" E	962.11	N 89°23'04" E	962.11
5	N 39°40'31" W	145.56	N 39°40'31" W	145.56
6	S 89°23'35" W	677.00	S 89°23'35" W	677.00

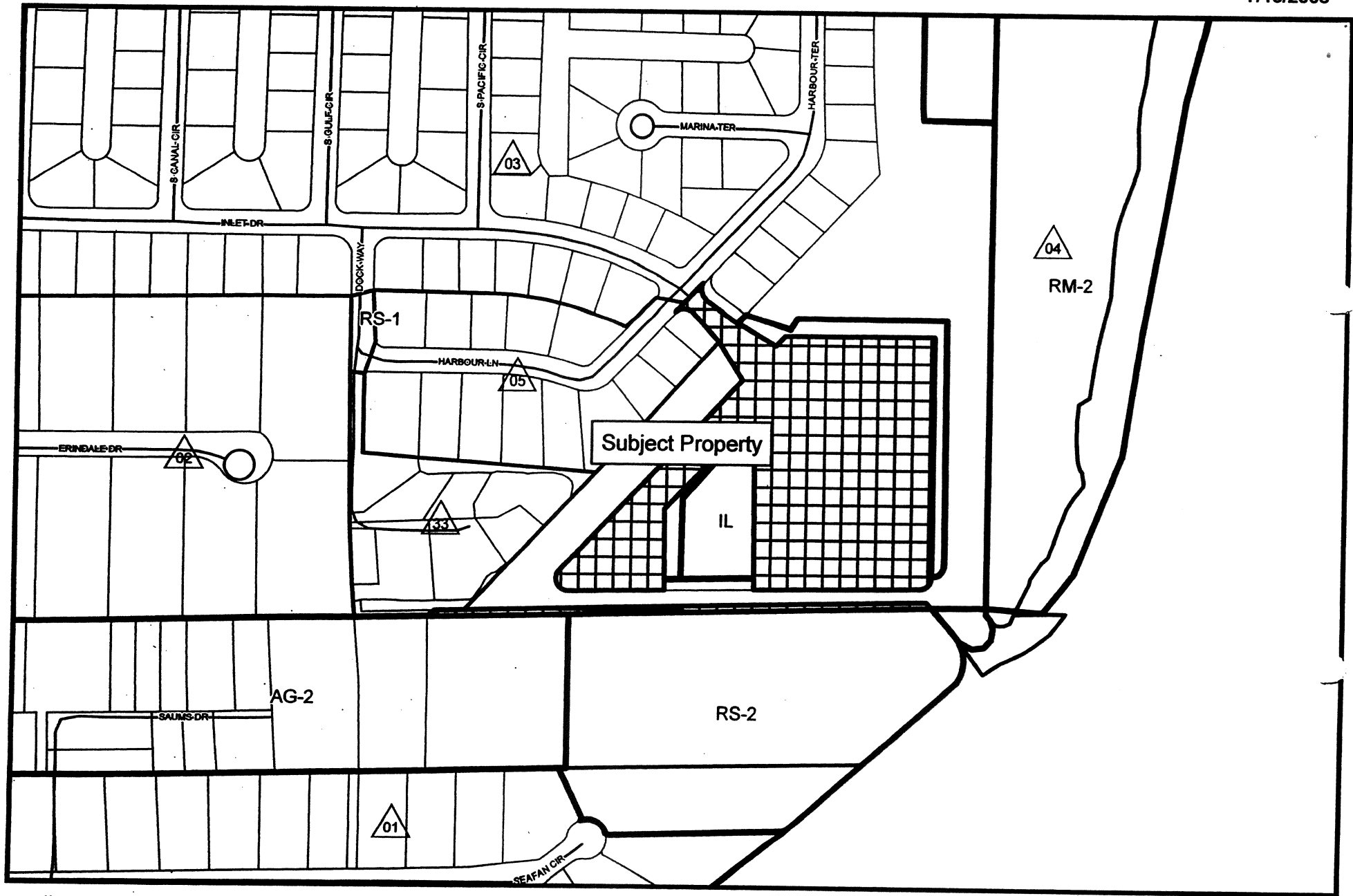
GRAPHIC SCALE

1 inch = 100 ft.

