

13.00  
13500.00  
13513.00

OFF REC 1646 PC 759

1604018

Documentary Tax Pd. \$ 13.500  
SAL GERACI, CLERK, LEE COUNTY

WARRANTY DEED

BY *Sal Geraci*

THIS INDENTURE, Made this 15 day of November, 1982, Between  
CARL A. KREAGER and DONALD V. WHIPP, JR. of the County of Ingham,  
State of Michigan, Grantor\*, and PORT CARLOS COVE, INC., a Florida  
corporation, whose post office address is Post Office Box 2377,  
Fort Myers Beach, of the County of Lee, State of Florida, Grantee\*.

WITNESSETH:

That said grantor, for and in consideration of the sum of  
TEN and NO/100 (\$10.00) -----DOLLARS,  
and other good and valuable consideration to said grantor in hand paid  
by said grantee, the receipt whereof is hereby acknowledged, has granted,  
bargained and sold to the said grantee, and grantee's successors and  
assigns forever, the following described land, situate, lying and being  
in Lee County, Florida, to-wit:

Government Lots 1 and 2 (Mainland) in Section 19, Township 46  
South, Range 24 East, LESS AND EXCEPT the following tract:

Commencing at a point on the Easterly boundary of the Sears,  
Roebuck & Co. property and 35 feet South of the Easterly pro-  
jection of the center line of the 50 foot easement granted by  
Sears, Roebuck & Co. to Warren Investment & Development Corp.  
by instrument recorded in Official Record Book 183, Pages 286  
through 288, Public Records of Lee County, Florida, proceed  
Southerly along the said boundary line of said Sears, Roebuck  
Co. property for a distance of 200 feet; thence left (Easterly)  
at right angles to the last mentioned course for a distance of  
600 feet; thence left (Northerly) at right angles to the last  
mentioned course for a distance of 200 feet; thence left  
(Westerly) at right angles to the last mentioned course for a  
distance of 600 feet more or less to the point of beginning.  
Together with mortgagor's right, title and interest in and to  
certain Easement between Sears, Roebuck and Co. and Warren  
Investment and Development Corp., dated January 11, 1963,  
recorded in Official Record Book 183, Page 286, Public Records  
of Lee County, Florida, over and across the following described  
property:

A Strip of land 50 feet in width extending from West to East  
across the East half (E 1/2) of the East half (E 1/2) of  
Government Lot 3, in Section 19, Township 46 South, Range 24  
East, the center line of which strip of land or easement is  
described as follows:

From a point on the East side of San Carlos Boulevard 25 feet  
Southerly along said Boulevard from the Southwest corner of  
Block 9, San Carlos on the Gulf, according to a map or plat  
thereof recorded in Plat Book 6 at page 6 of the Public Records  
of Lee County, Florida, run Easterly at right angles to said  
Boulevard and parallel with the South line of said Block 9  
for 1,384.6 feet to a point of deflection; thence deflect to  
the right 19° 58' and run Southeasterly for 1,825.6 feet to  
a point on the West line of said East half (E 1/2) of the  
East half (E 1/2) of Government Lot 3; thence run North along  
said West line for 31.70 feet to the point of beginning of  
said easement center line. From said point of beginning run  
East perpendicular to the West line of said East half (E 1/2)  
of the East half (E 1/2) of Government Lot 3 for 330 feet more  
or less to a point on the East line of said East half (E 1/2)  
of the East half (E 1/2) of Government Lot 3.

This Conveyance is subject to the following:

1. Existing easements, restrictions and reservations of record if any, but this provision shall not operate to reimpose same.
2. Zoning and other governmental regulations.
3. Real estate taxes for the calendar year 1982 and subsequent years and the balance due on the Fort Myers Beach Sewer District Assessment which the Grantee specifically assumes and agrees to pay.
4. A mortgage deed from Port Carlos Trailer Park, Inc. and Warren Investment and Development Corp., both Florida corporations, to First Home Federal Savings & Loan Association of Sebring, Florida, a banking corporation organized under the laws of the United States of America dated December 22, 1976, and recorded in Official Record Book 1174, page 1368, et seq. of the official records of Lee County, Florida on December 27, 1976 which the Grantee assumes and agrees to pay.
5. Modification Agreement dated October 26, 1982, between Port Carlos Cove, Inc., a Florida Corporation, and First Home Federal Savings and Loan Association of Sebring, Florida, modifying mortgage referred to in Item 4 above.
6. Conditional Assignment of Rentals dated December 22, 1976, between Warren Investment and Development Corp., Port Carlos Trailer Park, Inc. and Ebb Tide Campsites, Inc., all Florida corporations to First Home Federal Savings and Loan Association, a banking corporation organized and existing under the laws of the United States of America and recorded in Official Record Book 1174, page 1372, et seq. of the official records of Lee County, Florida on December 27, 1976.
7. Conditional Assignment of Rentals given by Carl A. Kreager and Donald V. Whipp, Jr. to Doris J. Tiedt, dated June 30, 1978, to secure the payment of notes in the principal sum of One Million Ninety Thousand (\$1,090,000.00) Dollars.
8. A Wrap-Around Purchase Money Mortgage dated June 30, 1978, between Carl A. Kreager and Donald V. Whipp as Mortgagors, and Doris J. Tiedt, as Mortgagee in the principal amount of \$1,080,082.41 which said mortgage the Grantee herein specifically assumes and agrees to pay. Said mortgage is recorded in Official Record Book 1287, pages 136 through 147 of the official records of Lee County, Florida on July 14, 1978.
9. Mortgage Modification and Assumption Agreement dated November 15, 1982, modifying mortgage referred to in Item No. 8 above, and assumption of said mortgage by Port Carlos Cove, Inc., a Florida Corporation.
10. Mortgage and Indemnity Agreement dated the 15th day of November, 1982, between Port Carlos Cove, Inc., a Florida corporation, as Mortgagor, and Donald V. Whipp, Jr. and Carl A. Kreager, as Mortgagee.

THIS PROPERTY IS NOT HOMESTEAD AND THE ADDRESS OF GRANTOR IS:  
Carl A. Kreager, Unit 7-A, Harbor Cottages, Sanibel, Florida;  
Donald V. Whipp, Jr., East Lansing, Michigan.

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

\*"Grantor" and "Grantee" are used for singular or plural as context requires.

OFF  
REC 1646 Fc 761

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered  
in our presence:

Phyllis M. Phillips  
Carol Lee Corey

Carl A. Kreager  
Carl A. Kreager  
Donald V. Whipp, Jr.  
Donald V. Whipp, Jr.

STATE OF FLORIDA)  
COUNTY OF LEE )

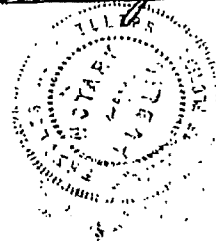
I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared CARL A. KREAGER and DONALD V. WHIPP, JR., to me known to be the persons described in and who executed the foregoing instrument and acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 15 day of November, 1982.

Phyllis M. Phillips  
Notary Public

My Commission Expires:

Notary Public, State of Florida at Large  
My Commission Expires June 17, 1985  
Bonded thru Maynard Bonding Agency



This Instrument Prepared by:

David S. Snyder, Esq.  
SNYDER AND HANDLER, P.C.  
30600 Telegraph, Suite 3190  
Birmingham, Michigan 48010

When Recorded Return Deed to:

Fred M. Corey, Esq.  
P.O. Box 6110  
Fort Myers Beach, Florida 33931-1110 ✓

NOV 15 4 45 PM '82  
LEE COUNTY, FLORIDA  
RECORDS & DEEDS

# DEED OF CONSERVATION EASEMENT

2205222

To all future owners of the following described property, or any part or parcel thereof, located in Lee County, Florida.

THIS DEED OF CONSERVATION EASEMENT is made this 16<sup>th</sup> day of April, 1986, by PORT CARLOS COVE, INC., a Florida non-profit corporation, having an Address at 1802 Main Street, Ft. Myers, Florida 33901 hereinafter called "Grantor", in favor of Lee County, a political subdivision of the State of Florida hereinafter called "Grantee".

WHEREAS, the Grantor is the owner of certain lands situated in Lee County, hereinafter referred to as the "Property", more specifically described in Exhibit "A" attached hereto and incorporated herein by this reference, and

WHEREAS, the Grantor desires a change in zoning from a district boundary change from IL to Residential Planned Development and said zoning change is contingent upon Grantor's conveying this Conservation Easement, and

WHEREAS, the Grantor, in consideration of the consent of the County, is agreeable to and desirous of establishing and securing the enforcement of a perpetual conservation easement as defined in Section 704.06, Florida Statutes (1983).

NOW THEREFORE, in consideration of the issuance of said consent for rezoning there is created, declared and established a conservation easement upon so much of the Property as is above described, which shall run with the land and be binding upon the Grantor, its heirs, successors and assigns, and remain in full force and effect forever.

1. It is the purpose of this conservation easement to assure that the Property will be retained forever predominantly in its natural and scenic condition and or prevent any use of the Property that will significantly impair or interfere with the natural, scenic and ecological values of the Property. To carry out this purpose the following rights are conveyed to Grantee by this easement:

(a) To identify, preserve, protect and, in consultation with Grantors, enhance the natural, scenic, and ecological features of the Property, including, without limitation, topography, soil, water, vegetation and wildlife;

(b) To enter upon the Property at reasonable times to enforce the rights herein granted and to observe, study and make scientific observations of the Property, upon prior notice to Grantors, their heirs, successors or assigns, in a manner that will not interfere with the use and quiet enjoyment of the Property by Grantors, their heirs, successors or assigns at the time of such entry; and

(c) To enjoin any activity on or use of the Property that may be damaged by any inconsistent activity or use.

2. Grantors state that the following uses and practices though not an exhaustive recital of inconsistent uses and practices are inconsistent with Grantors' intent and the purpose of this conservation easement and are, therefore, prohibited by it;

(a) Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground;

Documentary Tax Pd. \$ .50  
Intangible Tax Pd.  
BY CHARLIE GREEN, CLERK, LEE COUNTY  
BY W. H. HENSTON Deputy Clerk

REC 1869PC495

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(b) Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste or unsightly or offensive materials;

(c) Removal or destruction of native trees, shrubs, or other vegetation, except for trimming as has been or may be permitted by the Department of Environmental Regulation and the Department of Natural Resources;

(d) Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance;

(e) Surface use except for purposes that permit the land or water area to remain predominately in its natural condition; and

(f) Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation.

3. Grantors reserve to themselves, their heirs, successors or assigns all rights as owners of the Property, including the right to engage in all uses of the Property that are not expressly prohibited herein and are not inconsistent with the purpose of this conservation easement.

4. Grantee agrees that it will hold this conservation easement exclusively for conservation purposes and that it will not assign its rights and obligations under this conservation easement except to another organization qualified to hold such interests under the applicable state and federal laws and committed to holding this conservation easement exclusively for conservation purposes.

5. If any provision of this conservation easement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this conservation easement, and the application of such provision to persons or circumstances other than those as to which it is found to be invalid, shall not be affected thereby.

6. All notices, consents, approvals or other communications hereunder shall be in writing and shall be deemed properly given if sent by United States certified mail, return receipt requested, addressed to the appropriate party or successor in interest.

7. Grantors agree that the terms, conditions, restrictions and purposes of this grant will be inserted by them in any subsequent deed or other legal instrument by which Grantors divest themselves of any interest in the Property.

8. The easement shall convey to the state any and all riparian rights associated with the land described above.

This conservation easement may be amended, altered, released or revoked only by written agreement between Owners and the Grantee, through its appropriate board or department.

TO HAVE AND TO HOLD unto Grantee, its successors and assigns forever. The covenants, terms conditions, restrictions, and purposes imposed with this grant shall not only be binding upon Grantors but also their agents, personal representatives, heirs, assigns and all other successors to them in interest, and shall continue as a servitude running in perpetuity with the Property.

IN WITNESS WHEREOF Grantor has set his hand and seal on the day and year first above written.

WITNESSES:

Harry M. [Signature]

Dorothy B. [Signature]

STATE OF FLORIDA

COUNTY OF LEE

PORT CARLOS COVE, INC.

BY: Dorothy B. [Signature]  
President

THE FOREGOING INSTRUMENT was acknowledged before me on this day by Dorothy B. [Signature], President of Port Carlos Cove, Inc., a Florida non-profit corporation, on behalf of said corporation.

WITNESS my hand and official seal at Port Carlos Cove, FL. MYERS, BCH County of Lee, State of Florida, this 16<sup>th</sup> day of June, 1986.

[Signature]  
Notary Public

My Commission Expires:

Notary Public, State of Florida  
My Commission Expires March 26, 1989  
Revised 7/80 JTB: [unclear]

REC 1889064497

This instrument was prepared by:  
BEVERLY MYERS GRADY, Esq.,  
1625 HENDRY ST.  
FORT MYERS, FL. 33901

EXHIBIT "A"

JOHNSON ENGINEERING, INC.

CIVIL ENGINEERS AND LAND SURVEYORS

2158 JOHNSON STREET  
TELEPHONE (813) 334-0046  
TELECOPIER (813) 334-3661  
POST OFFICE BOX 1550  
FORT MYERS, FLORIDA  
33902-1550

June 10, 1986

CARLE JOHNSON  
1986

DESCRIPTION  
RESOURCE PROTECTION AREA  
GOVERNMENT LOTS 1 AND 2, (MAINLAND),  
SECTION 19, T. 46 S., R. 24 E.,  
LEE COUNTY, FLORIDA

REC 1889 PG 4498

A tract or parcel of land lying in Government Lots 1 and 2, (Mainland), Section 19, Township 46 South, Range 24 East, Lee County, Florida which tract or parcel is described as follows:

From the intersection of the westerly line of said Lot 2 and an easterly projection of the centerline of the 50 foot roadway easement recorded in Official Record Book 183 at pages 286 through 288 of the Public Records of Lee County, Florida, run South along said westerly line for 35.00 feet to a concrete monument marking the north-westerly corner of lands conveyed by deed recorded in Official Record Book 342 at page 156 of said public records; thence run East for 600.00 feet to a 3/4" steel pipe marking the northeasterly corner of said lands; thence run South for 200.00 feet to a 3/4" steel pipe marking the southeasterly corner of said lands; thence continue South for 33.00 feet to the Point of Beginning of the herein described parcel.

From said Point of Beginning run East for 14.00 feet; thence run S 70° 00' 00" E for 26.00 feet to a point of curvature; thence run easterly along the arc of a curve to the left of radius 150.00 feet (delta = 42° 24' 24") (chord 108.50 feet) (chord bearing N 88° 47' 48" E) for 111.02 feet to a point of reverse curvature; thence run easterly along the arc of a curve to the right of radius 300.00 feet (delta = 32° 55' 10") (chord 170.00 feet) (chord bearing N 84° 03' 11" E) for 172.37 feet to a point of tangency; thence run S 79° 29' 14" E for 149.67 feet to a point of curvature; thence run easterly along the arc of a curve to the left of radius 400.00 feet (delta = 16° 59' 46") (chord 118.22 feet) (chord bearing S 87° 59' 07" E) for 118.66 feet to a point of tangency; thence run N 83° 31' 00" E for 95.12 feet to a point of curvature; thence run northeasterly along the arc of a curve to the left of radius 130.00 feet (delta = 49° 13' 50") (chord 108.30 feet) (chord bearing N 58° 54' 05" E) for 111.70 feet to a point of tangency; thence run N 34° 17' 10" E for 57.51 feet to a point of curvature; thence run northerly along the arc of a curve to the left of radius 60.00 feet (delta = 71° 10' 00") (chord 69.83 feet) (chord bearing N 01° 17' 50" W) for 74.53 feet to a point of tangency; thence run N 36° 52' 50" W for 37.80 feet to a point of curvature; thence run northwesterly along the arc of a curve to the left of radius 181.23 feet (delta = 32° 28' 50")

CHAIRMAN  
ARCHIE T. GRANT, JR.

PRESIDENT  
FORREST H. BANKS

VICE PRESIDENT  
LEIF E. JOHNSON

JOSEPH W. EBNER  
STEVEN K. MORRISON  
ANDREW D. TILTON

JEFFREY C. COONER  
DAN W. DICKEY  
KENTON R. KEILING  
DONALD D. STOUTEN  
GEORGE J. KALAL  
MICHAEL L. HARMON

CONSULTANTS  
LESTER L. BULSON  
ROBERT S. O'BRIEN

AN EQUAL OPPORTUNITY EMPLOYER

JOHNSON ENGINEERING, INC.

Resource Protection Area  
Page 2  
June 10, 1986

(chord 101.37 feet) (chord bearing N 53° 07' 15" W) for 102.74 feet to a point of reverse curvature; thence run northerly along the arc of a curve to the right of radius 45.00 feet (delta = 66° 28' 30") (chord 49.33 feet) (chord bearing N 36° 07' 25" W) for 52.21 feet to a point of tangency; thence run N 02° 53' 10" W for 39.90 feet to a point of curvature; thence run northwesterly along the arc of a curve to the left of radius 90.00 feet (delta = 57° 43' 50") (chord 86.90 feet) (chord bearing N 31° 45' 05" W) for 90.68 feet to a point of tangency; thence run N 60° 37' 00" W for 49.10 feet to a point of curvature; thence run northerly along the arc of a curve to the right of radius 106.05 feet (delta = 61° 30' 00") (chord 108.44 feet) (chord bearing N 29° 52' 00" W) for 113.83 feet to a point of tangency; thence run N 00° 53' 00" E for 56.66 feet; thence run S 73° 00' 00" W for 90.00 feet; thence run N 00° 53' 00" E for 28.01 feet; thence run N 89° 07' 00" W for 25.00 feet; thence run N 68° 30' 00" W to the Mean High Water Line; thence run northerly, northeasterly, northwesterly, northeasterly, southeasterly, southerly, southwesterly, westerly, northwesterly, northerly, northeasterly, and easterly along said Mean High Water Line to an intersection with a line bearing South passing through the Point of Beginning; thence run North to the Point of Beginning.  
TOGETHER WITH an easement for ingress and egress over and across the streets of Spanish Main and Barbados Way through Port Carlos Cove Mobile Home Park.  
Bearings hereinabove mentioned are assuming the West line of said Government Lot 2 to bear North.

*Michael L. Harmon*  
Michael L. Harmon  
Professional Land Surveyor  
Florida Certificate No. 2204

MLH/ct  
11635

REC 1089 PG 499

OFF 1-839-9964570-0  
REC

LEE COUNTY ATTORNEY'S  
OFFICE  
RECEIVED ON  
JUN 24 1988

TIME 4:16 AM (PM)

OFF REC 1889PG4561

RECORDED AND RECORD VERIFIED  
JAN 6 4 02 PM '97  
LEE COUNTY, FLA

BEARING	LENGTH
A. EAST	30.00
B. S. 89°50'00" E	30.00
C. S. 89°50'00" E	30.00
D. S. 89°50'00" E	30.00
E. S. 89°50'00" E	30.00
F. S. 89°50'00" E	30.00
G. S. 89°50'00" E	30.00
H. S. 89°50'00" E	30.00
I. S. 89°50'00" E	30.00
J. S. 89°50'00" E	30.00
K. S. 89°50'00" E	30.00
L. S. 89°50'00" E	30.00
M. S. 89°50'00" E	30.00
N. S. 89°50'00" E	30.00
O. S. 89°50'00" E	30.00
P. S. 89°50'00" E	30.00
Q. S. 89°50'00" E	30.00
R. S. 89°50'00" E	30.00
S. S. 89°50'00" E	30.00
T. S. 89°50'00" E	30.00
U. S. 89°50'00" E	30.00
V. S. 89°50'00" E	30.00
W. S. 89°50'00" E	30.00
X. S. 89°50'00" E	30.00
Y. S. 89°50'00" E	30.00
Z. S. 89°50'00" E	30.00

	SACD	SECTA	CHORD	DELTA	CHORD BEARING
CURVES	1	150	100.00	0°00'00" E	100°00'00" E
	2	300	173.21	15°00'00" E	144°44"00" E
	3	450	259.81	30°00'00" E	128°59'00" E
	4	150	100.00	45°00'00" E	114°00'00" E
	5	300	173.21	60°00'00" E	101°55'00" E
	6	450	259.81	75°00'00" E	92°56'00" E
	7	150	100.00	90°00'00" E	84°00'00" E
	8	300	173.21	105°00'00" E	76°04'00" E
	9	450	259.81	120°00'00" E	69°00'00" E
	10	150	100.00	135°00'00" E	63°00'00" E

FAX 239-485 8300

ATTN: CHAHRAM BADAMTCHIAN  
LEE COUNTY PLANNER

10-22-08  
3 GALLEON WAY  
FMB 33931

RE CASE CPA2007-00051 SAN CARLOS ISLAND

- ① WE OBJECT TO THE PROPOSED DEVELOPEMENT OF HIGH RISE BUILDINGS ADJACENT TO GALEON WAY IN PORT CARLOS COVE. THERE SHOULD BE INCORPORATED IN THE DEVELOPED AREA BESIDE GALLEON WAY A LOWER STRUCTURE MORE SUITABLE IN HEIGHT TO ELIMINATE THE OBTRUSIVE ASPECT OF THE BUILDING AND THUS BLEND MORE AESTHETICALLY WITH CLOSE SINGLE DWELLING HOMES OF ONE STORY. THIS COULD ACT AS A BUFFER ZONE TO THE HIGHER BUILDINGS.
- ② WE ARE CONCERNED ABOUT TRAFFIC FLOW ON AND OFF OF ISLAND - CONGESTION, etc, POLLUTION.
- ③ THE MANGROVES ARE INTEGRAL TO OUR ENVIRONMENT AND WOULD OBJECT TO ANY DEPLETION OF THE EXISTING WETLAND AREA.

ROGER GRAVELLE

*Roger Gravelle*

ELIZABETH GRAVELLE

*Elizabeth Gravelle*

CONTACT NUMBER  
519-782-3456  
239-463-3834

Ralph and Cindy Andrew  
51 Emily Lane  
Fort Myers Beach, FL 33931

RECEIVED  
JUN 24 2008

COMMUNITY DEVELOPMENT

6/5/08  
Lee County Commissioners  
P.O. Box 398  
Fort Myers, Florida 33902

Lee County Development Services  
Attn: Mr. Matt Nobel  
1500 Monroe Street  
Fort Myers, FL 33901

Dear Lee County Commissioners and Lee County zoning staff and or whom it may concern,

We are writing this letter to inform you and Lee County zoning staff of our support for the San Carlos Island Comp Plan Amendment changes that the property owners of Salty Sam's Marina and Oyster Bay on San Carlos Island , Fort Myers Beach , Florida are purposing for their properties.

We had the opportunity to look over the plan with the project manager and we believe the project will be a much needed and great addition for all residents at this end of Main St. on San Carlos Island.

We like the fact that us residents on San Carlos Island will finally have more public access to the beautiful waterfront which we do not get to enjoy today because, the properties are gated and locked off and we look forward to the day we can walk or ride our bikes to the purposed new hotel and convention center, waterfront boardwalk, check out the marina, big yachts, shops, ice cream parlor and restaurants and watch the charter boats come in with the catch of the day.

It truly is a great plan for this community, the 6 high rise condos that would take the place of about 300+ trailers will also look nice and we would think be better for the environment especially in the event of a hurricane and we would like to see this built soon.

In short, we respectfully ask that all Commissioners and County staff also support this much needed change and improvement to our area and grant the property owners anything they need in order to build this fantastic resort community.

Sincerely,

Ralph Andrew, Jr.



Cindy Andrew



MAH  
November 19, 2008

Department of Community Affairs  
Ray Eubanks, Plan Review Administrator  
Scott Rogers, Reviewer  
Department of Community Affairs  
2555 Shumard Oaks Blvd  
Tallahassee, FL 32399-2100

RECEIVED  
NOV 21 2008  
COMMUNITY DEVELOPMENT

Lee County  
c/o Board of County Commissioners  
Box 398, Fort Myers, FL 33902-0398

Re: Objections to Lee County CPA2007-00051 – San Carlos Island/Destination Resort

Dear Department of Community Affairs and Lee County:

I am past Chair of the Local Planning Agency (LPA) and am currently a Councilman for the Town of Fort Myers Beach. My opinions are not an official position by the Town of Fort Myers Beach, but as a resident who is qualified to evaluate the intent and impact of the current Lee County Comprehensive Plan. San Carlos Island and Estero Island (Town of Fort Myers Beach) are sister islands separated by a few hundred feet. Development on either island has an impact on both.

I object to the proposed Comprehensive Plan Amendment (CPA2007-00051) for San Carlos Island/Destination Resort Mixed-Use Waterfront Development. If approved, this Comp Plan amendment will forever change the character of San Carlos Island and have impact on the Town of Fort Myers Beach. Before acceptance of any Comp Plan change, a long-range vision should be developed for all of San Carlos Island. This proposed development will not only have a negative impact on traffic for a critical evacuation route, it will change the character from a quiet fishing community with affordable housing to expensive, high rise residential condos and timeshares with a resort hotel and convention center. If this is allowed, what will follow for San Carlos Island? Consideration should be given to the fact that significant density and intensity increases are being requested in a flood zone adjacent to an already stressed Estero Bay Aquatic Preserve and a critical wildlife area.

The requests made by CPA2007-00051 are a huge deviation from the current Lee County land-use plan. The residential density currently allowed is 6 dwelling units per acre. Although the developer's request for 17 units was reduced to 13.5 units by the Lee County LPA and approved by the Board of County Commissioners (BOCC), the Lee County staff recommendation was for 10 units per acre. The traffic report submitted with the amendment request should be challenged since it included a new bridge to be built in 2030 connecting San Carlos and Estero Islands. The Town of Fort Myers Beach requested several years ago that the bridge be removed from the 2030 Transportation Plan because it would not be feasible. Verbal statements were made by the developer at the BOCC hearing on October 23, 2008 that they had determined that even without the new bridge the project "would not cause any road segments to fall below the required level of service." This new data was not provided in writing with the request for the Comp Plan amendment and could not be analyzed or challenged. Anyone who has traveled San Carlos Blvd

during peak tourist season, the only main access to the proposed new development as well as a key Lee County tourist destination on Fort Myers Beach, will confirm that the road is already severely constrained. Regardless of any traffic study provided by the developer, the increased residential density plus adding a resort hotel and convention center will increase traffic congestion; on a daily basis and during an emergency evacuation.

Almost as concerning as the risk that the capacity of a critical evacuation route will be exceeded because of increased density and intensity, is the significant change that will take place in the character of San Carlos Island. It will be turned into a "destination resort." One of the last working harbors will be lost and replaced by a 300-room hotel and convention center. Lee County's current Comp Plan has a vision of replacing the aging mobile homes with structures limited to a height of 35 feet. The developers are asking the Comp Plan to be amended to allow for buildings that could be 230 feet high. The tallest building on Fort Myers Beach is 170 feet and was built prior to incorporation. The Town of Fort Myers Beach incorporated Estero Island in order to control redevelopment at increased density, intensity and height. That is the right thing to do for a coastal community. The current Lee County Comp Plan allows 86 residential dwelling units to be built. The developer is requesting that 270 condos and 110 timeshare units be allowed. In order to accommodate this large increase in density and intensity, without negatively impacting storm water management requirements, the dwelling units have to be in high rises. I support changes that improve storm water management, but much more environmental improvements could be accomplished with the density limitations stated in the current Lee County Comprehensive Plan.

I recognize we are currently in a challenging economic environment. Having a developer willing to invest in an area that could use an economic boost is a good thing. However, the purpose of a Comprehensive Plan is to take a long-range view of what is best for a community, a region and for Florida. Increasing density from 6 dwelling units per acre to 13.5 is not the right direction for a barrier island. This is absolutely the wrong place for a large hotel and convention center. There must be a more suitable location some place else in Lee County. Economic conditions change frequently. We are already living with many unfortunate past decisions involving growth in southwest Florida. I am confident that all these issues will be considered before a change of this magnitude is made to the Lee County Comprehensive Plan.

Thank you for considering my comments on the request for Lee County Comprehensive Plan Amendment CPA2007-00051.

In Your Trust,



Tom Babcock  
5130 Williams Drive  
Fort Myers Beach, FL 33931  
Tele: 239-463-9620  
Email: tababo@yahoo.com

Meeting with Commissioner Ray Judah – January 7, 2009

Subject: Lee County Comprehensive Plan Amendment CPA2007-00051  
– San Carlos Island/Destination Resort

Issues/Concerns for Discussion:

1. Change in character for San Carlos Island
  - a. Need for a long-range vision before making a Comp Plan change
2. Impact to San Carlos Island and the Town of Fort Myers Beach
  - a. Traffic
  - b. Density
  - c. Intensity
  - d. Environment
3. Impact to Lee County
  - a. Best location for a hotel and convention center?
  - b. Excess of hotel rooms and convention facilities
  - c. Need for environmental improvements in a critical wildlife area

Discussion of Resolution Options:

1. Residential Density and Intensity
2. Size of Hotel
3. Need for Convention Center
4. Alternative Designs

Respectively submitted by Tom Babcock, resident of the Town of Fort Myers Beach

The San Carlos Island Plan Amendment approved by the Board last week, also included a direction to prepare a blue sheet on what a county instituted “community planning effort” would be. Such an effort—in one form or another—is needed to ensure that the County isn’t reacting to one redevelopment proposal after another. Additionally, as an island newly reclassified into a higher hazard designation, we should have some idea of what redevelopment considerations are desirable should severe storm damage occur on the island.

Reading the staffs’ assessment of the development entitlements proposed, and now approved, for CPA 2007-51, San Carlos Island privately initiated amendment, leads to the conclusion that there are infrastructure issues. Exactly what they are to any degree is not known, and for the Plan Amendment demand itself, remedy is a requirement of the developer—to a degree. Experience has shown that there can be serious disagreement over “that degree.” It would be opportune to have rough understanding of infrastructure constraints and opportunities that exist now, before more substantive proposals are presented to the Board, such as rezonings. The statements below are intended to help achieve that understanding, within the framework of “concurrency.”

Concurrency has been expanded beyond the original six services. However, this community planning effort is referencing those 6 services, as well as the opportunity for land use changes to improve or maintain the service level of the applicable services. The following are the suggested steps for assessing the capacity of the current system for accommodating CPA 2007-51, as well as what options exist for further Island redevelopment.

1. Transportation: For transportation, the first step is determine what is currently the road capacity choke point. I hypothecate that it is the signaled intersection at San Carlos Boulevard and Buttonwood, since “left turn” signal movement dictates both traffic onto Buttonwood and out of Prescott. That movement also constitutes the interruption for Estero Island oriented traffic. In practical terms, though, all traffic to/from the CPA 2007-51 site must go through the Main Street/Buttonwood T intersection, so that may be the limiting factor. Whichever point is deemed the most restrictive point, an analysis needs to be performed on what that capacity is. Current traffic counts have been developed, and will be distributed (thank you Steve Jansen).

That capacity then becomes the equivalent of Pine Islands 810/910 for determining the eastern Island’s “cap” for traffic, barring remediation.

Bicycle/Pedestrian facilities should be evaluated for continuity and connection to on island destinations, and to trunkline facilities on San Carlos Boulevard. “Disconnects” and poor maintenance components should be identified.

2. Water and Sewer. Similarly to transportation’s intended outcome, there should be an analysis of the capacity of the water and sewer lines that serve Main Street. The assessment should begin at a juncture with a major service line (San Carlos Boulevard?), and determine a hypothetical capacity of the existing lines and compare that capacity with usage. The capacity evaluation should also take into account public safety/fire flow

(for water) or public health constraints. Under the presumption that there is unused capacity in the system (and in the greater system), then an evaluation of how much additional demand can be accommodated without system expansion or reconstruction should be made. For the meeting, any description of system use and issues along Main Street or the relevant “choke point” would be appreciated.

3. Storm water. The island has no storm water system. At best some sites have their own localized system that likely is antiquated and not providing water quality measures, unless recently installed. CPA 2007-51 has a requirement to provide up to date stormwater management for its site. The question to be answered through a community planning assessment is—is that the best approach, or is a more ‘regional—multiparcel’ approach better? There should be an assessment of the eastern reaches of the island to determine just what is the status of stormwater, regardless, so that other redevelopment sites have guidance or answers for management, even if CPA 2007-51 is a stand alone system. For the meeting, any ideas or suggestions regarding an areawide approach would be appreciated, or if single site management is all that is possible.

4. Parks and Recreation. CPA 2007-51 has public access requirements for its development proposal. What else should be evaluated is (1) how that access is actually accessible from off site, and (2) what other public access there is on the Island. To that end, joint parking and pedestrian systems/“trails” for the island need an assessment for current opportunities. Any ideas would be appreciated.

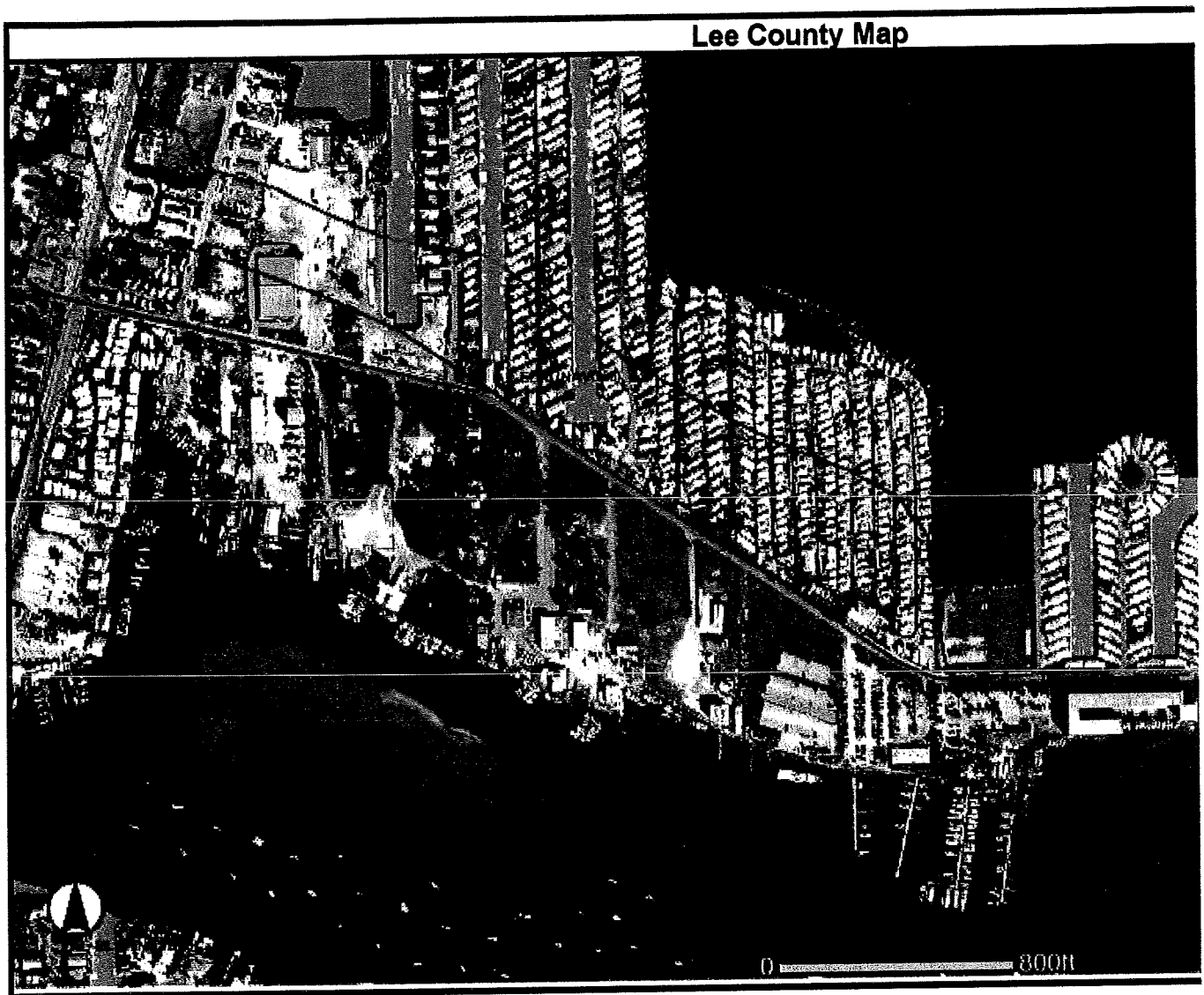
5. Solid waste. A big issue for hurricane recovery is debris removal. Since under any scenario San Carlos Boulevard remains the critical route for Estero and San Carlos Islands, the Solid Waste Division should determine the need for a pre-identified site for debris concentration and storage, pending transfer off island. Done to the extent that no such early identification for this relatively small area would be useful.

6. Land Use balance. For this discussion, I will use the transportation analogues of productions and attractions to substitute for land use types. Right now, eastern San Carlos Island has productions largely from residences and the fishing industry, and attractions largely from commercial recreation, boating, services (including food) and the fishing industry. Only a small percentage of the trips produced in the eastern Island are satisfied/attracted in the eastern island. CPA 2007-51 as originally proposed would only aggravate the imbalance, but now as amended has more of an opportunity to serve as an example of balancing productions with attractions on Island.

7. Assessment of “V” zone designation. The recent reclassification of the south part of San Carlos Island into a “V” category triggers various policies of the LeePlan as well as some influence on insurers and financiers. Just what that influence is should be part of the assessment. Will need to know from participants what this designation means to their capital investments, and for “buildback.”

8. From points 6-7, there should be an analysis of a suite of “redevelopment” uses can be added on Island to further improve the p/a ratio.

9. Capacity conclusions. From the review of points 1-8 above. Some rough order of magnitude conclusions can be drawn of redevelopment or new development capacities the current infrastructure can bear, with land use options. This set of conclusions would then be the basis of any "Community Planning" effort for developing an interactive process with stakeholders, and the contracting for any "community plan" product that would be a subsequent amendment to the LeePlan.



STATE OF FLORIDA, COUNTY OF LEE	
FILED FOR RECORD	
THIS	DAY OF 19
RECORD IN	BOOK
PAGE	AND RECORD VERIFIED
D. T. FARABEE, CLERK, CIRCUIT COURT	
BY	
DEPUTY CLERK	

# K. L. SWANK'S SUBDIVISION

**DESCRIPTION:**— Begin at the NW corner of Section 19, Tp. 46 South, Range 24 East, thence East 300 feet; thence South to the North shore of Ostego Bay; thence East 100 feet to point of beginning of land herein conveyed; Thence South to the North Shore of Ostego Bay; thence Northwesterly along said shore to point West of beginning; thence North to the East Boundary of Block 11 of SAN CARLOS-ON-THE-GULF as per plat thereof recorded in Plat Book 6 at page 6 of the Public Records of Lee County, Florida; thence Northeasterly along the side of said Block 11 to a point North of beginning; thence South to the point of beginning; subject to the dedicated public road, running Easterly & Westerly across said Land, together with all riparian rights thereto belonging; Said land being described as Tract 10 of Government Lot 4, Sec. 19, Tp. 46 S., R. 24 E. on an unrecorded Plat of San Carlos Corporation property, prepared by Harry K. Davison, Surveyor.

## CERTIFICATE OF OWNERSHIP

THIS IS TO CERTIFY that the undersigned are owners of the land hereon described and have caused said land to be subdivided into Lots and Streets as shown, and said Streets are hereby dedicated to the Public forever.

Signed, sealed and delivered  
in the presence of us:

*Cyrus Q. Stewart*  
*Arthur P. Vaughn*

*Kenneth L. Swank*

*Edith Swank*

STATE OF FLORIDA } S.S.  
COUNTY OF LEE }

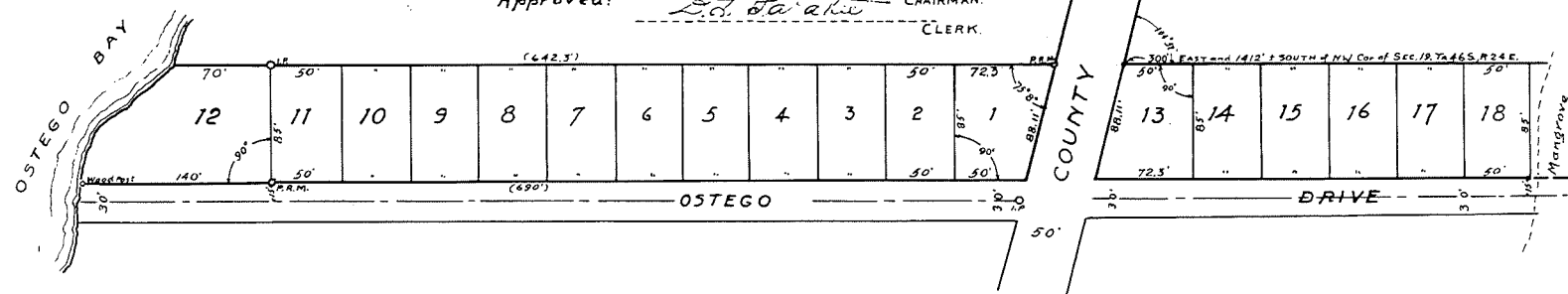
I do hereby certify that on this 20<sup>th</sup> day of March, A.D. 1946, before me, the undersigned authority, personally appeared KENNETH L. SWANK and EDITH SWANK his wife, to me well known as the persons making the foregoing dedication, and they severally acknowledged the execution thereof to be their free act and deed for the uses and purposes therein stated.

Witness my hand and official seal, date last aforesaid

*Cyrus Q. Stewart*  
Notary Public,  
My Commission expires Dec 15, 1947.

THIS PLAT accepted this \_\_\_\_ day of  
1946 in open meeting of the Board  
of County Commissioners, Lee County, Florida.

Approved: *[Signature]* CHAIRMAN.  
*[Signature]* CLERK.





## Community Guide to Creating a Managed Anchorage and Mooring Field

Conservation Clinic  
University of Florida College of Law

Boating and Waterway Management Program  
Florida Sea Grant

1



A well planned and executed Managed Anchorage and Mooring field (MAMF) can be beneficial to residents, boaters and the local government by encouraging tourism and providing for the efficient use of waterfront resources to enhance public access to the marine environment.

2



### Overview

- 2 Step Process in creating a MAMF
  - Project Initiation
    - Technical
    - Legal
    - Public (Educational)
  - Project Development
    - Legal
    - Technical
    - Public (Legal)

3



### Florida Sea Grant and Conservation Clinic Experience

The Conservation Clinic and Florida Sea Grant have worked with communities to address harbor management around Florida.

4



### Existing & Proposed Florida MAMFs

• Fort Myers (****)	49 moorings
• Fort Myers Beach (2004)	70 moorings
• Key West (2004/5)	49 moorings, 24.3 acres
• Marathon Boot Key (2002)	64 moorings, 250 anchor
• Sarasota (pending 2005)	109 moorings, 110 acres
• Sarasota Sailing Squadron (pending 2005)	
• Stuart (2001)	69 moorings, 26.1 acres
• Vero Beach (1988)	57 moorings, 9 acres

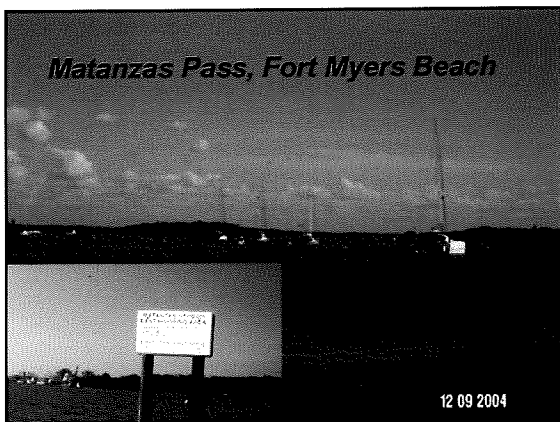

5



### MAMF Administration

Vero Beach – municipal  
Fort Myers Beach – concessioned  
Sarasota City Island – not for profit


6

### Vero Beach Municipal

- Mooring Field offers long-term and transient moorings.
- Anchoring limited outside mooring field by city ordinance (Length of Stay Regulation).
- Fees support facilities including fueling facility, pump-out facility and restrooms.
- Employees include harbormaster, assistant harbor master and part time employees.
- Harbormaster resides at the anchorage.
- There is also an advisory board to the anchorage.
- Establishes Enterprise Fund – money that it earns goes back to support the anchorage and harbor.


8



### Fort Myers Beach Concession

- 70 moorings
- Fees depend on size and length of stay – vary between \$6.50 and \$10.00 per day.
- Facilities include dinghy docks, restrooms, and garbage disposal.
- Private Marina manages mooring field under concession from city.


9



### Sarasota City Island Not for Profit

- Sarasota Sailing Squadron seeking to formalize its historic anchorage
- Membership based
- Still in the permit process


10



### Introductory Principles

- Two sets of introductory principles are useful to keep in mind throughout the process of creating a mooring field.
  - Principles of Anchoring
  - Principles of Harbor Management
- See Thomas Ankersen and Richard Hamann, *Anchoring Away: Government Regulation and the Rights of Navigation in Florida*, Sea Grant (August 1999).