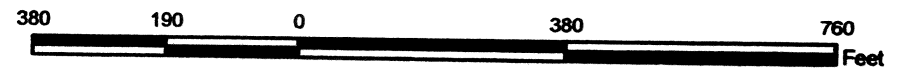
05084  
CERTIFIED BY  
DW AGOSTINO & WOOD, INC.  
1111 W. 1st Street, Suite 100, Ft. Myers, FL 33901  
Phone: (888) 333-6666 Fax: (888) 333-6667

# Zoning Map

7/10/2006



**EXHIBIT "B"**  
(Zoning Map)



# LOT COVERAGE SUMMARY:

PARCEL: 5.92 ACRES  
BUILDINGS/ENCLOSED SERVICE & REPAIR: 61,380 S.F. = 1.40 ACRES  
PAVEMENTS (PARKING, ETC.): 115,723 S.F. = 2.66 ACRES (INCL. STABILIZED SHELL)  
WATER OPEN SPACE: 19,602 S.F. = 0.45 ACRE  
LAND OPEN SPACE: 61,382 S.F. = 1.41 ACRES

# OPEN SPACE SUMMARY:

OPEN SPACE REQUIRED: 5.92 AC + 30% = 1.78 ACRES  
OPEN SPACE CREDIT FOR WATER: 1.78 ACRES  
LAND OPEN SPACE: 1.41 ACRES  
TOTAL OPEN SPACE: 0.45 + 1.41 = 1.86 ACRES

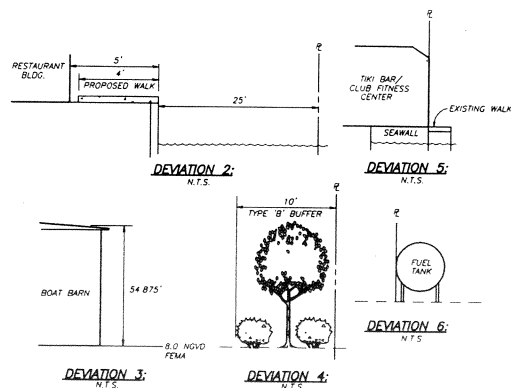
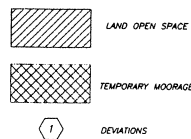
# EXISTING DEVELOPMENT

EXISTING DRY STORAGE BUILDING: 44,312 S.F.  
EXISTING SERVICE AREA (OUTDOOR): 35,345 S.F.  
EXISTING STORE #1: 4,358 S.F.  
EXISTING STORE #2 (2 STORY): 6,564 S.F.  
TOTAL: 90,579 S.F.

# PROPOSED DEVELOPMENT

PROPOSED DRY STORAGE BUILDING: 51,376 S.F.  
PROPOSED STEEL SHED: 300 S.F.  
PROPOSED RESTAURANT/BAR/OFFICE & GAZEBO: 9,500 S.F.  
TIKI-BAR/CLUB FITNESS CENTER: 1,700 S.F.  
TOTAL: 62,876 S.F.