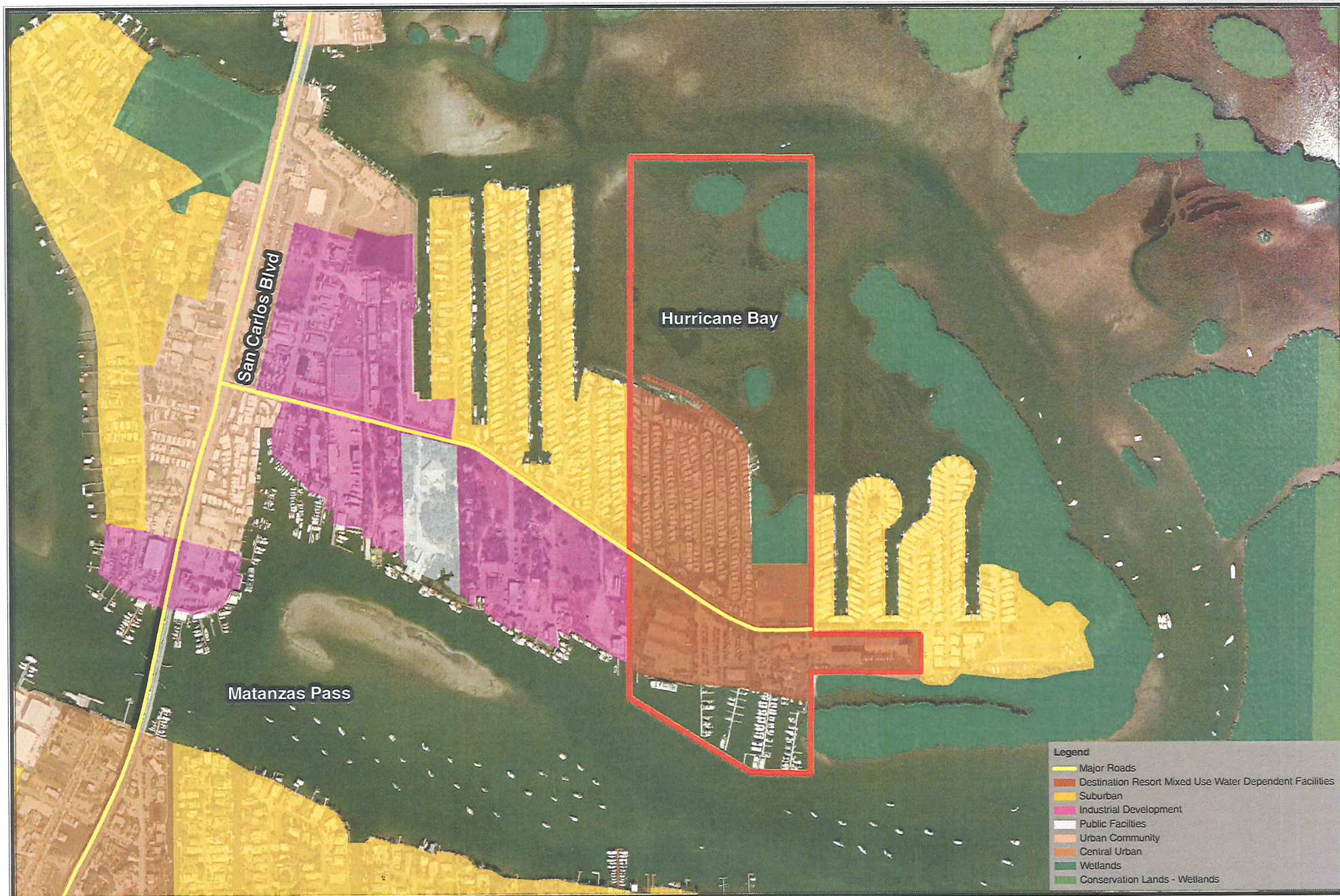
11



### Principles of Anchoring

1. Federal, state and local laws apply to anchored boats.
2. Boats must anchor so that they are not harming any other vessels, damaging property or injuring people, or preventing access to boats or property.

12



# PROPOSED FUTURE LAND USE MAP

EBBTIDE

0 0.05 0.1 0.2 Miles



**DELSI FITZGERALD, INC.**  
Planning - Engineering - Project Management

1500 Royal Palm Square Blvd, Suite 101  
Fort Myers, FL 33919  
239-418-0691 • 239-418-0692 fax

GENERAL NOTE:  
THIS MAP IS FOR REFERENCE ONLY. DATA PROVIDED ARE DERIVED FROM MULTIPLE SOURCES WITH VARYING LEVELS OF ACCURACY.

Old San Carlos Island Existing Photos



Old San Carlos Island Existing Photos

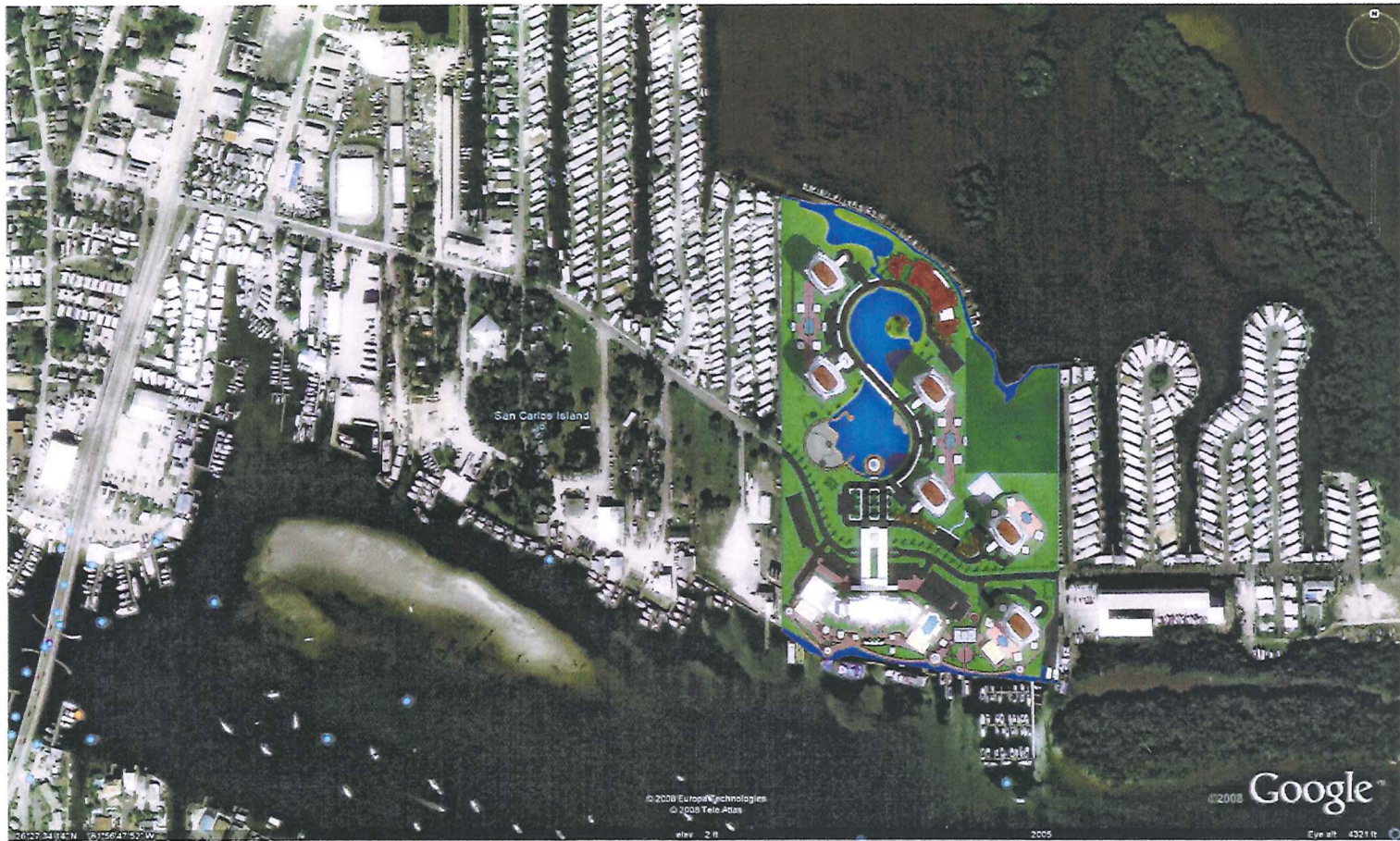


Old San Carlos Island Existing Photos



Old San Carlos Island Existing Photos





Draft – Work is in progress



Draft –Work is in progress



- Legend**
- Major Roads
  - Central Urban
  - Urban Community
  - Suburban
  - Industrial Development
  - Public Facilities
  - Wetlands
  - Conservation Lands - Wetlands

# FUTURE LAND USE

EBBTIDE

GENERAL NOTE:  
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0 0.05 0.1 0.2 Miles



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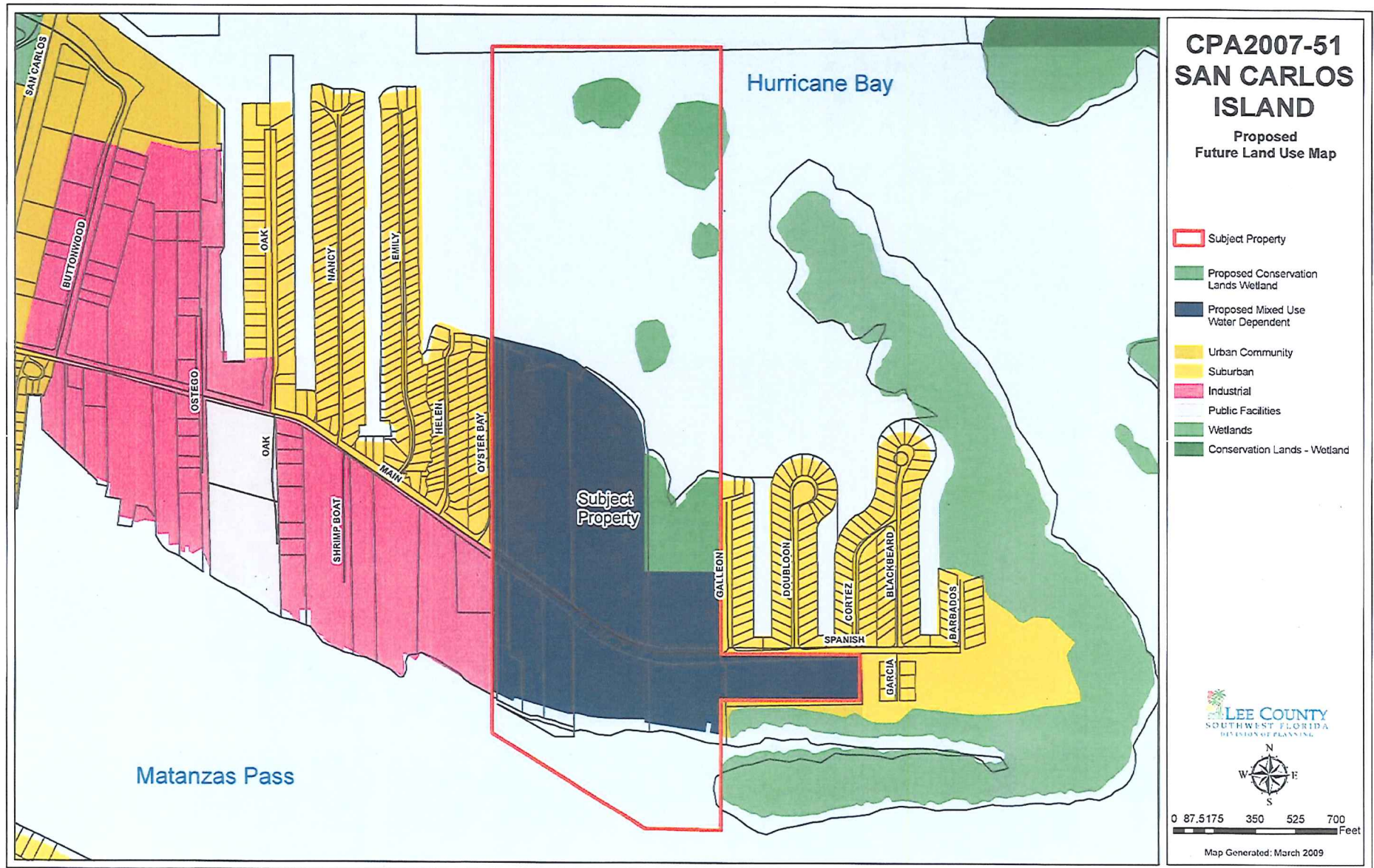


EXHIBIT B

INTRODUCTION  
TO TRAIL, HISTORY  
OF ISLAND.

OSTEGO  
BAY

KIOSK 4:  
SOUTHWEST FLORIDA  
MARINE INSTITUTE.

RECREATIONAL  
BOATING  
DOCKS

SHRIMP  
BOAT  
DOCKS

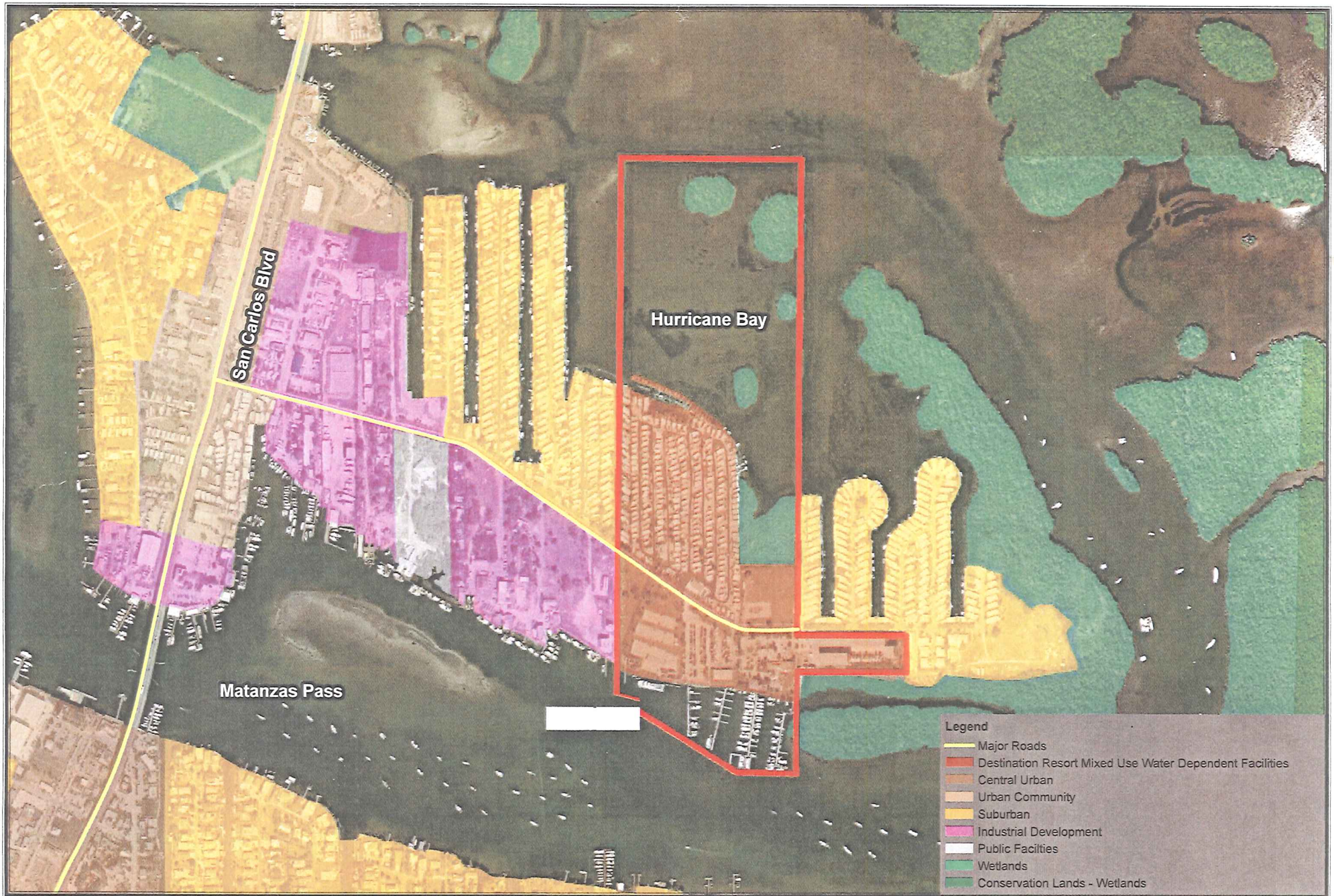
KIOSK 3:  
MARINE  
INHABITANTS.

KIOSK 2:  
FISHING  
INFORMATION.

KIOSK 5:  
MITIGATION  
SITE.

*blowdown  
access*





# PROPOSED FUTURE LAND USE MAP

EBBTIDE

0 0.05 0.1 0.2 Miles



**DeLisi Fitzgerald, Inc.**  
Planning • Engineering • Project Management

1500 Royal Palm Square Blvd., Suite 101  
Fort Myers, FL 33904  
239.418.0641 • 239.418.0692 fax

GENERAL NOTE:  
THIS MAP IS FOR REFERENCE ONLY. DATA PROVIDED ARE DERIVED FROM MULTIPLE SOURCES WITH VARYING LEVELS OF ACCURACY.





# Plan would redefine San Carlos Island

BY DICK HOGAN

dhogan@news-press.com

A 30-acre swath of San Carlos Island could be in for some major changes. Two local businessmen are proposing a hotel, swimming pool, community learning center, condominiums, restaurants and homes.

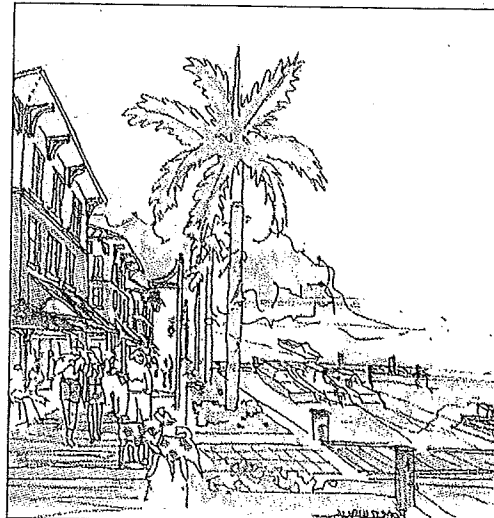
The project plans, submitted recently as an amendment to Lee County's land-use plan, would change the face of the island now dominated by commercial fishing and mobile home parks.

Darrell Hanson, owner of Salty Sam's Marina, said the proposal he and adjacent property owner Ray Alvarez have made is an idea whose time has come.

"I think it's timing and I think at some point too much of the land is just under-utilized," said Hanson. "What we're trying to accomplish is waterfront development, with a marina open to the public, restaurants, shops, a hotel and condominiums."

The proposed amendment cites as reasons for the changes "the decline of the local shrimping industry that has created a vacuum in the island identity and prospects for the future."

Current land-use policies favoring commercial fishing on the island were "an attempt to save the shrimping industry and keep some large vestiges of that here," said Joe McHarris of Bonita Springs-based McHarris Planning &



SPECIAL TO THE NEWS-PRESS

■ Artist rendering of San Carlos Island.

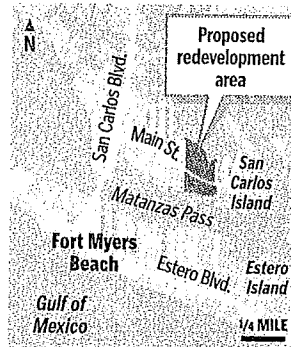
Design, the planner for the project. "But with the onslaught of inexpensive farm-raised shrimp from Vietnam and Thailand, it's really held that place down because you can't do anything else."

Dennis Henderson, co-owner of Gulf Shrimp Inc. on the island, operates a shrimp fishing and packing operation plus Beach Seafood market and restaurant. He's in favor of the proposed project.

"Really that piece of property there would be a better deal if they develop it

## Redevelopment would change island's character

The project would include a 300-room hotel, a community learning center, canoe and kayak launch and 600 homes.



THE NEWS-PRESS

like that," he said. "I think it's a great idea, they don't have any choice."

Henderson, who owns a trailer park at Main Street and San Carlos Boulevard, said it's no longer economically feasible to continue operating his park or the ones that would be replaced by the redevelopment: Oyster Bay and Ebb Tide. "You can't get enough rent off those places to pay the taxes with the (property) taxes going wild."

■ See SAN CARLOS D2

## SAN CARLOS

■ Continued from D1

He acknowledged that the shrimping business is in trouble, but said he's staying where he is for the foreseeable future. "We own our property free and clear — that's the only reason we can continue to stay here. If I were going into business today and I had to buy docks and a boat, I couldn't make it."

Lavetta Buchholz, 79, and her husband Bud have been wintering for 13 years at their Ebb Tide trailer, selling shadowbox-style dioramas depicting long-ago seaports.

They love the island and where they live, but are philosophical about the future.

"By the time it does come, it could be two, three, four, five years and maybe we will be

ready to not come down," said Lavetta Buchholz. "I mean, who knows what will happen."

Hanson said he expects it will take at least three years to get the plan amendment, zoning and land use they need.

Paul O'Connor, planning director for Lee County, said he hasn't gone through the plan in detail and that issues such as traffic on San Carlos Boulevard will have to be addressed.

After a review by the Local Planning Agency, the Lee County Commission will get the proposal around February and decide whether to send it to the state for comments, he said.

O'Connor said he's already met with the group proposing the changes.

"I told them to try to get some local support for it," he said. "That can never hurt when you're asking for something different."

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

WHEREAS, First Florida Bank, N.A., represented by Florida Coastal Developers, Inc., in reference to Gladiolus Home Improvement Center, has properly filed an application for a rezoning from IL, AG-2 and MH-2 to Commercial Planned Development, to allow development of commercial uses, not to exceed 35 feet above average grade, on 4 total acres of land. This request is to allow development of 44,500 square feet of retail home furnishings. NOTE: If approved, the Master Concept Plan will deviate from the following Lee County standards:

- (1) The minimum parking requirement for multiple occupancy complexes of 4½ parking spaces per 1000 square feet of floor area from 201 spaces (per Section 202.16.J.5.a.2. LCZR), to allow a minimum of 109 parking spaces in accordance with Section 202.16.J.5.b. of the Lee County Zoning Regulations.
- (2) The minimum intersection separation for accessways along arterial streets of 660 feet (per Section C.3.h. DSO), to 405 feet along U.S. 41 for an existing accessway and to 607 feet along Gladiolus Drive for an existing accessway with an existing median cut.
- (3) The minimum average width of open space of 20 feet for large projects (per Section C.55.c.(2) (a) DSO), to allow a minimum average width of 10 feet; and
- (4) The minimum area of open space of 400 square feet for large projects (per Section C.5.c.(2)(b) DSO), to allow a minimum open space area of 100 square feet; and

WHEREAS, the subject property is located at 14680 South Tamiami Trail, described more particularly as:

LEGAL DESCRIPTION: In Section 26, Township 45 South, Range 24 East, Lee County, Florida:

Parcel 1

A tract or parcel of land lying in the Northeast Quarter (NE-¼) of the Southeast Quarter (SE-¼) of Section 26, Township 45 South, Range 24 East, Lee County, Florida which tract or parcel is described as follows:

From the Northeast Corner of said Southeast Quarter (SE-¼) run Westerly along the North line of said fraction for 79.48 feet; THENCE run Southerly, parallel with the Westerly line of Tamiami Trail (S.R. 45) (200 feet wide) for 780.00 feet; THENCE run S.89°11'33"W. parallel with said North Line of said fraction for 64.01 feet to an intersection with the Westerly line of said Tamiami Trail and the POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING run S.00°33'42"E. along said Westerly line for 150.50 feet; THENCE run S.89°11'33"W. parallel with said North line of said fraction for 235.00 feet;

THENCE run S.00°33'42"E. parallel with the West line of said Tamiami Trail for 250.09 feet;  
THENCE run S.89°11'33"W. parallel with said North line of said fraction for 265.94 feet to an intersection with the West line of the East Half (E-½) of the Northeast Quarter (NE-¼) of the Southeast Quarter (SE-¼) of said Section;  
THENCE run N.01°23'28"W. along said West line for 390.61 feet to an intersection with a line bearing S.89°11'33"W. and passing through the POINT OF BEGINNING;  
THENCE run N.89°11'33"E. along said line for 506.60 feet to the POINT OF BEGINNING.

CONTAINING 140,340 square feet or 3.22 acres more or less.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone based on the centerline survey for CR-869.

#### Parcel 2

A tract or parcel of land lying in the Northeast Quarter (NE-¼) of the Southeast Quarter (SE-¼) of Section 26, Township 45 South, Range 24 East, Lee County, Florida which tract or parcel is described as follows;

From the Northeast corner of said Southeast Quarter (SE-¼) run Westerly along the North line of said fraction for 79.48 feet;  
THENCE run Southerly, parallel with the Westerly line of Tamiami Trail (S.R. 45) (200 feet wide) for 780.00 feet;  
THENCE run S.89°11'33"W. parallel with said North line of said fraction for 64.01 feet to an intersection with the Westerly line of said Tamiami Trail; THENCE run S.00°33'42"E. along said Westerly line for 150.50 feet to the POINT OF BEGINNING.  
From said POINT OF BEGINNING run S.89°11'33"W. parallel with the North line of said fraction for 235.00 feet;  
THENCE run S.00°33'42"E. parallel with the Westerly line of said Tamiami Trail for 10.00 feet;  
THENCE run N.89°11'33"E. parallel with the North line of said fraction for 235.00 feet to an intersection with said Westerly line of Tamiami Trail; THENCE run N.00°33'42"W. along said Westerly line for 10.00 feet to the POINT OF BEGINNING.

CONTAINING 2,350 square feet more or less.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone based on the centerline survey for CR-869.

#### Parcel 3

A tract or parcel of land lying in the Northeast Quarter (NE-¼) of the Southeast Quarter (SE-¼) of Section 26, Township 45 South, Range 24 East, Lee County, Florida which tract or parcel is described as follows:

From the Northeast corner of said Southeast Quarter (SE-¼) run Westerly along the North line of said fraction for 79.48 feet;  
THENCE run Southerly, parallel with the Westerly line of Tamiami Trail (S.R. No. 45) (200 feet wide) for 780.00 feet;  
THENCE run S.89°11'33"W. parallel with said North line of said fraction for 64.01 feet to an intersection with the Westerly line of said Tamiami Trail; THENCE run S.00°33'42"E. along said Westerly line for 160.50 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING continue S.00°33'42"E. along said Westerly line for 25.00 feet;  
THENCE run S.89°11'33"W. parallel with the North line of said fraction for 75.00 feet;  
THENCE run N.00°33'42"W. parallel with the Westerly line of said Tamiami Trail for 25.00 feet;  
THENCE run N.89°11'33"E. parallel with the North line of said fraction for 75.00 feet to the POINT OF BEGINNING.

CONTAINING 1,875 square feet more or less.

Bearings herein mentioned are Plane Coord. For the Florida West Zone based on the centerline for CR-869.

Parcel 4

A tract or parcel of land lying in the Northeast Quarter (NE-¼) of the Southeast Quarter (SE-¼) of Section 26, Township 45 South, Range 24 East, Lee County, Florida which tract or parcel is described as follows:

From the Northeast corner of said Southeast Quarter (SE-¼) run Westerly along the North line of said fraction for 79.48 feet;  
THENCE run Southerly, parallel with the Westerly line of Tamiami Trail (S.R. No. 45) (100 feet wide) for 780.00 feet;

THENCE run S.89°11'33"W. parallel with said North line of said fraction for 64.01 feet to an intersection with the Westerly line of said Tamiami Trail; THENCE run S.00°33'42"E. along said Westerly line for 150.50 feet;

THENCE run S.89°11'33"W. parallel with the North line of said fraction for 235.00 feet;

THENCE run S.00°33'42"E. parallel with the West line of said Tamiami Trail for 301.82 feet to an intersection with the North line of the former Seaboard Airline Railroad right-of-way as described in deed recorded in Deed Book 234 at Page 524, Lee County Records and the POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING run S.89°09'30"W. along said North line for 116.49 feet to the Northwest corner of said rights-of-way described in said deed;

THENCE run S.00°50'30"E. along the West line of said lands for 34.45 feet to the Northwest corner of the Fort Myers Southern Railroad right-of-way (50 feet wide) as described in deed recorded in Deed Book 280 at Page 96 said Public Records;

THENCE run N.89°09'30"E. along the North line of said right-of-way, being the North line of the South 50 feet as said Northeast Quarter (NE-¼) of the Southeast Quarter (SE-¼) for 116.32 feet to an intersection with a line bearing S.00°33'42"E. and passing through the POINT OF BEGINNING;

THENCE run S.00°33'42"E. along said line for 14.83 feet to an intersection with a line parallel with and five feet Northerly from (as measured on a perpendicular) the Northerly line of Gladiolus Drive (CR-865) (140 feet wide) as described in deed to Lee County recorded in Official Record Book 1649 at Page 3662 said Public Records;

THENCE run S.89°10'07"W. along said parallel line for 194.68 feet;  
THENCE continue Westerly along a curved line parallel with said Northerly line along the arc of a curve to the left of radius 1,275 feet (delta 01°34'22") (chord bearing S.88°22'56"W.) (chord 35.00 feet) for 35.00 feet; THENCE run S.00°49'54"E. for 5.00 feet to an intersection with the curved Northerly line of said Gladiolus Drive;  
THENCE run Southwesterly along said curved line on an arc of a curve to the left of radius 1270 feet (delta 01°07'41") (chord bearing S.87°01'32"W.) (chord 25.00 feet) for 25.00 feet;

THENCE run N.00°49'58"W. for 5.00 feet to an intersection with a curved line parallel with and 5 feet Northerly from (as measured on a perpendicular) the curved Northerly line of said Gladiolus Drive;  
THENCE continue Southwesterly along said curved parallel line on an arc of a curve to the left of radius 1275 feet (delta 09°30'04") (chord bearing S.81°43'17"W.) (chord 211.19 feet) for 211.43 feet to an intersection with the West line of the East 200 feet of the West Half (W-½) of said Northeast Quarter (NE-¼) of the Southeast Quarter (SE-¼);

THENCE run N.01°23'28"W. along said West line for 43.53 feet to an intersection with said North line of said South 50 feet of the Northeast Quarter (NE-¼) of the Southeast Quarter (SE-¼);

THENCE run N.89°09'30"E. along said North line for 200.01 feet to an intersection with the West line of the East Half (E-½) of the Northeast Quarter (NE-¼) of the Southeast Quarter (SE-¼) of said Section;

THENCE run N.01°33'42"W. along said West line for 34 feet; THENCE run N.89°11'33"E. parallel with the North line of said fraction for 265.94 feet to an intersection with a line bearing N.00°33'42"W. and passing through the POINT OF BEGINNING;  
THENCE run S.00°33'42"E. along said line for 61.73 feet to the POINT OF BEGINNING.

SUBJECT TO an easement for ingress and egress across the hereinabove described parcel.

CONTAINING 31,090 square feet or 0.71 acres more or less.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone based on the centerline survey for CR-869 (Summerlin Road).

Parcel 5

A strip of land in the Northeast Quarter of the Southeast Quarter (SE-¼) of Section 26, Township 45 South, Range 24 East, Lee County, Florida lying 5 feet each side of the herein described centerline:

FROM the Northeast corner of said Southeast Quarter (SE-¼) run Westerly along the North line of said fraction for 79.48 feet;  
THENCE run Southerly, parallel with the Westerly line of Tamiami Trail (S.R. No. 45) (200 feet wide) for 780.00 feet;  
THENCE run S.89°11'33"W. parallel with said North line of said fraction for 64.01 feet to an intersection with the Westerly line of said Tamiami Trail; THENCE run S.00°33'42"E. along said Westerly line for 150.50 feet;  
THENCE run S.89°11'33"W. parallel with the North line of said fraction for 235.00 feet to the POINT OF BEGINNING of the herein described centerline.

From said POINT OF BEGINNING run S.00°33'42"E. parallel with said Westerly line of said Tamiami Trail for 301.82 feet to an intersection with the North line of the former Seaboard Airline Railroad right-of-way (100 feet wide) as described in deed recorded in Deed Book 234 at Page 524, Lee County Records and the end of the herein described centerline.

CONTAINING 3,015 square feet more or less.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone based on the centerline survey for CR-869.

WHEREAS, the applicant has indicated the property's current STRAP numbers are:

26-45-24-00-00008.0000;	26-45-24-00-00015.0020;
26-45-24-00-00013.0010;	26-45-24-00-00014.0000;
26-45-24-00-00020.0010;	26-45-24-00-00012.0170;
25-45-24-00-00009.0000;	25-45-24-00-00010.0010;
25-45-24-00-00009.0030;	26-45-24-00-00012.0230;
26-45-24-00-00012.0030;	and

WHEREAS, proper authorization has been given to Florida Coastal Developers, Inc., by First Florida Bank, N.A., the owner 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 Hearing Examiner, with full consideration of all the evidence available; and

WHEREAS, the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on July 25, 1989; 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 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 of County Commissioners does hereby APPROVE WITH CONDITIONS a rezoning from IL, AG-2 and MH-2 to Commercial Planned Development, to allow development of commercial uses, not to exceed 35 feet above average grade, on 4 total acres of land. This request is to allow development of 41,800 square feet of retail home furnishings.

This approval is subject to the following conditions:

1. The Master Concept Plan is a one page plan entitled, "Concept Plan, Gladiolus Home Improvement Center, Lee County, Florida," prepared by Ink Engineering, Inc., dated January 1989, drawing number 8887, printed on May 1, 1989, stamped received May 2, 1989, except as modified herein. Approval of this request does not exempt the applicant from compliance with all other zoning and development regulations.
2. The schedule of uses shall be limited to those shown below:

1001.05 BUSINESS SERVICES GROUP I  
Interior Decorators

1001.22 HOUSEHOLD/OFFICE FURNISHINGS GROUP I (Part)

Appliances  
Awnings and awning products  
Beds, mattresses, bed springs  
Cabinets  
Computers  
Carpets, rugs  
Freezers, household  
Floor tile  
Furniture  
Kitchen sinks, cabinets, counters  
Linoleum  
Radios, television, video equipment  
Ranges or stoves  
Refrigerators  
Tape recorders, audio, video  
Vacuum cleaners

1001.22 HOUSEHOLD/OFFICE FURNISHINGS GROUP II (Part)

Aluminumware, metalware, enamelware, tinware  
Bedding (sheets, blankets, spreads, pillows, linen, etc.)  
China, cookware, crockery, pottery  
Curtains, draperies  
Cutlery, glassware, housewares  
Kitchenware  
Lamps, shades and lights  
Mirrors, pictures  
Slip covers, upholstery materials  
Venetian blinds  
Window shades

Signs in conformance with Lee County Sign Ordinance

3. The height of buildings shall be limited to 35 feet above average grade.

4. The maximum footage shall be limited to 90 square feet.
5. All open space and buffering shall be provided as required by the Zoning and the Development Standards Ordinances. Meeting the requirements of this Condition includes, but is not limited to construction and maintenance of a six foot high concrete with stucco wall along the western perimeter of the real estate which is the subject of this application.
6. This development is located in a certificated service area. The use of septic tanks is prohibited. The development shall be connected to Florida Cities Water Company for sewer and water service. No development orders shall be issued until adequate provisions for water and sewer service have been made.
7. Access into the subject property shall be limited to the locations shown on the Master Concept Plan.
8. Condition 8. is hereby deleted. The required information has been added to the Master Concept Plan, as required.
9. Condition 9. is hereby deleted. The required information has been added to the Master Concept Plan, as required.
10. Condition 10. is hereby deleted. The required information has been added to the Master Concept Plan, as required.
11. Deviation (2) is hereby APPROVED.  
Deviation (3) is hereby DENIED.  
Deviation (4) is hereby DENIED.

Site Plan 89-075 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. That this application was deemed sufficient and complete and the appropriate fee paid after March 1, 1989, which is after the effective date of certain amendments to the Lee Plan and that all provisions contained within the Lee Plan, as amended, are considered to be in effect until such time as a contrary final determination is made pursuant to the terms of Chapter 163, Florida Statutes or a contrary determination is made by a court of competent jurisdiction.
- B. That the "concurrency provision" contained within Chapter 163, Florida Statutes, does not become effective until September 1, 1989, and therefore, even though the Lee Plan does require compliance with the concurrency requirements of Chapter 163, the law of the State of Florida does not require the application of the "concurrency provision" in Lee County until on or after September 1, 1989.
- C. That there is evidence in the record in this case which tends to establish the point that furniture, home appliance and home furnishings stores do not require as much parking as other retail uses.
- D. That the impact of the proposed change in use on the zoning ordinance, when considered in light of the conditions contained herein, is neutral.

E. That the requested rezoning to Commercial Planned Development, as conditioned and subject to the deviations contained herein:

- 1) Is consistent with the goals, objectives, policies and intent of the Lee Plan, as last amended.
- 2) Meets or exceeds all performance and locational standards set forth for the proposed use.
- 3) Is consistent with the densities, intensities and general uses set forth in the Lee Plan, as last amended.
- 4) Will be compatible with existing or planned uses and will not cause damage, hazard, nuisance or other detriment to persons or property.
- 5) Does not place an undue burden upon existing transportation or other services and facilities and will be served by streets and roads with the capacity to carry traffic generated by the development.
- 6) Is in compliance with all applicable General Zoning Provisions and Supplemental Regulations pertaining to the use, as set forth in the Zoning Ordinance.

F. That the real estate which is the subject of this requested rezoning to Commercial Planned Development is described in the Legal Description contained herein.

G. That the applicable statutes and regulations provide sufficient and appropriate safeguards to the public interest and that all are reasonably related to the impacts on the public interest created by or expected from the requested rezoning.

BE IT FURTHER RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS that the requested parking deviation be remanded to the Hearing Examiner for consideration of the request to permit 5 tenants rather than 4 tenants and that the Board retains jurisdiction of this case for the sole purpose of reviewing the deviation.

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

John E. Manning	<u>Aye</u>
Charles L. Bigelow, Jr.	<u>Aye</u>
Ray Judah	<u>Aye</u>
Bill Fussell	<u>Aye</u>
Donald D. Slisher	<u>Aye</u>

DULY PASSED AND ADOPTED this 11th day of September, A.D., 1989.

ATTEST:  
CHARLIE GREEN, CLERK

BY: Charlie J. Green,  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: Charles L. Bigelow, Jr.  
Chairman

Approved as to form by:

Timothy J. Green  
County Attorney's Office

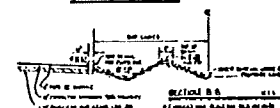
**FILED**

NOV 20 89

CLERK CIRCUIT COURT  
BY Charlie J. Green, D.C.

HEARING NUMBER 89-7-25-3 DCI

RESOLUTION NUMBER Z-89-075  
Page 7 of 7

[illegible]

Master Concept Plan  
Site Plan # PP-075 Page 1 of 1  
Subject to conditions in Resolution 249-075  
Zoning Case # PP-7-25-3 DC1

PRINTED ON  
MAY 01 1989

LEE COUNTY, FLORIDA

CONTACT INFORMATION: CONTACT NAME AND PHONE NUMBER • MAILING ADDRESS • FAX NUMBER • E-MAIL ADDRESS

[illegible]

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

WHEREAS, Florida Coastal Developers, Inc., in reference to Gladiolus Home Improvement Center, has properly filed an application for an amendment to the Commercial Planned Development Approval to amend a deviation and an amendment to the Master Concept Plan; and

WHEREAS, the subject property is located at 14680 South Tamiami Trail, described more particularly as:

LEGAL DESCRIPTION: In Section 26, Township 45 South, Range 24 East, Lee County, Florida:

Parcel 1

A tract or parcel of land lying in the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of Section 26, Township 45 South, Range 24 East, Lee County, Florida which tract or parcel is described as follows:

From the Northeast corner of said Southeast Quarter (SE1/4) run Westerly along the North line of said fraction for 79.48 feet;  
THENCE run Southerly, parallel with the Westerly line of Tamiami Trail (SR 45) (200 feet wide) for 780.00 feet;  
THENCE run S89°11'33"W parallel with said North line of said fraction for 64.01 feet to an intersection with the Westerly line of said Tamiami Trail and the POINT OF BEGINNING.  
From said POINT OF BEGINNING run S00°33'42"E along said Westerly line for 150.50 feet;  
THENCE run S89°11'33"W parallel with said North line of said fraction for 235.00;  
THENCE run S00°33'42"E parallel with the Westerly line of said Tamiami Trail for 240.09 feet;  
THENCE run S89°11'33"W parallel with said North line of said fraction for 265.94 feet to an intersection with the West line of the East Half (E1/2) of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of said section;  
THENCE run N01°23'28"W along said West line for 390.61 feet to an intersection with a line bearing S89°11'33"W and passing through the POINT OF BEGINNING;  
THENCE run N89°11'33"E along said line for 506.60 feet to the POINT OF BEGINNING.  
Containing 140,340 square feet or 3.22 acres more or less.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone based on the centerline survey for CR-869.

Parcel 2

A tract or parcel of land lying in the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of Section 26, Township 45 South, Range 24 East, Lee County, Florida which tract or parcel is described as follows:

continued...

3-2-92

From the Northeast corner of said Southeast Quarter (SE1/4) run Westerly along the North line of said fraction for 79.48 feet; THENCE run Southerly, parallel with the Westerly line of Tamiami Trail (SR 45) (200 feet wide) for 780.00 feet; THENCE run S89°11'33"W, parallel with said North line of said fraction for 64.01 feet to an intersection with the Westerly line of said Tamiami Trail; THENCE run S00°33'42"E along said Westerly line for 150.50 feet to the POINT OF BEGINNING. FROM SAID POINT OF BEGINNING run S89°11'33"W parallel with the North line of said fraction for, 235.00 feet; THENCE run S00°33'42"E parallel with the Westerly line of said Tamiami Trail for 10.00 feet; THENCE run N89°11'33"E parallel with North line of said fraction for 235.00 feet to an intersection with said Westerly line of Tamiami Trail; THENCE run N00°33'42"W along said Westerly line for 10.00 feet to the POINT OF BEGINNING. Containing 2,350 square feet more or less.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone based on the centerline survey for CR-869.

Parcel 3

A tract or parcel of land lying in the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of Section 26, Township 45 South, Range 24 East, Lee County, Florida which tract or parcel is described as follows:

From the Northeast corner of said Southeast Quarter (SE1/4) run Westerly along the North line of said fraction for 79.48 feet; THENCE run Southerly, parallel with the Westerly line of Tamiami Trail (SR 45) (200 feet wide) for 780.00 feet; THENCE run S89°11'33"W, parallel with said North line of said fraction for 64.01 feet to an intersection with the Westerly line of said Tamiami Trail; THENCE run S00°33'42"E along said Westerly line for 160.50 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING continue S00°33'42"E along said Westerly line for 25.00 feet; THENCE run S89°11'33"W parallel with the North line of said fraction for 75.00 feet; THENCE run N00°33'42"W parallel with the Westerly line of said Tamiami Trail for 25.00 feet; THENCE run N89°11'33"E parallel with the North line of said fraction for 75.00 feet to the POINT OF BEGINNING. Containing 1,875 square feet more or less.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone based on the centerline for CR-869.

Parcel 4

A tract or parcel of land lying in the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of Section 26, Township 45 South, Range 24 East, Lee County, Florida which tract or parcel is described as follows:

From the Northeast corner of said Southeast Quarter (SE1/4) run Westerly along the North line of said fraction for 79.48 feet; THENCE run Southerly, parallel with the Westerly line of Tamiami Trail (SR 45) (100 feet wide), for 780.00 feet; THENCE run S89°11'33"W, parallel with said North line of said fraction for 64.01 feet to an intersection with the Westerly line of said Tamiami Trail; THENCE run S00°33'42"E along said Westerly line for 150.50 feet;

continued..'

THENCE run **S89°11'33"W**, parallel with the North line of said fraction, for 235.00 feet;

THENCE run **S00°33'42"E**, parallel with the West line of said Tamiami Trail, for 301.82 feet to an intersection with the North line of the former Seaboard Airline Railroad right-of-way as described in deed recorded in Deed Book 234 at Page 524, Lee County Records and the POINT OF BEGINNING.

From said POINT OF BEGINNING run **S89°09'30"W** along said North line for 116.49 feet to the Northwest corner of said rights-of-way described in said deed;

THENCE run **S00°50'30"E** along the West line of said lands for 34.45 feet to the Northwest corner of the Fort Myers Southern Railroad right-of-way (50 feet wide) as described in deed recorded in Deed Book 280 at Page 96 of said Public Records;

THENCE run **N89°09'30"E** along the North line of said right-of-way, being the North line of the South 50.00 feet as said Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) for 116.32 feet to an intersection with a line bearing **S00°33'42"E** and passing through the POINT OF BEGINNING;

THENCE run **S00°33'42"E** along said line for 14.83 feet to an intersection with a line parallel with and five feet Northerly from (as measured on a perpendicular) the Northerly line of Gladiolus Drive (CR 865) (140 feet wide) as described in deed to Lee County recorded in Official Record Book 1649, at Page 3662 of said Public Records;

THENCE run **S89°10'07"W** along said parallel line for 194.68 feet;

THENCE continue Westerly along a curved line parallel with said Northerly line along the arc of a curve to the left of radius 1,275.00 feet (delta 01°34'22") (chord bearing **S88°22'56"W**) (chord 35.00 feet) for 35.00 feet;

THENCE run **S00°49'54"E** for 5.00 feet to an intersection with the curved Northerly line of said Gladiolus Drive;

THENCE run Southwesterly along said curved line on an arc of a curve to the left of radius 1,270.00 feet (delta 01°07'41") (chord bearing **S87°01'32"W**) (chord 25.00 feet) for 25.00 feet;

THENCE run **N00°49'58"W** for 5.00 feet to an intersection with a curved line parallel with and 5.00 feet Northerly from (as measured on a perpendicular) the curved Northerly line of said Gladiolus Drive;

THENCE continue Southwesterly along said curved parallel line on an arc of a curve to the left of radius 1,275.00 feet (delta 09°30'04") (chord bearing **S81°43'17"W**) (chord 211.19 feet) for 211.43 feet to an intersection with the West line of the East 200.00 feet of the West Half (W1/2) of said Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4);

THENCE run **N01°23'28"W** along said West line for 43.53 feet to an intersection with said North line of said South 50.00 feet of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4);

THENCE run **N89°09'30"E** along said North line for 200.01 feet to an intersection with the West line of the East Half (E1/2) of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of said section;

THENCE run **N01°23'28"W** along said West line for 96.34 feet;

THENCE run **N89°11'33"E** parallel with the North line of said fraction for 265.94 feet to an intersection with a line bearing **N00°33'42"W** and passing through the POINT OF BEGINNING;

THENCE RUN **S00°33'42"E** along said line for 61.73 feet to the POINT OF BEGINNING.

SUBJECT TO an easement for ingress and egress across the hereinabove described parcel.

Containing 31,090 square feet or 0.71 acres more or less.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone based on the centerline survey for CR 869 (Summerlin Road).

continued...

Parcel 5

A strip of land in the Northeast Quarter (**NE1/4**) of the Southeast Quarter (**SE1/4**) of Section 26, Township 45 South, Range 24 East, Lee County, Florida lying 5.00 feet each side of the herein described centerline:

From the Northeast corner of said Southeast Quarter (**SE1/4**) run Westerly along the North line of said fraction for 79.48 feet;  
THENCE run, Southerly, parallel with the Westerly line of Tamiami Trail (SR 45) (200 feet wide) for 780.00 feet;  
THENCE run **S89°11'33"W**, parallel with said North line of said fraction for 64.01 feet to an intersection with the Westerly line of said Tamiami Trail;  
THENCE run **S00°33'42"E** along said Westerly line for 150.50 feet;  
THENCE run **S89°11'33"W** parallel with the North line of said fraction for 235.00 feet to the POINT OF BEGINNING of the herein described centerline.

From said POINT OF BEGINNING run **S00°33'42"E** parallel with said Westerly line of said Tamiami Trail for 301.82 feet to an intersection with the North line of the former Seaboard Airline Railroad right-of-way (100 feet wide) as described in deed recorded in Deed Book 234 at Page 524, Lee County Records and the end of the herein described centerline.

Containing 3,015 square feet more or less.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone based on the centerline survey for CR-869.

WHEREAS, the applicant has indicated the property's current STRAP number is 26-45-24-00-00012.0060; and

WHEREAS, proper authorization has been given to Peper, Martin, Jensen, Maichel and Hetlage, by A. D. Watson, President of Florida Coastal Developers, Inc., the owner 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 Hearing Examiner, with full consideration of all the evidence available, and the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on Tuesday, January 7, 1992; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners, and in the legislative process, the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the 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 of County Commissioners does hereby APPROVE With Conditions an amendment to the Commercial Planned Development Approval to amend the deviation which was granted from Section **202.16.J.5.a.2.** of the Lee County Zoning regulations, from the required **41/2** spaces per 1000 square feet of

floor area, to allow parking spaces for the site to be determined in accordance with Section **202.16.J.2.m** (freestanding establishments), as approved by Zoning Resolution z-90-013, by removing the condition that the design center not exceed five tenants. Also, an amendment to the Master Concept Plan, approved by Resolution z-89-075, Condition 2, to add paint, glass and wallpaper stores on the approved schedule of uses;; and

The amendments are subject to the following conditions:

1. The development of the property shall be in accordance with the one-page Master Concept Plan entitled "Gladiolus Home Improvement Center" dated January, 1989, printed February 6, 1992, and received February 6, 1992, prepared by Ink Engineering, Inc., except as may be modified by the conditions herein.
2. The developer shall provide strengthened controls over inappropriate parking in fire lanes and handicap spots through extra **signage** and enhanced pavement markings. Handicap spots shall be painted solid blue except for lettering.
3. Business Services, Group I (Interior Decorators) is limited to 5,000 square feet.

Site Plan 92-002 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 an amendment to the Commercial Planned Development Approval and an amendment to the Master Concept Plan:

- A. That the amendments to the Lee County Zoning Ordinance parking space requirements contained in Lee County Ordinance 91-34 constitute a substantial change in circumstances and act to remove the rational basis for the original imposition of the 5 tenant limitation contained in Zoning Resolution Z-90-013 of March 26, 1990.
- B. That the removal of the subject 5 tenant limitation condition from the deviation amendment granted in Zoning Resolution Z-901013, if conditioned as recommended herein, will not result in any adverse impacts on the public, and will not cause damage, hazard, nuisance or other detriment to persons or property.
- C. That, since this application relates only to a request to remove a condition of a deviation grant for an existing development project, and no other real estate development is involved, no Lee Plan or other Lee County land development regulations or considerations not specifically noted above are considered applicable.
- D. That all findings and conclusions related to the subject development project contained in Zoning Resolutions Z-89-075 and Z-90-013 not in conflict with the recommendations contained herein should remain in effect.

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

John E. Manning	<u>AYE</u>
Douglas R. St. Cerny	<u>AYE</u>
Ray Judah	<u>AYE</u>
Vicki Lopez-Wolfe	<u>ABSENT</u>
Donald D. Slisher	<u>AYE</u>

DULY PASSED AND ADOPTED this 2nd day of March, A.D., 1992.

ATTEST:  
CHARLIE GREEN, CLERK

BY: Clare J. Warrick  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: [Signature]  
Chairman

Approved as to form by:

[Signature]  
County Attorney's Office

FILED

MAR 13 1992

CLERK CIRCUIT COURT  
BY Clare J. Warrick D.C.

QYNE, NO.  
8887

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

WHEREAS, Florida Coastal Developers, Inc., in reference to Gladiolus Home Improvement Center, has properly filed an application for an amendment to the Commercial Planned Development Approval to amend a deviation and an amendment to the Master Concept Plan; and

WHEREAS, the subject property is located at 14680 South Tamiami Trail, described more particularly as:

LEGAL DESCRIPTION: In Section 26, Township 45 South, Range 24 East, Lee County, Florida:

Parcel 1

A tract or parcel of land lying in the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of Section 26, Township 45 South, Range 24 East, Lee County, Florida which tract or parcel is described as follows:

From the Northeast corner of said Southeast Quarter (SE1/4) run Westerly along the North line of said fraction for 79.48 feet;  
THENCE run Southerly, parallel with the Westerly line of Tamiami Trail (SR 45) (200 feet wide) for 780.00 feet;  
THENCE run S89°11'33"W parallel with said North line of said fraction for 64.01 feet to an intersection with the Westerly line of said Tamiami Trail and the POINT OF BEGINNING.  
From said POINT OF BEGINNING run S00°33'42"E along said Westerly line for 150.50 feet;  
THENCE run S89°11'33"W parallel with said North line of said fraction for 235.00;  
THENCE run S00°33'42"E parallel with the Westerly line of said Tamiami Trail for 240.09 feet;  
THENCE run S89°11'33"W parallel with said North line of said fraction for 265.94 feet to an intersection with the West line of the East Half (E1/2) of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of said section;  
THENCE run N01°23'28"W along said West line for 390.61 feet to an intersection with a line bearing S89°11'33"W and passing through the POINT OF BEGINNING;  
THENCE run N89°11'33"E along said line for 506.60 feet to the POINT OF BEGINNING.  
Containing 140,340 square feet or 3.22 acres more or less.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone based on the centerline survey for CR-869.

Parcel 2

A tract or parcel of land lying in the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of Section 26, Township 45 South, Range 24 East, Lee County, Florida which tract or parcel is described as follows:

continued...

3-2-92

From the Northeast corner of said Southeast Quarter (SE1/4) run Westerly along the North line of said fraction for 79.48 feet;  
 THENCE run Southerly, parallel with the Westerly line of Tamiami Trail (SR 45) (200 feet wide) for 780.00 feet;  
 THENCE run S89°11'33"W, parallel with said North line of said fraction for 64.01 feet to an intersection with the Westerly line of said Tamiami Trail;  
 THENCE run S00°33'42"E along said Westerly line for 150.50 feet to the POINT OF BEGINNING.  
 FROM SAID POINT OF BEGINNING run S89°11'33"W parallel with the North line of said fraction for, 235.00 feet;  
 THENCE run S00°33'42"E parallel with the Westerly line of said Tamiami Trail for 10.00 feet;  
 THENCE run N89°11'33"E parallel with North line of said fraction for 235.00 feet to an intersection with said Westerly line of Tamiami Trail;  
 THENCE run N00°33'42"W along said Westerly line for 10.00 feet to the POINT OF BEGINNING.  
 Containing 2,350 square feet more or less.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone based on the centerline survey for CR-869.

Parcel 3

A tract or parcel of land lying in the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of Section 26, Township 45 South, Range 24 East, Lee County, Florida which tract or parcel is described as follows:

From the Northeast corner of said Southeast Quarter (SE1/4) run Westerly along the North line of said fraction for 79.48 feet;  
 THENCE run Southerly, parallel with the Westerly line of Tamiami Trail (SR 45) (200 feet wide) for 780.00 feet;  
 THENCE run S89°11'33"W, parallel with said North line of said fraction for 64.01 feet to an intersection with the Westerly line of said Tamiami Trail;  
 THENCE run S00°33'42"E along said Westerly line for 160.50 feet to the POINT OF BEGINNING.  
 From said POINT OF BEGINNING continue S00°33'42"E along said Westerly line for 25.00 feet;  
 THENCE run S89°11'33"W parallel with the North line of said fraction for 75.00 feet;  
 THENCE run N00°33'42"W parallel with the Westerly line of said Tamiami Trail for 25.00 feet;  
 THENCE run N89°11'33"E parallel with the North line of said fraction for 75.00 feet to the POINT OF BEGINNING.  
 Containing 1,875 square feet more or less.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone based on the centerline for CR-869.

Parcel 4

A tract or parcel of land lying in the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of Section 26, Township 45 South, Range 24 East, Lee County, Florida which tract or parcel is described as follows:

From the Northeast corner of said Southeast Quarter (SE1/4) run Westerly along the North line of said fraction for 79.48 feet;  
 THENCE run Southerly, parallel with the Westerly line of Tamiami Trail (SR 45) (100 feet wide), for 780.00 feet;  
 THENCE run S89°11'33"W, parallel with said North line of said fraction for 64.01 feet to an intersection with the Westerly line of said Tamiami Trail;  
 THENCE run S00°33'42"E along said Westerly line for 150.50 feet;

continued..'

THENCE run **S89°11'33"W**, parallel with the North line of said fraction, for 235.00 feet;

THENCE run **S00°33'42"E**, parallel with the West line of said Tamiami Trail, for 301.82 feet to an intersection with the North line of the former Seaboard Airline Railroad right-of-way as described in deed recorded in Deed Book 234 at Page 524, Lee County Records and the POINT OF BEGINNING.

From said POINT OF BEGINNING run **S89°09'30"W** along said North line for 116.49 feet to the Northwest corner of said rights-of-way described in said deed;

THENCE run **S00°50'30"E** along the West line of said lands for 34.45 feet to the Northwest corner of the Fort Myers Southern Railroad right-of-way (50 feet wide) as described in deed recorded in Deed Book 280 at Page 96 of said Public Records;

THENCE run **N89°09'30"E** along the North line of said right-of-way, being the North line of the South 50.00 feet as said Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) for 116.32 feet to an intersection with a line bearing **S00°33'42"E** and passing through the POINT OF BEGINNING;

THENCE run **S00°33'42"E** along said line for 14.83 feet to an intersection with a line parallel with and five feet Northerly from (as measured on a perpendicular) the Northerly line of Gladiolus Drive (CR 865) (140 feet wide) as described in deed to Lee County recorded in Official Record Book 1649, at Page 3662 of said Public Records;

THENCE run **S89°10'07"W** along said parallel line for 194.68 feet;

THENCE continue Westerly along a curved line parallel with said Northerly line along the arc of a curve to the left of radius 1,275.00 feet (delta **01°34'22"**) (chord bearing **S88°22'56"W**) (chord 35.00 feet) for 35.00 feet;

THENCE run **S00°49'54"E** for 5.00 feet to an intersection with the curved Northerly line of said Gladiolus Drive;

THENCE run Southwesterly along said curved line on an arc of a curve to the left of radius 1,270.00 feet (delta **01°07'41"**) (chord bearing **S87°01'32"W**) (chord 25.00 feet) for 25.00 feet;

THENCE run **N00°49'58"W** for 5.00 feet to an intersection with a curved line parallel with and 5.00 feet Northerly from (as measured on a perpendicular) the curved Northerly line of said Gladiolus Drive;

THENCE continue Southwesterly along said curved parallel line on an arc of a curve to the left of radius 1,275.00 feet (delta **09°30'04"**) (chord bearing **S81°43'17"W**) (chord 211.19 feet) for 211.43 feet to an intersection with the West line of the East 200.00 feet of the West Half (W1/2) of said Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4);

THENCE run **N01°23'28"W** along said West line for 43.53 feet to an intersection with said North line of said South 50.00 feet of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4);

THENCE run **N89°09'30"E** along said North line for 200.01 feet to an intersection with the West line of the East Half (E1/2) of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of said section;

THENCE run **N01°23'28"W** along said West line for 96.34 feet;

THENCE run **N89°11'33"E** parallel with the North line of said fraction for 265.94 feet to an intersection with a line bearing **N00°33'42"W** and passing through the POINT OF BEGINNING;

THENCE RUN **S00°33'42"E** along said line for 61.73 feet to the POINT OF BEGINNING.

SUBJECT TO an easement for ingress and egress across the hereinabove described parcel.

Containing 31,090 square feet or 0.71 acres more or less.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone based on the centerline survey for CR 869 (Summerlin Road).

continued...

Parcel 5

A strip of land in the Northeast Quarter (**NE1/4**) of the Southeast Quarter (**SE1/4**) of Section 26, Township 45 South, Range 24 East, Lee County, Florida lying 5.00 feet each side of the herein described centerline:

From the Northeast corner of said Southeast Quarter (**SE1/4**) run Westerly along the North line of said fraction for 79.48 feet;  
THENCE run, Southerly, parallel with the Westerly line of Tamiami Trail (SR 45) (200 feet wide) for 780.00 feet;  
THENCE run **S89°11'33"W**, parallel with said North line of said fraction for 64.01 feet to an intersection with the Westerly line of said Tamiami Trail;

THENCE run **S00°33'42"E** along said Westerly line for 150.50 feet;  
THENCE run **S89°11'33"W** parallel with the North line of said fraction for 235.00 feet to the POINT OF BEGINNING of the herein described centerline.

From said POINT OF BEGINNING run **S00°33'42"E** parallel with said Westerly line of said Tamiami Trail for 301.82 feet to an intersection with the North line of the former Seaboard Airline Railroad right-of-way (100 feet wide) as described in deed recorded in Deed Book 234 at Page 524, Lee County Records and the end of the herein described centerline.

Containing 3,015 square feet more or less.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone based on the centerline survey for CR-869.

WHEREAS, the applicant has indicated the property's current STRAP number is 26-45-24-00-00012.0060; and

WHEREAS, proper authorization has been given to Peper, Martin, Jensen, Maichel and Hetlage, by A. D. Watson, President of Florida Coastal Developers, Inc., the owner 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 Hearing Examiner, with full consideration of all the evidence available, and the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on Tuesday, January 7, 1992; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners, and in the legislative process, the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the 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 of County Commissioners does hereby APPROVE With Conditions an amendment to the Commercial Planned Development Approval to amend the deviation which was granted from Section **202.16.J.5.a.2.** of the Lee County Zoning regulations, from the required **41/2** spaces per 1000 square feet of

floor area, to allow parking spaces for the site to be determined in accordance with Section **202.16.J.2.m** (freestanding establishments), as approved by Zoning Resolution z-90-013, by removing the condition that the design center not exceed five tenants. Also, an amendment to the Master Concept Plan, approved by Resolution z-89-075, Condition 2, to add paint, glass and wallpaper stores on the approved schedule of uses,; and

The amendments are subject to the following conditions:

1. The development of the property shall be in accordance with the one-page Master Concept Plan entitled "Gladiolus Home Improvement Center" dated January, 1989, printed February 6, 1992, and received February 6, 1992, prepared by Ink Engineering, Inc., except as may be modified by the conditions herein.
2. The developer shall provide strengthened controls over inappropriate parking in fire lanes and handicap spots through extra **signage** and enhanced pavement markings. Handicap spots shall be painted solid blue except for lettering.
3. Business Services, Group I (Interior Decorators) is limited to 5,000 square feet.

Site Plan 92-002 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 an amendment to the Commercial Planned Development Approval and an amendment to the Master Concept Plan:

- A. That the amendments to the Lee County Zoning Ordinance parking space requirements contained in Lee County Ordinance 91-34 constitute a substantial change in circumstances and act to remove the rational basis for the original imposition of the 5 tenant limitation contained in Zoning Resolution Z-90-013 of March 26, 1990.
- B. That the removal of the subject 5 tenant limitation condition from the deviation amendment granted in Zoning Resolution Z-901013, if conditioned as recommended herein, will not result in any adverse impacts on the public, and will not cause damage, hazard, nuisance or other detriment to persons or property.
- C. That, since this application relates only to a request to remove a condition of a deviation grant for an existing development project, and no other real estate development is involved, no Lee Plan or other Lee County land development regulations or considerations not specifically noted above are considered applicable.
- D. That all findings and conclusions related to the subject development project contained in Zoning Resolutions Z-89-075 and Z-90-013 not in conflict with the recommendations contained herein should remain in effect.

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

John E. Manning	<u>AYE</u>
Douglas R. St. Cerny	<u>AYE</u>
Ray Judah	<u>AYE</u>
<b>Vicki</b> Lopez-Wolfe	<u>ABSENT</u>
Donald D. Slisher	<u>AYE</u>

DULY PASSED AND ADOPTED this 2nd day of March, A.D., 1992.

ATTEST:  
CHARLIE GREEN, CLERK

BY: Charlie J. Green  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: Ray Judah  
Chairman

Approved as to form by:

Samothy P. Baker  
County Attorney's Office

FILED

MAR 13 1992

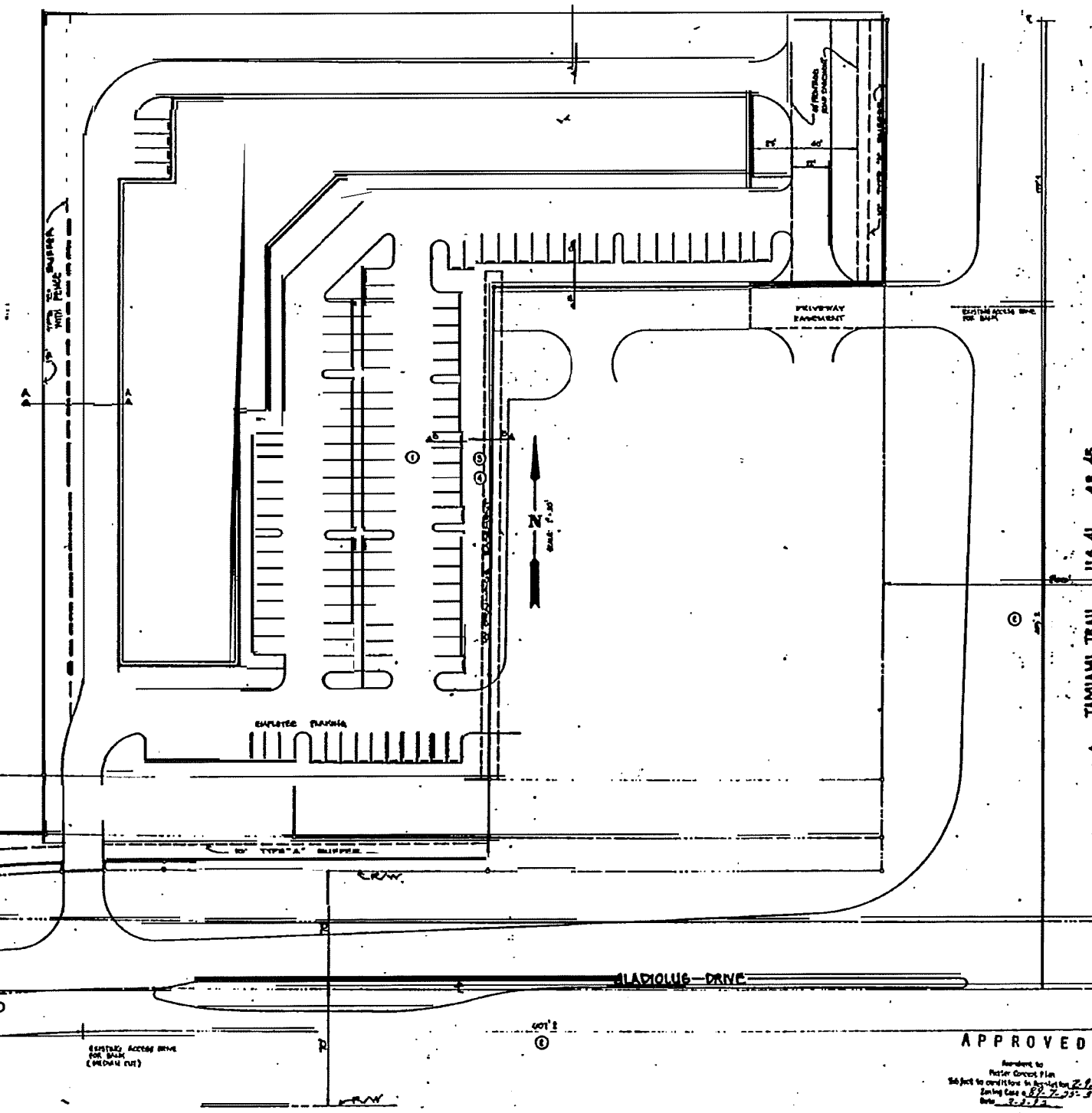
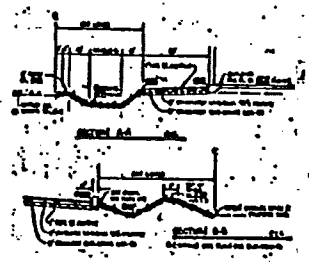
CLERK CIRCUIT COURT  
BY Clare A. D.C.

**GENERAL NOTES**

1. The proposed development is shown on the attached site plan.
2. The proposed development is shown on the attached site plan.
3. The proposed development is shown on the attached site plan.
4. The proposed development is shown on the attached site plan.
5. The proposed development is shown on the attached site plan.
6. The proposed development is shown on the attached site plan.
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**GENERAL NOTES**

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10. The proposed development is shown on the attached site plan.



**RECEIVED**  
FEB 06 1952  
ZONING COUNTER

**APPROVED**  
PRINTED  
FEB 6 1952

**CONCEPT PLAN**  
**GLADIOLUS HOME IMPROVEMENT CENTER**  
**LEE COUNTY, FLORIDA**

**INK ENGINEERING INC.**  
ENGINEERS - PLANNERS  
1000 N. W. 10th Ave., Suite 1000  
Fort Lauderdale, Florida 33304

DATE: 2-2-52  
BY: J.E.S.

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

WHEREAS, First Florida Bank, N.A., represented by Florida Coastal Developers, Inc., in reference to Gladiolus Home Improvement Center has properly filed an application for a Board of County Commissioners' directed amendment as follows:

- (1) The minimum parking requirement for multiple occupancy complexes of 4½ parking spaces per 1000 square feet of floor area from 188 spaces (per Section 202.16.J.5.a.2. LCZR), to allow a minimum of 122 parking spaces in accordance with Section 202.16.J.5.b. of the Lee County Zoning Regulations; and

WHEREAS, the subject property is located at 14680 South Tamiami Trail, described more particularly as:

LEGAL DESCRIPTION: In Section 26, Township 45 South, Range 24 East, Lee County, Florida:

Parcel 1

A tract or parcel of land lying in the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) of Section 26, Township 45 South, Range 24 East, Lee County, Florida which tract or parcel is described as follows:

From the Northeast Corner of said Southeast Quarter (SE¼) run Westerly along the North line of said fraction for 79.48 feet;  
THENCE run Southerly, parallel with the Westerly line of Tamiami Trail (SR 45) (200 feet wide) for 780.00 feet;  
THENCE run S89°11'33"W parallel with said North Line of said fraction for 64.01 feet to an intersection with the Westerly line of said Tamiami Trail and the POINT OF BEGINNING.

From said POINT OF BEGINNING run S00°33'42"E along said Westerly line for 150.50 feet;  
THENCE run S89°11'33"W parallel with said North line of said fraction for 235.00 feet;  
THENCE run S00°33'42"E parallel with the Westerly line of said Tamiami Trail for 240.09 feet;  
THENCE run S89°11'33"W parallel with said North line of said fraction for 265.94 feet to an intersection with the West line of the East Half (E½) of the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) of said Section;  
THENCE run N01°23'28"W along said West line for 390.61 feet to an intersection with a line bearing S89°11'33"W and passing through the POINT OF BEGINNING;  
THENCE run N89°11'33"E along said line for 506.60 feet to the POINT OF BEGINNING.

Containing 140,340 square feet or 3.22 acres more or less.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone based on the centerline survey for CR-869.

Parcel 2

A tract or parcel of land lying in the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) of Section 26, Township 45 South, Range 24 East, Lee County, Florida which tract or parcel is described as follows:

From the Northeast corner of said Southeast Quarter (SE¼) run Westerly along the North line of said fraction for 79.48 feet;  
THENCE run Southerly, parallel with the Westerly line of Tamiami Trail (SR 45) (200 feet wide) for 780.00 feet;  
THENCE run S89°11'33"W parallel with said North line of said fraction for 64.01 feet to an intersection with the Westerly line of said Tamiami Trail;  
THENCE run S00°33'42"E along said Westerly line for 150.50 feet to the POINT OF BEGINNING.

From said POINT OF BEGINNING run S89°11'33"W parallel with the North line of said fraction for 235.00 feet;  
THENCE run S00°33'42"E parallel with the Westerly line of said Tamiami Trail for 10.00 feet;  
THENCE run N89°11'33"E parallel with the North line of said fraction for 235.00 feet to an intersection with said Westerly line of Tamiami Trail;  
THENCE run N00°33'42"W along said Westerly line for 10.00 feet to the POINT OF BEGINNING.

Containing 2,350 square feet more or less.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone based on the centerline survey for CR-869.

Parcel 3

A tract or parcel of land lying in the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) of Section 26, Township 45 South, Range 24 East, Lee County, Florida which tract or parcel is described as follows:

From the Northeast corner of said Southeast Quarter (SE¼) run Westerly along the North line of said fraction for 79.48 feet;  
THENCE run Southerly, parallel with the Westerly line of Tamiami Trail (SR No. 45) (200 feet wide) for 780.00 feet;  
THENCE run S89°11'33"W parallel with said North line of said fraction for 64.01 feet to an intersection with the Westerly line of said Tamiami Trail;  
THENCE run S00°33'42"E along said Westerly line for 160.50 feet to the POINT OF BEGINNING.

From said POINT OF BEGINNING continue S00°33'42"E along said Westerly line for 25.00 feet;  
THENCE run S89°11'33"W parallel with the North line of said fraction for 75.00 feet;  
THENCE run N00°33'42"W parallel with the Westerly line of said Tamiami Trail for 25.00 feet;  
THENCE run N89°11'33"E parallel with the North line of said fraction for 75.00 feet to the POINT OF BEGINNING.

Containing 1,875 square feet more or less.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone based on the centerline for CR-869.

Parcel 4

A tract or parcel of land lying in the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) of Section 26, Township 45 South, Range 24 East, Lee County, Florida which tract or parcel is described as follows:

From the Northeast corner of said Southeast Quarter (SE $\frac{1}{4}$ ) run Westerly along the North line of said fraction for 79.48 feet;  
 THENCE run Southerly, parallel with the Westerly line of Tamiami Trail (SR No. 45) (100 feet wide) for 780.00 feet;  
 THENCE run S89°11'33"W parallel with said North line of said fraction for 64.01 feet to an intersection with the Westerly line of said Tamiami Trail;  
 THENCE run S00°33'42"E along said Westerly line for 150.50 feet;  
 THENCE run S89°11'33"W parallel with the North line of said fraction for 235.00 feet;  
 THENCE run S00°33'42"E parallel with the West line of said Tamiami Trail for 301.82 feet to an intersection with the North line of the former Seaboard Airline Railroad right-of-way as described in deed recorded in Deed Book 234 at Page 524, Lee County Records and the POINT OF BEGINNING.

From said POINT OF BEGINNING run S89°09'30"W along said North line for 116.49 feet to the Northwest corner of said rights-of-way described in said deed;  
 THENCE run S00°50'30"E along the West line of said lands for 34.45 feet to the Northwest corner of the Fort Myers Southern Railroad right-of-way (50 feet wide) as described in deed recorded in Deed Book 280 at Page 96 said Public Records;  
 THENCE run N89°09'30"E along the North line of said right-of-way, being the North line of the South 50 feet as said Northeast Quarter (NE $\frac{1}{4}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) for 116.32 feet to an intersection with a line bearing S00°33'42"E and passing through the POINT OF BEGINNING.  
 THENCE run S00°33'42"E along said line for 14.83 feet to an intersection with a line parallel with and five feet Northerly from (as measured on a perpendicular) the Northerly line of Gladiolus Drive (CR-865) (140 feet wide) as described in deed to Lee County recorded in Official Record Book 1649 at Page 3662 said Public Records;  
 THENCE run S89°10'07"W along said parallel line for 194.68 feet;  
 THENCE continue Westerly along a curved line parallel with said Northerly line along the arc of a curve to the left of radius 1,275 feet (delta 01°34'22") (chord bearing S.88°22'56"W.) (chord 35.00 feet) for 35.00 feet;  
 THENCE run S00°49'54"E for 5.00 feet to an intersection with the curved Northerly line of said Gladiolus Drive;  
 THENCE run Southwesterly along said curved line on an arc of a curve to the left of radius 1270 feet (delta 01°07'41") (chord bearing S87°01'32"W) (chord 25.00 feet) for 25.00 feet;  
 THENCE run N00°49'58"W for 5.00 feet to an intersection with a curved line parallel with and 5 feet Northerly from (as measured on a perpendicular) the curved Northerly line of said Gladiolus Drive;  
 THENCE continue Southwesterly along said curved parallel line on an arc of a curve to the left of radius 1275 feet (delta 09°30'04") (chord bearing S.81°43'17"W.) (chord 211.19 feet) for 211.43 feet to an intersection with the West line of the East 200 feet of the West Half (W $\frac{1}{2}$ ) of said Northeast Quarter (NE $\frac{1}{4}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ );  
 THENCE run N01°23'28"W along said West line for 43.53 feet to an intersection with said North line of said South 50 feet of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ );  
 THENCE run N89°09'30"E along said North line for 200.01 feet to an intersection with the West line of the East Half (E $\frac{1}{2}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of said Section;  
 THENCE run N01°23'28"W along said West line for 96.34 feet;  
 THENCE run N89°11'33"E parallel with the North line of said fraction for 265.94 feet to an intersection with a line bearing N00°33'42"W and passing through the POINT OF BEGINNING;  
 THENCE run S00°33'42"E along said line for 61.73 feet to the POINT OF BEGINNING.

SUBJECT TO an easement for ingress and egress across the hereinabove described parcel.

Containing 31,090 square feet or 0.71 acres more or less.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone based on the centerline survey for CR-869 (Summerlin Road).

Parcel 5

A strip of land in the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) of Section 26, Township 45 South, Range 24 East, Lee County, Florida lying 5 feet each side of the herein described centerline:

FROM the Northeast corner of said Southeast Quarter (SE¼) run Westerly along the North line of said fraction for 79.48 feet;  
THENCE run Southerly, parallel with the Westerly line of Tamiami Trail (SR No. 45) (200 feet wide) for 780.00 feet;  
THENCE run S89°11'33"W parallel with said North line of said fraction for 64.01 feet to an intersection with the Westerly line of said Tamiami Trail;  
THENCE run S00°33'42"E along said Westerly line for 150.50 feet;  
THENCE run S89°11'33"W parallel with the North line of said fraction for 235.00 feet to the POINT OF BEGINNING of the herein described centerline.

From said POINT OF BEGINNING run S00°33'42"E parallel with said Westerly line of said Tamiami Trail for 301.82 feet to an intersection with the North line of the former Seaboard Airline Railroad right-of-way (100 feet wide) as described in deed recorded in Deed Book 234 at Page 524, Lee County Records and the end of the herein described centerline.

Containing 3,015 square feet more or less.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone based on the centerline survey for CR-869.

WHEREAS, the applicant has indicated the property's current STRAP numbers are:

- 26-45-24-00-00008.0000
- 26-45-24-00-00015.0020
- 26-45-24-00-00013.0010
- 26-45-24-00-00014.0000
- 26-45-24-00-00020.0010
- 26-45-24-00-00012.0170
- 25-45-24-00-00010.0010
- 25-45-24-00-00009.0030
- 26-45-24-00-00012.0230
- 26-45-24-00-00012.0030; and

WHEREAS, proper authorization has been given to Peper, Martin, Jensen, Maichel and Hetlage by First Florida National Bank, N.A., the owner 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 Hearing Examiner, with full consideration of all the evidence available; and

WHEREAS, the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on January 30, 1990; 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 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 of County Commissioners does hereby DENY the deviation as proposed by the Applicant, but that the Board of County Commissioners does hereby APPROVE the following deviation and that it be substituted for Deviation (1) in Resolution Z-89-075:

- (1) The minimum parking requirement for multiple occupancy complexes (more than 4 tenants) of 4.5 parking spaces per 1000 square feet of floor area (Section 202.16.J.5.a.2. LCZR) of 188 parking spaces, to allow parking spaces for this site to be determined in accordance with Section 202.16.J.2.m. for freestanding retail establishments, as permitted by Section 202.16.J.5.b., on the condition that the uses of the subject property be limited to those shown on the Master Concept Plan and that there be no more than five (5) tenants whose uses and square footage occupied in the aggregate require less than 123 parking spaces on site.

The following findings of fact were made in conjunction with the approval of this amendment:

- A. That all of the findings and conclusions made in this case remain applicable to the case at this time and to Deviation (1), as revised.
- B. That the limitation of uses set out and provided in the original approval and the conditions set out in Deviation (1), as revised, satisfy the requirement in the referenced sections of the Zoning Ordinance that the Applicant demonstrate to the satisfaction of the Board of County Commissioners that sufficient parking will be provided for the uses proposed.

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

John E. Manning	AYE
Douglas St. Cerny	AYE
Ray Judah	AYE
Bill Fussell	AYE
Donald D. Slisher	ABSENT

DULY PASSED AND ADOPTED this 26th day of March, A.D., 1990.

ATTEST:  
CHARLIE GREEN, CLERK

BY: C. W. Wauk  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: J. Manning  
Chairman

Approved as to form by:

[Signature]  
County Attorney's Office

**FILED**

APR 25 90

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

Dorothy Wingate  
38 Doubloon Way  
Ft. Myers Beach FL, 33931

September 24, 2008

Lee County Local Planning Agency  
Attn: Chahram Badamtchian

Re: CPA2007-0051  
San Carlos Island Comprehensive Plan Amendment

Dear Sir:

I have been reviewing and trying to analyze the request to rezone the "subject property". In December 1982 Port Carlos Cove purchased all of the property, formerly owned by Doris Tiedt, except the property now housing Parrot Key Restaurant and the boat marina and formerly named Palm Grove Marina.

At the time of the purchase of Palm Grove Marina the buyers requested Port Carlos Cove allow a shed to be installed at the mouth of the inlet shown as subject property on your map, therefore not allowing our park access to our own property. A letter of rejection went to the current owner rejecting the proposal since we wanted to keep our inlet intact.

I feel the request for "subject property" is not feasible since it will not allow for us to have access to our own property.

Please refer to original purchase of the property as recorded in Book 1646 page 759, copy attached. Also note the Deed of Conservation Easement as recorded in Book 1889 page 495, copy also provided.

We trust you will find this information in order and await a response from your office soon.

Sincerely, *Dorothy R. Wingate*

Dorothy Wingate  
Past President of Port Carlos Cove Inc.

Telephone: 239-463-5457  
E-mail: portcarloscove@embarqmail.com  
Fax: 239-463-5490

1. What if anything will be done to Main Street to accommodate the increased traffic?
2. How will sewers and storm sewers be able to handle the run off of all the concrete and the additional people living on the Island?
3. Water- will Lee County be able to adequately supply drinking water to the Island?
4. How many condo units will be built?
5. Will there be a traffic light installed at Main St. & San Carlos, will they improve the left turn signal located at Buttonwood & San Carlos?
6. What impact will these changes have on the residents of San Carlos Island, in respect to higher tax base? Almost all of the residents now are retired and living on fixed incomes.
7. How soon do they plan to build and what provisions have been made for access into our park, since Port Carlos Cove is at the very end of the island.
8. Are our concerns part of the approval process?
9. We have a large population of Manatees' in our canals, what protection will they have with all of the large boat traffic?

**O Connor, Paul**

---

**From:** Daltry, Wayne  
**Sent:** Friday, March 06, 2009 11:50 AM  
**To:** Ottolini, Roland; Meurer, Douglas; Loveland, David; Wilson, John  
**Cc:** Gibbs, Mary; O Connor, Paul; Noble, Matthew; Winton, Peter; Houck, Pamela  
**Subject:** San Carlos Island Redevelopment

Good Morning

The San Carlos Island Plan Amendment approved by the Board last week, also included a direction to prepare a blue sheet on what a county instituted "community planning effort" would be. Such an effort—in one form or another—is needed to ensure that the County isn't reacting to one redevelopment proposal after another. Additionally, as an island newly reclassified into a higher hazard designation, we should have some idea of what redevelopment considerations are desirable should severe storm damage occur on the island.

Planning/Smart Growth meet to coordinate and compare notes every two weeks. We thought it would be good to invite you (all, aka, y'all) to the next meeting or the one after, to discuss this concept. That would be 9-10 am, either Friday the 20<sup>th</sup> of March or April 3<sup>rd</sup>. Please let us know of your availability for either.

A brief concept paper is below:

Thank you for your consideration of this matter.

\*\*\*\*\*

Reading the staffs' assessment of the development entitlements proposed, and now approved, for CPA 2007-51, San Carlos Island privately initiated amendment, leads to the conclusion that **there are infrastructure issues**. Exactly what they are to any degree is not known, and for the Plan Amendment demand itself, remedy is a requirement of the developer—to a degree. Experience has shown that there can be serious disagreement over "that degree." It would be opportune to have rough **understanding of infrastructure constraints and opportunities that exist now**, before more substantive proposals are presented to the Board, such as rezonings. The statements below are intended to help achieve that understanding, within the framework of "concurrency."

Concurrency has been expanded beyond the original six services. However, this community planning effort is referencing those 6 services, as well as the opportunity for land use changes to improve or maintain the service level of the applicable services. The following are the suggested steps for assessing the capacity of the current system for accommodating CPA 2007-51, as well as what options exist for further Island redevelopment.

1. Transportation: For transportation, the first step is determine what is currently the road capacity choke point. I hypothecate that it is the signaled intersection at San Carlos Boulevard and Buttonwood, since "left turn" signal movement dictates both traffic onto Buttonwood and out of Prescott. That movement also constitutes the interruption for Estero Island oriented traffic. In practical terms, though, all traffic to/from the CPA 2007-51 site must go through the Main Street/Buttonwood T intersection, so that may be the limiting factor. Whichever point is deemed the most restrictive point, **an analysis needs to**

be performed on what that capacity is.

That capacity then becomes the equivalent of Pine Islands 810/910 for determining the eastern Island's "cap" for traffic, barring remediation. I suggest that if San Carlos Boulevard/Prescott/Buttonwood is not the cap, then a succession of analyses be performed until that intersection is reached.

A traffic count system should be set up for that "choke point," if one isn't already reasonably applicable. This will enable an assessment of land use attraction and productions to be compared to count data.

Bicycle/Pedestrian facilities should be evaluated for continuity and connection to on island destinations, and to trunkline facilities on San Carlos Boulevard. "Disconnects" and poor maintenance components should be identified.

2. Water and Sewer. Similarly to transportation's intended outcome, there should be an analysis of the capacity of the water and sewer lines that serve Main Street. The assessment should begin at a juncture with a major service line (San Carlos Boulevard?), and determine a hypothetical capacity of the existing lines and compare that capacity with usage. The capacity evaluation should also take into account public safety/fire flow (for water) or public health constraints. Under the presumption that there is unused capacity in the system (and in the greater system), then an evaluation of how much additional demand can be accommodated without system expansion or reconstruction should be made.

3. Storm water. The island has no storm water system. At best some sites have their own localized system that likely is antiquated and not providing water quality measures, unless recently installed. CPA 2007-51 has a requirement to provide up to date stormwater management for its site. The question to be answered through a community planning assessment is—is that the best approach, or is a more 'regional—multiparcel' approach better? There should be an assessment of the eastern reaches of the island to determine just what is the status of stormwater, regardless, so that other redevelopment sites have guidance or answers for management, even if CPA 2007-51 is a stand alone system.

4. Parks and Recreation. CPA 2007-51 has public access requirements for its development proposal. What else should be evaluated is (1) how that access is actually accessible from off site, and (2) what other public access there is on the Island. To that end, joint parking and pedestrian systems/"trails" for the island need an assessment for current opportunities.

5. Solid waste. A big issue for hurricane recovery is debris removal. Since under any scenario San Carlos Boulevard remains the critical route for Estero and San Carlos Islands, the Solid Waste Division should determine the need for a pre-identified site for debris concentration and storage, pending transfer off island.

6. Land Use balance. For this discussion, I will use the transportation analogues of productions and attractions to substitute for land use types. Right now, eastern San Carlos Island has productions largely from residences and the fishing industry, and attractions largely from commercial recreation, boating, services (including food) and the fishing industry. Only a small percentage of the trips produced in the eastern Island are satisfied/attracted in the eastern island. CPA 2007-51 as originally proposed would only aggravate the imbalance, but now as amended has more of an opportunity to serve as an example of balancing productions with attractions on Island.

7. Assessment of "V" zone designation. The recent reclassification of the south part of San Carlos Island into a "V" category triggers various policies of the LeePlan as well as some influence on insurers and financiers. Just what that influence is should be part of the assessment.

8. From points 6-7, there should be an analysis of a suite of "redevelopment" uses can be added on Island to further improve the p/a ratio.

9. Capacity conclusions. From the review of points 1-8 above. Some rough order of magnitude conclusions can be drawn of redevelopment or new development capacities the current infrastructure can bear, with land use options. This set of conclusions would then be the basis of any "Community Planning" effort for developing an interactive process with stakeholders, and the contracting for any "community plan" product that would be a subsequent amendment to the LeePlan.