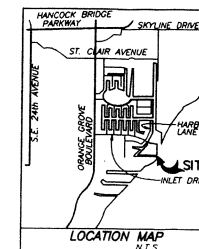
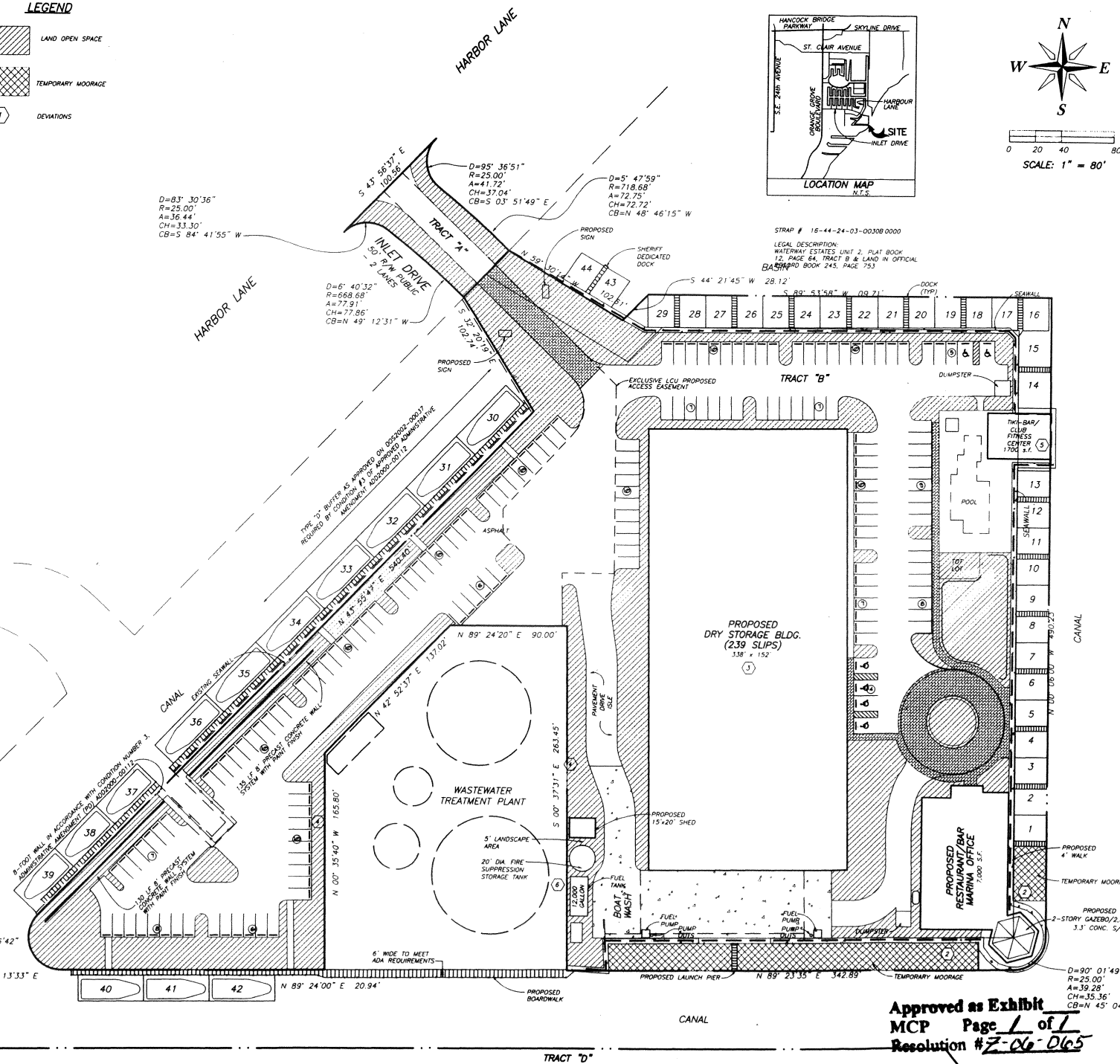
# LEGEND



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NOV 03 2006

COMMUNITY DEVELOPMENT

DCI 2005-00095



STRAP # 16-44-24-03-00308 0000  
LEGAL DESCRIPTION:  
WATERWAY ESTATES UNIT 2, PLAT BOOK  
12, PAGE 64; TRACT B & LAND IN OFFICIAL  
BARRADO BOOK 245, PAGE 753

Approved as Exhibit  
MCP Page 1 of 1  
Resolution # Z-06-065

DATE	BY	REVISION
12-02-05	ROM	REVISED PER CLIENT COMMENTS
01-16-06	ROM	REVISED PER CLIENT COMMENTS
04-11-06	ROM	REVISED PER CLIENT COMMENTS
06-22-06	ROM	REVISED PER CLIENT COMMENTS
07-11-06	ROM	REVISED PER CLIENT COMMENTS
07-11-06	ROM	REVISED PER CLIENT COMMENTS
10-24-06	ROM	REVISED PER CLIENT COMMENTS
11-30-06	ROM	REVISED PER CLIENT COMMENTS

<p>NOTE: This information shall be used as a guide only. It is not to be used for any other purpose without the written consent of the engineer.</p> <p>SCALE: AS SHOWN</p> <p>DATE: 11-30-06</p> <p>APPROVED: ROM</p>	<p>PROJECT NO: 80899</p> <p>DATE: 11-30-06</p>
--	--

<p>PREPARED BY: Marine Holdings II, LLC</p> <p>C/O: R. Opportunities</p> <p>10580 Lancelot Lane</p> <p>Bonita Springs, FL 34135</p>	<p>PROJECT LOCATION: Section 16, Township 44 S, Range 24 E</p> <p>Lee County, FL</p>
---	--

<p>Vanasse Daylor</p> <p>2-STOREY GAZEBO/2,500 S.F. CONC. S/W</p>	<p>PROJECT NO: 80899</p> <p>DATE: 11-30-06</p>
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EXHIBIT "C"