\*\*\*\*\*

Wayne Daltry, FAICP  
Director, Smart Growth  
239-533-2240  
fx -485-2262

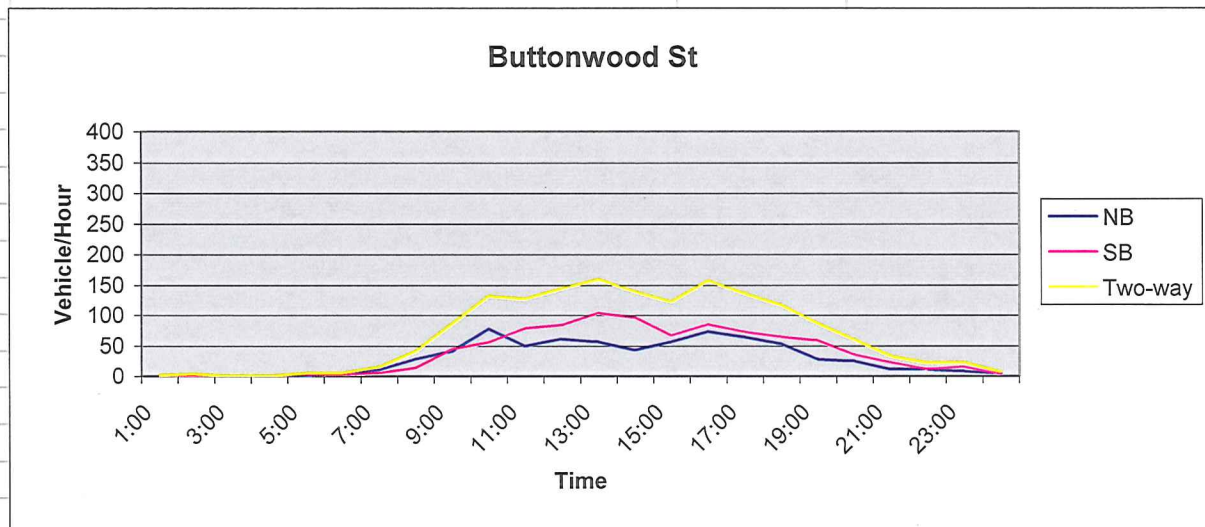
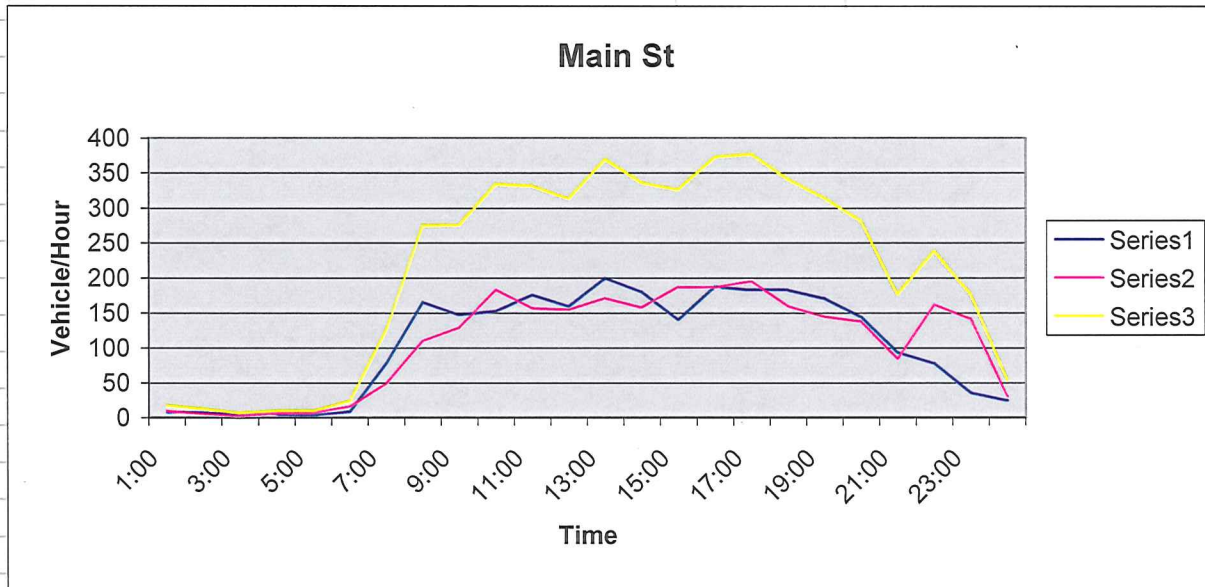
"Never doubt that a small group of thoughtfully committed citizens can change the world. Indeed, it's the only thing that ever has." Margaret Mead.

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4:00	4	5	9
5:00	3	6	9
6:00	8	15	23
7:00	77	48	125
8:00	165	109	274
9:00	147	128	275
10:00	152	182	334
11:00	175	156	331
12:00	159	154	313
13:00	199	170	369
14:00	179	157	336
15:00	140	186	326
16:00	187	185	372
17:00	182	194	376
18:00	182	159	341
19:00	170	144	314
20:00	144	137	281
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18:00	53	64	117
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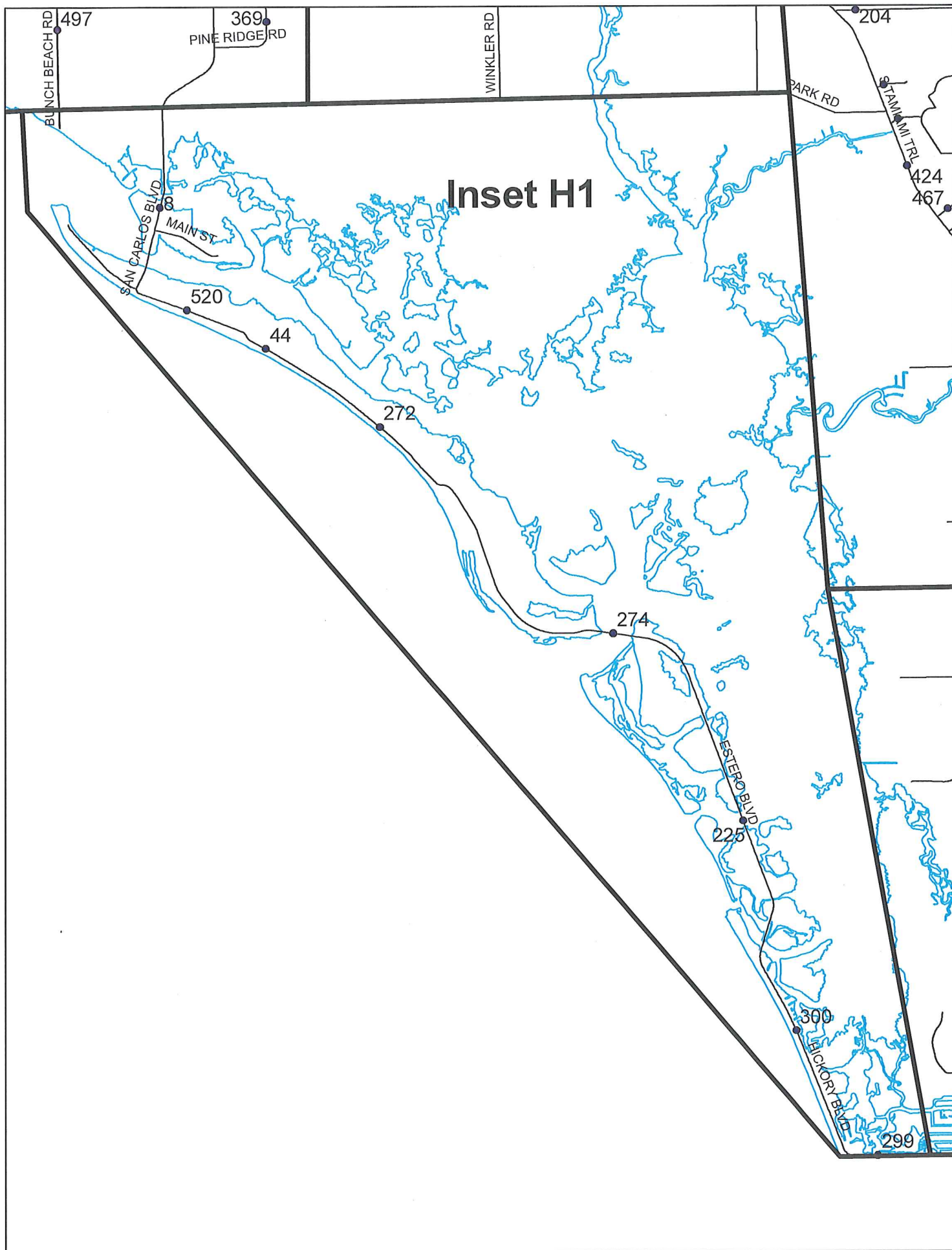
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## **Badamtchian, Chahram**

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**From:** Miller, Janet M.  
**Sent:** Monday, September 29, 2008 7:20 AM  
**To:** Badamtchian, Chahram ; Andress, Noel; Cochran, Les; Gordon, Dawn; Inge, Ron; Rippe, Jacque; Ryffel, Carleton; Taylor, Leland; Wessel, Rae Ann  
**Subject:** FW: objection to proposed changes LDC San Carlos Island

Janet Miller  
Administrative Assistant  
DCD Administration  
millerjm@leegov.com  
(239) 533-8583 PHONE  
(239) 485-8319 FAX

-----Original Message-----

From: rogermer@juno.com [mailto:rogermer@juno.com]  
Sent: Sunday, September 28, 2008 8:03 PM  
To: Miller, Janet M.  
Cc: rogermer@juno.com  
Subject: objection to proposed changes LDC San Carlos Island

Janet--I spoke with you late last week and I hope that you can still submit this for me at the last minute thank you mary ellen ruddick

I would like to object to the proposed changes to the LDC for San Carlos Island for many reasons. Have the environmental impacts been fully explored?? Why are the mangrove islands being changed to conservation easement when it is State owned bottom land? The channel on the bay side has already been dredged several times but if you look at the historic charts it shows 2 1/2 reporting depths--

Manatees--please see attached reports for the five mile radius for known manatee areas. The proposed area of both sides of San Carlos Island is affected in numerous environmental respects--why is the County considering changing the Land Development Code to accommodate a specific proposed development???

There are numerous mobile homes in this area --including my home--but I bought here to be on the water--but as Lee County moves forward with progress those of us who love living on the water and try to keep up with the taxes are getting moved out by Lee County and these proposed LDC changes are another example.

I objected to the variance at Compass Rose Marina as the current LDC did not allow for additional height without additional setbacks--yet Lee County approved it and Compass Rose is moving forward with their project.

Main Street is not wide enough according to Lee County DOT to stripe past Oak Street and traffic problems have been dangerous in the past when the tour/gambling/Key West boat traffic has been on Main Street.

We are a unique neighborhood--Shrimp Docks on one side--which I will reference the research on

the importance of having a fishing fleet dock. The LDC that is in existence for San Carlos Island should be kept in place.

We do not need a destination resort/marina/etc etc-

This is for the wealthy and the roads can not handle increased traffic and why should Lee County change the LDC for San Carlos Island to accommodate a wealthy developer??? There are many of us that still live in mobile homes --San Carlos Island is still a neighborhood--High rises are not appropriate not only for the island itself but for numerous reasons.

ENVIRONMENTAL---The proposed project borders Hurricane Bay on one side and Mantanzas Pass according to your records on the other side--all which lead into Estero Bay..

Estero Bay needs to be revived-- Yet you are considering approving these changes that will saturate this island with traffic, pollution and density on a barrier island--please think this through--

Where are my yellow-crowned night herons that roosted in my trees--the manatees would come up the canals and rest--the roseate spoonbills would rest on the sandbar

Estero Bay needs protected for the wildlife to survive and part of that includes San Carlos Island--Hurricane Bay and beyond

Lee County claims to be moving forward in environmental protection and yet you would consider an LDC change on San Carlos Island that is in every respect negative to the environment and would create additional traffic problems and run-off and pollution to our most precious resource--our water-

PLEASE THINK AGAIN

thank you

Mary Elle Ruddick  
33 Emily Lane  
Fort Myers Beach, FL 33931

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**Badamtchian, Chahram**

**From:** Wilson, John  
**Sent:** Monday, August 25, 2008 4:29 PM  
**To:** Badamtchian, Chahram  
**Subject:** RE: CPA2007-0005 San Carlos Island Comp Plan Amendment

Thanks.

I had a meeting with the planning folks and County Attorney's office and voiced my concerns about increasing the density in the Coastal High Hazard Area. What else do I have to do?

John D. Wilson, Director  
Lee County Public Safety  
(239) 533-3911, Fax: (239) 482-2605  
Cell: (239) 229-1117  
[wilsonjd@leegov.com](mailto:wilsonjd@leegov.com)  
Mission: To provide help to those needing it, and the means by which to communicate that need.  
*NOTE: New Telephone and Fax Number*

**From:** Badamtchian, Chahram  
**Sent:** Monday, August 25, 2008 4:28 PM  
**To:** Wilson, John  
**Subject:** RE: CPA2007-0005 San Carlos Island Comp Plan Amendment

Yes Sir this is the one. They are proposing to increase the height and density.

**Chahram Badamtchian, AICP**  
Senior Planner  
Lee County DCD/Zoning  
Phone: 239. 533. 8372  
Fax: 239. 485. 8300  
[Cbadamtchian@leegov.com](mailto:Cbadamtchian@leegov.com)

**From:** Wilson, John  
**Sent:** Monday, August 25, 2008 4:25 PM  
**To:** Badamtchian, Chahram  
**Subject:** RE: CPA2007-0005 San Carlos Island Comp Plan Amendment

Is this the one that's looking to increase density in the coastal high hazard area on San Carlos Island?

John D. Wilson, Director  
Lee County Public Safety  
(239) 533-3911, Fax: (239) 482-2605  
Cell: (239) 229-1117  
[wilsonjd@leegov.com](mailto:wilsonjd@leegov.com)  
Mission: To provide help to those needing it, and the means by which to communicate that need.  
*NOTE: New Telephone and Fax Number*

**From:** Badamtchian, Chahram

**ATTACHMENT 2**

9/8/2008

**Sent:** Wednesday, August 20, 2008 2:06 PM

**To:** Boutelle, Stephen J.; Campbell, Gerald G.; Collins, David M.; Collins, Donna Marie ; Cranford, Richard M.; Daltry, Wayne E.; Eckenrode, Peter J.; farrell, Kevin; Gordon, Dawn; Griffith, Douglas; Horner, Bill; Horsting, Michael S.; Houck, Pamela E.; Lavender, James H.; Lehnert, Dawn; Loveland, David M.; Meurer, Douglas L.; Murphy, Jerry; Newman, William T.; Ottolini, Roland E.; Pavese, Michael P.; Roberts, Rickey G.; Sampson, Lindsey J.; Moore, James; Sweigert, Rebecca H.; Wilson, John; Zettel, Mary S.

**Subject:** CPA2007-0005 San Carlos Island Comp Plan Amendment

CPA 2007-0005 San Carlos Island Comprehensive Plan Amendment is deemed sufficient. The LPA hearing date is set for Sept 22, 2008. Could you please send your substantive comments to me? I am starting to draft my staff report and need your comments ASAP.

Thanks,

CB

**Chahram Badamtchian, AICP**

Senior Planner

Lee County DCD/Zoning

Phone: 239. 533. 8372

Fax: 239. 485. 8300

[Cbadamtchian@leegov.com](mailto:Cbadamtchian@leegov.com)

9/8/2008



# THE SCHOOL DISTRICT OF LEE COUNTY

2855 COLONIAL BLVD. ♦ FORT MYERS, FLORIDA 33966-1012 ♦ (239) 334-1102 ♦ WWW.LEESCHOOLS.NET

**RECEIVED**  
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September 12, 2008

## COMMUNITY DEVELOPMENT

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CHAIRMAN, DISTRICT 2  
JANE E. KUCKEL, PH.D.  
VICE CHAIRMAN, DISTRICT 3  
ROBERT D. CHILMONIK  
DISTRICT 1  
STEVEN K. TEUBER, J.D.  
DISTRICT 4  
ELINOR C. SCRICCA, PH.D.  
DISTRICT 5  
JAMES W. BROWDER, ED.D.  
SUPERINTENDENT  
KEITH B. MARTIN, ESQ.  
BOARD ATTORNEY

Mr. Chahram Badamtchian  
Lee County Development Services Division  
P.O. Box 398  
Fort Myers, FL 33902-0398

RE: Cypress Villages CPD  
Case # DCI2008-00003

Dear Mr. Badamtchian:

This letter is in response to your request dated September 9, 2008 for the proposed Cypress Villages CPD for substantive comments with regard to educational impact. This proposed structure is located in the South Choice Zone, Sub Zone S1.

After reviewing the re-submittal, the School Districts comments remain the same which is the project should have no impact on classroom needs based on the applicant's indication that this is a commercial project only and will not have any residential units.

Thank you for your attention to this issue. If I may be of further assistance, please call me at (239) 479-5661.

Sincerely,

Dawn Gordon, Community Development Planner  
Planning Department

## ATTACHMENT 3

**Badamtchian, Chahram**

---

**From:** Horsting, Michael S.  
**Sent:** Thursday, September 11, 2008 4:20 PM  
**To:** Badamtchian, Chahram  
**Subject:** RE: CPA2007-0005 San Carlos Island Comp Plan Amendment

Policy XX.7.1 - Establishing water taxi service from the development to Estero Island. The developer proposes to establish a minimum of two round trips per day with the water taxi in an effort to mitigate traffic concerns on San Carlos Blvd and on Main Street on San Carlos Island. Two round trips will not be convenient enough service to attract choice riders out of the cars and on the water taxi service. The minimum service level should set specific headways along with a minimum span of hours for service per day. (example: 20 minute headways between the hours of 9:00 AM and 9:00 PM)

Policy XX.7.2 - Establishing an airport shuttle. Will the airport shuttle service be exclusive to this development or will it be open to other Estero Island resorts and hotels? Shuttle service to one development will have very little impact on traffic concerns. Also, be aware this is somewhat a duplication of existing services provided by the County in that there is direct local bus service from Summerlin Square to the International Airport seven days per week. Granted, an airport shuttle could provide quicker trips to and from.

Policy XX.7.3 - Provision of bus stop locations. None of the County's long or short range transit plans include the addition of transit service on Main Street east of San Carlos Boulevard. The construction of a bus stop on the development may never get serviced by public transportation without a safe way for transit vehicles to return to southbound San Carlos Boulevard with the assistance of a controlled intersection. The best way to accommodate for access to transit with this development is to make provisions for safe pedestrian access to and across San Carlos Boulevard which is an existing transit corridor.

Mike Horsting, AICP  
 Principal Planner - Lee County Transit  
 239-533-0333 tel

Please note: Florida has a very broad public records law. Most written communications to or from County Employees and Officials regarding County business are public records available to the public and media upon request. Your e-mail communication may be subject to public disclosure.

---

**From:** Badamtchian, Chahram  
**Sent:** Thursday, September 04, 2008 3:01 PM  
**To:** Boutelle, Stephen J.; Campbell, Gerald G.; Collins, David M.; Collins, Donna Marie ; Cranford, Richard M.; Daltrey, Wayne E.; Eckenrode, Peter J.; farrell, Kevin; Gordon, Dawn; Griffith, Douglas; Horner, Bill; Horsting, Michael S.; Houck, Pamela E.; Lavender, James H.; Lehnert, Dawn; Loveland, David M.; Meurer, Douglas L.; Murphy, Jerry; Newman, William T.; Ottolini, Roland E.; Pavese, Michael P.; Roberts, Rickey G.; Sampson, Lindsey J.; Moore, James; Sweigert, Rebecca H.; Wilson, John; Zettel, Mary S.  
**Cc:** Noble, Matthew A.  
**Subject:** RE: CPA2007-0005 San Carlos Island Comp Plan Amendment  
**Importance:** High

To those of you who have not sent me your substantive comments:

If by **Monday September 8<sup>th</sup> 5:00 PM** I don't receive your substantive comments, I will assume you have no substantive comments, and my staff report will state that you had no

**ATTACHMENT 4**

9/16/2008

concerns or comments. My staff report is almost done and I am waiting for your comments to complete it.

Sincerely,

**Chahram Badamtchian, AICP**

Senior Planner

Lee County DCD/Zoning

Phone: 239. 533. 8372

Fax: 239. 485. 8300

[Cbadamtchian@leegov.com](mailto:Cbadamtchian@leegov.com)

---

**From:** Badamtchian, Chahram

**Sent:** Wednesday, August 20, 2008 2:06 PM

**To:** Boutelle, Stephen J.; Campbell, Gerald G.; 'Collins, David M.'; Collins, Donna Marie ; Cranford, Richard M.; Daltrey, Wayne E.; Eckenrode, Peter J.; 'farrell, Kevin'; 'Gordon, Dawn'; Griffith, Douglas; 'Horner, Bill'; Horsting, Michael S.; Houck, Pamela E.; Lavender, James H.; Lehnert, Dawn; Loveland, David M.; Meurer, Douglas L.; 'Murphy, Jerry'; Newman, William T.; Ottolini, Roland E.; Pavese, Michael P.; Roberts, Rickey G.; Sampson, Lindsey J.; 'Smith, Regina Y.'; Sweigert, Rebecca H.; Wilson, John; Zettel, Mary S.

**Subject:** CPA2007-0005 San Carlos Island Comp Plan Amendment

CPA 2007-0005 San Carlos Island Comprehensive Plan Amendment is deemed sufficient. The LPA hearing date is set for Sept 22, 2008. Could you please send your substantive comments to me? I am starting to draft my staff report and need your comments ASAP.

Thanks,

CB

**Chahram Badamtchian, AICP**

Senior Planner

Lee County DCD/Zoning

Phone: 239. 533. 8372

Fax: 239. 485. 8300

[Cbadamtchian@leegov.com](mailto:Cbadamtchian@leegov.com)

9/16/2008



**INTEROFFICE MEMORANDUM  
FROM  
PUBLIC WORKS  
UTILITIES**

Date: September 19, 2008

TO: Chahram Badamchian  
Senior Planner  
DCD / Zoning

From: Howard Wegis  
Staff Engineer  
Utilities

**SUBJECT: CPA2007-00051 San Carlos Island Comp Plan Amendment**

I have reviewed the above referenced revised application submitted for comments in your e-mail to Doug Meurer dated June 11, 2008 and would like to provide the following comments.

**Sanitary Sewer Service:**

As the applicant states, the property is located within Lee County Utilities (LCU) wastewater service area. Regarding treatment capacity, the Fort Myers Beach Wastewater Treatment Plant does have the excess capacity to serve the net increase in flows projected by the applicant.

Regarding wastewater collection system capacity the general area covered by this amendment is currently provided with wastewater service and wastewater infrastructure is in place, however, the applicant should be aware that during the development process the developer will be responsible for performing hydraulic calculations to identify the extent of required on-site and off-site improvements to the wastewater collection system to support the projected increase in flow. The applicant should be aware that the developer will bear the cost of these improvements. In addition, prior to connection to the central sewer system the applicant will be responsible for ensuring compliance with pretreatment standards established in Lee County Ordinance 05-26.

**Potable Water Service:**

As the applicant states, water service will be provided by Lee County Utilities. The subject property is within LCU's potable water service area. Regarding treatment capacity, the applicant correctly states that the Green Meadows treatment plant will provide service. In addition to the applicant's analysis of available capacity at the Green Meadows plant it should be noted that LCU is planning an expansion of the Green Meadows facility to increase its capacity to 16.0 million gallons per day. This project is included in LCU's CIP and is planned to be completed by 2010. This expansion will provide ample excess treatment capacity to serve the increase in demand proposed by the applicant.

Regarding water distribution system capacity, the general area covered by this amendment is currently provided with potable water service and potable infrastructure is in place, however, the applicant should be aware that during the development process the developer will be responsible for performing hydraulic calculations to identify the extent of required on-site and off-site improvements to the water distribution system to support the projected increase in demand. The applicant should be aware that the developer will bear the cost of these improvements.

June 19, 2008  
Chahram Badamtchian  
Page Two

**Reclaimed Water Service:**

Regarding Policy 54.1.6, the applicant should be aware that LCU does have capacity in the Fort Myers Beach WWTP reclaimed water system. However, LCU does not have reclaimed water infrastructure available in the area covered by the proposed amendment. The closest point of connection to the reclaimed water system is approximately three miles from the subject area.

cc: Douglas Meurer, Director, DLCU  
Thom Osterhout, DLCU  
Tom Hill, DLCU

## Memo

To: Paul O'Connor, Planning Director

From: David Loveland, Manager, Transportation Planning *DW*

Date: September 9, 2008

Subject: CPA 2007-51 (San Carlos Island)

The Department of Transportation had previously commented on the above-referenced privately-initiated future land use map and text plan amendment, in a memo dated March 4, 2008. Our understanding of the request at that time was to change the land use designation of approximately 76.25 acres at the east end of Main Street on San Carlos Island from a combination of Industrial Development/Suburban/Urban Community/Wetlands land use categories to a newly-created category called "Resort Mixed Use Water Dependent (DRMUWD)". The concerns we had related to the existing and projected level of service problems on Estero Boulevard, and the resultant back-ups experienced regularly during season by southbound traffic on San Carlos Boulevard. With this proposed project significantly increasing traffic on Main Street and that traffic feeding directly on to San Carlos Boulevard, and no practical improvements identified in the long range plan to really address the Estero Boulevard situation and the resultant back-ups on San Carlos Boulevard, DOT staff was concerned about approving this amendment request and exacerbating the traffic problem in this area. DOT staff also had concerns about the ability of the narrow, curvy, two-lane configuration of Main Street to handle additional traffic, and felt some improvement to that facility should ultimately be required of the developer if this plan amendment is approved and this project moves forward.

I understand Planning staff is recommending a downscaling the density associated with the new land use category, but even at a lower development level the concerns about traffic conditions on Estero Boulevard, San Carlos Boulevard and Main Street remain. To address the DOT concerns highlighted in March, the applicant has been developing objectives and policies that emphasize alternative modes of transportation for the area, a critical effort when considering intensifying uses in already-congested areas. The latest version of the applicant's proposed policies related to alternative transportation are included below, with some strike-through underline changes proposed by DOT staff:

*OBJECTIVE XX.6: COORDINATION OF MASS TRANSIT. The developer(s) will ~~establish coordination~~ coordinate with Lee County to ensure consistency with the TDP (Transit Development Plan).*

## ATTACHMENT 6

*POLICY XX.6.1: Mixed-use developments, as defined in the Lee Land Development Code as containing both commercial and residential uses within the same development, shall provide for an interconnection of commercial with residential uses ~~with~~ through pedestrian linkages. Mixed-use developments will be limited to an overall density of 15 dwelling units per acre at these locations. A minimum of 10% of this density must be allocated to timeshare development. Mixed-use developments that use commercial and residential within the same development shall be allowed to use the entire site for density calculation.*

*POLICY XX.6.2: Bicycle and pedestrian facilities will be provided throughout the development. Connections between all uses are required to facilitate these alternative modes of transportation. When possible, connection to adjacent developments shall be provided.*

*POLICY XX.6.3: Vehicular connections between residential and non-residential uses will be provided to facilitate the internal capture of trips. When possible, vehicular connections to adjacent developments will be made to provide alternative access to the non-residential components of ~~this mixed-use developments other than the Main Street.~~*

*POLICY XX.6.4: ~~Water access~~—Each development shall provide at a minimum one designated public access easement point to the water.*

*OBJECTIVE XX.7: INCORPORATION AND UTILIZATION OF MULTIMODAL AND ALTERNATIVE MODES OF TRANSIT. The development will establish a comprehensive approach to multimodal and alternative modes of transportation for its residents and guests. These will include, but not be limited to mass transit stops (minimum of one), or shuttle service to a stop, bicycle rental, integrated network of sidewalks and board walks, Airport shuttle services and water-taxi transportation facilities.*

*POLICY XX.7.1: Each development will establish a water taxi/shuttle service to and from the property. The shuttle will be open to guests, residents and outsiders wanting an alternative access to the water. Hours of operation will be determined based on market conditions but will at a minimum provide three (3) round trips daily.*

*POLICY XX.7.2: Each development will establish an airport shuttle service to and from the Southwest Florida International Airport and the development. The shuttle services hours of operation will be determined based on market conditions and can either be a fixed route shuttle or a point of demand service type or combination thereof.*

*POLICY XX.7.3: Where projects developments greater than 20 acres are intersected bisected by public roadways for developments greater than 20 acres and with a split greater and more than 15% of the development is on the other side of the road, some sort of grade separation may be provided for safe pedestrian and bicycle access between the properties. ~~The purpose of this is to safely move pedestrian and bicycles across the road.~~ Examples of this would involve taking the bicycle/pedestrian facilities up and over the*



road or involve taking the road over the pedestrian/bicycles paths. Any such improvements would be considered site-related.

POLICY XX.7.4: As part of this amendment the existing roadways that are adjacent to or run through the project, particularly Main Street, will be evaluated with a cross-sectional analysis to identify needed upgrades for driver and bicycle/pedestrian safety and bus access to and from this property. At a minimum one bus stop will be provided along Main Street to Lee Tran standards or better. Where bicycle/pedestrian upgrades or additions are determined by Lee County to be desirable along Main Street or other area streets, any such improvements on behalf of this property and outside the boundaries of this property will be eligible for road impact fee credits in accordance with the Lee County Land Development Code.


As an initial point, DOT staff would note that the policy language as it has evolved is a confusing mix of general references as befitting a larger land use category and site-specific references that only apply in one location. Some additional editorial work is probably necessary to make the references consistent one way or the other. Beyond that, DOT's proposed revisions to most of the policies are simply editorial clean-ups, to improve how they read. DOT staff added one additional clarification to proposed policy XX.7.3 to indicate that grade separations to create safer bicycle/pedestrian connections between two halves of a development in this category will be a site-related improvement and developer expense, whether it is the bicycle/pedestrian facility going up and over the road or the road going up and over the bicycle/pedestrian facility. The other major revision by DOT is actually adding back in a policy that was part of previous negotiations, and supposedly incorporated into the latest version of the policies according to the applicant, but which was in fact missing. This policy (which is admittedly site-specific) calls for upgrading Main Street to accommodate buses, bicycles and pedestrians in addition to cars.

Again, there is a general concern about intensifying development in an area where significant traffic congestion already exists. However, the above-noted policies, as revised by DOT staff, help off-set the intensification impacts and help make this part of the County more accommodating for alternative modes of transportation. DOT staff recommends that the policies as revised above be included with this amendment if it is ultimately recommended for approval.

Please let me know if you need any additional information.

cc: Donna Marie Collins  
Chahram Badamtchian

**STAFF REPORT  
FROM  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
DIVISION OF ENVIRONMENTAL SCIENCES**

**Date:** September 15, 2008  
**To:** Chahram Badamtchian, Planner  
**From:** Doug Griffith, Environmental Planner   
Phone: (239) 533- 8323  
e-mail: dgriffith@leegov.com  
**Project:** San Carlos Island  
**Case:** CPA2007-00051  
**STRAP:** 19-46-24-00-00022.0010

The Division of Environmental Sciences (ES) staff has reviewed the proposed San Carlos Island Comprehensive Plan Amendment and offer the following analysis:

**PROJECT SITE:**

The project is located on the eastern side of San Carlos Island, north and south of Main Street and presently consists of a seasonal RV Park, light industrial, commercial and marina uses. The applicant is proposing to create a new land use category through a text and map amendment. The applicant's request is to change the future land use from Urban Community, Suburban and Industrial to Destination Resort Mixed Use Water Dependent Landuse (DRMUWDL) in the San Carlos Island Water Dependent Overlay Zone to allow for the revitalization of an area with declining uses. The  $\pm 76.25$  acres consist of 32.18 acres of uplands and 44.07 acres of submerged lands.

A Vegetative Community Assessment was performed by Passarella and Associates Inc. (PAI) in August of 2007 on property and field verified by ES Staff (Doug Griffith) on November 27, 2007. The assessment and a Florida Land Use, Cover and Classification System (FLUCCS) map was submitted by the applicant.

The Uplands consist of: 14.45 $\pm$  acre RV Park (FLUCCS 130), a disturbed 2.55 $\pm$  acre cleared area (FLUCCS 740), Main Street consisting of 0.53 $\pm$  acres (FLUCCS 814), Brazilian pepper consisting of 0.04 $\pm$  acres (FLUCCS 422), Boat Docks and Marina containing 16.18 $\pm$  acres (FLUCCS 180/184). The wetlands consist of: Mangroves (FLUCCS 612) This 7.93 $\pm$  acres wetland community is located in the east central portion of the property. Canopy, sub-canopy and ground cover consist of a mixture of red mangrove (*Rhizophora mangle*), white mangrove (*Laguncularia racemosa*) and black mangrove (*Avicennia germinans*) with scattered Brazilian pepper (*Shinus terebinthifolius*). Estuaries consist of 34.39 $\pm$  acres (FLUCCS 540) including the northern and southern portions of the project area. The northern portion includes open water and

submerged bottom lands of Oyster Bay and Hurricane Bay. The southern portion includes the northern edge of Matanzas Pass.

#### **PROPERTY DESCRIPTION:**

PAI performed an environmental assessment in August of 2007 on the 76.25± acre property. ES Staff conducted a site inspection on November, 2007 and confirmed the results. During the site inspection, ES Staff (Doug Griffith) observed the following:

- The disturbed land was dominated by grasses that were frequently mowed.
- The mangroves located adjacent to the RV Park was 90% free of exotics however trash and debris was located through out the area.
- The mangroves and mangrove islands located in Hurricane Bay are within the subject property and are potential homes to nesting and foraging wading birds and other listed species.

**Policy 1.4.6:** Conservation Lands land use category was created to accurately depict the use of lands for conservation purposes. Conservation Lands include uplands and wetlands that are owned and used for long range conservation purposes. The Conservation Lands FLUM category is for lands that are primarily used to conserve important natural resources, environmentally sensitive areas, significant archeological or historical resources, or other conservation uses. Conservation Lands typically include such uses as wildlife preserves; large wetland and upland mitigation areas; natural resource based parks; and water conservation lands such as aquifer recharge areas, flow-ways, flood prone areas and well fields.

The Conservation Lands objective is to put into the public domain private lands that provide the following public benefits:

- Sustain native plant and animal populations;
- Protect people and property from flooding;
- Replenish our underground drinking water supply;
- To improve or sustain the water quality of our coastal bays, inlets;
- Provide ecotourism opportunities, and
- Provide local environmentally oriented recreational and educational opportunities.

The applicant is proposing an "Eco-park" to provide education to visitors and residence on wetlands and other habitats in the area. ES Staff encourages the use of passive recreational and educational uses in natural surroundings. The Eco-Park will be part of the community learning center. The park will be a passive, informative, boardwalk experience with a variety of tour type's available. Tour types will be non-invasive and educational in nature, a single boardwalk traversing centrally through the mangrove area with one shaded structure for resting will be used in the tours. ES Staff finds this consistent with **Objective 86.1: the county will provide information and educational programs regarding its cultural history and the environment at appropriate facilities.**

The Board of County Commissioners has provided policy guidance to staff to maintain wildlife habitats and green space connections to ensure the preservation of indigenous plant and animal habitat throughout the County.

Utilizing the conservation lands use category would serve to protect the indigenous habitat while providing foraging and nesting opportunities for listed species and species of special concern.

The following Comprehensive Plan Goals, Objectives and Policies further support ES Staff's recommendation for the conservation land use category for this project:

- **Standard 11.4: Environmental Review Factors.** *In any case where there exists or there is the probability of environmentally sensitive areas the developer must propose means to protect, conserve, or preserve the environmental and natural resources.*

*The Board of County Commissioner's policy guidance to staff is for the preservation of mangroves and wetlands for potential use by foraging and nesting wading birds. ES Staff recommends the use of conservation lands category to preserve this environmentally sensitive habitat.*

- **GOAL 114: WETLANDS.**

**Objective 114.1** *The natural function of wetlands and wetland systems will be protected and conserved through the enforcement of the County's wetland protection regulations.*

*Placing the mangroves and mangrove islands in the conservation lands, land use category will protect the natural function of the system.*

- **Objective 107.4: Endangered and Threatened Species in General:** *Lee County will continue to protect habitats of threatened and endangered species and species of special concern in order to maintain or enhance existing population numbers and distribution of listed species.*

*Placing the mangroves and mangrove islands in the conservation land use category will protect potential foraging and nesting areas for wading birds and other listed species.*

- **GOAL 104: Coastal Resource Protection:** *To protect the natural resources of the coastal planning area from damage caused by inappropriate development.*

*Placing the mangroves and mangrove islands in the conservation land use category will protect them from development.*

## **WATER QUALITY AND STORM WATER MANAGEMENT**

Currently there is no storm water management being utilized on the property. Storm water runoff from the marina and RV park flow directly into Hurricane Bay or Matanzas Pass without any water quality treatment. The applicant is proposing to provide storm water treatment for a 25-year, 3-day storm event. ES Staff recommends using storm water management to mimic natural systems incorporating Green Infrastructure into the surface water management plan for increased water quality and improved infiltration.

The following Comprehensive Plan Goals, Objectives and Policies support ES Staff's recommendations.

- **Objective 60.5:** *Incorporation of Green Infrastructure into the Surface Water Management Plan. The long-term benefits of green infrastructure as part of the surface water management system includes improved water quality, improved infiltration, wild life-habitat and recreational opportunities.*
- **Policy 61.2.2** *Where no natural features of flow or ponding exist on a site the County will require that water management structures be designed and constructed in such a manner as to mimic the functions of a natural system.*

## **LANDSCAPING AND GREEN INFRASTRUCTURE:**

In order to preserve and enhance the natural beauty of the island, the applicant is proposing the following policies for the DRMUWDL land use category. This includes:

- **Policy XX 3.1** *Innovative landscaping design for parking areas and perimeter plantings utilizing 70% native plants.*

ES Staff finds this consistent with **Lee Plan Objective 77.3:** *New developments must use innovative open space design to preserve existing vegetation, provide visual relief and buffer adjacent uses.*

*The project does not have existing native vegetation however proposes to utilize 70% native plants.*

- **Policy XX 5.3** *Providing an educational component to the project with the objective of educating the public on its unique quality and rich heritage and means to protect the area.*

ES Staff finds this consistent with **Goal 86: Environmental and Historic Programs.** *To provide programs and information to promote knowledge and understanding of Lee county's unique environmental and cultural heritage.*

*The applicant is proposing to educate the public on the unique quality and rich heritage of San Carlos Island.*

- **Policy XX 10.18. Landscape Standards** *The landscaping will incorporate Xeriscape principles to conserve water and will be designed to incorporate a sense of nature as well as promote health of plant species within the community.*

ES Staff finds this consistent with **Objective 117.2: Xeriscape Landscape.** *The county will continue to promote Xeriscape landscaping techniques.*

*The applicant is proposing Xeriscape landscaping that will promote native, drought tolerant, plant species for aesthetic value and water conservation.*

- **Proposed Objective XX.12: Wildlife.** *The location, design and operation of Destination Resort Facilities will incorporate preservation and/or management activities that restrict the unnecessary loss of habitat or impact on protected species, species of special concern, threatened or endangered species.*
- **Proposed Policy XX.12.1:** *The development will not have an adverse impact on any existing, viable onsite occupied wildlife habitat for protected species, species of special concern, threatened or endangered species.*

The applicant has revised the policy language for **Objective XX.12 and Policy XX.12.1** deleting the word unnecessary from Objective XX.12 and the word adverse from Policy XX.12.1

ES Staff finds the objective and policy consistent with **Objective 107.4: Endangered and Threatened Species in General.** *Lee County will continue to protect habitats of endangered and threatened species and species of special concern in order to maintain or enhance existing population numbers.*

- **Objective XX.13: Natural Resources.** *Destination Resort facilities must be located, designed and operated to minimize environmental impacts, and where appropriate, enhance and manage natural resources such as, waterways, wetlands, natural water bodies, and indigenous uplands.*

ES Staff finds the objective consistent with **Goal 107: Natural Resources.** *To manage the county's wetland and upland ecosystems so as to maintain and enhance native habitats, flora and fauna species diversity, water quality and natural surface water characteristics.*

- **Policy XX.15.1 Marina Design and Conservation.** *The Marina design will incorporate natural wetland vegetative buffers near the docking areas and in ingress/egress areas for erosion and sediment control, runoff purification and habitat purposes and protect environmentally sensitive area.*

ES Staff finds the policy consistent with **Policy 128.6.8:** *Marina design must incorporate natural wetland vegetative buffers near the docking area and in ingress/egress areas for erosion and sediment control, runoff purification and habitat purposes.*

**CONCLUSION:**

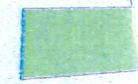
The applicant has agreed to place the mangroves in conservation lands (see attached) and incorporate natural wetland vegetative buffers near the docking areas to assist in water quality including: erosion and sediment control, runoff purification and protect environmentally sensitive area. This will assist in long term protection of these ecosystems.

# EXHIBIT A

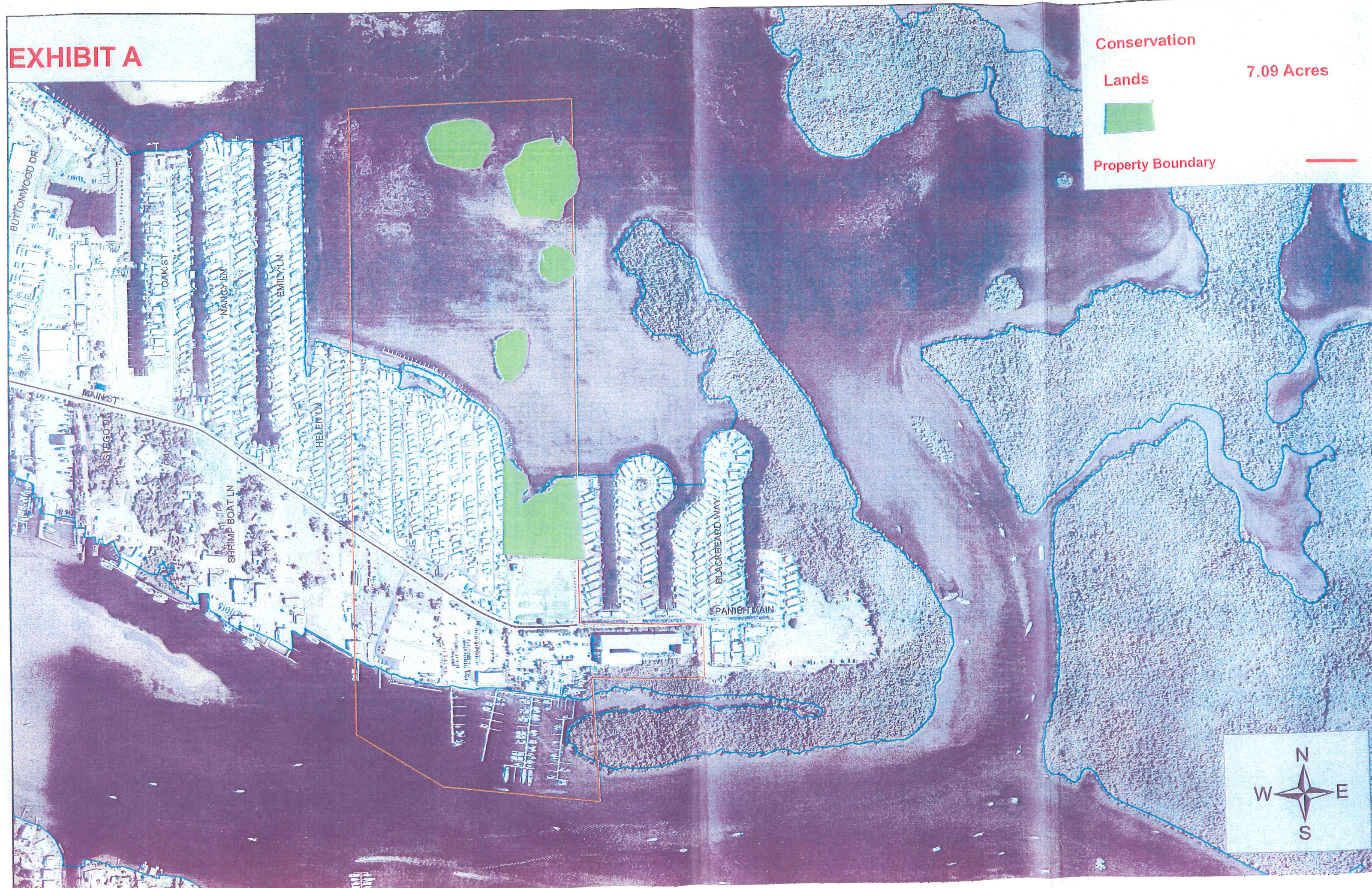
Conservation

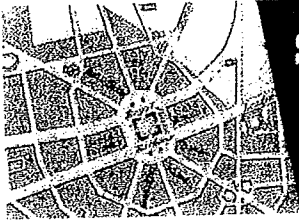
Lands

7.09 Acres



Property Boundary





## **SPIKOWSKI PLANNING ASSOCIATES**

September 4, 2008

Chahram Badamhtchian, AICP  
Lee County Community Development Department, Zoning Division  
P.O. Box 398  
Fort Myers, Florida 33902-0398

RE: Proposed Lee Plan amendments on San Carlos Island (CPA-2007-00051)

Dear Mr. Badamhtchian:

On behalf of the Town of Fort Myers Beach, I have reviewed the pending Lee County comprehensive plan amendments for property on San Carlos Island. These comments identify the town's concerns at this point and may be supplemented by additional comments from the town in the near future. These comments are not based on a complete review of this proposal but they shed light on the nature of the request and some of its potential impacts on San Carlos and Estero Islands.

### **SUMMARY**

The proposal is to create a new category on Lee County's Future Land Use Map to accommodate a major destination resort. The resort would have 600 dwelling units, a 300-room hotel, a freestanding parking garage, and related facilities. Building heights could be up to 22 stories over parking.

The property in question includes about 27 acres of high ground along both sides of Main Street. On the north side of Main Street are the existing Ebb Tide and Oyster Bay senior-only RV parks (about 15 acres); together these parks accommodate about 271 spaces, a density of just over 18 spaces per acres. On the south side of Main Street there is dry boat storage, a restaurant, and other commercial/industrial support facilities (about 12 acres). The combined properties also include about 7 acres of mangrove swamp and 39 acres of submerged land in Hurricane Pass and Matanzas Pass.

The scale and height of the proposed resort would be completely different from nearby conditions on both San Carlos and Estero Islands. The applicant argues that Lee County's current development rules for San Carlos Island make re-use of these properties impractical given the state of the shrimping industry and the declining market for RV sites. The applicant asserts that this proposal will have no significant impacts on traffic or utilities.

Lee County's vision for San Carlos Island is stated simply in the Lee Plan: "The San Carlos Island area, which is nearly built out today, will continue to develop its infill areas while maintaining its marine oriented nature." The marine-oriented restrictions apply most strictly on land within 300 feet of Matanzas Pass, but also apply between that zone and Main Street. These restrictions have been in place for nearly 20 years in an attempt to reserve land along the deep channel for commercial fishing and related marine industrial uses.

1617 Hendry Street, Suite 416, Fort Myers, Florida 33901-2947 • phone: (239) 334-8866 fax: (239) 334-8878  
e-mail: bill@spikowski.com web: www.spikowski.com

# **ATTACHMENT 8**

Lee County does not have a pre-disaster buildback policy like the town of Fort Myers Beach, thus the redevelopment potential for RV and mobile home parks is limited to what would be allowed on vacant property, 6 dwelling units per acre (about 86 units here).

The applicant may be correct in asserting that Lee County's regulations for San Carlos Island are in need of review and updating, given changes over the past 20 years. The fishing industry has continued to decline, and RVs and mobile homes are increasingly obsolete and prone to flood damage. Redevelopment would allow a modern surface water management system and would elevate all buildings above expected flood levels.

However, the current proposal would be a dramatic departure not only from existing conditions but from general county policy restricting high-density development in coastal areas and along overcrowded roads. It would also begin reversing the county's longstanding efforts to reserve suitable land for marine industrial uses.

## **TRAFFIC**

The most obvious planning issue is traffic. The applicant's traffic engineer concludes that no nearby roads would operate below adopted levels of service. Although it is possible to reach this conclusion on a purely technical basis, it is an absurdity in the real world given the unmistakable traffic congestion that already exists in the immediate area.

The traffic engineer's conclusion is explicitly based on Lee County building a new bridge from San Carlos Island to Estero Island near Bay Oaks. This second bridge is in Lee County's financially feasible road plan for 2030 (copy attached). As an ironic note, the bridge would likely run from Main Street right through this property; building the proposed high-rise hotel would probably make the new bridge infeasible.

The traffic engineer's conclusion ignores several real facts about traffic congestion and levels of service. Florida DOT has already widened San Carlos Boulevard to five lanes even though its congestion is caused by conditions on Estero Island, not by a lack of lanes on San Carlos Island or the mainland. While it is true that further widening of San Carlos Boulevard is not needed to continue meeting its "adopted levels of service," stating that fact as if it is relevant conveniently sidesteps any assessment of this project's actual impact on traffic congestion.

It is also narrowly true that this project would not cause Estero Boulevard to fall below its "adopted level of service." That is true only because after limiting development and redevelopment to the lowest possible levels, the town of Fort Myers Beach consciously chose a poor level of service for Estero Boulevard that acknowledges existing congestion. Without this acknowledgment, redevelopment efforts within the town would have been completely stymied. In this case, analyzing the effect a major increase in density and intensity simply as to its effect on the "adopted level of service" completely ignores this project's likely impact on traffic congestion.

Lee County has formally acknowledged past over-development in coastal areas and has placed relevant policies in the Lee Plan:

**POLICY 105.1.2:** Rezoning to allow higher densities will not be permitted on barrier and coastal islands if the capacity of critical evacuation routes would thereby be exceeded (see Objective 109.1). (Amended by Ordinance No. 92-35, 00-22)

**POLICY 105.1.5:** Zoning requests located in the coastal high hazard area will be considered for reduced or minimum density assignments, in accordance with their future land use category density range. This evaluation should be done in concert with an evaluation of other individual characteristics such as compatibility with existing uses, desired urban form, and availability of urban services. (Added by Ordinance No. 05-19)

The applicant argues that these policies are not applicable because evacuation routes are satisfactory and that this is a comprehensive plan request, not a zoning request (even though a zoning change would be needed to carry out the proposed comprehensive plan amendment).

#### **SUMMARY**

Overall, the applicant has put forth several valid points about the current development restrictions on San Carlos Island. However, the current proposal is excessive in both height and density given its coastal location. Without a new bridge, the traffic impacts of this proposal would be completely unacceptable, yet the proposed hotel would foreclose the option of building this very bridge. The proposed water taxi, while valuable, would have only minor mitigating effects given the size of the proposed development, current road conditions, and the site's location beyond walking distance from most of the amenities that visitors would be seeking.

The Town of Fort Myers Beach has faced similar concerns about future redevelopment of the Red Coconut and Gulfview Colony parks on Estero Boulevard. The solution set forth in the Fort Myers Beach Comprehensive Plan should be considered by Lee County for San Carlos Island as well — allowing redevelopment of those parks at densities similar to the existing parks but in a traditional neighborhood format that eliminates flood-prone structures and improves drainage conditions, all without resorting to high-rise or high-density development.

Sincerely,

Bill Spikowski, AICP

#### **ATTACHMENTS:**

Lee County 2030 Financially Feasible Highway Plan  
Discussion of additional bridges from January 2007 Evaluation/Appraisal Report (pp. 39–41)

- INTERSTATE
- EXPRESSWAY
- ONE-WAY
- 2 LANES
- 3 LANES
- 4 LANES
- 6 LANES
- 8 LANES
- 10 LANES

- EXISTING
- CONSTRUCTION PROGRAMMED
- 2030 FINANCIALLY FEASIBLE PLAN
- INTERCHANGE IMPROVEMENTS

#### INTERCHANGES

- 2030 FINANCIALLY FEASIBLE PLAN
- CONSTRUCTION PROGRAMMED
- EXISTING

- PROPOSED BRIDGE OR OVERPASS
- CONSTRUCTION PROGRAMMED

THE LINES ON THIS PLAN REPRESENT ONLY THE GENERAL ROUTES. SPECIFIC ALIGNMENTS WILL BE DETERMINED THROUGH CORRIDOR AND DESIGN STUDIES.

## MAP 3A LEE COUNTY 2030 FINANCIALLY FEASIBLE HIGHWAY PLAN AS ADOPTED DECEMBER 7, 2005 AND AMENDED JANUARY 20 AND MARCH 17, 2006



MAP 3A  
PAGE 1 OF 1  
(ADOPTED BY ORDINANCE # 07-11)  
Prepared by Rob Lawell, Lee County DOT, July 18, 2006

None of the street alternatives just discussed affect conditions beyond Crescent Street. It is readily apparent during congested periods that the conditions causing the congestion continue beyond Crescent Street and even beyond the end of the "Pedestrian Commercial" district (which extends to Diamondhead Resort).

The town's ongoing efforts to improve the blocks between Crescent Street and Old San Carlos Boulevard are critical both to the character of the downtown area and to traffic congestion. However, congestion on these blocks (and northward across the Sky Bridge) will still result from the inability of traffic to flow smoothly beyond Crescent Street. The level of this congestion is difficult to predict using traffic simulation software, but will undoubtedly still be very substantial.

Two larger congestion relief issues deserve attention. Additional congestion will continue to be caused by growth elsewhere in Lee County and the state because area residents enjoy visiting the beaches. The town has no regulatory authority over such growth, but comfortable and efficient public transit, whether on trolleys or trams, can provide mobility to island visitors (as well as residents) without adding more vehicles to the lines of traffic waiting to enter and leave the island. Public transit is discussed further on pages 47 and 52.

Another type of relief could be provided by building another bridge to Fort Myers Beach. Four "new bridge" alternatives as illustrated in Figure 9 were discussed in the original comprehensive plan on pages 7-A-48 through 52. The Lee County Metropolitan Planning Agency (MPO) has recently evaluated two of these alternatives, a southerly bridge to Coconut Road and a northerly bridge to the end of Main Street on San Carlos Island. The MPO conducted this evaluation to determine whether any of these improvements would provide enough relief for congestion on Estero Boulevard to justify inclusion on the MPO's new transportation plan for the year 2030, which identifies needed road improvements throughout Lee County.

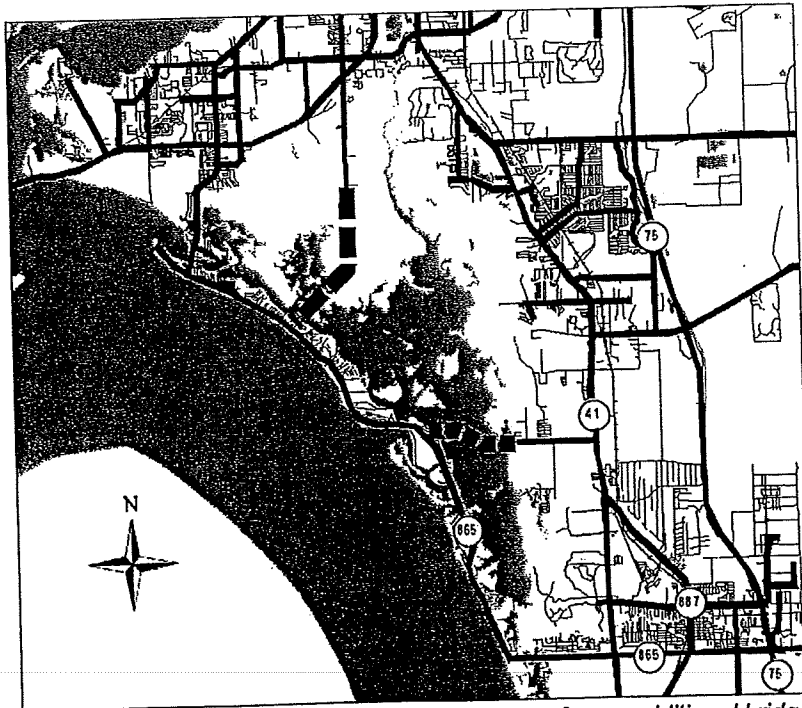


Figure 9, potential routes for an additional bridge  
(was Figure 28 in Transportation Appendix A)

The highway portion of the 2030 plan begins with a "highway needs assessment," which is a map and list of road improvements that are needed throughout Lee County by the year 2030 (without considering affordability). The map summarizing the results of this assessment is shown in Figure 10. Here is the MPO staff summary of the two "new bridge" alternatives for Fort Myers Beach during the early stages of this assessment:

**Additional bridges to the beach communities** At the outset of the plan development process, staff submitted the three new bridge alternatives listed in the Fort Myers Beach comprehensive plan for environmental screening through FDOT's ETDM process [*Efficient Transportation Decision Making, a preliminary impact review by state and federal agencies*]. For two of the alternatives, the Coconut Road extension to Lovers Key and the Winkler Road extension to mid-Estero Island, the reviewing agencies reported a total of seven issues on which they had such serious concerns that dispute resolution would be required if the project could ever be permitted. For the third alternative, connecting Main Street near the southeast end of San Carlos Island with Estero Boulevard in the general area of the town hall, such serious concerns were raised for only three issues.

The Coconut Road to Lovers Key alternative was tested in the first 2030 needs alternative network (combined with a Coconut Road interchange with I 75). The model predicted that it would reduce peak season daily traffic using the Bonita Beach Road bridge in 2030 by about 9,900, but relieve the Matanzas Pass Bridge of only 3,500 daily trips — not enough for a significant improvement in the level of service. The San Carlos Island to Fort Myers Beach alternative was tested in the second alternative needs network. The model predicted it that 11,200 daily trips would choose to use the new bridge, leaving only 17,500 daily trips using the existing Matanzas Pass Bridge, and improve levels of service to D or better throughout Fort Myers Beach and San Carlos Island and on the bridges and San Carlos Boulevard south of Summerlin Road. This alternative performed so well that the TAC and CAC decided to dispense with testing the Winkler extension alternative, and kept the San Carlos Island route for the remaining network alternative and recommended it be included in the 2030 highway needs assessment [see improvement #111 on Figure 10].

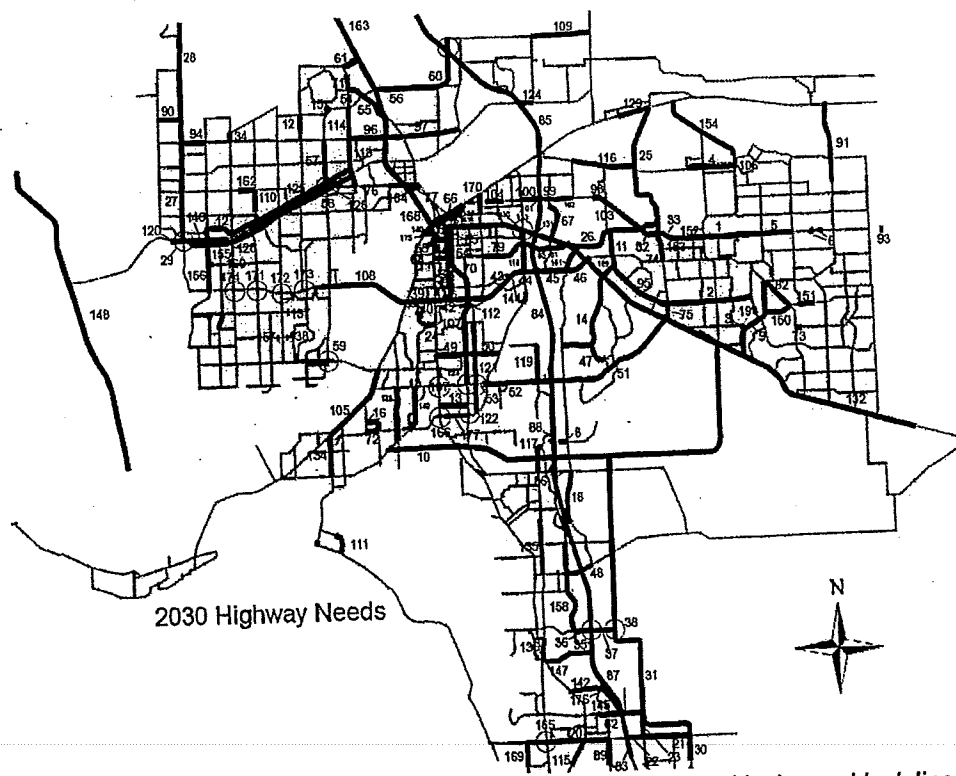


Figure 10 (new roads for 2030 indicated by heavy black lines)

Once the needs assessment is completed, the least valuable road projects from this needs assessment are eliminated until a final list includes only roads that could be built by the year 2030 with available funding sources. The final list and map are called the "2030 financially feasible plan."

The entire 2030 plan was adopted by the MPO in December 2005. The new bridge shown as #111 on Figure 10 was made part of the 2030 financially feasible plan, based on the following preliminary assumptions:

- Construction responsibility: Lee County
- Length of new road segment: 0.86 miles
- Completion assumed: 2015
- Cost assumed: \$49,113,799
- Funding: Tolls on both new and existing bridges

It is unfortunate that whatever kind of relief can be provided to traffic congestion will be continually eroded by additional growth in the surrounding area. It will also be eroded by motorists who may have avoided Fort Myers Beach in the past, or reached it with public transit, if they take advantage of reduced congestion and begin driving to Fort Myers Beach during peak periods.

#### **D. Recommendations on Times Square Area**

The recommendations described in the previous section of this report are now under evaluation by town officials. None of the alternatives described would require any amendments to the comprehensive plan, although there is considerable urgency facing the town due to the impending redevelopment described on page 23.

The only related change to the comprehensive plan that have been identified would be to delete Policy 7-H-3 regarding left-turns on Estero Boulevard as northbound traffic passes Times Square, as discussed on page 23.

## **Badamtchian, Chahram**

**From:** Newman, William T.  
**Sent:** Thursday, August 21, 2008 5:33 PM  
**To:** Badamtchian, Chahram  
**Cc:** Sampson, Lindsey J.; Pavese, Michael P.  
**Subject:** RE: CPA2007-0005 San Carlos Island Comp Plan Amendment

Chahram:

Thanks for sending me the latest San Carlos Island Comp Plan Amendment Text. I have reviewed the document and the Solid Waste Division does not have any comments or objections at this time.

Bill Newman  
Operations Manager  
Solid Waste Division  
(239) 533-8000

**From:** Badamtchian, Chahram  
**Sent:** Wednesday, August 20, 2008 2:06 PM  
**To:** Boutelle, Stephen J.; Campbell, Gerald G.; Collins, David M.; Collins, Donna Marie ; Cranford, Richard M.; Daltry, Wayne E.; Eckenrode, Peter J.; farrell, Kevin; Gordon, Dawn; Griffith, Douglas; Horner, Bill; Horsting, Michael S.; Houck, Pamela E.; Lavender, James H.; Lehnert, Dawn; Loveland, David M.; Meurer, Douglas L.; Murphy, Jerry; Newman, William T.; Ottolini, Roland E.; Pavese, Michael P.; Roberts, Rickey G.; Sampson, Lindsey J.; Moore, James; Sweigert, Rebecca H.; Wilson, John; Zettel, Mary S.  
**Subject:** CPA2007-0005 San Carlos Island Comp Plan Amendment

CPA 2007-0005 San Carlos Island Comprehensive Plan Amendment is deemed sufficient. The LPA hearing date is set for Sept 22, 2008. Could you please send your substantive comments to me? I am starting to draft my staff report and need your comments ASAP.

Thanks,

CB

**Chahram Badamtchian, AICP**  
Senior Planner  
Lee County DCD/Zoning  
Phone: 239. 533. 8372  
Fax: 239. 485. 8300  
[Cbadamtchian@leegov.com](mailto:Cbadamtchian@leegov.com)

**ATTACHMENT 9**

9/8/2008

## Badamtchian, Chahram

**From:** Collins David M. [collins@fmbfire.org]  
**Sent:** Friday, September 05, 2008 9:58 AM  
**To:** Badamtchian, Chahram  
**Subject:** RE: CPA2007-0005 San Carlos Island Comp Plan Amendment

The Ft. Myers Beach Fire Prevention Bureau sees no problem with this development as long as all NFPA fire codes are followed.  
David M. Collins,  
Fire Marshal.

-----Original Message-----

**From:** Badamtchian, Chahram [mailto:CBADAMTCHIAN@leegov.com]  
**Sent:** Thursday, September 04, 2008 3:01 PM  
**To:** Boutelle, Stephen J.; Campbell, Gerald G.; Collins David M.; Collins, Donna Marie ; Cranford, Richard M.; Daltry, Wayne E.; Eckenrode, Peter J.; farrell, Kevin; Gordon, Dawn; Griffith, Douglas; Horner, Bill; Horsting, Michael S.; Houck, Pamela E.; Lavender, James H.; Lehnert, Dawn; Loveland, David M.; Meurer, Douglas L.; Murphy, Jerry; Newman, William T.; Ottolini, Roland E.; Pavese, Michael P.; Roberts, Rickey G.; Sampson, Lindsey J.; Smith, Regina Y.; Sweigert, Rebecca H.; Wilson, John; Zettel, Mary S.  
**Cc:** Noble, Matthew A.  
**Subject:** RE: CPA2007-0005 San Carlos Island Comp Plan Amendment

To those of you who have not sent me your substantive comments:

If by **Monday September 8<sup>th</sup> 5:00 PM** I don't receive your substantive comments, I will assume you have no substantive comments, and my staff report will state that you had no concerns or comments. My staff report is almost done and I am waiting for your comments to complete it.

Sincerely,

Chahram Badamtchian, AICP  
Senior Planner  
Lee County DCD/Zoning  
Phone: 239. 533. 8372  
Fax: 239. 485. 8300  
Cbadamtchian@leegov.com

**From:** Badamtchian, Chahram  
**Sent:** Wednesday, August 20, 2008 2:06 PM  
**To:** Boutelle, Stephen J.; Campbell, Gerald G.; 'Collins, David M.'; Collins, Donna Marie ; Cranford, Richard M.; Daltry, Wayne E.; Eckenrode, Peter J.; 'farrell, Kevin'; 'Gordon, Dawn'; Griffith, Douglas; 'Horner, Bill'; Horsting, Michael S.; Houck, Pamela E.; Lavender, James H.; Lehnert, Dawn; Loveland, David M.; Meurer, Douglas L.; 'Murphy, Jerry'; Newman, William T.; Ottolini, Roland E.; Pavese, Michael P.; Roberts, Rickey G.; Sampson, Lindsey J.; 'Smith, Regina Y.'; Sweigert, Rebecca H.; Wilson, John; Zettel, Mary S.  
**Subject:** CPA2007-0005 San Carlos Island Comp Plan Amendment

CPA 2007-0005 San Carlos Island Comprehensive Plan Amendment is deemed sufficient. The LPA hearing date is set for Sept 22, 2008. Could you please send your

9/8/2008

ATTACHMENT 10

substantive comments to me? I am starting to draft my staff report and need your comments ASAP.

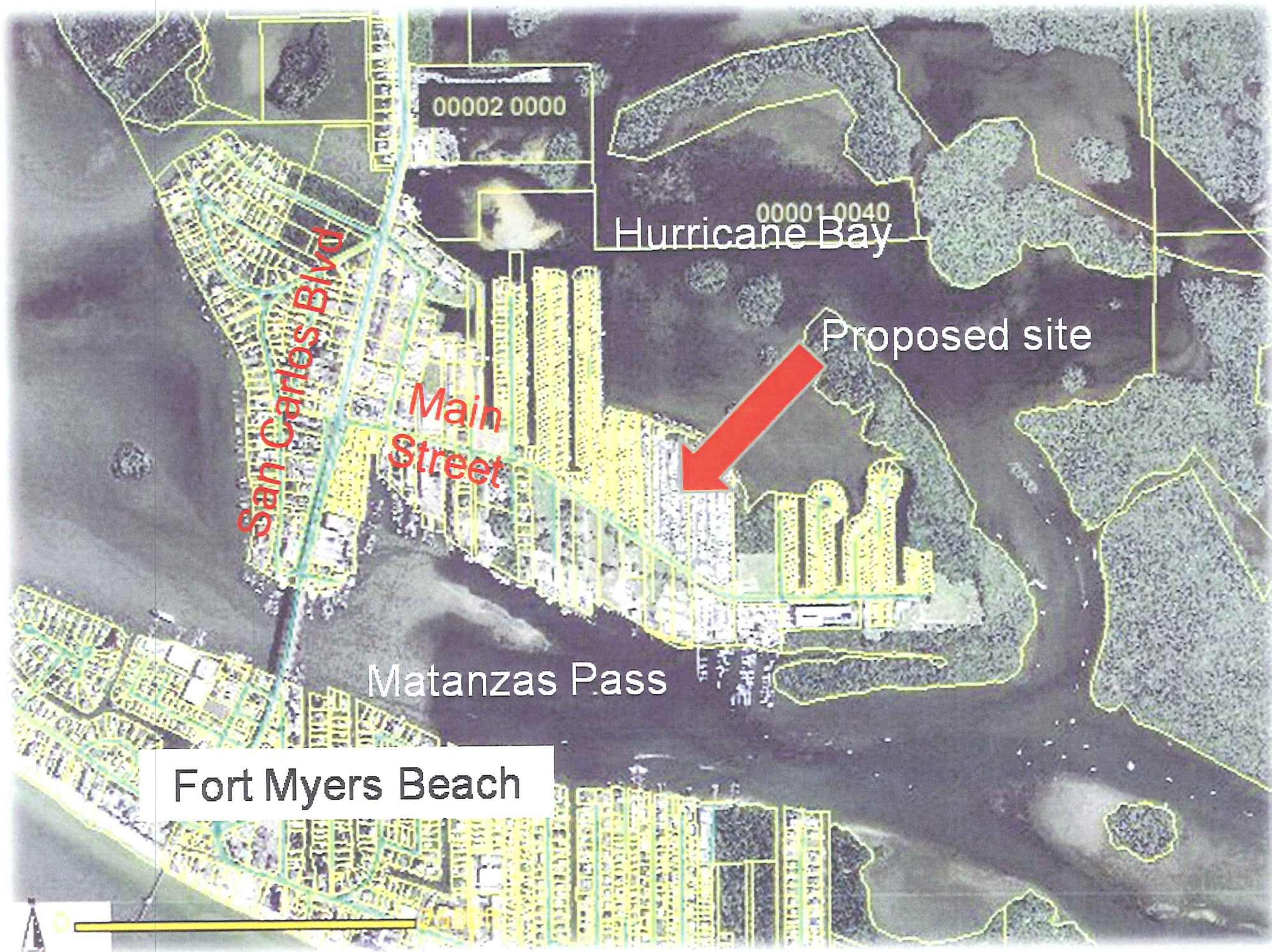
Thanks,

CB

**Chahram Badamtchian, AICP**  
Senior Planner  
Lee County DCD/Zoning  
Phone: 239. 533. 8372  
Fax: 239. 485. 8300  
Cbadamtchian@leegov.com

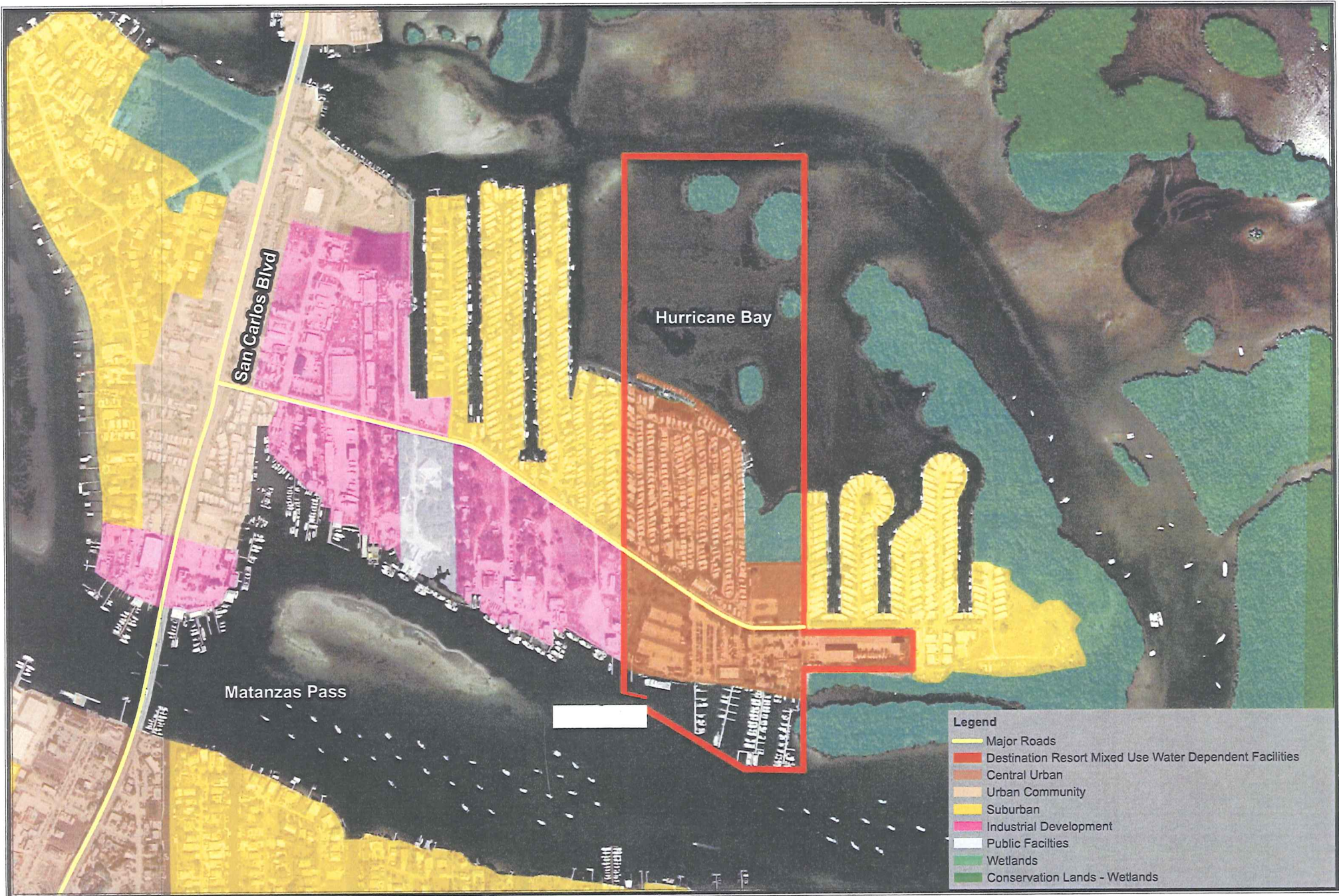
9/8/2008











# PROPOSED FUTURE LAND USE MAP

EBBTIDE

0 0.05 0.1 0.2 Miles

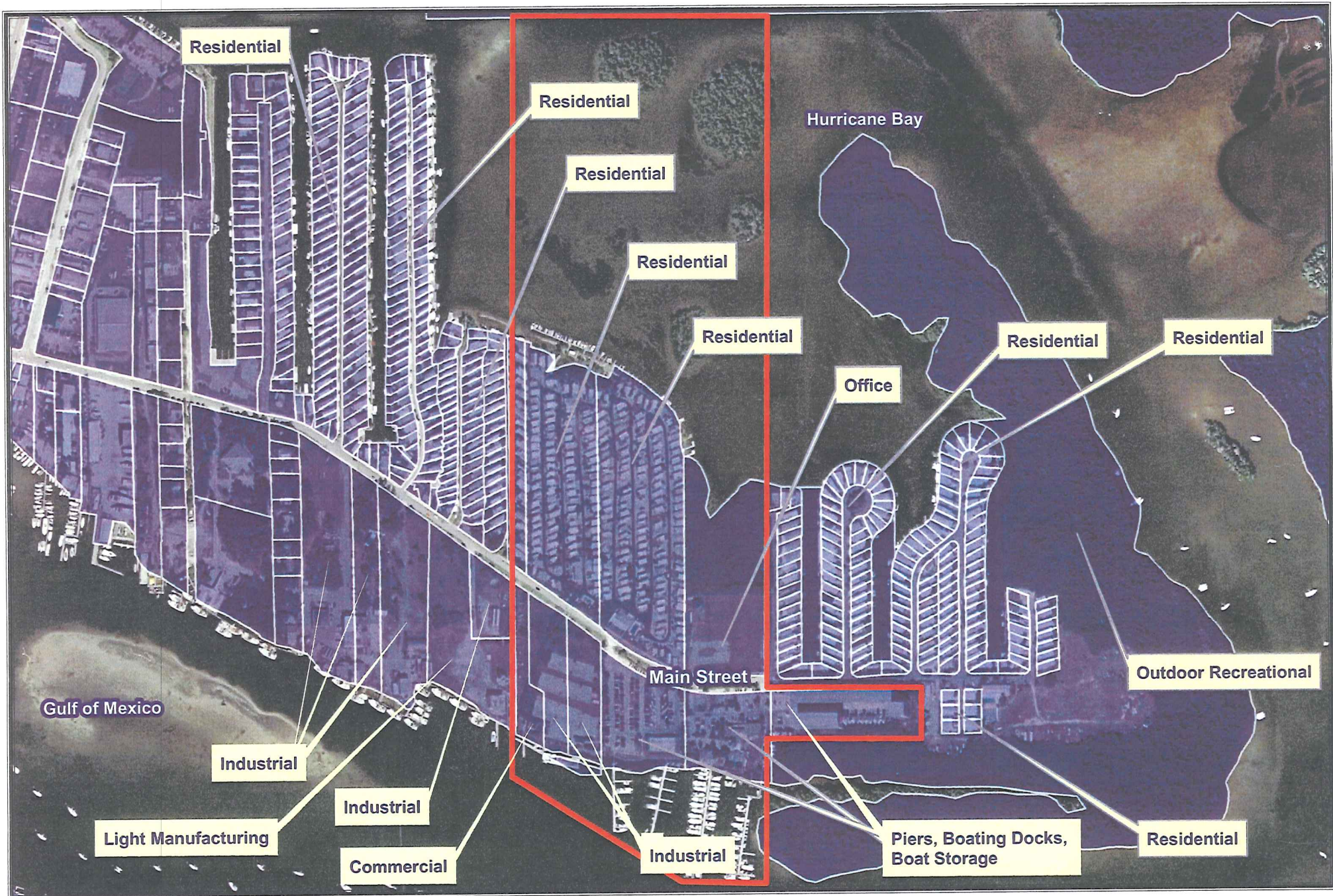


**DELISI FITZGERALD, INC.**

Planning - Engineering - Project Management

1500 Royal Palm Square Blvd., Suite 101  
Fort Myers, FL 33919  
239.416.0691 • 239.416.0692 fax

GENERAL NOTE:  
THIS MAP IS FOR REFERENCE ONLY. DATA PROVIDED ARE DERIVED FROM MULTIPLE SOURCES WITH VARYING LEVELS OF ACCURACY.



# EXISTING LAND USE

EBBTIDE

GENERAL NOTE:  
THIS MAP IS FOR REFERENCE ONLY. DATA PROVIDED ARE DERIVED FROM MULTIPLE SOURCES WITH VARYING LEVELS OF ACCURACY.

0 60 120 240  
Meters



**DELISI FITZGERALD, INC.**  
Planning - Engineering - Project Management

1500 Royal Palm Square Blvd., Suite 101  
Fort Myers, FL 33919  
239-418-0691 • 239-418-0692 fax



# FUTURE LAND USE

EBBTIDE

GENERAL NOTE:  
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0 0.05 0.1 0.2 Miles



**DELSI FITZGERALD, INC.**  
Planning - Engineering - Project Management

1500 Royal Palm Square Blvd., Suite 101  
Fort Myers, FL 33919  
239-418-0691 • 239-418-0692 fax

Hock, Donna

CPA2007-51

**From:** Dist5, Mann  
**Sent:** Wednesday, October 22, 2008 8:46 AM  
**To:** Hock, Donna  
**Subject:** FW: San Carlos Island--Water Dependent Overlay

Chris Berry  
Executive Assistant  
District #5  
(239) 533-2225

-----Original Message-----

*From:* rogermer@juno.com [mailto:rogermer@juno.com]  
*Sent:* Wednesday, October 22, 2008 8:41 AM  
*To:* Dist1, Janes; Dist2, Bigelow; Dist3, Judah; Dist4, Hall; Dist5, Mann  
*Cc:* rogermer@juno.com  
*Subject:* San Carlos Island--Water Dependent Overlay

October 22, 2008

To: Lee County BOCC

*I urge you not to amend the future land use for San Carlos Island. The purpose of the water dependent overlay use was to protect and preserve recreational and commercial working waterfronts. We need to keep these protections in place on San Carlos Island.*

*We have seen the plans for the proposed mixed use destination resort. If they were applying for a variance, it would not meet any of the criteria, let alone all of the criteria that the hearing examiner must find to exist in order to grant the variance.*

*As an average working citizen, I have difficulty with the concept that our government (Lee County) would consider changing the LDC water dependent overlay to meet the needs of a developer. Although I know it happens all the time. This is exactly why the water dependent overlay use was put into place--to protect the working waterfront.*

*In less than two weeks we will hopefully see the passage of Amendment Six so the landowners will no longer have the excuse that they can not afford the taxes. At least delay your decision of the proposed changes to San Carlos Island until we see if we can preserve our working waterfronts and public access with the passage of Amendment Six.*

*History has shown what happens in areas like this. A resort or condos are built--at first the nearby trailer parks seem quaint, they like the shrimp docks and the small local business and in a short period of time these same new residents start complaining that the existing neighborhood decreases their property value, neighborhood blight etc. So in time what we have on San Carlos Island will all disappear. Books have been written on this subject.*

*Why do we need a destination resort in a saturated market? Why does Lee County continue to build up and out like Miami? High rises on San Carlos Island? You are supposed to preserve and protect the quality of life for*

*present and future residents of Lee County.*

*The Lee Plan assigns high value to Estero Bay and seeks to expand the boundaries of the Estero Bay Aquatic Preserve (74.1.3)(78.1.1). We should be moving forward to include Hurricane Bay and surrounding waters to Estero Bay Aquatic Preserve and in keeping with the National Estuary Program. San Carlos Island sits among these critical bodies of water.*

*Again, I urge you not to approve the proposed land use changes for San Carlos Island.*

*Thank you for your consideration.*

*Mary Ellen Ruddick  
33 Emily Lane  
Fort Myers Beach, FL 33931*

---

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*<http://thirdpartyoffers.juno.com/TGL2121/fc/Ioyw6i3njBinURKA1owpcAhXQQ7Ong6ZmpeTqpYOJSSFSOaSuumGoQ/?count=1234567890>*

## Badamtchian, Chahram

**From:** Collins David M. [collins@fmbfire.org]  
**Sent:** Friday, September 05, 2008 9:58 AM  
**To:** Badamtchian, Chahram  
**Subject:** RE: CPA2007-0005 San Carlos Island Comp Plan Amendment

The Ft. Myers Beach Fire Prevention Bureau sees no problem with this development as long as all NFPA fire codes are followed.

David M. Collins,  
Fire Marshal.

-----Original Message-----

**From:** Badamtchian, Chahram [mailto:CBADAMTCHIAN@leegov.com]  
**Sent:** Thursday, September 04, 2008 3:01 PM  
**To:** Boutelle, Stephen J.; Campbell, Gerald G.; Collins David M.; Collins, Donna Marie ; Cranford, Richard M.; Daltry, Wayne E.; Eckenrode, Peter J.; farrell, Kevin; Gordon, Dawn; Griffith, Douglas; Horner, Bill; Horsting, Michael S.; Houck, Pamela E.; Lavender, James H.; Lehnert, Dawn; Loveland, David M.; Meurer, Douglas L.; Murphy, Jerry; Newman, William T.; Ottolini, Roland E.; Pavese, Michael P.; Roberts, Rickey G.; Sampson, Lindsey J.; Smith, Regina Y.; Sweigert, Rebecca H.; Wilson, John; Zettel, Mary S.  
**Cc:** Noble, Matthew A.  
**Subject:** RE: CPA2007-0005 San Carlos Island Comp Plan Amendment

To those of you who have not sent me your substantive comments:

If by **Monday September 8<sup>th</sup> 5:00 PM** I don't receive your substantive comments, I will assume you have no substantive comments, and my staff report will state that you had no concerns or comments. My staff report is almost done and I am waiting for your comments to complete it.

Sincerely,

**Chahram Badamtchian, AICP**  
Senior Planner  
Lee County DCD/Zoning  
Phone: 239. 533. 8372  
Fax: 239. 485. 8300  
Cbadamtchian@leegov.com

**From:** Badamtchian, Chahram  
**Sent:** Wednesday, August 20, 2008 2:06 PM  
**To:** Boutelle, Stephen J.; Campbell, Gerald G.; 'Collins, David M.'; Collins, Donna Marie ; Cranford, Richard M.; Daltry, Wayne E.; Eckenrode, Peter J.; 'farrell, Kevin'; 'Gordon, Dawn'; Griffith, Douglas; 'Horner, Bill'; Horsting, Michael S.; Houck, Pamela E.; Lavender, James H.; Lehnert, Dawn; Loveland, David M.; Meurer, Douglas L.; 'Murphy, Jerry'; Newman, William T.; Ottolini, Roland E.; Pavese, Michael P.; Roberts, Rickey G.; Sampson, Lindsey J.; 'Smith, Regina Y.'; Sweigert, Rebecca H.; Wilson, John; Zettel, Mary S.  
**Subject:** CPA2007-0005 San Carlos Island Comp Plan Amendment

CPA 2007-0005 San Carlos Island Comprehensive Plan Amendment is deemed sufficient. The LPA hearing date is set for Sept 22, 2008. Could you please send your

**Miller, Janet M.**

---

**From:** rogermer@juno.com  
**Sent:** Sunday, September 28, 2008 8:03 PM  
**To:** Miller, Janet M.  
**Cc:** rogermer@juno.com  
**Subject:** objection to proposed changes LDC San Carlos Island

Janet--I spoke with you late last week and I hope that you can still submit this for me at the last minute thank you mary ellen ruddick

I would like to object to the proposed changes to the LDC for San Carlos Island for many reasons. Have the environmental impacts been fully explored?? Why are the mangrove islands being changed to conservation easement when it is State owned bottom land? The channel on the bay side has already been dredged several times but if you look at the historic charts it shows 2 1/2 reporting depths--

Manatees--please see attached reports for the five mile radius for known manatee areas. The proposed area of both sides of San Carlos Island is affected in numerous environmental respects--why is the County considering changing the Land Development Code to accommodate a specific proposed development???

There are numerous mobile homes in this area --including my home--but I bought here to be on the water--but as Lee County moves forward with progress those of us who love living on the water and try to keep up with the taxes are getting moved out by Lee County and these proposed LDC changes are another example.

I objected to the variance at Compass Rose Marina as the current LDC did not allow for additional height without additional setbacks--yet Lee County approved it and Compass Rose is moving forward with their project.

Main Street is not wide enough according to Lee County DOT to stripe past Oak Street and traffic problems have been dangerous in the past when the tour/gambling/Key West boat traffic has been on Main Street.

We are a unique neighborhood--Shrimp Docks on one side--which I will reference the research on the importance of having a fishing fleet dock. The LDC that is in existence for San Carlos Island should be kept in place.

We do not need a destination resort/marina/etc etc- This is for the wealthy and the roads can not handle increased traffic and why should Lee County change the LDC for San Carlos Island to accommodate a wealthy developer??? There are many of us that still live in mobile homes --San Carlos Island is still a neighborhood--High rises are not appropriate not only for the island itself but for numerous reasons.

ENVIRONMENTAL---The proposed project borders Hurricane Bay on one side and Mantanzas Pass according to your records on the other side--all which lead into Estero Bay..

Estero Bay needs to be revived-- Yet you are considering approving these changes that will saturate this island with traffic, pollution and density on a barrier island--please think this through--

Where are my yellow-crowned night herons that roosted in my trees--the manatees would come up the canals and rest--the roseate spoonbills would rest on the sandbar

Estero Bay needs protected for the wildlife to survive and part of that includes San Carlos Island--Hurricane Bay and beyond

Lee County claims to be moving forward in environmental protection and yet you would consider an LDC change on San Carlos Island that is in every respect negative to the environment and would create additional traffic problems and run-off and pollution to our most precious resource--our water-

PLEASE THINK AGAIN

thank you

Mary Elle Ruddick  
33 Emily Lane  
Fort Myers Beach, FL 33931

---

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**Hock, Donna**

---

**From:** Noble, Matthew A.  
**Sent:** Saturday, September 20, 2008 3:21 PM  
**To:** Hock, Donna  
**Cc:** Blackwell, Peter C.  
**Subject:** FW: LDC Amendment Scheduled for Monday LPA

For the file, CPA2007-52...

---

**From:** Tracy Hayden [mailto:thayden@landsolutions.net]  
**Sent:** Friday, September 19, 2008 4:47 PM  
**To:** Noble, Matthew A.  
**Subject:** LDC Amendment Scheduled for Monday LPA

Matt:

I am writing this correspondence as a resident of 16280 Snapdragon Lane, Fort Myers, FL 33912.

I have reviewed the LDC amendment from Open Lands to Rural on the 15 acre parcel owned by Richard Cowart. The subject property is located just around the corner from my residence. I have been in contact with Mr. Cowart's representative for this process, Mike Roeder, to which I have conveyed my support of the amendment, but requested one condition. I have requested that the amendment allow for a density of 1 unit per 2 acres instead of the allowed 1 unit per 1 acre under the rural category. I understand that LDC amendments are not typically conditioned; however, I also know that there have been instances when it has been allowed for. It is my opinion that this condition would allow for a fair use of Mr. Cowart's property without harming the surrounding low density uses.

I will not be able to attend Monday's LPA hearing but wanted staff to be aware of my support along with my requested condition.

Thank you for your consideration in this matter.

***Tracy L. Hayden***  
Development Solutions, LLC  
4571 Colonial Blvd. Suite 102  
Fort Myers, FL 33966  
Office: 239 482-1500 ext. 19  
Fax: 239 481-8477

---

9/22/2008

**Badamtchian, Chahram**

---

**From:** Horsting, Michael S.  
**Sent:** Thursday, September 11, 2008 4:20 PM  
**To:** Badamtchian, Chahram  
**Subject:** RE: CPA2007-0005 San Carlos Island Comp Plan Amendment

Policy XX.7.1 - Establishing water taxi service from the development to Estero Island. The developer proposes to establish a minimum of two round trips per day with the water taxi in an effort to mitigate traffic concerns on San Carlos Blvd and on Main Street on San Carlos Island. Two round trips will not be convenient enough service to attract choice riders out of the cars and on the water taxi service. The minimum service level should set specific headways along with a minimum span of hours for service per day. (example: 20 minute headways between the hours of 9:00 AM and 9:00 PM)

Policy XX.7.2 - Establishing an airport shuttle. Will the airport shuttle service be exclusive to this development or will it be open to other Estero Island resorts and hotels? Shuttle service to one development will have very little impact on traffic concerns. Also, be aware this is somewhat a duplication of existing services provided by the County in that there is direct local bus service from Summerlin Square to the International Airport seven days per week. Granted, an airport shuttle could provide quicker trips to and from.

Policy XX.7.3 - Provision of bus stop locations. None of the County's long or short range transit plans include the addition of transit service on Main Street east of San Carlos Boulevard. The construction of a bus stop on the development may never get serviced by public transportation without a safe way for transit vehicles to return to southbound San Carlos Boulevard with the assistance of a controlled intersection. The best way to accommodate for access to transit with this development is to make provisions for safe pedestrian access to and across San Carlos Boulevard which is an existing transit corridor.

Mike Horsting, AICP  
 Principal Planner - Lee County Transit  
 239-533-0333 tel

Please note: Florida has a very broad public records law. Most written communications to or from County Employees and Officials regarding County business are public records available to the public and media upon request. Your e-mail communication may be subject to public disclosure.

---

**From:** Badamtchian, Chahram  
**Sent:** Thursday, September 04, 2008 3:01 PM  
**To:** Boutelle, Stephen J.; Campbell, Gerald G.; Collins, David M.; Collins, Donna Marie ; Cranford, Richard M.; Daltrey, Wayne E.; Eckenrode, Peter J.; farrell, Kevin; Gordon, Dawn; Griffith, Douglas; Horner, Bill; Horsting, Michael S.; Houck, Pamela E.; Lavender, James H.; Lehnert, Dawn; Loveland, David M.; Meurer, Douglas L.; Murphy, Jerry; Newman, William T.; Ottolini, Roland E.; Pavese, Michael P.; Roberts, Rickey G.; Sampson, Lindsey J.; Moore, James; Sweigert, Rebecca H.; Wilson, John; Zettel, Mary S.  
**Cc:** Noble, Matthew A.  
**Subject:** RE: CPA2007-0005 San Carlos Island Comp Plan Amendment  
**Importance:** High

To those of you who have not sent me your substantive comments:

If by **Monday September 8<sup>th</sup> 5:00 PM** I don't receive your substantive comments, I will assume you have no substantive comments, and my staff report will state that you had no

**ATTACHMENT 4**

9/16/2008

concerns or comments. My staff report is almost done and I am waiting for your comments to complete it.

Sincerely,

**Chahram Badamtchian, AICP**

Senior Planner

Lee County DCD/Zoning

Phone: 239. 533. 8372

Fax: 239. 485. 8300

[Cbadamtchian@leegov.com](mailto:Cbadamtchian@leegov.com)

---

**From:** Badamtchian, Chahram

**Sent:** Wednesday, August 20, 2008 2:06 PM

**To:** Boutelle, Stephen J.; Campbell, Gerald G.; 'Collins, David M.'; Collins, Donna Marie ; Cranford, Richard M.; Daltrey, Wayne E.; Eckenrode, Peter J.; 'farrell, Kevin'; 'Gordon, Dawn'; Griffith, Douglas; 'Horner, Bill'; Horsting, Michael S.; Houck, Pamela E.; Lavender, James H.; Lehnert, Dawn; Loveland, David M.; Meurer, Douglas L.; 'Murphy, Jerry'; Newman, William T.; Ottolini, Roland E.; Pavese, Michael P.; Roberts, Rickey G.; Sampson, Lindsey J.; 'Smith, Regina Y.'; Sweigert, Rebecca H.; Wilson, John; Zettel, Mary S.

**Subject:** CPA2007-0005 San Carlos Island Comp Plan Amendment

CPA 2007-0005 San Carlos Island Comprehensive Plan Amendment is deemed sufficient. The LPA hearing date is set for Sept 22, 2008. Could you please send your substantive comments to me? I am starting to draft my staff report and need your comments ASAP.

Thanks,

CB

**Chahram Badamtchian, AICP**

Senior Planner

Lee County DCD/Zoning

Phone: 239. 533. 8372

Fax: 239. 485. 8300

[Cbadamtchian@leegov.com](mailto:Cbadamtchian@leegov.com)

**Badamtchian, Chahram**

**From:** Collins David M. [collins@fmbfire.org]  
**Sent:** Friday, September 05, 2008 9:58 AM  
**To:** Badamtchian, Chahram  
**Subject:** RE: CPA2007-0005 San Carlos Island Comp Plan Amendment

The Ft. Myers Beach Fire Prevention Bureau sees no problem with this development as long as all NFPA fire codes are followed.

David M. Collins,  
 Fire Marshal.

-----Original Message-----

**From:** Badamtchian, Chahram [mailto:CBADAMTCHIAN@leegov.com]  
**Sent:** Thursday, September 04, 2008 3:01 PM  
**To:** Boutelle, Stephen J.; Campbell, Gerald G.; Collins David M.; Collins, Donna Marie ; Cranford, Richard M.; Daltry, Wayne E.; Eckenrode, Peter J.; farrell, Kevin; Gordon, Dawn; Griffith, Douglas; Horner, Bill; Horsting, Michael S.; Houck, Pamela E.; Lavender, James H.; Lehnert, Dawn; Loveland, David M.; Meurer, Douglas L.; Murphy, Jerry; Newman, William T.; Ottolini, Roland E.; Pavese, Michael P.; Roberts, Rickey G.; Sampson, Lindsey J.; Smith, Regina Y.; Sweigert, Rebecca H.; Wilson, John; Zettel, Mary S.  
**Cc:** Noble, Matthew A.  
**Subject:** RE: CPA2007-0005 San Carlos Island Comp Plan Amendment

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Sincerely,

**Chahram Badamtchian, AICP**  
 Senior Planner  
 Lee County DCD/Zoning  
 Phone: 239. 533. 8372  
 Fax: 239. 485. 8300  
 Cbadamtchian@leegov.com

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**Sent:** Wednesday, August 20, 2008 2:06 PM  
**To:** Boutelle, Stephen J.; Campbell, Gerald G.; 'Collins, David M.'; Collins, Donna Marie ; Cranford, Richard M.; Daltry, Wayne E.; Eckenrode, Peter J.; 'farrell, Kevin'; 'Gordon, Dawn'; Griffith, Douglas; 'Horner, Bill'; Horsting, Michael S.; Houck, Pamela E.; Lavender, James H.; Lehnert, Dawn; Loveland, David M.; Meurer, Douglas L.; 'Murphy, Jerry'; Newman, William T.; Ottolini, Roland E.; Pavese, Michael P.; Roberts, Rickey G.; Sampson, Lindsey J.; 'Smith, Regina Y.'; Sweigert, Rebecca H.; Wilson, John; Zettel, Mary S.  
**Subject:** CPA2007-0005 San Carlos Island Comp Plan Amendment

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9/8/2008

**ATTACHMENT 10**

substantive comments to me? I am starting to draft my staff report and need your comments ASAP.

Thanks,

CB

**Chahram Badamtchian, AICP**

Senior Planner

Lee County DCD/Zoning

Phone: 239. 533. 8372

Fax: 239. 485. 8300

Cbadamtchian@leegov.com

**Badamtchian, Chahram**

**From:** Newman, William T.  
**Sent:** Thursday, August 21, 2008 5:33 PM  
**To:** Badamtchian, Chahram  
**Cc:** Sampson, Lindsey J.; Pavese, Michael P.  
**Subject:** RE: CPA2007-0005 San Carlos Island Comp Plan Amendment

Chahram:

Thanks for sending me the latest San Carlos Island Comp Plan Amendment Text. I have reviewed the document and the Solid Waste Division does not have any comments or objections at this time.

Bill Newman  
Operations Manager  
Solid Waste Division  
(239) 533-8000

**From:** Badamtchian, Chahram  
**Sent:** Wednesday, August 20, 2008 2:06 PM  
**To:** Boutelle, Stephen J.; Campbell, Gerald G.; Collins, David M.; Collins, Donna Marie ; Cranford, Richard M.; Daltry, Wayne E.; Eckenrode, Peter J.; farrell, Kevin; Gordon, Dawn; Griffith, Douglas; Horner, Bill; Horsting, Michael S.; Houck, Pamela E.; Lavender, James H.; Lehnert, Dawn; Loveland, David M.; Meurer, Douglas L.; Murphy, Jerry; Newman, William T.; Ottolini, Roland E.; Pavese, Michael P.; Roberts, Rickey G.; Sampson, Lindsey J.; Moore, James; Sweigert, Rebecca H.; Wilson, John; Zettel, Mary S.  
**Subject:** CPA2007-0005 San Carlos Island Comp Plan Amendment

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Thanks,

CB

**Chahram Badamtchian, AICP**  
Senior Planner  
Lee County DCD/Zoning  
Phone: 239. 533. 8372  
Fax: 239. 485. 8300  
Cbadamtchian@leegov.com

**ATTACHMENT 9**

9/8/2008

**Hock, Donna**

---

**From:** Noble, Matthew A.  
**Sent:** Tuesday, July 01, 2008 9:12 AM  
**To:** Badamtchian, Chahram  
**Cc:** Hock, Donna; Miller, Janet M.  
**Subject:** FW: San Crlos Island Comp Plan Amendment

For the file, I already sent to Joe...

---

**From:** O Connor, Paul S.  
**Sent:** Tuesday, July 01, 2008 8:54 AM  
**To:** Dist5, Mann  
**Cc:** Noble, Matthew A.  
**Subject:** RE: San Crlos Island Comp Plan Amendment

Yes we do.

Thanks

---

**From:** Dist5, Mann  
**Sent:** Monday, June 30, 2008 9:03 AM  
**To:** O Connor, Paul S.  
**Subject:** FW: San Crlos Island Comp Plan Amendment

Paul; Is this something your office would want for your records?

Chris Berry  
Executive Assistant  
District #5  
(239) 533-2225

---

**From:** JANET HLADIK [mailto:jhladik@embarqmail.com]  
**Sent:** Sunday, June 29, 2008 3:11 PM  
**To:** Dist5, Mann  
**Cc:** Janet Hladik  
**Subject:** San Crlos Island Comp Plan Amendment

Dear Mr. Mann,

I have reviewed the development plans involving Salty Sam's Marina and Oyster Bay on San Carlos Island, Ft. Myers Beach with developer Robert Beasley and am writing to object to the height of the proposed buildings.

Progress is equated with building and the basic grounds layout of the plan is appealing. However, the height of the building at twenty-five plus stories is not congruent with the surrounding neighborhood of single family homes or other structures within a considerable distance.

Four years ago when I first came to this area as a visitor, I intended it to be a one time event. But I fell

7/8/2008

in love with the area and the quiet life style on San Carlos Island and have become a permanent resident. The magnitude of this project has the potential to undermine and destroy the character of the area. All progress should not be measured in maximizing height and population density. Progress should be balanced with existing structures, thus my appeal to you to consider a reduction in the height of the condominium structures to 6 stories or less.

Main Street is a narrow street and not suited to the increased resident, visitor and commercial traffic that would be associated with the high rise structures. During winter season the traffic on San Carlos Blvd. backs up for miles, and increasing the population density on San Carlos Island would greatly exacerbate this already monumental problem.

Thank you for your attention and consideration in this matter.

Sincerely,

Janet Hladik  
1595 Main St,  
Ft. Myers Beach, FL 33931  
239-463-5556  
jhladik@embarqmail.com

**Badamtchian, Chahram**

**From:** Wilson, John  
**Sent:** Monday, August 25, 2008 4:29 PM  
**To:** Badamtchian, Chahram  
**Subject:** RE: CPA2007-0005 San Carlos Island Comp Plan Amendment

Thanks.

I had a meeting with the planning folks and County Attorney's office and voiced my concerns about increasing the density in the Coastal High Hazard Area. What else do I have to do?

John D. Wilson, Director  
Lee County Public Safety  
(239) 533-3911, Fax: (239) 482-2605  
Cell: (239) 229-1117  
wilsonjd@leegov.com  
Mission: To provide help to those needing it, and the means by which to communicate that need.

*NOTE: New Telephone and Fax Number*

**From:** Badamtchian, Chahram  
**Sent:** Monday, August 25, 2008 4:28 PM  
**To:** Wilson, John  
**Subject:** RE: CPA2007-0005 San Carlos Island Comp Plan Amendment

Yes Sir this is the one. They are proposing to increase the height and density.

**Chahram Badamtchian, AICP**  
Senior Planner  
Lee County DCD/Zoning  
Phone: 239. 533. 8372  
Fax: 239. 485. 8300  
cbadamtchian@leegov.com

**From:** Wilson, John  
**Sent:** Monday, August 25, 2008 4:25 PM  
**To:** Badamtchian, Chahram  
**Subject:** RE: CPA2007-0005 San Carlos Island Comp Plan Amendment

Is this the one that's looking to increase density in the coastal high hazard area on San Carlos Island?

John D. Wilson, Director  
Lee County Public Safety  
(239) 533-3911, Fax: (239) 482-2605  
Cell: (239) 229-1117  
wilsonjd@leegov.com  
Mission: To provide help to those needing it, and the means by which to communicate that need.

*NOTE: New Telephone and Fax Number*

**From:** Badamtchian, Chahram

**ATTACHMENT 2**

9/8/2008

**Sent:** Wednesday, August 20, 2008 2:06 PM

**To:** Boutelle, Stephen J.; Campbell, Gerald G.; Collins, David M.; Collins, Donna Marie ; Cranford, Richard M.; Daltry, Wayne E.; Eckenrode, Peter J.; farrell, Kevin; Gordon, Dawn; Griffith, Douglas; Horner, Bill; Horsting, Michael S.; Houck, Pamela E.; Lavender, James H.; Lehnert, Dawn; Loveland, David M.; Meurer, Douglas L.; Murphy, Jerry; Newman, William T.; Ottolini, Roland E.; Pavese, Michael P.; Roberts, Rickey G.; Sampson, Lindsey J.; Moore, James; Sweigert, Rebecca H.; Wilson, John; Zettel, Mary S.

**Subject:** CPA2007-0005 San Carlos Island Comp Plan Amendment

CPA 2007-0005 San Carlos Island Comprehensive Plan Amendment is deemed sufficient. The LPA hearing date is set for Sept 22, 2008. Could you please send your substantive comments to me? I am starting to draft my staff report and need your comments ASAP.

Thanks,

CB

**Chahram Badamtchian, AICP**

Senior Planner

Lee County DCD/Zoning

Phone: 239. 533. 8372

Fax: 239. 485. 8300

[Cbadamtchian@leegov.com](mailto:Cbadamtchian@leegov.com)

**Badamtchian, Chahram**

**From:** Wegis, Howard S.  
**Sent:** Thursday, August 21, 2008 10:03 AM  
**To:** Badamtchian, Chahram  
**Cc:** Hill, Thomas A.; Mamott, Thomas A.; Osterhout, Thom  
**Subject:** CPA2007-0005 San Carlos Island Comp Plan Amendment

I have reviewed the Applicant's response received on August 4, 2008 and the applicant has included and acknowledged Utilities' comments transmitted to you in a memo dated 6/23/08. We have no further comments.

Howard S. Wegis  
Staff Engineer  
Lee County Utilities  
P.O. Box 398  
Fort Myers, FL 33901  
Phone#: (239) 533-8163  
Fax#: (239) 485-8385

9/8/2008

## Badamtchian, Chahram

**From:** William B. Horner [wbhorner@flylcpa.com]  
**Sent:** Thursday, August 21, 2008 11:51 AM  
**To:** Badamtchian, Chahram  
**Subject:** RE: CPA2007-0005 San Carlos Island Comp Plan Amendment

I have no comments.  
Bill

*William B. Horner, AICP  
Planning Manager  
Lee County Port Authority  
11000 Terminal Access Road, Suite 8671  
Fort Myers, FL 33913  
Telephone: (239) 590-4618/Fax: (239) 590-4688  
E-mail Address: wbhorner@flylcpa.com*

-----Original Message-----

**From:** Badamtchian, Chahram [mailto:CBADAMTCHIAN@leegov.com]  
**Sent:** Wednesday, August 20, 2008 2:06 PM  
**To:** Boutelle, Stephen J.; Campbell, Gerald G.; Collins, David M.; Collins, Donna Marie ; Cranford, Richard M.; Daltry, Wayne E.; Eckenrode, Peter J.; farrell, Kevin; Gordon, Dawn; Griffith, Douglas; William B. Horner; Horsting, Michael S.; Houck, Pamela E.; Lavender, James H.; Lehnert, Dawn; Loveland, David M.; Meurer, Douglas L.; Murphy, Jerry; Newman, William T.; Ottolini, Roland E.; Pavese, Michael P.; Roberts, Rickey G.; Sampson, Lindsey J.; Smith, Regina Y.; Sweigert, Rebecca H.; Wilson, John; Zettel, Mary S.  
**Subject:** CPA2007-0005 San Carlos Island Comp Plan Amendment

CPA 2007-0005 San Carlos Island Comprehensive Plan Amendment is deemed sufficient. The LPA hearing date is set for Sept 22, 2008. Could you please send your substantive comments to me? I am starting to draft my staff report and need your comments ASAP.

Thanks,

CB

**Chahram Badamtchian, AICP**  
Senior Planner  
Lee County DCD/Zoning  
Phone: 239. 533. 8372  
Fax: 239. 485. 8300  
Cbadamtchian@leegov.com

## Badamtchian, Chahram

**From:** Boutelle, Stephen J.  
**Sent:** Friday, July 25, 2008 3:13 PM  
**To:** Joe Mcharris  
**Cc:** Badamtchian, Chahram  
**Subject:** RE: Cpa 51-issues of marine dependant uses.

Joe,

I don't really have any problem with your language. However, it still would allow for transition from water dependent uses to water related uses. I think it is a separate question for Planning to determine the appropriateness of that type of transition in areas presently designated as water dependent such as San Carlos Island.

Regards,

Steve Boutelle  
Lee County - Natural Resources Division

Ph: 239-533-8128  
FX: 239-485-8408  
[www.lee-county.com](http://www.lee-county.com)

**From:** Joe Mcharris [mailto:joe@mcharris.com]  
**Sent:** Tuesday, July 22, 2008 10:15 AM  
**To:** Boutelle, Stephen J.  
**Subject:** RE: Cpa 51-issues of marine dependant uses.

I have added some more uses.

McHarris Planning & Design  
11338 Bonita Beach Rd  
Suite 103  
Bonita Springs, FL 34135  
(239)948-6688 Phone  
(239) 948-6689 Fax

**From:** Joe Mcharris [mailto:joe@mcharris.com]  
**Sent:** Sunday, July 20, 2008 2:39 PM  
**To:** 'Boutelle, Stephen J.'  
**Subject:** Cpa 51-issues of marine dependant uses.

Steven  
Please review the changes below and call me with your comments  
Thanks

POLICY XX.3.4: The DRMUWDF is an area which provides the associated support development and

9/8/2008

synergism to create a viable mixed use destination type development with water dependant uses as part of the mix. This sub-category allows a mix of land uses related to and justified by the development. Predominant land uses within this area are expected to be residential, commercial, transitory lodging, office, public, recreation, and development all with a water related aspects. The following is a list of water dependant uses that will be allowed within the development.

#### Water related Permitted Uses

1. Aids to navigation
2. Bait and tackle shops
3. Boat launch and or moorage facilities, Marina, and boat charter services
4. Communication facilities essential to service water dependant uses.
5. Facilities for refueling and providing other services for boats, ships and related marine equipmet
6. Laboratory research on marine/estuarine products and resources and physical and biological characteristics of the estuary.
7. Marine related specialty shop
8. Office in conjunction with a permitted or conditionally permitted use
9. Public waterfront access
10. Research and education observation
11. Storage of Marine equipment
12. Stores for sale and rental of marine supplies and equipment
13. Utilities
14. Wholesale and retail markets for marine estuarine products
15. Grocery store/ships store
16. Restaurant
17. Processing of seafood in conjunction with retail sales operation
18. Boat repair/maintenance, boat building and Dry dock
19. Cruise ship and Boat terminal facilities
20. Uses not listed as permitted but shown to be water dependent or water related by the applicant.
21. Boat yard
22. Commercial fishing

11338 Bonita Beach Rd  
Suite 103  
Bonita Springs, FL 34135  
(239)948-6688 Phone  
(239) 948-6689 Fax

**Badamtchian, Chahram**

---

**From:** Badamtchian, Chahram  
**Sent:** Thursday, July 03, 2008 2:51 PM  
**To:** 'Joe Mcharris'  
**Cc:** Noble, Matthew A.  
**Subject:** San Carlos Island CPA

Hi Joe,

Please correct me or confirm that you are asking for the following densities and intensities:

Up to **600** residential dwelling units  
**300** room hotel with all amenities (including restaurants, bars, nightclubs, retail stores, conference facilities, etc..)  
Mariana with up to **500** dry and wet boat slips  
**98,000** S.F. retail commercial  
**449** live aboard units

Thanks,

**Chahram Badamtchian, AICP**  
Senior Planner  
Lee County DCD/Zoning  
Phone: 239. 533. 8372  
Fax: 239. 485. 8300  
[Cbadamtchian@leegov.com](mailto:Cbadamtchian@leegov.com)

**Badamtchian, Chahram**

**From:** Loveland, David M.  
**Sent:** Tuesday, July 01, 2008 4:20 PM  
**To:** Badamtchian, Chahram  
**Cc:** Noble, Matthew A.  
**Subject:** RE: CPA2007-0005, San Carlos Island Comp Plan Amendment

Chahram-

Please include the following DOT comments in the sufficiency letter back to the applicant:

Lee County DOT appreciates the applicant's attempt to create an objective and policies for this amendment that focus on transportation alternatives, since the project is in an area with a particularly grave traffic problem in the form of notorious back-ups experienced during tourist season southbound on San Carlos Boulevard approaching Fort Myers Beach. We are particularly pleased with the commitment to establish a water-taxi service linking to Fort Myers Beach (proposed Policy XX.7.1). However, a couple of the other new proposed policies require clarification.

1. For Policy XX.7.3, the particular point of concern from staff was the existing condition of Main Street, which will be this project's direct access to San Carlos Boulevard. Therefore, the policy needs to specifically identify Main Street as the area of emphasis. Language also needs to be added to make clear that any road impact fee credits for sidewalk improvements will only be for off-site facilities. DOT staff recommends the following revisions (in strike-through/underline format):

**POLICY XX.7.3**

*As part of this amendment the existing roadways that are adjacent to or run through the project, particularly Main Street, will be evaluated with cross-sectional analysis to identify needed upgrades for driver and bicycle/pedestrian safety and bus access to and from this property. At a minimum one bus stop will be provided along Main Street to Lee Tran standards or better. ~~Sidewalk upgrades offsite will be provided where none are provided for. Side walk improvements will be eligible for road impact fee credits.~~ Where bicycle/pedestrian upgrades or additions are determined by Lee County to be desirable along Main Street or other area streets, any such improvements on behalf of this property and outside the boundaries of this property will be eligible for road impact fee credits in accordance with the Lee County Land Development Code.*

2. For Policy XX.7.4, what is meant by "some sort of grade separation"? Would this involve taking the bicycle/pedestrian facilities up and over the road? Please clarify.
3. For Policies XX.7.4 and XX.7.5, what is meant by "Projects"? The other policies refer to "The project" and seem specific to your development proposal. Is that what is intended as well for these two policies?

Thanks for the opportunity to comment and sorry it took so long.

David M. Loveland, AICP  
 Manager, Transportation Planning  
 Lee County Dept. of Transportation  
 1500 Monroe Street  
 Fort Myers, FL 33901  
 NOTE CHANGE: (239)533-8509  
 loveladm@leegov.com

**From:** Badamtchian, Chahram

**Sent:** Wednesday, June 25, 2008 2:50 PM

**To:** Campbell, George G.; Collins, David M.; Collins, Donna Marie ; Daltry, Wayne E.; Eckenrode, Peter J.; farrell, Kevin; Gordon, Dawn; Griffith, Douglas; Horner, Bill; Houck, Pamela E.; Lavender, James H.; Lehnert, Dawn; Loveland, David M.; Meurer, Douglas L.; Murphy, Jerry; Ottolini, Roland E.; Pavese, Michael P.; Roberts, Rickey G.; Sampson, Lindsey J.; Smith, Regina Y.; Sweigert, Rebecca H.; Wilson, John; Yarbrough, John H.; Zettel, Mary

7/17/2008

S.

**Cc:** Noble, Matthew A.

**Subject:** CPA2007-0005, San Carlos Island Comp Plan Amendment

This is a reminder that today is the deadline for your comments to be forwarded to me for inclusion in the review comments letter that will be sent to the applicant tomorrow. Should you need additional time to review, please let me know. Otherwise I have to assume that you have no further comments.

Thank you very much for your cooperation.

Sincerely,

**Chahram Badamtchian, AICP**

Senior Planner

Lee County DCD/Zoning

Phone: 239. 533. 8372

Fax: 239. 485. 8300

[Cbadamtchian@leegov.com](mailto:Cbadamtchian@leegov.com)

**Badamtchian, Chahram**

**From:** Block, Alvin H.  
**Sent:** Monday, June 30, 2008 10:06 AM  
**To:** Hall, Tammy  
**Cc:** O Connor, Paul S.; Badamtchian, Chahram  
**Subject:** RE: San Carlos Island Comp Plan Amendment

Commissioner Hall:

This is a County Comprehensive Plan amendment that is being reviewed. If anyone else is interested in talking to staff about this, they can contact Chahram Badamtchian who is assigned to the case.

Chip Block

*Alvin Block, AICP*

Principal Planner  
Lee County Department of Community Development  
Zoning Division  
(239) 533-8371  
blockah@leegov.com

Please note: Florida has a very broad public records law. Most written communications to or from County personnel regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

**From:** Hall, Tammy  
**Sent:** Monday, June 30, 2008 9:25 AM  
**To:** Block, Alvin H.  
**Subject:** FW: San Carlos Island Comp Plan Amendment

Is this a county case or a Town of Fort Myers Beach case?

Thanks  
Tammy

Commissioner Tammy Hall  
Lee County Board of Commissioners  
District 4  
239-533-2226 office  
239-485-2054 fax  
dist4@leegov.com

**From:** Dist4, Hall  
**Sent:** Monday, June 30, 2008 9:12 AM  
**To:** JANET HLADIK  
**Subject:** RE: San Carlos Island Comp Plan Amendment

---

Thank you for sharing your comments with Commissioner Hall.

Carmen Salomé  
Executive Assistant to Commissioner Tammy Hall

6/30/2008

Lee County Board of Commissioners  
District 4  
239-533-2226 office  
239-485-2054 fax  
Email: [dist4@leegov.com](mailto:dist4@leegov.com)  
Website: [www.lee-county.com](http://www.lee-county.com)

**From:** JANET HLADIK [<mailto:jhladik@embarqmail.com>]  
**Sent:** Sunday, June 29, 2008 3:10 PM  
**To:** Dist4, Hall  
**Subject:** San Carlos Island Comp Plan Amendment

Dear Ms. Hall,

I have reviewed the development plans involving Salty Sam's Marina and Oyster Bay on San Carlos Island, Ft. Myers Beach with developer Robert Beasley and am writing to object to the height of the proposed buildings.

Progress is equated with building and the basic grounds layout of the plan is appealing. However, the height of the building at twenty-five plus stories is not congruent with the surrounding neighborhood of single family homes or other structures within a considerable distance.

Four years ago when I first came to this area as a visitor, I intended it to be a one time event. But I fell in love with the area and the quiet life style on San Carlos Island and have become a permanent resident. The magnitude of this project has the potential to undermine and destroy the character of the area. All progress should not be measured in maximizing height and population density. Progress should be balanced with existing structures, thus my appeal to you to consider a reduction in the height of the condominium structures to 6 stories or less.

Main Street is a narrow street and not suited to the increased resident, visitor and commercial traffic that would be associated with the high rise structures. During winter season the traffic on San Carlos Blvd. backs up for miles, and increasing the population density on San Carlos Island would greatly exacerbate this already monumental problem.

Thank you for your attention and consideration in this matter.

Sincerely,

Janet Hladik  
1595 Main St,  
Ft. Myers Beach, FL 33931  
239-463-5556  
[jhladik@embarqmail.com](mailto:jhladik@embarqmail.com)

## Badamtchian, Chahram

**From:** Daltry, Wayne E.  
**Sent:** Wednesday, June 25, 2008 12:41 PM  
**To:** Badamtchian, Chahram  
**Subject:** RE: CPA2007-00051, San Carlos Island Comp Plan Amendment

Good Afternoon Chahram

I have reviewed CPA 2007-00051, and the comments received, but the issues raised by my commentary remains.

Without being argumentative, the issues of marine dependency and off shore oil exploration and support has been sufficiently in the news to underscore the value of having such a designated marine dependent overlay area. The high hazard issues and sea level rise have similarly been in the news, and are subject to recent state legislation with additional requirements for local planning in regard to evacuation times.

I apologize for having difficulty tracking the applicants commentary, since he referenced having italics and bold, yet I did not find either. It is possible that the response did address my points, but since they were not presented with the applicants' outlook provided, I do not want to make a false presumption of linkage.

In summary, redevelopment is attractive but is counterbalanced with the increased potential of property loss. A reduction or increase in exposure to storms by residents depends upon an analysis of storm season occupancy rates. Onshore support of offshore oil exploration may be relevant as the State reexamines its posture in regard to that activity.

Storm exposure, property loss, and evacuation, and sea level rise issues as they relate to redevelopment proposals are not restricted to this site, but extent the breadth of the county waterfront. The marine dependency issue, however, is relevant to this site and this part of the island.

Wayne Daltry, FAICP  
Director, Smart Growth  
239-533-2240  
fx -485-2262

"Never doubt that a small group of thoughtfully committed citizens can change the world. Indeed, it's the only thing that ever has." Margaret Mead.

**From:** Badamtchian, Chahram  
**Sent:** Wednesday, June 11, 2008 11:17 AM  
**To:** Boutelle, Stephen J.; Campbell, George G.; Collins, David M.; Collins, Donna Marie ; Daltry, Wayne E.; Eckenrode, Peter J.; farrell, Kevin; Gordon, Dawn; Griffith, Douglas; Hansen, Chris; Horner, Bill; Horsting, Michael S.; Houck, Pamela E.; Lavender, James H.; Lehnert, Dawn; Loveland, David M.; Meurer, Douglas L.; Murphy, Jerry; Newman, William T.; Ottolini, Roland E.; Pavese, Michael P.; Roberts, Rickey G.; Sampson, Lindsey J.; Smith, Regina Y.; Sweigert, Rebecca H.; Wilson, John; Yarbrough, John H.; Zettel, Mary S.  
**Subject:** CPA2007-00051, San Carlos Island Comp Plan Amendment  
**Importance:** High

Community Development staff requests that your agency review the revised application and provide comments back to us. If you deem that responses to your comments are satisfactory and you have no further sufficiency comments, you may provide your substantive comments at this time. Please provide your sufficiency or substantive comments by June 25, 2008.

7/17/2008

A link to the application is below. If you have problems opening the attachment or if you have any questions, please feel free to contact me.

<http://www.lee-county.com/dcd/PlanAmendments/PA2006-2008/CPA200751A2.pdf>

Sincerely,

**Chahram Badamtchian, AICP**  
Senior Planner  
Lee County DCD/Zoning  
Phone: 239. 533. 8372  
Fax: 239. 485. 8300  
[Cbadamtchian@leegov.com](mailto:Cbadamtchian@leegov.com)

7/17/2008

**Badamtchian, Chahram**

**From:** Boutelle, Stephen J.  
**Sent:** Wednesday, June 25, 2008 11:13 AM  
**To:** Badamtchian, Chahram  
**Cc:** Ottolini, Roland E.; McBride, Justin D.  
**Subject:** RE: CPA2007-00051, San Carlos Island Comp Plan Amendment

Chahram,

The Natural Resources questions are still largely unanswered. More specifically:

1. I appreciate the deeds, but this provides me no comfort that the submerged lands are in fact owned by the applicants. I believe that a title determination from the FDEP is required to satisfactorily answer this question.
2. The reference to Hurricane Donna is still included.
3. Regarding marine industrial and water dependent uses, the application has inconsistencies regarding their displacement (or not) of commercial fishing and in my opinion has still not specifically demonstrated how or where the water dependent components of their project will be included beyond what is presently existing.
4. The submerged lands are presented as an important part of the project. If they are "in limbo" as stated, then those issues should be resolved before we approve any changes related to them.
5. The applicant has still not provided any objective data to support their assertion that commercial fishing is not viable at this location.
6. The seagrass and depth data have not yet been provided.
7. The applicant has not addressed the issue of consistency with the Lee County Manatee Protection Plan. The permit excerpts included are a partial answer but also raise a new question of how the project will maintain consistency with the existing permit conditions regarding number and placement of boat slips. Additional details will be necessary to address that issue.
8. The specific locations of water taxi stops are required to evaluate consistency with manatee protection.

Steve Boutelle  
 Lee County - Natural Resources Division

Ph: 239-533-8128  
 FX: 239-485-8408  
[www.lee-county.com](http://www.lee-county.com)

**From:** Badamtchian, Chahram  
**Sent:** Wednesday, June 11, 2008 11:17 AM  
**To:** Boutelle, Stephen J.; Campbell, George G.; Collins, David M.; Collins, Donna Marie ; Daltry, Wayne E.; Eckenrode, Peter J.; farrell, Kevin; Gordon, Dawn; Griffith, Douglas; Hansen, Chris; Horner, Bill; Horsting, Michael S.; Houck, Pamela E.; Lavender, James H.; Lehnert, Dawn; Loveland, David M.; Meurer, Douglas L.; Murphy, Jerry; Newman, William T.; Ottolini, Roland E.; Pavese, Michael P.; Roberts, Rickey G.; Sampson, Lindsey J.; Smith, Regina Y.; Sweigert, Rebecca H.; Wilson, John; Yarbrough, John H.; Zettel, Mary S.  
**Subject:** CPA2007-00051, San Carlos Island Comp Plan Amendment  
**Importance:** High

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7/17/2008

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Sincerely,

**Chahram Badamtchian, AICP**  
Senior Planner  
Lee County DCD/Zoning  
Phone: 239. 533. 8372  
Fax: 239. 485. 8300  
[Cbadamtchian@leegov.com](mailto:Cbadamtchian@leegov.com)

---

7/17/2008

## Badamtchian, Chahram

**From:** Boutelle, Stephen J.  
**Sent:** Wednesday, June 25, 2008 1:10 PM  
**To:** Badamtchian, Chahram  
**Cc:** Ottolini, Roland E.; McBride, Justin D.  
**Subject:** RE: CPA2007-00051, San Carlos Island Comp Plan Amendment

Chahram,

It actually did not take much time to determine that the "seagrass study" is completely inadequate. The methods were not consistent with accepted practices for this type of biological survey. The work was completed by a geologist who may have little experience in this type of work. My initial comment #6 below has been slightly modified to reflect this position.

Steve Boutelle  
Lee County - Natural Resources Division

Ph: 239-533-8128  
FX: 239-485-8408  
www.lee-county.com

**From:** Boutelle, Stephen J.  
**Sent:** Wednesday, June 25, 2008 11:24 AM  
**To:** Badamtchian, Chahram  
**Cc:** Ottolini, Roland E.; McBride, Justin D.  
**Subject:** RE: CPA2007-00051, San Carlos Island Comp Plan Amendment

Chahram,

I just found the seagrass study in my inbox. It will take some time to review. I will provide comments by the end of next week.

Steve Boutelle  
Lee County - Natural Resources Division

Ph: 239-533-8128  
FX: 239-485-8408  
www.lee-county.com

**From:** Boutelle, Stephen J.  
**Sent:** Wednesday, June 25, 2008 11:13 AM  
**To:** Badamtchian, Chahram  
**Cc:** Ottolini, Roland E.; McBride, Justin D.  
**Subject:** RE: CPA2007-00051, San Carlos Island Comp Plan Amendment

Chahram,

The Natural Resources questions are still largely unanswered. More specifically:

1. I appreciate the deeds, but this provides me no comfort that the submerged lands are in fact owned by the applicants. I believe that a title determination from the FDEP is required to satisfactorily answer this

7/17/2008

## Badamtchian, Chahram

---

**From:** Houck, Pamela E.  
**Sent:** Wednesday, June 25, 2008 2:53 PM  
**To:** Badamtchian, Chahram  
**Subject:** RE: CPA2007-0005, San Carlos Island Comp Plan Amendment

I think less density and cut the height in half. What is the height of the two buildings off Bunche Beach Rd?

-----Original Message-----

From: "Badamtchian, Chahram " <CBADAMTCHIAN@leegov.com>  
To: "Campbell, George G." <GCampbell@leegov.com>; "Collins, David M." <collins@fmbfire.org>; "Collins, Donna Marie " <COLLINS@leegov.com>; "Daltry, Wayne E." <WDaltry@leegov.com>; "Eckenrode, Peter J." <ECKENRPJ@leegov.com>; "farrell, Kevin" <kfarrell@sheriffleefl.org>; "Gordon, Dawn" <dawnmgo@leeschools.net>; "Griffith, Douglas" <DGriffith@leegov.com>; "Horner, Bill" <wbhorner@flylcpa.com>; "Houck, Pamela E." <PHouck@leegov.com>; "Lavender, James H." <LAVENDJH@leegov.com>; "Lehnert, Dawn" <LEHNERTD@leegov.com>; "Loveland, David M." <LOVELADM@leegov.com>; "Meurer, Douglas L." <DMeurer@leegov.com>; "Murphy, Jerry" <jerry@fortmyersbeachfl.gov>; "Ottolini, Roland E." <OTTOLIRE@leegov.com>; "Pavese, Michael P." <PAVESEMP@leegov.com>; "Roberts, Rickey G." <ROBERTRG@leegov.com>; "Sampson, Lindsey J." <SAMPSONJ@leegov.com>; "Smith, Regina Y." <rsmith@leegov.com>; "Sweigert, Rebecca H." <RSweigert@leegov.com>; "Wilson, John" <WILSONJD@leegov.com>; "Yarbrough, John H." <JY@leegov.com>; "Zettel, Mary S." <ZETTELM@leegov.com>  
Cc: "Noble, Matthew A." <NOBLEMA@leegov.com>  
Sent: 6/25/08 2:50 PM  
Subject: CPA2007-0005, San Carlos Island Comp Plan Amendment

This is a reminder that today is the deadline for your comments to be forwarded to me for inclusion in the review comments letter that will be sent to the applicant tomorrow. Should you need additional time to review, please let me know. Otherwise I have to assume that you have no further comments.

Thank you very much for your cooperation.

Sincerely,

Chahram Badamtchian, AICP

**Badamtchian, Chahram**

**From:** Horsting, Michael S.  
**Sent:** Friday, June 13, 2008 12:55 PM  
**To:** Badamtchian, Chahram  
**Subject:** RE: CPA2007-00051, San Carlos Island Comp Plan Amendment  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

Chahram,

1. I don't see how FDOT comments regarding access to the existing transit system were completely addressed. Transit staff anticipates mass transit service to remain on San Carlos Boulevard and not traverse on Main Street to the proposed development. Safe transit access in both directions to and from this development will need to occur on San Carlos Boulevard.

2. Transit staff does not anticipate this location to be a "transit hub" as stated in the application. Our hub related to beach and island services is currently at Summerlin Square and the long-range location continues to keep the hub in this vicinity.

Mike Horsting, AICP  
 Principal Planner - Lee County Transit  
 239-533-0333 tel

Please note: Florida has a very broad public records law. Most written communications to or from County Employees and Officials regarding County business are public records available to the public and media upon request. Your e-mail communication may be subject to public disclosure.

**From:** Badamtchian, Chahram  
**Sent:** Wednesday, June 11, 2008 11:17 AM  
**To:** Boutelle, Stephen J.; Campbell, George G.; Collins, David M.; Collins, Donna Marie ; Daltry, Wayne E.; Eckenrode, Peter J.; farrell, Kevin; Gordon, Dawn; Griffith, Douglas; Hansen, Chris; Horner, Bill; Horsting, Michael S.; Houck, Pamela E.; Lavender, James H.; Lehnert, Dawn; Loveland, David M.; Meurer, Douglas L.; Murphy, Jerry; Newman, William T.; Ottolini, Roland E.; Pavese, Michael P.; Roberts, Rickey G.; Sampson, Lindsey J.; Smith, Regina Y.; Sweigert, Rebecca H.; Wilson, John; Yarbrough, John H.; Zettel, Mary S.  
**Subject:** CPA2007-00051, San Carlos Island Comp Plan Amendment  
**Importance:** High

Community Development staff requests that your agency review the revised application and provide comments back to us. If you deem that responses to your comments are satisfactory and you have no further sufficiency comments, you may provide your substantive comments at this time. Please provide your sufficiency or substantive comments by June 25, 2008.

A link to the application is below. If you have problems opening the attachment or if you have any questions, please feel free to contact me.

<http://www.lee-county.com/dcd/PlanAmendments/PA2006-2008/CPA200751A2.pdf>

7/17/2008

Sincerely,

**Chahram Badamtchian, AICP**

Senior Planner

Lee County DCD/Zoning

Phone: 239. 533. 8372

Fax: 239. 485. 8300

[Cbadamtchian@leegov.com](mailto:Cbadamtchian@leegov.com)

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7/17/2008

## Badamtchian, Chahram

**From:** Noble, Matthew A.  
**Sent:** Thursday, May 15, 2008 11:22 AM  
**To:** Badamtchian, Chahram  
**Subject:** FW: San Carlos Island-CPA200751A1

**From:** Velez, Sergio I.  
**Sent:** Friday, January 18, 2008 1:51 PM  
**To:** Noble, Matthew A.  
**Cc:** Wegis, Howard S.; joe@mcharris.com  
**Subject:** San Carlos Island-CPA200751A1

Matt:

Please be advised that the water and wastewater treatment facilities serving the San Carlos Island have enough available treatment capacity to provide services to the proposed re-development included in the San Carlos Island Comp Plan Amendment. The consultant's report indicates that the development will increase the water and sewer demand by 154,975 GPD.

The Fort Myers Beach WWTP and the Green Meadows and Corkscrew WTP have enough available capacity to satisfy the proposed increase in demand. The water transmission lines and the sewer pump station and forcemain may have to be upgraded to properly serve the project. The required improvements must be determined at the time that the project is designed.

If you need further information, please let me know.

Thanks

S. Ivan Velez, P.E.  
Deputy Director  
Lee County Utilities  
1500 Monroe Street  
Fort Myers, FL 33901  
Ph: 239-533-8166  
Fax: 239-533-8176  
cell: 239-357-1867

5/15/2008

## Badamtchian, Chahram

**From:** Noble, Matthew A.  
**Sent:** Thursday, May 15, 2008 10:53 AM  
**To:** Badamtchian, Chahram  
**Subject:** FW: San Carlos Island

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**From:** Campbell, George G.  
**Sent:** Thursday, May 08, 2008 3:24 PM  
**To:** Noble, Matthew A.  
**Cc:** Wilson, John; Saniter, David J.  
**Subject:** San Carlos Island

Hi Matt,

Below is an excerpt from a note I sent to John Wilson after our meeting on the above project.

*When I read the requirement, (Goal 105 et al) I interpret the increase and subsequent requirement as specific to that project or parcel. There is a school of thought whereby increased density in one CHZ area can be offset by reducing density at other locations (i.e. creating green space from land that could otherwise be developed) that would use the same evacuation routes. (Not sure why evacuation routes were specified, but they were.) This is the view espoused by Matt Uhule (attorney for the project) and was apparently upheld in recent litigation in Lee County. Apparently County Planning has accepted (this) broad interpretation of offsetting increased density.*

While my thoughts were triggered by that specific meeting, my concerns are general. Any specific project can have merit and there is certainly room for reasonable people to debate the appropriateness of this one. That said, I have a couple of questions regarding my understanding of the precedent we seem to be setting.

1. Did I get the Planning position, regarding increased density in the CHZ, essentially right? If not, can you please clarify?
2. Can a developer take/use the density offset created by County/State acquisitions, with no recompense? It appears this project is doing that. Taxpayer dollars were apparently spent to set aside lands to control development (at some level). The San Carlos Island development with its increased density simply relocates, not reduces, population to the economic benefit of the developer.
3. Is there any County plan to appeal (to reverse or further refine) this apparent legal precedent?

I admit that I have a narrow focus and I have no desire to create more work for you (or me). But, I am concerned when we allow additional people to be placed at risk to hurricane surge.

I know you all have a tough job to balance so many, often conflicting, priorities. Thanks and good luck.  
g

---

Gerald Campbell, FPEM  
Chief of Planning

5/15/2008

Lee County Emergency Management  
PO Box 398  
Fort Myers, FL 33902-0398  
Telephone: 239-533-3620 (NEW NUMBER)

**Badamtchian, Chahram**

**From:** Noble, Matthew A.  
**Sent:** Thursday, May 15, 2008 10:51 AM  
**To:** Badamtchian, Chahram  
**Subject:** FW: San Carlos Comp Plan Amendment (Resort Mixed Use Water Dependent Land Use) CPA2007-00051

**From:** Boutelle, Stephen J.  
**Sent:** Tuesday, October 30, 2007 12:44 PM  
**To:** Cunningham, Brent; Noble, Matthew A.  
**Cc:** Ottolini, Roland E.; Lee, Samuel  
**Subject:** San Carlos Comp Plan Amendment (Resort Mixed Use Water Dependent Land Use) CPA2007-00051

Brent and Matt,

Thank you for the opportunity to review the proposed Comp Plan amendment for San Carlos Island. The information as presented raises a number of initial questions which I will outline below. Additional questions may be forthcoming pending responses to these issues and review of surface water features.

- General
  - The Table of Contents specifies Attachment J as Layout Plan. That appears to be missing.
  - Where is the documentation of ownership or other justification for including the submerged lands in the proposed amendment?
  - I assume that someone will be commenting on the traffic issues relative to the plans to construct an additional bridge as well as the adequacy of the existing road given the proposed changes. As a user of the county owned facility on San Carlos Island, we potentially are impacted by these issues as are our existing tenants.
  - While perhaps immaterial to the project details, I note that the reference on page 1 of Attachment B-2b indicating that the submerged lands were created by Hurricane Donna is incorrect.
  - Is the increased year round occupancy in the coastal high hazard area consistent with the Comprehensive Plan?
  - The assertion that the marine industrial uses are incompatible with the adjacent uses seems inconsistent with the reported 70 year marine industrial history of the island. Please explain.
  - Attachment G states that the plan "provides a mechanism to mitigate submerged land". What does that mean?
- Water Dependency
  - The site concept plan appears to be a major departure from the marine industrial and other water dependent uses presently specified for this area. Please describe how the features other than the existing marina and cruise boat are dependent upon water access.
  - The reported demise of the shrimping industry is used as a justification for this project. When was the subject property last engaged actively in shrimp harvest operations? What objective information supports the assertion that shrimping and other commercial fishing is no longer viable in this area? The information in Attachment J discusses the importance of the shrimping industry and recent increases in sales as a response to state marketing efforts. This would suggest that the remaining areas supporting this industry should be protected not eliminated.
  - Even if the assertion that commercial fishing is no longer viable is accurate, why are other water dependent marine industrial uses not considered important or viable for this location? For example, how would the conversion of this property impact the county legislative requirements to preserve

working waterfront or the need for boatyards or similar service facilities for large recreational and commercial vessels?

- The changes as proposed seem inconsistent with Goals 8, 12, 121, 122, 128, and 158 of the Comprehensive Plan.
- Resource Impact Issues
  - The drawing and text refer to significant expansion of docks along the northern project shoreline. What are the seagrass and depth conditions in the proposed docking area and ingress and egress pathways?
  - Has a review been completed for consistency with the Lee County Manatee Protection Plan?
  - Operational details would be necessary to comment on the appropriateness of a water taxi.

As previously mentioned, additional comments may be forthcoming based on replies to the above and review of surface water issues. Please contact me if you need clarification on anything.

Steve Boutelle  
Marine Operations Manager  
Lee County - Natural Resources Division  
1500 Monroe Street  
Fort Myers, Florida 33901

Ph: 239-533-8128  
FX: 239-485-8408  
[boutelsj@leegov.com](mailto:boutelsj@leegov.com)  
[www.lee-county.com](http://www.lee-county.com)

**Badamtchian, Chahram**

**From:** Noble, Matthew A.  
**Sent:** Thursday, May 15, 2008 10:51 AM  
**To:** Badamtchian, Chahram  
**Subject:** FW: San Carlos Comp Plan Amendment (Resort Mixed Use Water Dependent Land Use) CPA2007-00051

**From:** Daltry, Wayne E.  
**Sent:** Tuesday, October 30, 2007 3:35 PM  
**To:** Cunningham, Brent  
**Cc:** Noble, Matthew A.  
**Subject:** RE: San Carlos Comp Plan Amendment (Resort Mixed Use Water Dependent Land Use) CPA2007-00051

Good afternoon

This application seems to not match the uses foreseen within the area, and has serious issues with existing county policy.

1. Water Dependent Overlay Zone. The Pass side of the property is within the Water Dependent Overlay Zone. I believe it was also considered at one time under Florida's Working Waterfront program, but I do not know the current status. The current reduction of commercial fishing businesses does not indicate that there still will not be a need for boating and marine support facilities, which are very limited elsewhere. Additionally, San Carlos Island as a whole was identified as the one site in this region that would be suitable for facilities for staging Oil Exploration and Development in the Gulf, under an early program at the SWFRPC, and the continued interest in the Gulf as an oil source does indicate a need for awareness for such demands.

I don't know whether the current zoning and land use classifications support such staging facilities. However, these considerations together would make any conclusion that Lee County will not need some industrial waterfront, related to marine/boating activities, premature.

2. Hurricane High Hazard Area. The Island is currently a hurricane high hazard area. As such, increasing densities is not promoted. The submerged lands have no land use classification, and since they are submerged, would not normally be used for density calculations.

3. Live aboards. These current "residences" are mobile. Despite ongoing concerns about liveaboards and water quality, there is an expected ability to either move, or, frankly, be disposable, should a hurricane threat materialize. Transferring "mobile" uses to "fixed" uses, with the potential increase in the number of units asked (depending upon how the land use/density request is calculated), increases the hurricane hazard to lives and property.

4. Recreational Vehicles. RVs are not normally deemed "year around" housing. The practice on site, though, seems to have been that these units (or a large portion) do stay "year around." Given the discussion provided by the applicant, some of the residents are lower income and may even be seasonal workers for the Island economy. The unit type, though, at the location given, is supposed to be lower risk for hurricane evacuation, and if not removed, are apparently deemed "disposable" by the owners. Again, converting such units to "permanent" units does increase the risk to lives and property.

5. Sea Level Rise. According to Governor Crist, the topic of climate change and sea level rise is no longer under debate. Consequently, the current threatened state of the site will become even more

threatened through time, particularly since the rise is expected to kill the mangrove buffer at the southeast portion of the site.

Opportunity does exist for the island, however. The application does point out the need for examining what kind of transition can be promoted for the Island should these blighting influences identified in the Application are not addressed. To that end, the application might be viewed as one applicant's effort to get this redevelopment planning initiated. For that effort to have some degree of success, the surrounding properties would also need to be considered, and an infrastructure plan and transitional land use plan developed, with the appropriate mixed use and human scale principles. Without such an effort, the site itself is redeveloping in isolation, and has immediate contextual conflict with the adjacent parcels.

#### NOTE NEW PHONE NUMBERS

Wayne Daltry, FAICP  
Director, Smart Growth  
239-533-2240  
fx -485-2262

**From:** Cunningham, Brent

**Sent:** Thursday, October 18, 2007 11:25 AM

**To:** Cranford, Richard M.; Campbell, George G.; wbergquist@sheriffleefl.org; jnygaard@sheriffleefl.org; Ottolini, Roland E.; Loveland, David M.; Horsting, Michael S.; Wu, Lili ; Yarbrough, John H.; Sampson, Lindsey J.; Newman, William T.; Smith, Regina Y.; Lavender, James H.; Velez, Sergio I.; Houck, Pamela E.; Sweigert, Rebecca H.; Eckenrode, Peter J.; Pavese, Michael P.; Daltry, Wayne E.; Zettel, Mary S.; Roberts, Rickey G.; Collins, Donna Marie ; 'SusanMTe@LeeSchools.Net'; 'wbhorner@flylcpa.com'; Wilson, John; Hansen, Hans C.; Griffith, Douglas; Derheimer, Suzanne; collins@fmbfire.org

**Cc:** Noble, Matthew A.; O Connor, Paul S.

**Subject:** FW: San Carlos Comp Plan Amendment (Resort Mixed Use Water Dependent Land Use) CPA2007-00051

#### Correction:

Planning staff requests that your agency help determine the sufficiency of the proposed plan amendment application for review. If you can identify any deficiencies in the information provided, need clarification on the subject matter, or if you find the application sufficient for review, please provide these comments to us by November 8, 2007. A letter is being drafted to submit any additional data requests to the applicant and your input concerning the potential impacts to your agency is important.

#### **Brent Cunningham, Senior Planner**

LEE COUNTY DEPT. OF COMMUNITY DEVELOPMENT

#### **Division of Planning**

**phone: 239-533-8567**

**fax : 239-485-8319**

[bcunningham@leegov.com](mailto:bcunningham@leegov.com)

[www.lee-county.com](http://www.lee-county.com)

**From:** Cunningham, Brent

**Sent:** Thursday, October 18, 2007 10:42 AM

**To:** Cranford, Richard M.; Campbell, George G.; 'wberquisit@sheriffleefl.org'; 'jnygaard@sheriffleefl.org'; Ottolini, Roland E.; Loveland, David M.; Horsting, Michael S.; Wu, Lili ; Yarbrough, John H.; Sampson, Lindsey J.; Newman, William T.; Smith, Regina Y.; Lavender, James H.; Velez, Sergio I.; Houck, Pamela E.; Sweigert, Rebecca H.; Eckenrode, Peter J.; Pavese, Michael P.; Daltry, Wayne E.; Zettel, Mary S.; Roberts, Rickey G.; Collins, Donna Marie ; 'SusanMTe@LeeSchools.Net'; 'wbhorner@flylcpa.com'; Wilson, John; Hansen, Hans C.; Griffith,

Douglas; Derheimer, Suzanne; Colon, Irma

**Cc:** Noble, Matthew A.; O Connor, Paul S.

**Subject:** San Carlos Comp Plan Amendment (Resort Mixed Use Water Dependent Land Use)  
CPA2007-00051

## Distribution List:

*John Wilson, Lee County Public Safety*  
*Chris Hansen, Lee County Public Safety, EMS*  
*Richard Cranford, Lee County Public Safety*  
*Gerald Campbell, Lee County Public Safety, Emergency Management*  
*W. Bergquist, Lee County Sheriff's Office*  
*James Nygaard, Lee County Sheriff's Office*  
*Roland E. Ottolini, Lee County Natural Resources Management*  
*Becky Sweigert, Lee County Environmental Sciences*  
*Doug Griffith, Lee County Environmental Sciences*  
*Suzy Derheimer, Lee County Environmental Sciences*  
*Michael Horsting, Lee Tran*  
*Dave Loveland, Lee County Division of Transportation*  
*Lili Wu, Lee County, Division of Transportation*  
*John Yarbrough, Lee County Parks & Recreation*  
*Lindsey Sampson, Lee County Solid Waste*  
*William Newman, Lee County, Solid Waste*  
*Regina Smith, Lee County Economic Development*  
*Jim Lavender, Lee County Public Works*  
*Ivan Velez, Lee County Utilities*  
*Pam Houck, Lee County Zoning*  
*Pete Eckenrode, Lee County Development Services*  
*Michael Pavese, Lee County Public Works*  
*Wayne Daltry, Lee County Smart Growth*  
*Mary Zettel, DCD/Code Enforcement*  
*Rick Roberts, DCD/Code Enforcement*  
*Donna Marie Collins, County Attorney's Office*  
*Susan Teston, Lee County School Board*  
*William Horner, Airport Authority*  
*David M. Collins, Fort Myers Beach Fire Control District*

Planning staff requests your agencies help in reviewing the above referenced Lee Plan Amendment. The proposed map and text amendment would change the existing Land Use designations from Industrial Development, Suburban, Urban Community & Wetlands to a new land use designation of Resort Mixed Use Water Dependent (DRMUWD). The site is generally 76.25 ± acres in size with 32.18 ± acres of total uplands, 7.93 ± acres of wetlands and 36.14 ± acres of submerged lands.

The applicant is proposing to amend the Future Land Use Map (FLUM), Map 1.

The existing land use designations allows a density range of one 1 to 6 dwelling units per acre (1 – 6 du/acre). Under the existing land use designations, it is estimated that 134 dwelling units, 600 live a board units and 145,000 sq. ft. of industrial intensity could be generated on this site. The Industrial Development Land Use designation is reserved for industrial activities per se, as well as selective land uses mixtures such as the combined uses of industrial, manufacturing, research and office complexes. The Suburban Land Use designation provides housing near the more

urban areas but do not provide the full mix of land uses typical of urban areas. The Urban Community Land Use designation includes a mix of residential, commercial, public & quasi public, and limited light industry. In addition, the Wetland Land Use designation allows for very low residential and recreational uses that will not adversely affect the ecological functions of wetlands.

The proposed Land Use designation would allow 600 units for density with 11 units per total acres of submerged and uplands or 30 units per acres of total uplands, 199 live aboard units, a 300 unit hotel with associated amenities, marina uses with a boat storage facility capacity for 500 vessels, and 98,000 sq. ft. of commercial development.

Planning staff requests that your agency help determine the sufficiency of the proposed plan amendment application for review. If you can identify any deficiencies in the information provided, need clarification on the subject matter, or if you find the application sufficient for review, please provide these comments to us by November 30, 2007. A letter is being drafted to submit any additional data requests to the applicant and your input concerning the potential impacts to your agency is important.

A link to the application is below. If you have problems opening the attachment or if you have any questions, please contact:

Matt Noble  
479-8548  
[noblema@leegov.com](mailto:noblema@leegov.com)

<http://www.lee-county.com/dcd/PlanAmendments/PA2007-2008/CPA200751A1.pdf>

**Brent Cunningham, Senior Planner**  
LEE COUNTY DEPT. OF COMMUNITY DEVELOPMENT  
**Division of Planning**  
**phone: 239-533-8567**  
**fax : 239-485-8319**  
[bcunningham@leegov.com](mailto:bcunningham@leegov.com)  
[www.lee-county.com](http://www.lee-county.com)

**Badamtchian, Chahram**

**From:** Noble, Matthew A.  
**Sent:** Thursday, May 15, 2008 10:42 AM  
**To:** Badamtchian, Chahram  
**Subject:** FW: CPA2007-00051

**From:** Hansen, Hans C.  
**Sent:** Friday, January 25, 2008 2:44 PM  
**To:** Joe Mcharris  
**Cc:** Noble, Matthew A.; Wilson, John; Cranford, Richard M.  
**Subject:** RE: CPA2007-00051

Mr. McHarris:

I have reviewed the CPA provided and did not respond given it is in the Fort Myers Beach Fire Control District, and they are the primary EMS provider in that area. Lee County EMS supports Fort Myers Beach FD through automatic mutual aid as needed for ambulance and helicopter response.

If you require any further information, please do not hesitate to contact me.

Cordially,

*Chris Hansen*

Chief Chris Hansen, Deputy Director  
Lee County Public Safety  
CHRISH@leegov.com  
239-335-1604 Office  
239-335-1675 Fax  
[www.lee-ems.com/ems](http://www.lee-ems.com/ems)

**From:** Joe Mcharris [mailto:joe@mcharris.com]  
**Sent:** Thursday, January 17, 2008 4:55 PM  
**To:** Wilson, John; Hansen, Hans C.; Cranford, Richard M.  
**Cc:** Noble, Matthew A.  
**Subject:** CPA2007-00051

Dear Sirs

I need you help to finish sufficiency for our CPA (Comprehensive Plan Amendment), Several months ago (October 18<sup>th</sup>) you were sent a CPA package from Brent Cunningham with a request to review and provide feedback. The request asked for a November 8<sup>th</sup> turnaround time. I have not been given any comments from you offices and would like to know if you have reviewed the project and have any issues. If you do please forward them to Matt Noble who is the lead planner for the project. If you

5/15/2008

do not have any issues, could you also please let him know this also.

If I may be of any assistance, please do not hesitate to contact my office and thank you in advance for attending to this issue.

With regards  
Joe Mc

McHarris Planning & Design  
11338 Bonita Beach Rd  
Suite 103  
Bonita Springs, FL 34135  
(239)948-6688 Phone  
(239) 948-6689 Fax

**Badamtchian, Chahram**

**From:** Noble, Matthew A.  
**Sent:** Thursday, May 15, 2008 10:34 AM  
**To:** Badamtchian, Chahram  
**Subject:** FW: CPA2007-00051

**From:** Pavese, Michael P.  
**Sent:** Monday, January 28, 2008 10:23 AM  
**To:** Noble, Matthew A.  
**Cc:** Gonzalez, Brandy L.  
**Subject:** CPA2007-00051

Public Works staff has reviewed the above referenced Comprehensive Plan Amendment application and finds it insufficient for review. The applicant has failed to provide an existing and future conditions analysis for Parks, Recreation, and Open Space as required by Section IV.B.2 of the application. As noted in the aforementioned section, this analysis must include the following information:

Franchise Area, Basin, or District in which the property is located;

Current LOS, and LOS standard of facilities serving the site;

Projected 2020 LOS under existing designation;

Projected 2020 LOS under proposed designation;

Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements; and

Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).

Should you have any questions or require any additional information, please contact me.

Michael P. Pavese  
Principal Planner  
Department of Public Works Administration  
pavesemp@leegov.com  
Phone: (239) 533-8360  
Fax: (239) 485-8307

## Badamtchian, Chahram

**From:** Noble, Matthew A.  
**Sent:** Thursday, May 15, 2008 10:34 AM  
**To:** Badamtchian, Chahram  
**Subject:** FW: CPA2007-00051

**From:** Noe, Susan B.  
**Sent:** Monday, January 28, 2008 11:28 AM  
**To:** joe@mcharris.com  
**Cc:** Smith, Regina Y.; Noble, Matthew A.  
**Subject:** RE: CPA2007-00051

We are sent these Comp Plan Amendments for information purposes and unless there is a need to respond, typically we don't. I spoke to Matt and this is his understanding as well. In this particular case, Salty Sam's Marina redevelopment tourism project, it would be more appropriate for the Visitor and Convention Bureau to respond.

Susan Noe  
Manager, Business Assistance  
Economic Development Office of Lee County  
12800 University Drive, Suite 300  
Fort Myers, FL 33907  
(239) 338-3161  
Fax: (239) 338-3227  
Email: [snoe@leegov.com](mailto:snoe@leegov.com)  
[www.LeeCountyBusiness.com](http://www.LeeCountyBusiness.com)

**From:** Smith, Regina Y.  
**Sent:** Friday, January 25, 2008 2:55 PM  
**To:** Noe, Susan B.  
**Subject:** FW: CPA2007-00051

Sue: As you know, we don't normally review these; they are sent to us FYI. Call Matt Noble and find out why we're being asked.

Regina Y. Smith  
Director  
Lee County Office of Economic Development  
12800 University Dr., Suite 300  
Fort Myers, FL 33907  
(239) 338-3161  
Fax: (239) 338-3227  
[www.LeeCountyBusiness.com](http://www.LeeCountyBusiness.com)  
"Adding life to your business"

**From:** Joe Mcharris [<mailto:joe@mcharris.com>]  
**Sent:** Thursday, January 17, 2008 5:59 PM  
**To:** Smith, Regina Y.  
**Subject:** CPA2007-00051

Dear Regina  
I need you help to finish sufficiency for our CPA (Comprehensive Plan Amendment), Several months ago (October 18<sup>th</sup>) you were sent a CPA package from Brent Cunningham, a planner with Lee County,

5/15/2008

with a request to review and provide feedback. The request asked for a November 8<sup>th</sup> turnaround time. I have not been given any comments from your offices and would like to know if you have reviewed the project and have any issues. If you do please forward them to Matt Noble who is the lead planner for the project. If you do not have any issues, could you also please let him know this also.

If I may be of any assistance, please do not hesitate to contact my office and thank you in advance for attending to this issue.

With regards  
Joe Mc

McHarris Planning & Design  
11338 Bonita Beach Rd  
Suite 103  
Bonita Springs, FL 34135  
(239)948-6688 Phone  
(239) 948-6689 Fax

**Badamtchian, Chahram**

**From:** Noble, Matthew A.  
**Sent:** Thursday, May 15, 2008 10:42 AM  
**To:** Badamtchian, Chahram  
**Subject:** FW: CPA2007-00051

**From:** McMullen, Russ [mailto:RMcMullen@sheriffleefl.org]  
**Sent:** Tuesday, January 22, 2008 7:22 AM  
**To:** joe@mcharris.com  
**Cc:** Noble, Matthew A.; Farrell, Kevin; Bergquist, William  
**Subject:** CPA2007-00051

Joe,

On October 25<sup>th</sup>, 2007 we sent you a letter indicating that we needed to complete a Crime Prevention Through Environmental Design (CPTED) study and asked that you contact Kevin Farrell to complete this study. We also sent another letter on October 30, 2007 again requesting that you contact Kevin Farrell to complete the CPTED study.

Your recent e-mail has been the only response we have gotten. If you did not receive the letters sent to you, please contact Kevin Farrell at 239-477-2821 or 239-851-2258. Kevin can make arrangements to expedite and complete the CPTED so that you can move forward as quickly as possible.

If you have any questions please feel free to call me at 477-1395.

Russ McMullen Jr., Lieutenant  
Lee County Sheriff's Office  
239-477-1395  
rmcmullen@sheriffleefl.org

**From:** Joe Mcharris [mailto:joe@mcharris.com]  
**Sent:** Thursday, January 17, 2008 4:59 PM  
**To:** Nygaard, James; wberqusit@sheriffleefl.org  
**Cc:** NOBLEMA@leegov.com  
**Subject:** CPA2007-00051

Dear Sirs

I need you help to finish sufficiency for our CPA (Comprehensive Plan Amendment), Several months ago (October 18<sup>th</sup>) you were sent a CPA package from Brent Cunningham, a Lee county planner, with a request to review and provide feedback. The request asked for a November 8<sup>th</sup> turnaround time. I have not been given any comments from you offices and would like to know if you have reviewed the project and have any issues. If you do please forward them to Matt Noble who is the lead planner for

5/15/2008

the project. If you do not have any issues, could you also please let him know this also.

If I may be of any assistance, please do not hesitate to contact my office and thank you in advance for attending to this issue.

With regards  
Joe Mc

McHarris Planning & Design  
11338 Bonita Beach Rd  
Suite 103  
Bonita Springs, FL 34135  
(239)948-6688 Phone  
(239) 948-6689 Fax

**Badamtchian, Chahram**

**From:** Noble, Matthew A.  
**Sent:** Thursday, May 15, 2008 10:43 AM  
**To:** Badamtchian, Chahram  
**Subject:** FW: CPA2007-00051  
**Attachments:** MEMORANDUM.doc

**From:** Griffith, Douglas  
**Sent:** Friday, January 18, 2008 8:00 AM  
**To:** Joe Mcharris  
**Cc:** Noble, Matthew A.; Sweigert, Rebecca H.  
**Subject:** RE: CPA2007-00051

Good Morning Joe,  
Sorry to here you did not receive ES Staff comments on CPA2007-00051. Must have been a mix up, comments are attached for the San Carlos Island project.

Doug Griffith  
Environmental Planner  
Lee County Division of  
Environmental Sciences  
239-533-8323  
dgriffith@leegov.com

**From:** Joe Mcharris [mailto:joe@mcharris.com]  
**Sent:** Thursday, January 17, 2008 5:24 PM  
**To:** Sweigert, Rebecca H.; Griffith, Douglas  
**Cc:** Noble, Matthew A.  
**Subject:** CPA2007-00051

Dear Becky/Doug

I need you help to finish sufficiency for our CPA (Comprehensive Plan Amendment), Several months ago (October 18<sup>th</sup>) you were sent a CPA package from Brent Cunningham, a planner with Lee County, with a request to review and provide feedback. The request asked for a November 8<sup>th</sup> turnaround time. I have not been given any comments from you offices and would like to know if you have reviewed the project and have any issues. If you do please forward them to Matt Noble who is the lead planner for the project. If you do not have any issues, could you also please let him know this also.

If I may be of any assistance, please do not hesitate to contact my office and thank you in advance for attending to this issue.

With regards  
Joe Mc

McHarris Planning & Design  
11338 Bonita Beach Rd  
Suite 103

5/15/2008

Bonita Springs, FL 34135  
(239)948-6688 Phone  
(239) 948-6689 Fax

## Badamtchian, Chahram

---

**From:** Noble, Matthew A.  
**Sent:** Thursday, May 15, 2008 11:20 AM  
**To:** Badamtchian, Chahram  
**Subject:** FW: San Carlos Island

-----Original Message-----

From: Bill Spikowski [mailto:bill@spikowski.com]  
Sent: Monday, April 07, 2008 11:46 AM  
To: Noble, Matthew A.  
Subject: San Carlos Island

Yes I can blame the applicant!

If their consultants want to be considered as credible professionals, they can't present a "by the book" analysis that produces a crazy result, and then act as if the result should be relied on. Computer programs do that; professional analysts don't.

Pretty much every traffic issue is a "directional issue" -- that doesn't make it any less relevant....

The county may not have a technical concurrency problem, since San Carlos Boulevard has already been widened beyond any possible need (given the constriction of traffic that occurs just over the bridge). Fortunately, planning considers multiple realities, not just traffic numbers. Remember, mitigation should be considered only after avoidance is deemed impossible. What's impossible about saying "not that much, not THERE"?

If this project was in walking distance of all the tourist attractions near Times Square, the proper response might be different. But I walked last year from this site to Times Square -- a delightful walk on a beautiful day, but way too long to think most people will walk it more than MAYBE once.

Noble, Matthew A. wrote:

- > Bill,
- >
- > You really can not blame the applicant for this situation. They did
- > the analysis by the book utilizing the adopted long range
- > transportation plan. LCDOT has rerun the model without the new bridge,
- > which will probably never be built. The issue is really a directional
- > issue, traffic attempting to gain access to Estero Island. The
- > County's concurrency report does not indicate a LOS issue. Having
- > said that we all realize traffic is central to the application. They
- > are now proposing a series of mitigation strategies, such as

> evaluating rebuilding Main Street, adding sidewalks on the south side,  
> operating a water taxi to Estero Island, adding a trolley stop on  
> property, and operating an airport shuttle...the application is still under review...

>  
>  
>  
>  
>  
>  
>  
>  
>

>> >>>I haven't been able to get past the TIS filed with this application!

>

> The comp plan analysis concludes that the development won't adversely  
> effect the level of service on the road network in 2030 because  
> building a new bridge from San Carlos Island to Estero Island by 2030  
> (as proposed by the MPO) will make the road system start working again.

>

> Yet they neglect to mention a few factors:

>

> -- the new bridge is just a proposal, far from a sure thing.

>

> -- if built at all, the new bridge could lag the new development by a  
> decade or more.

>

> -- the only practical alignment for the new bridge will be made  
> infeasible by the construction of this very development...

>

> How can you think about the best land-use category when the basic  
> premise of the whole proposal is so flawed?

>

>

> Matthew A. Noble, Principal Planner  
> Lee County Division of Planning  
> P.O. Box 398  
> Fort Myers, Florida 33902-0398  
> Phone: 239-479-8548  
> Fax: 239-479-8319

>

>

**Badamtchian, Chahram**

**From:** Noble, Matthew A.  
**Sent:** Thursday, May 15, 2008 11:23 AM  
**To:** Badamtchian, Chahram  
**Subject:** FW: San Carlos/Darrell Hanson project

---

**From:** Jerry Murphy [mailto:jerry@fortmyersbeachfl.gov]  
**Sent:** Thursday, October 18, 2007 12:02 PM  
**To:** O Connor, Paul S.  
**Cc:** Noble, Matthew A.; Gibbs, Mary ; Gary Parker  
**Subject:** San Carlos/Darrell Hanson project

Hi, Paul,  
The Town would very much like to be included in discussions regarding this project as it moves forward in the spirit intergovernmental coordination. Please let me know how best to accomplish this.

Thanks.  
Jerry Murphy

5/15/2008

## Badamtchian, Chahram

**From:** Noble, Matthew A.  
**Sent:** Thursday, May 15, 2008 10:52 AM  
**To:** Badamtchian, Chahram  
**Subject:** FW: San Carlos Comp Plan Amendment (Resort Mixed Use Water Dependent Land Use)  
CPA2007-00051

**From:** Cunningham, Brent  
**Sent:** Thursday, October 18, 2007 1:56 PM  
**To:** sanplan@mysanibel.com  
**Cc:** O Connor, Paul S.; Noble, Matthew A.  
**Subject:** San Carlos Comp Plan Amendment (Resort Mixed Use Water Dependent Land Use)  
CPA2007-00051

Hello Robert,

Lee County Planning staff welcomes all comments from the City of Sanibel. Below is the list of individuals that are included on the distribution list for the proposed project. In addition, a brief description of the project and link to the comprehensive plan amendment is provided below. If you need further assistance please do not hesitate. Thanks.

Cranford, Richard M.; Campbell, George G.; 'wbergqusit@sheriffleefl.org'; 'jnygaard@sheriffleefl.org'; Ottolini, Roland E.; Loveland, David M.; Horsting, Michael S.; Wu, Lili ; Yarbrough, John H.; Sampson, Lindsey J.; Newman, William T.; Smith, Regina Y.; Lavender, James H.; Velez, Sergio I.; Houck, Pamela E.; Sweigert, Rebecca H.; Eckenrode, Peter J.; Pavese, Michael P.; Daltrey, Wayne E.; Zettel, Mary S.; Roberts, Rickey G.; Collins, Donna Marie ; 'SusanMTe@LeeSchools.Net'; 'wbhorner@flylcpa.com'; Wilson, John; Hansen, Hans C.; Griffith, Douglas; Derheimer, Suzanne; 'collins@fmbfire.org'

## Distribution List:

*John Wilson, Lee County Public Safety  
Chris Hansen, Lee County Public Safety, EMS  
Richard Cranford, Lee County Public Safety  
Gerald Campbell, Lee County Public Safety, Emergency Management  
W. Bergquist, Lee County Sheriff's Office  
James Nygaard, Lee County Sheriff's Office  
Roland E. Ottolini, Lee County Natural Resources Management  
Becky Sweigert, Lee County Environmental Sciences  
Doug Griffith, Lee County Environmental  
Sciences  
Suzy Derheimer, Lee County Environmental Sciences  
Michael Horsting, Lee Tran  
Dave Loveland, Lee County Division of Transportation  
Lili Wu, Lee County, Division of Transportation  
John Yarbrough, Lee County Parks & Recreation  
Lindsey Sampson, Lee County Solid Waste  
William Newman, Lee County, Solid Waste  
Regina Smith, Lee County Economic Development*

*Jim Lavender, Lee County Public Works*  
*Ivan Velez, Lee County Utilities*  
*Pam Houck, Lee County Zoning*  
*Pete Eckenrode, Lee County Development Services*  
*Michael Pavese, Lee County Public Works*  
*Wayne Daltry, Lee County Smart Growth*  
*Mary Zettel, DCD/Code Enforcement*  
*Rick Roberts, DCD/Code Enforcement*  
*Donna Marie Collins, County Attorney's Office*  
*Susan Teston, Lee County School Board*  
*William Horner, Airport Authority*  
*David M. Collins, Fort Myers Beach Fire Control District*

Planning staff requests your agencies help in reviewing the above referenced Lee Plan Amendment. The proposed map and text amendment would change the existing Land Use designations from Industrial Development, Suburban, Urban Community & Wetlands to a new land use designation of Resort Mixed Use Water Dependent (DRMUWD). The site is generally 76.25 ± acres in size with 32.18 ± acres of total uplands, 7.93 ± acres of wetlands and 36.14 ± acres of submerged lands.

The applicant is proposing to amend the Future Land Use Map (FLUM), Map 1.

The existing land use designations allows a density range of one 1 to 6 dwelling units per acre (1 – 6 du/acre). Under the existing land use designations, it is estimated that 134 dwelling units, 600 live a board units and 145,000 sq. ft. of industrial intensity could be generated on this site. The Industrial Development Land Use designation is reserved for industrial activities per se, as well as selective land uses mixtures such as the combined uses of industrial, manufacturing, research and office complexes. The Suburban Land Use designation provides housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The Urban Community Land Use designation includes a mix of residential, commercial, public & quasi public, and limited light industry. In addition, the Wetland Land Use designation allows for very low residential and recreational uses that will not adversely affect the ecological functions of wetlands.

The proposed Land Use designation would allow 600 units for density with 11 units per total acres of submerged and uplands or 30 units per acres of total uplands, 199 live aboard units, a 300 unit hotel with associated amenities, marina uses with a boat storage facility capacity for 500 vessels, and 98,000 sq. ft. of commercial development.

Planning staff requests that your agency help determine the sufficiency of the proposed plan amendment application for review. If you can identify any deficiencies in the information provided, need clarification on the subject matter, or if you find the application sufficient for review, please provide these comments to us by **November 8, 2007**. A letter is being drafted to submit any additional data requests to the applicant and your input concerning the potential impacts to your agency is important.

A link to the application is below. If you have problems opening the attachment or if you have any questions, please contact:

Matt Noble  
479-8548  
[noblema@leegov.com](mailto:noblema@leegov.com)

<http://www.lee-county.com/dcd/PlanAmendments/PA2007-2008/CPA200751A1.pdf>

**Brent Cunningham, Senior Planner**  
LEE COUNTY DEPT. OF COMMUNITY DEVELOPMENT  
**Division of Planning**  
**phone: 239-533-8567**  
**fax : 239-485-8319**  
[bcunningham@leegov.com](mailto:bcunningham@leegov.com)  
[www.lee-county.com](http://www.lee-county.com)

**Badamtchian, Chahram**

**From:** Noble, Matthew A.  
**Sent:** Thursday, May 15, 2008 10:43 AM  
**To:** Badamtchian, Chahram  
**Subject:** FW: cpa2007-00051

**From:** William B. Horner [mailto:wbhorner@flylcpa.com]  
**Sent:** Friday, January 18, 2008 11:01 AM  
**To:** Joe Mcharris  
**Cc:** Noble, Matthew A.  
**Subject:** RE: cpa2007-00051

I apologize for not providing earlier comments to you and the county. We do not foresee any aviation-related issues connected with the Lee Plan Amendment for the proposed San Carlos Island project. Rarely does the Port Authority receive comments from residents of Estero and San Carlos islands expressing dissatisfaction with aircraft over flights and noise. Through an informal agreement between the FAA, Port Authority, and Town of Fort Myers Beach; commercial aircraft destined to the Southwest Florida International Airport are generally directed to maintain a 3,000-foot altitude until after Fort Myers Beach is crossed. At that height, FAA would consider any aircraft noise as acceptable. Permanent structures and temporary construction equipment will need to comply with Lee County Land Development Code Section 34-1008 review thresholds and may require airspace review and approval.

Thanks, Bill

*William B. Horner, AICP  
 Planning Manager  
 Lee County Port Authority  
 11000 Terminal Access Road, Suite 8671  
 Fort Myers, Florida 33913  
 Telephone: (239) 590-4618/Fax: (239) 590-4688  
 E-mail address: wbhorner@flylcpa.com*

-----Original Message-----

**From:** Joe Mcharris [mailto:joe@mcharris.com]  
**Sent:** Thursday, January 17, 2008 5:45 PM  
**To:** William B. Horner  
**Cc:** NOBLEMA@leegov.com  
**Subject:** cpa2007-00051

Dear William

I need you help to finish sufficiency for our CPA (Comprehensive Plan Amendment), Several months ago (October 18<sup>th</sup>) you were sent a CPA package from Brent Cunningham, a planner with Lee County, with a request to review and provide feedback. The request asked for a November 8<sup>th</sup> turnaround time. I have not been given any comments from you offices and would like to know if you have reviewed the project and have any issues. If you do please forward them to Matt Noble who is the lead planner for the project. If you do not have any issues, could you also please let him know this also.

If I may be of any assistance, please do not hesitate to contact my office and thank you in advance for attending to this issue.

5/15/2008

With regards  
Joe Mc

McHarris Planning & Design  
11338 Bonita Beach Rd  
Suite 103  
Bonita Springs, FL 34135  
(239)948-6688 Phone  
(239) 948-6689 Fax

**Noble, Matthew A.**

---

**From:** Joe Mcharris [joe@mcharris.com]  
**Sent:** Wednesday, March 26, 2008 6:44 PM  
**To:** Noble, Matthew A.  
**Subject:** RE:

Matt  
Now see what you think.....

OBJECTIVE XX.7: INCORPORATION and UTILIZATION OF MULTIMODAL AND ALTERNATIVE MODES OF TRANSIT. The development will establish a comprehensive approach to multimodal and alternative modes of transportation for its residents and guests. These will include, but not be limited to mass transit stops, bicycle rental, integrated network of sidewalks and board walks, Airport shuttle services and water-taxi transportation facilities

**POLICY XX.7.1:** The project will establish a water taxi /shuttle service to and from the property to Fort Myers beach. The shuttle will be open to guest, residents and outsiders wanting an alternative access to the island. Hours of operation will be determined based on market conditions but will at a minimum provide two trips daily to and from the islands each day of the week.

**POLICY XX.7.2:** The project will establish an airport shuttle service to and from the Southwest Florida International Airport. The shuttle services hours of operation will be determined based on market conditions and can either be a fixed route shuttle or a point of demand service type or combination thereof.

**POLICY XX7.3**

As part of this amendment the existing roadways that are adjacent to the project will be evaluated with cross-sectional analysis to identify needed upgrades for safety and bus access to and from this property. At a minimum one bus stop will be provided to Lee Tran standards or better. Sidewalk upgrades offsite will be provided where none are provided for. Side walk improvements will be eligible for road impact fee credits.

**POLICY XX7.4**

Where Projects are intersected by public roadways for developments greater than 30 acres and with a split greater than 15%, some sort of grade separation will be provided for safe pedestrian and bicycle access between the properties.

McHarris Planning & Design  
11338 Bonita Beach Rd  
Suite 103  
Bonita Springs, FL 34135  
(239)948-6688 Phone  
(239) 948-6689 Fax

3/28/2008

**Noble, Matthew A.**

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**From:** Newman, William T.  
**Sent:** Friday, January 18, 2008 9:48 AM  
**To:** Joe Mcharris; Sampson, Lindsey J.  
**Cc:** Noble, Matthew A.  
**Subject:** RE: cpa 2007-00051

Mr. McHarris:

The Lee County Solid Waste Division has sufficient disposal capacity to handle all solid waste generated by the San Carlos Resort project, however we are interested in a description of how and where garbage and recyclable materials will be stored prior to collection. Additionally, information must be provided as to the collection methods that are proposed for the dwelling units, live aboard units and commercial establishments.

Bill Newman  
Operations Manager  
Solid Waste Division  
(239) 338-3302

---

**From:** Joe Mcharris [mailto:joe@mcharris.com]  
**Sent:** Thursday, January 17, 2008 5:37 PM  
**To:** Newman, William T.; Sampson, Lindsey J.  
**Cc:** Noble, Matthew A.  
**Subject:** cpa 2007-00051

Dear William and Lindsey

I need you help to finish sufficiency for our CPA (Comprehensive Plan Amendment), Several months ago (October 18<sup>th</sup>) you were sent a CPA package from Brent Cunningham, a planner with Lee County, with a request to review and provide feedback. The request asked for a November 8<sup>th</sup> turnaround time. I have not been given any comments from you offices and would like to know if you have reviewed the project and have any issues. If you do please forward them to Matt Noble who is the lead planner for the project. If you do not have any issues, could you also please let him know this also.

If I may be of any assistance, please do not hesitate to contact my office and thank you in advance for attending to this issue.

With regards  
Joe Mc

McHarris Planning & Design  
11338 Bonita Beach Rd  
Suite 103  
Bonita Springs, FL 34135  
(239)948-6688 Phone  
(239) 948-6689 Fax

1/18/2008

**Noble, Matthew A.**

---

**From:** Velez, Sergio I.  
**Sent:** Friday, January 18, 2008 1:51 PM  
**To:** Noble, Matthew A.  
**Cc:** Wegis, Howard S.; joe@mcharris.com  
**Subject:** San Carlos Island-CPA200751A1

Matt:

Please be advised that the water and wastewater treatment facilities serving the San Carlos Island have enough available treatment capacity to provide services to the proposed re-development included in the San Carlos Island Comp Plan Amendment. The consultant's report indicates that the development will increase the water and sewer demand by 154,975 GPD.

The Fort Myers Beach WWTP and the Green Meadows and Corkscrew WTP have enough available capacity to satisfy the proposed increase in demand. The water transmission lines and the sewer pump station and forcemain may have to be upgraded to properly serve the project. The required improvements must be determined at the time that the project is designed.

If you need further information, please let me know.

Thanks

S. Ivan Velez, P.E.  
Deputy Director  
Lee County Utilities  
1500 Monroe Street  
Fort Myers, FL 33901  
Ph: 239-533-8166  
Fax: 239-533-8176  
cell: 239-357-1867

1/18/2008

**MEMORANDUM  
FROM  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
DIVISION OF ENVIRONMENTAL SCIENCES**

**Date:** November 19, 2007

**To:** Matt Noble, Principal Planner

**From:** Doug Griffith, Environmental Planner  
**Phone:** 239-533-8323  
**E-mail:** [dgriffith@leegov.com](mailto:dgriffith@leegov.com)

**Project:** San Carlos Island  
**Case:** CPA2007-00051  
**Strap:** 19-46-24-00-00022.0010

This project is proposing to create a land use category called Destination Resort Mixed Use Water Dependent Land Use. The property consists of an old marina on the western side and a RV park on the eastern side of the property. The applicant proposes to replace this with mixed use, multi-family, hotel-resort, and marina facilities.

The following is the applicants proposed language below in italics. Destination Resort Mixed Use Water Dependent Land Use:

Objective XX.10: Architectural Standards. *The architectural theme for the development is proposed to be "Old Florida".* Please revise this objective to include the use of native plants to help naturalize the "Old Florida" look and landscaping design standards be incorporated into the architectural standards.

Policy XX.12.1: WILDLIFE. *The location, design, and operation of Destination Resort Facilities will incorporate preservation and / or management activities that restrict the unnecessary loss of wildlife habitat or impact on protected species, species of special concern, threatened or endangered species.* Please revise policy text to omit the word unnecessary.

Policy XX.12.1: *The development will not have an adverse impact on any existing, viable on-site occupied wildlife habitat for protected species, species of special concern or threatened or endangered species.* Please revise policy language to omit the word adverse.

Please describe in detail how the Eco-park will benefit the wetlands onsite. Please indicate where the Eco-Park will be located on this project. Please provide more information on uses proposed within the Eco-Park.

Please provide a protected species survey for all vegetated areas; including all islands. Is any of these Islands known rookeries or wading bird nests?

Please demonstrate compliance of policy 107.2.12: Will sufficient protection of mangroves be given on this project?

Please provide Conservative Lands Category wetlands on all mangrove areas.

## Badamtchian, Chahram

**From:** Noble, Matthew A.  
**Sent:** Thursday, May 15, 2008 10:45 AM  
**To:** Badamtchian, Chahram  
**Subject:** FW:

**From:** Loveland, David M.  
**Sent:** Wednesday, March 26, 2008 9:24 AM  
**To:** Noble, Matthew A.  
**Subject:** RE:

I agree, he completely left that out after our discussion yesterday. I think he needs an additional policy that says he will evaluate the cross-section of Main Street and identify needed upgrades for safety and bus access, and that he will commit to providing sidewalk along there. I checked with Andy, and the portion of sidewalk off-site over to San Carlos Boulevard would be eligible for road impact fee credits according to our current LDC (as recently modified to allow Bonita Bay/Verandah to get credits for filling in off-site gaps along SR 80).

David M. Loveland, AICP  
Manager, Transportation Planning  
Lee County Dept. of Transportation  
1500 Monroe Street  
Fort Myers, FL 33901  
NOTE CHANGE: (239)533-8509  
loveladm@leegov.com

**From:** Noble, Matthew A.  
**Sent:** Wednesday, March 26, 2008 8:58 AM  
**To:** Loveland, David M.  
**Subject:** FW:

I think we need more thought about Main Street...

**From:** Joe Mcharris [mailto:joe@mcharris.com]  
**Sent:** Tuesday, March 25, 2008 5:19 PM  
**To:** Noble, Matthew A.  
**Subject:**

Matt  
See if this works and if you have any comments  
thanks

OBJECTIVE XX.7: INCORPORATION and UTILIZATION OF MULTIMODAL AND ALTERNATIVE MODES OF TRANSIT. The development will establish a comprehensive approach to multimodal and alternative modes of transportation for its residents and guests. These will include, but not be limited to mass transit stops, bicycle rental, Airport shuttle services and water-taxi transportation facilities

POLICY XX.7.1: The project will establish a water taxi /shuttle service to and from the property to Fort

5/15/2008

Myers beach. The shuttle will be open to guest, residents and outsiders wanting an alternative access to the island. Hours of operation will be determined based on market conditions but will at a minimum provide two trips daily to and from the islands each day of the week.

POLICY XX.7.2: The project will establish an airport shuttle service to and from the Southwest Florida International Airport. The shuttle services hours of operation will be determined based on market conditions and can either be a fixed route shuttle or a point of demand service type or combination thereof.

McHarris Planning & Design  
11338 Bonita Beach Rd  
Suite 103  
Bonita Springs, FL 34135  
(239)948-6688 Phone  
(239) 948-6689 Fax

**Noble, Matthew A.**

---

**From:** William B. Horner [wbhorner@flylcpa.com]  
**Sent:** Friday, January 18, 2008 11:01 AM  
**To:** Joe Mcharris  
**Cc:** Noble, Matthew A.  
**Subject:** RE: cpa2007-00051

I apologize for not providing earlier comments to you and the county. We do not foresee any aviation-related issues connected with the Lee Plan Amendment for the proposed San Carlos Island project. Rarely does the Port Authority receive comments from residents of Estero and San Carlos islands expressing dissatisfaction with aircraft over flights and noise. Through an informal agreement between the FAA, Port Authority, and Town of Fort Myers Beach; commercial aircraft destined to the Southwest Florida International Airport are generally directed to maintain a 3,000-foot altitude until after Fort Myers Beach is crossed. At that height, FAA would consider any aircraft noise as acceptable. Permanent structures and temporary construction equipment will need to comply with Lee County Land Development Code Section 34-1008 review thresholds and may require airspace review and approval.

Thanks, Bill

*William B. Horner, AICP  
 Planning Manager  
 Lee County Port Authority  
 11000 Terminal Access Road, Suite 8671  
 Fort Myers, Florida 33913  
 Telephone: (239) 590-4618/Fax: (239) 590-4688  
 E-mail address: wbhorner@flylcpa.com*

-----Original Message-----

**From:** Joe Mcharris [mailto:joe@mcharris.com]  
**Sent:** Thursday, January 17, 2008 5:45 PM  
**To:** William B. Horner  
**Cc:** NOBLEMA@leegov.com  
**Subject:** cpa2007-00051

Dear William

I need you help to finish sufficiency for our CPA (Comprehensive Plan Amendment), Several months ago (October 18<sup>th</sup>) you were sent a CPA package from Brent Cunningham, a planner with Lee County, with a request to review and provide feedback. The request asked for a November 8<sup>th</sup> turnaround time. I have not been given any comments from you offices and would like to know if you have reviewed the project and have any issues. If you do please forward them to Matt Noble who is the lead planner for the project. If you do not have any issues, could you also please let him know this also.

If I may be of any assistance, please do not hesitate to contact my office and thank you in advance for attending to this issue.

With regards  
 Joe Mc

McHarris Planning & Design  
 11338 Bonita Beach Rd  
 Suite 103

1/18/2008

**Noble, Matthew A.**

---

**From:** Griffith, Douglas  
**Sent:** Friday, January 18, 2008 8:00 AM  
**To:** Joe Mcharris  
**Cc:** Noble, Matthew A.; Sweigert, Rebecca H.  
**Subject:** RE: CPA2007-00051  
**Attachments:** MEMORANDUM.doc

Good Morning Joe,

Sorry to here you did not receive ES Staff comments on CPA2007-00051. Must have been a mix up, comments are attached for the San Carlos Island project.

Doug Griffith  
Environmental Planner  
Lee County Division of  
Environmental Sciences  
239-533-8323  
dgriffith@leegov.com

---

**From:** Joe Mcharris [mailto:joe@mcharris.com]  
**Sent:** Thursday, January 17, 2008 5:24 PM  
**To:** Sweigert, Rebecca H.; Griffith, Douglas  
**Cc:** Noble, Matthew A.  
**Subject:** CPA2007-00051

Dear Becky/Doug

I need you help to finish sufficiency for our CPA (Comprehensive Plan Amendment), Several months ago (October 18<sup>th</sup>) you were sent a CPA package from Brent Cunningham, a planner with Lee County, with a request to review and provide feedback. The request asked for a November 8<sup>th</sup> turnaround time. I have not been given any comments from you offices and would like to know if you have reviewed the project and have any issues. If you do please forward them to Matt Noble who is the lead planner for the project. If you do not have any issues, could you also please let him know this also.

If I may be of any assistance, please do not hesitate to contact my office and thank you in advance for attending to this issue.

With regards  
Joe Mc

McHarris Planning & Design  
11338 Bonita Beach Rd  
Suite 103  
Bonita Springs, FL 34135  
(239)948-6688 Phone  
(239) 948-6689 Fax

1/18/2008

**Miller, Janet M.**

**From:** Cunningham, Brent  
**Sent:** Saturday, November 03, 2007 1:37 PM  
**To:** Miller, Janet M.  
**Subject:** FW: San Carlos Comp Plan Amendment (Resort Mixed Use Water Dependent Land Use)  
CPA2007-00051

FYI

**Brent Cunningham, Senior Planner**  
LEE COUNTY DEPT. OF COMMUNITY DEVELOPMENT  
**Division of Planning**  
**phone: 239-533-8567**  
**fax : 239-485-8319**  
[bcunningham@leegov.com](mailto:bcunningham@leegov.com)  
[www.lee-county.com](http://www.lee-county.com)

**From:** Horsting, Michael S.  
**Sent:** Friday, November 02, 2007 5:43 PM  
**To:** Cunningham, Brent  
**Subject:** RE: San Carlos Comp Plan Amendment (Resort Mixed Use Water Dependent Land Use)  
CPA2007-00051

Brent,

I think we need to take a close look at the proposed text changes to the Comp Plan, specifically the text changes related to the Mass Transit section. (page 4 of attachment A-1 in the application) The County already has a "Mass Transit Plan" known as the Transit Development Plan, or TDP. I would suggest any proposed text changes as part of this application refer to coordination with the County's TDP as well as with County Transit staff and staff with the Town of Fort Myers Beach, rather the development of a transit plan.

Internal Consistency with the Lee Plan (page 4 of attachment E-2) should go beyond stating that the design will "accommodate LeeTran", to include state how mass transit will be accessible. Examples are how transit services would safely have access to and from Main Street on to San Carlos in both directions (north and south), and/or how pedestrians would safely access transit stop locations if the access to the transit system would take place on San Carlos Boulevard.

Mike Horsting, AICP  
Principal Planner - Lee County Transit  
239-533-0333 tel

**From:** Cunningham, Brent  
**Sent:** Thursday, October 18, 2007 11:25 AM  
**To:** Cranford, Richard M.; Campbell, George G.; wbergquist@sheriffleefl.org;  
jnygaard@sheriffleefl.org; Ottolini, Roland E.; Loveland, David M.; Horsting, Michael S.; Wu, Lili ;  
Yarbrough, John H.; Sampson, Lindsey J.; Newman, William T.; Smith, Regina Y.; Lavender, James  
H.; Velez, Sergio I.; Houck, Pamela E.; Sweigert, Rebecca H.; Eckenrode, Peter J.; Pavese, Michael P.;  
Daltry, Wayne E.; Zettel, Mary S.; Roberts, Rickey G.; Collins, Donna Marie ;  
'SusanMTe@LeeSchools.Net'; 'wbhorner@flylcpa.com'; Wilson, John; Hansen, Hans C.; Griffith,  
Douglas; Derheimer, Suzanne; collins@fmbfire.org

**Cc:** Noble, Matthew A.; O Connor, Paul S.

**Subject:** FW: San Carlos Comp Plan Amendment (Resort Mixed Use Water Dependent Land Use)  
CPA2007-00051

**Correction:**

Planning staff requests that your agency help determine the sufficiency of the proposed plan amendment application for review. If you can identify any deficiencies in the information provided, need clarification on the subject matter, or if you find the application sufficient for review, please provide these comments to us by **November 8, 2007**. A letter is being drafted to submit any additional data requests to the applicant and your input concerning the potential impacts to your agency is important.

**Brent Cunningham, Senior Planner**

LEE COUNTY DEPT. OF COMMUNITY DEVELOPMENT

**Division of Planning**

**phone: 239-533-8567**

**fax : 239-485-8319**

[bcunningham@leegov.com](mailto:bcunningham@leegov.com)

[www.lee-county.com](http://www.lee-county.com)

**From:** Cunningham, Brent

**Sent:** Thursday, October 18, 2007 10:42 AM

**To:** Cranford, Richard M.; Campbell, George G.; 'wberqisit@sheriffleefl.org'; 'jnygaard@sheriffleefl.org'; Ottolini, Roland E.; Loveland, David M.; Horsting, Michael S.; Wu, Lili ; Yarbrough, John H.; Sampson, Lindsey J.; Newman, William T.; Smith, Regina Y.; Lavender, James H.; Velez, Sergio I.; Houck, Pamela E.; Sweigert, Rebecca H.; Eckenrode, Peter J.; Pavese, Michael P.; Daltry, Wayne E.; Zettel, Mary S.; Roberts, Rickey G.; Collins, Donna Marie ; 'SusanMTe@LeeSchools.Net'; 'wbhorner@flylcpa.com'; Wilson, John; Hansen, Hans C.; Griffith, Douglas; Derheimer, Suzanne; Colon, Irma

**Cc:** Noble, Matthew A.; O Connor, Paul S.

**Subject:** San Carlos Comp Plan Amendment (Resort Mixed Use Water Dependent Land Use)  
CPA2007-00051

## Distribution List:

*John Wilson, Lee County Public Safety  
Chris Hansen, Lee County Public Safety, EMS  
Richard Cranford, Lee County Public Safety  
Gerald Campbell, Lee County Public Safety, Emergency Management  
W. Bergquist, Lee County Sheriff's Office  
James Nygaard, Lee County Sheriff's Office  
Roland E. Ottolini, Lee County Natural Resources Management  
Becky Sweigert, Lee County Environmental Sciences  
Doug Griffith, Lee County Environmental Sciences  
Suzy Derheimer, Lee County Environmental Sciences  
Michael Horsting, Lee Tran  
Dave Loveland, Lee County Division of Transportation  
Lili Wu, Lee County, Division of Transportation  
John Yarbrough, Lee County Parks & Recreation  
Lindsey Sampson, Lee County Solid Waste  
William Newman, Lee County, Solid Waste  
Regina Smith, Lee County Economic Development  
Jim Lavender, Lee County Public Works*

*Ivan Velez, Lee County Utilities  
Pam Houck, Lee County Zoning  
Pete Eckenrode, Lee County Development Services  
Michael Pavese, Lee County Public Works  
Wayne Daltry, Lee County Smart Growth  
Mary Zettel, DCD/Code Enforcement  
Rick Roberts, DCD/Code Enforcement  
Donna Marie Collins, County Attorney's Office  
Susan Teston, Lee County School Board  
William Horner, Airport Authority  
David M. Collins, Fort Myers Beach Fire Control District*

Planning staff requests your agencies help in reviewing the above referenced Lee Plan Amendment. The proposed map and text amendment would change the existing Land Use designations from Industrial Development, Suburban, Urban Community & Wetlands to a new land use designation of Resort Mixed Use Water Dependent (DRMUWD). The site is generally 76.25 ± acres in size with 32.18 ± acres of total uplands, 7.93 ± acres of wetlands and 36.14 ± acres of submerged lands.

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Matt Noble  
479-8548  
noblema@leegov.com

<http://www.lee-county.com/dcd/PlanAmendments/PA2007-2008/CPA200751A1.pdf>

**Brent Cunningham, Senior Planner**  
LEE COUNTY DEPT. OF COMMUNITY DEVELOPMENT  
**Division of Planning**  
**phone: 239-533-8567**  
**fax : 239-485-8319**  
bcunningham@leegov.com  
www.lee-county.com

## Hock, Donna

**From:** Cunningham, Brent  
**Sent:** Wednesday, October 31, 2007 7:31 AM  
**To:** Hock, Donna  
**Subject:** FW: San Carlos Comp Plan Amendment (Resort Mixed Use Water Dependent Land Use)  
CPA2007-00051

FYI

**Brent Cunningham, Senior Planner**  
LEE COUNTY DEPT. OF COMMUNITY DEVELOPMENT  
**Division of Planning**  
**phone: 239-533-8567**  
**fax : 239-485-8319**  
bcunningham@leegov.com  
www.lee-county.com

**From:** Daltry, Wayne E.  
**Sent:** Tuesday, October 30, 2007 3:35 PM  
**To:** Cunningham, Brent  
**Cc:** Noble, Matthew A.  
**Subject:** RE: San Carlos Comp Plan Amendment (Resort Mixed Use Water Dependent Land Use)  
CPA2007-00051

Good afternoon

This application seems to not match the uses foreseen within the area, and has serious issues with existing county policy.

1. Water Dependent Overlay Zone. The Pass side of the property is within the Water Dependent Overlay Zone. I believe it was also considered at one time under Florida's Working Waterfront program, but I do not know the current status. The current reduction of commercial fishing businesses does not indicate that there still will not be a need for boating and marine support facilities, which are very limited elsewhere. Additionally, San Carlos Island as a whole was identified as the one site in this region that would be suitable for facilities for staging Oil Exploration and Development in the Gulf, under an early program at the SWFRPC, and the continued interest in the Gulf as an oil source does indicate a need for awareness for such demands.

I don't know whether the current zoning and land use classifications support such staging facilities. However, these considerations together would make any conclusion that Lee County will not need some industrial waterfront, related to marine/boating activities, premature.

2. Hurricane High Hazard Area. The Island is currently a hurricane high hazard area. As such, increasing densities is not promoted. The submerged lands have no land use classification, and since they are submerged, would not normally be used for density calculations.

3. Live aboards. These current "residences" are mobile. Despite ongoing concerns about liveaboards and water quality, there is an expected ability to either move, or, frankly, be disposable, should a hurricane threat materialize. Transferring "mobile" uses to "fixed" uses, with the potential increase in the number of units asked (depending upon how the land use/density request is calculated), increases the hurricane hazard to lives and property.

4. Recreational Vehicles. RVs are not normally deemed "year around" housing. The practice on site, though, seems to have been that these units (or a large portion) do stay "year around." Given the

discussion provided by the applicant, some of the residents are lower income and may even be seasonal workers for the Island economy. The unit type, though, at the location given, is supposed to be lower risk for hurricane evacuation, and if not removed, are apparently deemed "disposable" by the owners. Again, converting such units to "permanent" units does increase the risk to lives and property.

5. Sea Level Rise. According to Governor Crist, the topic of climate change and sea level rise is no longer under debate. Consequently, the current threatened state of the site will become even more threatened through time, particularly since the rise is expected to kill the mangrove buffer at the southeast portion of the site.

Opportunity does exist for the island, however. The application does point out the need for examining what kind of transition can be promoted for the Island should these blighting influences identified in the Application are not addressed. To that end, the application might be viewed as one applicant's effort to get this redevelopment planning initiated. For that effort to have some degree of success, the surrounding properties would also need to be considered, and an infrastructure plan and transitional land use plan developed, with the appropriate mixed use and human scale principles. Without such an effort, the site itself is redeveloping in isolation, and has immediate contextual conflict with the adjacent parcels.

#### NOTE NEW PHONE NUMBERS

Wayne Daltry, FAICP  
Director, Smart Growth  
239-533-2240  
fx -485-2262

**From:** Cunningham, Brent

**Sent:** Thursday, October 18, 2007 11:25 AM

**To:** Cranford, Richard M.; Campbell, George G.; wbergquist@sheriffleefl.org;  
jnygaard@sheriffleefl.org; Ottolini, Roland E.; Loveland, David M.; Horsting, Michael S.; Wu, Lili ;  
Yarbrough, John H.; Sampson, Lindsey J.; Newman, William T.; Smith, Regina Y.; Lavender, James  
H.; Velez, Sergio I.; Houck, Pamela E.; Sweigert, Rebecca H.; Eckenrode, Peter J.; Pavese, Michael P.;  
Daltry, Wayne E.; Zettel, Mary S.; Roberts, Rickey G.; Collins, Donna Marie ;  
'SusanMTe@LeeSchools.Net'; 'wbhorner@flylcpa.com'; Wilson, John; Hansen, Hans C.; Griffith,  
Douglas; Derheimer, Suzanne; collins@fmbfire.org

**Cc:** Noble, Matthew A.; O Connor, Paul S.

**Subject:** FW: San Carlos Comp Plan Amendment (Resort Mixed Use Water Dependent Land Use)  
CPA2007-00051

#### **Correction:**

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**Brent Cunningham, Senior Planner**

LEE COUNTY DEPT. OF COMMUNITY DEVELOPMENT

**Division of Planning**

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**fax : 239-485-8319**

bcunningham@leegov.com

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479-8548  
noblema@leegov.com

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## Hock, Donna

**From:** Cunningham, Brent  
**Sent:** Wednesday, October 31, 2007 7:32 AM  
**To:** Hock, Donna  
**Subject:** FW: San Carlos Comp Plan Amendment (Resort Mixed Use Water Dependent Land Use) CPA2007-00051

FYI

**Brent Cunningham, Senior Planner**  
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**Division of Planning**  
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**fax : 239-485-8319**  
[bcunningham@leegov.com](mailto:bcunningham@leegov.com)  
[www.lee-county.com](http://www.lee-county.com)

**From:** Boutelle, Stephen J.  
**Sent:** Tuesday, October 30, 2007 12:44 PM  
**To:** Cunningham, Brent; Noble, Matthew A.  
**Cc:** Ottolini, Roland E.; Lee, Samuel  
**Subject:** San Carlos Comp Plan Amendment (Resort Mixed Use Water Dependent Land Use) CPA2007-00051

Brent and Matt,

Thank you for the opportunity to review the proposed Comp Plan amendment for San Carlos Island. The information as presented raises a number of initial questions which I will outline below. Additional questions may be forthcoming pending responses to these issues and review of surface water features.

- General
  - The Table of Contents specifies Attachment J as Layout Plan. That appears to be missing.
  - Where is the documentation of ownership or other justification for including the submerged lands in the proposed amendment?
  - I assume that someone will be commenting on the traffic issues relative to the plans to construct an additional bridge as well as the adequacy of the existing road given the proposed changes. As a user of the county owned facility on San Carlos Island, we potentially are impacted by these issues as are our existing tenants.
  - While perhaps immaterial to the project details, I note that the reference on page 1 of Attachment B-2b indicating that the submerged lands were created by Hurricane Donna is incorrect.
  - Is the increased year round occupancy in the coastal high hazard area consistent with the Comprehensive Plan?
  - The assertion that the marine industrial uses are incompatible with the adjacent uses seems inconsistent with the reported 70 year marine industrial history of the island. Please explain.
  - Attachment G states that the plan "provides a mechanism to mitigate submerged land". What does that mean?
- Water Dependency
  - The site concept plan appears to be a major departure from the marine industrial and other water dependent uses presently specified for this area. Please describe how the features other than the existing marina and cruise boat are dependent upon water access.

10/31/2007

- The reported demise of the shrimping industry is used as a justification for this project. When was the subject property last engaged actively in shrimp harvest operations? What objective information supports the assertion that shrimping and other commercial fishing is no longer viable in this area? The information in Attachment J discusses the importance of the shrimping industry and recent increases in sales as a response to state marketing efforts. This would suggest that the remaining areas supporting this industry should be protected not eliminated.
  - Even if the assertion that commercial fishing is no longer viable is accurate, why are other water dependent marine industrial uses not considered important or viable for this location? For example, how would the conversion of this property impact the county legislative requirements to preserve working waterfront or the need for boatyards or similar service facilities for large recreational and commercial vessels?
  - The changes as proposed seem inconsistent with Goals 8, 12, 121, 122, 128, and 158 of the Comprehensive Plan.
- Resource Impact Issues
    - The drawing and text refer to significant expansion of docks along the northern project shoreline. What are the seagrass and depth conditions in the proposed docking area and ingress and egress pathways?
    - Has a review been completed for consistency with the Lee County Manatee Protection Plan?
    - Operational details would be necessary to comment on the appropriateness of a water taxi.

As previously mentioned, additional comments may be forthcoming based on replies to the above and review of surface water issues. Please contact me if you need clarification on anything.

Steve Boutelle  
Marine Operations Manager  
Lee County - Natural Resources Division  
1500 Monroe Street  
Fort Myers, Florida 33901

Ph: 239-533-8128  
FX: 239-485-8408  
boutelsj@leegov.com  
www.lee-county.com

## Cunningham, Brent

---

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**Sent:** Tuesday, October 30, 2007 12:44 PM  
**To:** Cunningham, Brent; Noble, Matthew A.  
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10/30/2007

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Marine Operations Manager  
Lee County - Natural Resources Division  
1500 Monroe Street  
Fort Myers, Florida 33901

Ph: 239-533-8128  
FX: 239-485-8408  
[boutelsj@leegov.com](mailto:boutelsj@leegov.com)  
[www.lee-county.com](http://www.lee-county.com)

**Cunningham, Brent**

---

**From:** Cunningham, Brent  
**Sent:** Thursday, October 18, 2007 12:58 PM  
**To:** 'jerry@fortmyersbeachfl.gov'  
**Cc:** Noble, Matthew A.; O Connor, Paul S.; Gibbs, Mary ; 'Gary@fortmyersbeachfl.gov'  
**Subject:** San Carlos Comp Plan Amendment (Resort Mixed Use Water Dependent Land Use) CPA2007-00051

Hello Jerry,

Lee County Planning staff welcomes all comments from the city of Fort Myers Beach. Below is the list of individuals that are included on the distribution list for the proposed project. In addition, a brief description of the project and link to the comprehensive plan amendment is provided below. If you need further assistance please do not hesitate. Thanks.

Cranford, Richard M.; Campbell, George G.; 'wbergquist@sheriffleefl.org'; 'jnygaard@sheriffleefl.org'; Ottolini, Roland E.; Loveland, David M.; Horsting, Michael S.; Wu, Lili ; Yarbrough, John H.; Sampson, Lindsey J.; Newman, William T.; Smith, Regina Y.; Lavender, James H.; Velez, Sergio I.; Houck, Pamela E.; Sweigert, Rebecca H.; Eckenrode, Peter J.; Pavese, Michael P.; Daltry, Wayne E.; Zettel, Mary S.; Roberts, Rickey G.; Collins, Donna Marie ; 'SusanMTe@LeeSchools.Net'; 'wbhorner@flylcpa.com'; Wilson, John; Hansen, Hans C.; Griffith, Douglas; Derheimer, Suzanne; 'collins@fmbfire.org'

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Susan Teston, Lee County School Board  
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Planning staff requests your agencies help in reviewing the above referenced Lee Plan

10/18/2007

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<http://www.lee-county.com/dcd/PlanAmendments/PA2007-2008/CPA200751A1.pdf>

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[www.lee-county.com](http://www.lee-county.com)

RECEIVED  
AUG 08 2008

COMMUNITY DEVELOPMENT

PAGE 2 OF 5

*DESCRIPTIONS OF UPLAND, ISLANDS, AND  
MANGROVE IMPACT AREAS ON SUBJECT PROPERTY  
AS SHOWN ON PAGE 1*

**The Metes and Bounds Descriptions as provided are for County Planning and GIS Information Only, Therefore, these Alternative Descriptions do not Impact Current Deeded Property or Current Ownership of Subject Properties**

*UPLANDS AREA 1*

Commencing at the Northwest Corner of Section 19, Township 46 South, Range 24 East, Go N 90°00'00" E along the North line of said section for a distance of 1695.54 feet; thence S 00°00'00" E for 1247.93 feet to the Point of Beginning of the following described Uplands Description:

From said Point of Beginning, continue S 00°00'00" E, 880.50 feet to the Northerly right-of-way of Main Street (50.00 feet wide); thence run S 55°19'09" E along said right-of-way line for a distance of 802.59 feet; thence go N 00°00'00" W for 26.46 feet; thence N 90°00'00" E for 330.00 feet; thence N 00°00'00" W, 300.00 feet; thence run S 90°00'00" W, 330.00 feet; thence N 00°00'00" W for 511.00 feet; thence continue N 00°00'00" W, for a distance of 30.72 feet; thence N 25°11'24" W, 64.85 feet; thence N 47°33'45" W for 115.40 feet; thence N 52°10'01" W for 118.66 feet; thence N 54°15'56" W, 98.63 feet; thence N 76°51'14" W, 28.78 feet; thence N 59°47'06" W for 33.38 feet; thence N 69°56'42" W, 79.38 feet; thence N 79°33'33" W, for 31.52 feet; thence N 76°27'53" W for 133.18 feet; thence N 76°21'39" W for a distance of 68.02 feet back to the Point of Beginning of the herein described "Uplands Area 1" portion of the Subject Property.

Containing Approximately 17.13 Acres or 746,115.88 +/- Square Feet.

RECEIVED  
AUG 08 2008

*UPLANDS AREA 2*

COMMUNITY DEVELOPMENT

Commencing at the Northwest Corner of Section 19, Township 46 South, Range 24 East, Go N 90°00'00" E along the North line of said section for a distance of 1695.54 feet; thence S 00°00'00" E for 2189.23 feet to the Southerly right-of-way of Main Street (50.00 feet wide) and the Point of Beginning of the following described Uplands Description:

From said Point of Beginning, run S 55°19'09" E, along said Southerly right-of-way line, for a distance of 802.59 feet; thence go N 00°00'00" W for 37.26 feet; thence N 90°00'00" E, 930.00 feet; thence S 00°00'00" E for 200.00 feet; thence S 90°00'00" W, 600.00 feet; thence S 00°00'00" E for 149.43 feet to the face of a concrete seawall; thence N 81°01'06" W for 47.02 feet; thence N 08°45'51" E, 40.82 feet; thence N 82°06'39" W for 20.16 feet; thence S 08°21'15" W for 40.65 feet; thence N 81°27'39" W for 266.85 feet; thence N 00°00'00" W for 13.12 feet; thence N 89°15'56" W, 160.44 feet;

2007-00051

Thence N 83°12'26" W for 85.70 feet; thence N 75°35'47" W for 44.71 feet; thence S 89°40'03" W for a distance of 41.06 feet; thence N 73°24'43" W for 243.13; thence S 28°56'17" W for 15.94 feet, thence N 66°44'23" W, 98.84 feet; thence N 00°00'00" W for a distance of 585.15 back to the Point of Beginning of the herein described "Uplands Area 2" of the subject parcel.

Containing Approximately 11.84 Acres or 515,869.63 +/- Square Feet.

*MANGROVE IMPACT AREA*

Commencing at the Northwest Corner of Section 19, Township 46 South, Range 24 East, Go N 90°00'00" E along the North line of said section for a distance of 1695.54 feet; thence continue N 90°00'00" E, along said North section line, for a distance of 990.00 feet; thence run S 00°00'00" E for 1851.57 feet to the Point of Beginning of the following described "Mangrove Impact Area":

From Said Point of Beginning, continue S 00°00'00" E for 407.08 feet; thence S 90°00'00" W, 330.00 feet; thence N 00°00'00" W, 511.00 feet; thence S 67°10'36" E for 55.64 feet; thence S 37°58'33" E, 65.02 feet; thence S 02°30'47" E for 81.13; thence S 44°00'00" E for 60.00 feet; thence S 00°00'00" E for 40.00 feet, thence N 45°00'00" E, 60.00 feet; thence N 00°00'00" W, 20.00 feet; thence N 45°00'00" E for 100.00 feet; thence N 90°00'00" E, 80.33 feet back to the Point of Beginning.

Containing Approximately 3.01 Acres or 131,117.34 +/- Square Feet.

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AUG 08 2008

*ISLAND 1*

COMMUNITY DEVELOPMENT

Commencing at the Northwest Corner of Section 19, Township 46 South, Range 24 East, thence go N 90°00'00" E along the North line of Section 19 for a distance of 1695.54 feet; thence continue along said section line, N 90°00'00" E for 487.00 feet; thence run S 00°00'00" E for a distance of 135.00 feet to the Point of Beginning of the following described "Island 1":

From the Point of Beginning, run S 73°29'44" W, 112.64 feet; thence S 32°54'19" W for 60.75 feet; thence S 07°35'41" E for 90.80 feet; thence go S 49°32'16" E, 44.69 feet; thence N 74°44'42" E for a distance of 45.61 feet; thence run S 50°21'21" E for 45.45 feet; thence S 88°36'10" E, 82.02 feet; thence N 33°41'24" E, 14.42 feet; thence go N 35°45'14" E for 30.81 feet; thence S 58°23'33" E, 15.26 feet; thence N 28°42'21" E for a distance of 95.77 feet; thence N 06°00'32" E for 38.21 feet; thence run N 45°31'32" E for 77.08 feet; thence N 68°11'55" W for a distance of 43.08 feet; thence S 90°00'00" E, 60.00 feet back to the Point of Beginning

Containing Approximately 1.16 Acres or 50,379.00 +/- Square Feet.

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AUG 08 2008

PAGE 4 OF 5

COMMUNITY DEVELOPMENT

*ISLAND 2*

Commencing at the Northwest Corner of Section 19, Township 46 South, Range 24 East, thence go N 90°00'00" E along the North line of Section 19 for a distance of 1695.54 feet, thence continue N 90°00'00" E, along said North section line, for a distance of 990.00 feet; thence run S 00°00'00" E for 250.28 to the Point of Beginning of the following described "Island 2":

From the Point of Beginning go N 78°18'38" W for a distance of 100.08 feet; thence go S 80°56'01" W, for a distance of 95.19 feet; thence go S 31°45'34" W for 148.19 feet; thence run S 11°11'07" E for 180.43 feet; thence S 57°37'10" E, 97.10 feet; thence go S 76°07'49" E for 83.43 feet; thence N 43°52'36" E, 72.14 feet; thence go N 15°15'18" W for 22.80 feet; thence N 49°17'21" E, 36.94 feet; thence continue N 49°17'21" E for 19.79 feet; thence go N 01°41'05" E, 34.01 feet; thence go N 34°37'27" E for a distance of 51.04 feet; thence run N 16°47'54" E for 55.36 feet; thence go N 23°11'55" W for 68.54 feet; thence run N 78°18'36" W for 18.36 feet back to the Point of Beginning

Containing Approximately 2.13 Acres or 92,631.50 +/- Square Feet total

Less and Except the following described portion of said "Island 2":

From the Point of Beginning of "Island 2" go S 00°00'00" E for a distance of 271.63 feet; thence go N 49°17'21" E for 19.79 feet; thence N 01°41'05" E for 34.01 feet; thence run N 34°37'27" E, 51.04 feet; thence run N 16°47'54" E for 55.36 feet; thence go N 23°11'55" W for 68.54 feet; thence run N 78°18'36" W for 18.36 feet back to the Point of Beginning

Excluding Approximately 0.20 Acres or 8,644.82 +/- Square Feet therefrom.

Leaving a Remainder of 1.93 Acres or 83,986.68 +/- Square Feet of said island on the original Subject Property

*ISLAND 3*

Commencing at the Northwest Corner of Section 19, Township 46 South, Range 24 East, thence go N 90°00'00" E along the North line of Section 19 for a distance of 1695.54 feet, thence continue N 90°00'00" E, along said North section line, for a distance of 990.00 feet; thence run S 00°00'00" E for 798.83 feet to the Point of Beginning of the following described "Island 3":

From said Point of Beginning, run N 50°11'40" W for a distance of 63.78 feet; thence go S 47°17'26" W for 17.69 feet; thence N 60°01'06" W, 30.02 feet; thence S 34°12'57" W for 60.46 feet; thence S 05°31'39" W for 62.29 feet; thence S 14°28'13" W for 32.02 feet;

Thence go S 57°48'15" E, 31.91 feet; thence run N 78°41'24" E, 76.49 feet; thence go N 8°31'51" E for 20.22 feet; thence run N 79°06'52" E for a distance of 15.27 feet; thence continue N 79°06'52" E for 11.20 feet; thence run N 06°31'11" E for 35.23 feet; thence go N 07°07'30"W, 32.25 feet; thence run N 50°11'40" W for a distance of 14.32 feet back to the Point of Beginning.

Containing Approximately 0.39 Acres or 16,944.00 +/- Square Feet total.

Less and Except the following described portion of "Island 3":

From the Point of Beginning of "Island 3" run S 00°00'00" E for a distance of 78.28 feet; thence go N 79°06'52" E for 11.20 feet; thence run N 06°31'11" E for 35.23 feet; thence run N 07°07'30"W, 32.25 feet; thence N 50°11'40" W for a distance of 14.32 feet back to the Point of Beginning.

Excluding Approximately 0.02 Acres or 933.05 Square Feet +/- from the above described "Island 3".

Leaving a Remainder of Approximately 0.37 Acres or 16,010.95 +/- Square Feet of "Island 3" on the original Subject Property.

#### ISLAND 4

Commencing at the Northwest Corner of Section 19, Township 46 South, Range 24 East, thence go N 90°00'00" E along the North line of Section 19 for a distance of 1695.54 feet, thence continue N 90°00'00" E, along said North section line, for a distance of 990.00 feet; thence run S 00°00'00" E for 1288.00 feet; thence run S 90°00'00" W to the Point of Beginning of the following described "Island 4":

From the Point of Beginning of "Island 4", go N 17°51'36" W for a distance of 94.56; thence run N 53°25'37" W for 38.60 feet; thence run S 83°56'45" W, 66.37 feet; thence go S 44°01'44" W for a distance of 41.73 feet; thence go S 00°47'05" W for 73.01 feet; thence S 13°40'17" E for 38.08 feet; thence S 18°13'30" E, 86.33 feet; thence go N 83°49'47" E for 37.22 feet; thence run N 55°51'51" E, 71.28 feet; thence run N 18°26'06" E for a distance of 75.89 feet back to the Point of Beginning.

Containing Approximately 0.62 Acres or 27,031.50 +/- Square Feet. ..

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AUG 08 2008

COMMUNITY DEVELOPMENT

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AUG 18 2008

COMMUNITY DEVELOPMENT

CPA 2007-00051  
PAGE 2 OF 5

**DESCRIPTIONS OF UPLAND, ISLANDS, AND  
MANGROVE IMPACT AREAS ON SUBJECT PROPERTY  
AS SHOWN ON PAGE 1**

**The Metes and Bounds Descriptions as provided are for County Planning and GIS  
Information Only, Therefore, these Alternative Descriptions do not Impact Current  
Deeded Property or Current Ownership of Subject Properties**

**Point of Commencement For All Following Metes and Bounds Descriptions is the  
Northwest Corner of Section 19, Township 46 South, Range 24 East.**

**Latitude 26°27'52.21" N; Longitude 81°57'03.82" W**

**Florida State Plane Coordinates: N 774,525.15; E 672,176.92**

**UPLANDS AREA 1**

Commencing at the Northwest Corner of Section 19, Township 46 South, Range 24 East,  
Go N 90°00'00" E along the North line of said section for a distance of 1695.54 feet;  
thence S 00°00'00" E for 1247.93 feet to the Point of Beginning of the following  
described Uplands Description:

From said Point of Beginning, continue S 00°00'00" E, 880.50 feet to the Northerly  
right-of-way of Main Street (50.00 feet wide); thence run S 55°19'09" E along said  
right-of-way line for a distance of 802.59 feet; thence go N 00°00'00" W for 26.46 feet;  
thence N 90°00'00" E for 330.00 feet; thence N 00°00'00" W, 300.00 feet; thence run  
S 90°00'00" W, 330.00 feet; thence N 00°00'00" W for 511.00 feet; thence continue  
N 00°00'00" W, for a distance of 30.73 feet; thence N 08°53'40" W, 99.77 feet; thence  
N 25°11'24" W, 64.85 feet; thence N 47°33'45" W for 115.40 feet; thence N 52°10'01" W  
for 118.66 feet; thence N 54°15'56" W, 98.63 feet; thence N 76°51'14" W, 28.78 feet;  
thence N 59°47'06" W for 33.38 feet; thence N 69°56'42" W, 79.38 feet; thence  
N 79°33'33" W, for 31.52 feet; thence N 76°27'53" W for 133.18 feet; thence  
N 76°22'04" W for a distance of 68.024 feet back to the Point of Beginning of the herein  
described "Uplands Area 1" portion of the Subject Property.

Containing Approximately 17.13 Acres or 746,115.88 +/- Square Feet.

**UPLANDS AREA 2**

Commencing at the Northwest Corner of Section 19, Township 46 South, Range 24 East,  
Go N 90°00'00" E along the North line of said section for a distance of 1695.54 feet;  
thence S 00°00'00" E for 2189.23 feet to the Southerly right-of-way of Main Street (50.00  
feet wide) and the Point of Beginning of the following described Uplands Description:

From said Point of Beginning, run S 55°19'09" E, along said Southerly right-of-way line,  
for a distance of 802.59 feet; thence go N 00°00'00" W for 37.26 feet; thence

N 90°00'00" E, 930.00 feet; thence S 00°00'00" E for 200.00 feet; thence S 90°00'00" W, 600.00 feet; thence S 00°00'00" E for 149.43 feet to the face of a concrete seawall; thence N 81°01'06" W for 47.02 feet; thence N 08°45'51" E, 40.82 feet; thence N 82°06'39" W for 20.16 feet; thence S 08°21'15" W for 40.65 feet; thence N 81°27'39" W for 266.85 feet; thence N 00°00'00" W for 13.12 feet; thence N 89°15'56" W, 160.44 feet;

Thence N 83°12'26" W for 85.70 feet; thence N 75°35'47" W for 44.71 feet; thence S 89°40'03" W for a distance of 41.06 feet; thence N 73°24'43" W for 243.13; thence S 28°56'17" W for 15.94 feet, thence N 64°44'23" W, 98.845 feet; thence N 00°00'00" W for a distance of 585.154 back to the Point of Beginning of the herein described "Uplands Area 2" of the subject parcel.

Containing Approximately 11.84 Acres or 515,869.63 +/- Square Feet.

### *MANGROVE IMPACT AREA*

Commencing at the Northwest Corner of Section 19, Township 46 South, Range 24 East, Go N 90°00'00" E along the North line of said section for a distance of 1695.54 feet; thence continue N 90°00'00" E, along said North section line, for a distance of 990.00 feet; thence run S 00°00'00" E for 1851.57 feet to the Point of Beginning of the following described "Mangrove Impact Area":

From Said Point of Beginning, continue S 00°00'00" E for 407.08 feet; thence S 90°00'00" W, 330.00 feet; thence N 00°00'00" W, 511.00 feet; thence S 67°10'36" E for 55.64 feet; thence S 37°58'33" E, 65.02 feet; thence S 02°30'47" E for 81.13; thence S 44°00'00" E for 60.00 feet; thence S 00°00'00" E for 40.00 feet, thence N 45°00'00" E, 60.00 feet; thence N 00°00'00" W, 20.00 feet; thence N 45°00'00" E for 100.00 feet; thence N 90°00'00" E, 80.33 feet back to the Point of Beginning.

Containing Approximately 3.01 Acres or 131,117.34 +/- Square Feet.

### *ISLAND 1*

Commencing at the Northwest Corner of Section 19, Township 46 South, Range 24 East, thence go N 90°00'00" E along the North line of Section 19 for a distance of 1695.54 feet; thence continue along said section line, N 90°00'00" E for 487.00 feet; thence run S 00°00'00" E for a distance of 135.00 feet to the Point of Beginning of the following described "Island 1":

From the Point of Beginning, run S 73°29'44" W, 112.64 feet; thence S 32°54'19" W for 60.75 feet; thence S 07°35'41" E for 90.80 feet; thence go S 49°32'16" E, 44.69 feet; thence N 74°44'42" E for a distance of 45.61 feet; thence run S 50°21'21" E for 45.45 feet; thence S 88°36'10" E, 82.02 feet; thence N 33°41'24" E, 14.42 feet; thence go N 35°45'14" E for 30.81 feet; thence S 58°23'33" E, 15.26 feet;

Thence N 28°42'21" E, for a distance of 95.77 feet; thence N 06°00'32" E for 38.21 feet; thence run N 45°31'32" W for 77.08 feet; thence N 68°11'55" W for a distance of 43.083 feet; thence S 90°00'00" W, 59.99 feet back to the Point of Beginning

Containing Approximately 1.16 Acres or 50,379.00 +/- Square Feet.

*ISLAND 2*

Commencing at the Northwest Corner of Section 19, Township 46 South, Range 24 East, thence go N 90°00'00" E along the North line of Section 19 for a distance of 1695.54 feet, thence continue N 90°00'00" E, along said North section line, for a distance of 990.00 feet; thence run S 00°00'00" E for 250.28 to the Point of Beginning of the following described "Island 2":

From the Point of Beginning go N 78°18'38" W for a distance of 100.08 feet; thence go S 80°56'01" W, for a distance of 95.19 feet; thence go S 31°45'34" W for 148.19 feet; thence run S 11°11'07" E for 180.43 feet; thence S 57°37'10" E, 97.10 feet; thence go S 76°07'49" E for 83.43 feet; thence N 43°52'36" E, 72.14 feet; thence go N 15°15'18" W for 22.80 feet; thence N 49°17'21" E, 36.944 feet; thence N 00°00'00" W, 271.633 feet back to the Point of Beginning.

Containing approximately 1.93 Acres or 83,986.68 +/- Square Feet of said island on the original Subject Property

*ISLAND 3*

Commencing at the Northwest Corner of Section 19, Township 46 South, Range 24 East, thence go N 90°00'00" E along the North line of Section 19 for a distance of 1695.54 feet, thence continue N 90°00'00" E, along said North section line, for a distance of 990.00 feet; thence run S 00°00'00" E for 798.83 feet to the Point of Beginning of the following described "Island 3":

From said Point of Beginning, run N 50°11'40" W for a distance of 63.78 feet; thence go S 47°17'26" W for 17.69 feet; thence N 60°01'06" W, 30.02 feet; thence S 34°12'57" W for 60.46 feet; thence S 05°31'39" W for 62.29 feet; thence S 14°28'13" E for 32.02 feet; Thence go S 57°48'15" E, 31.91 feet; thence run N 78°41'24" E, 76.49 feet; thence go N 8°31'51" E for 20.22 feet; thence run N 79°06'52" E for a distance of 15.262 feet; thence run N 00°00'00" W, for a distance of 78.289 feet back to the Point of Beginning.

Containing Approximately 0.37 Acres or 16,010.95 +/- Square Feet of "Island 3" on the original Subject Property.

*ISLAND 4*

Commencing at the Northwest Corner of Section 19, Township 46 South, Range 24 East, thence go N 90°00'00" E along the North line of Section 19 for a distance of 1695.54 feet, thence continue N 90°00'00" E, along said North section line, for a distance of 990.00 feet; thence run S 00°00'00" E for 1288.00 feet; thence run S 90°00'00" W, 215.00 feet to the Point of Beginning of the following described "Island 4":

From the Point of Beginning of "Island 4", go N 17°51'36" W for a distance of 94.56; thence run N 53°25'37" W for 38.60 feet; thence run S 83°56'45" W, 66.37 feet; thence go S 44°01'44" W for a distance of 41.73 feet; thence go S 00°47'05" W for 73.01 feet; thence S 13°40'17" E for 38.08 feet; thence S 18°13'30" E, 86.33 feet; thence go N 83°49'47" E for 37.22 feet; thence run N 55°51'51" E, 71.28 feet; thence run N 18°26'02" E for a distance of 75.899 feet back to the Point of Beginning.

Containing Approximately 0.62 Acres or 27,031.50 +/- Square Feet.

**Prepared By and Return To:**

Sue Johnson  
Fidelity National Title Insurance Company of New York  
6238 Presidential Ct., #3  
Fort Myers, FL 33919

File No. 0-815-700099

**Property Appraiser's Parcel I.D.(folio) Number(s)**

19-46-24-00-00022.0000

19-46-24-00-00023.0020

15.00R  
3675.00DS

4612854

OR3104 Pg2964

**WARRANTY DEED**

**THIS WARRANTY DEED** dated April 15, 1999, by Eugene Steffan and Diane Steffan, husband and wife hereinafter called the grantor, to WISCONSIN DISTRIBUTORS INC., A WISCONSIN CORPORATION whose post office address is 2921 Syene Road, Madison, WI 53713 hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

**WITNESSETH:** That the grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the grantee, all the certain land situated in Lee County, Florida, viz:

SEE EXHIBIT ONE ATTACHED HERETO AND MADE A PART HEREOF

Subject to easements, restrictions, reservations, and limitations of record, if any.

**TOGETHER** with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

**TO HAVE AND TO HOLD** the same in fee simple forever.

**AND** the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1998.

RECORDED BY  
KAREN CARTWRIGHT, D.C.

Documentary Tax Pd. \$ 3675.00  
Intangible Tax Pd  
\$ CHARLIE GREEN, CLERK, LEE COUNTY  
By Karen Cartwright Deputy Clerk

**EXHIBIT "ONE"****Parcel I:**

That portion of the East half (E 1/2) of the East half (E 1/2) of Government Lot 3 in Section 19, Township 46 South, Range 24 East, lying South of the North line of that particular easement described in O.R. Book 183, Pages 287 and 288, of the Public Records of Lee County, Florida. Including any and all riparian rights and submerged land interests pertaining thereto.

**Parcel II:**

Commencing at a point on the Easterly boundary of the Sears, Roebuck & Co. property and thirty-five feet South of the Easterly projection of the center line of the fifty-five foot easement granted by Sears, Roebuck & Co. to Warren Investment & Development Corp. by instrument recorded in O.R. Book 183, Pages 286 through 288, Public Records of Lee County, Florida, proceed Southerly along the said boundary line of said Sears, Roebuck & Co. property for a distance of 200 feet; thence left (Easterly) at right angles to the last mentioned course for a distance of 600 feet; thence left (Northerly) at right angles to the last mentioned course for a distance of 200 feet; thence left (Westerly) at right angles to the last mentioned course for a distance of 600 feet more or less to the Point of Beginning; together with a perpetual non-exclusive roadway easement as described in that certain Grant of Easement recorded in O.R. Book 779, Page 151, Public Records of Lee County, Florida.

OR3104 P62965

I WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Robert C. Hill  
Witness Signature

Robert C. Hill, Jr.  
Witness Printed Name

Susan R. Johnson  
Witness Signature

SUSAN R JOHNSON  
Witness Printed Name

Eugene Steffan  
Eugene Steffan

Diane Steffan  
Diane Steffan

STATE OF FL

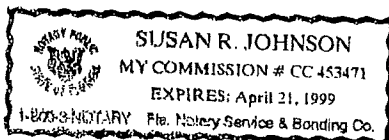
COUNTY OF Lee

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and the County  
foresaid to take acknowledgements, personally appeared EUGENE STEFFAN AND  
DIANE STEFFAN  
to me known to be the person (s) described in or who has/have produced Id. Dr. Hill as identification  
and who executed the foregoing instrument and he/she/they acknowledged before me that he/she/they executed the  
same.

WITNESS my hand and official seal in the County and State last aforesaid this 15 day of April, 1999

Susan R. Johnson  
Notary Public

My Commission Expires: SUSAN R JOHNSON



CHARLIE GREEN, CLERK  
LEE COUNTY, FL  
99 APR 16 AM 11:45

INSTR # 4878406  
OR BK 03256 PG 2926

This Instrument Prepared by and Return To:

Valerie Stoker Litschgi, Esquire  
Barnett, Bolt, Kirkwood & Long  
601 Bayshore Boulevard, Suite 700  
Tampa, Florida 33606

RECORDED 05/17/00 04:46 PM  
CHARLIE GREEN CLERK OF COURT  
LEE COUNTY  
RECORDING FEE 19.50  
DOC TAX PD(F.S. 201.02) 16,100.00  
DEPUTY CLERK W Odom

Property Appraiser's Parcel ID Number:  
19-46-24-00-00021.001A

Employer Identification Number of the Grantee:

WARRANTY DEED

[STATUTORY FORM - SECTION 689.02 F.S.]

THIS INDENTURE made this 15th day of May, 2000, between ISLAND PACKING COMPANY, a Florida corporation, f/k/a COX PACKING, INC. ("Grantor"), whose post office address is 5806 North Occident Street, Tampa, Florida 33614, and HANSON MARINE PROPERTIES, INC., a Florida corporation ("Grantee"), whose post office address is 2200 Main Street, Fort Myers Beach, Florida 33931.

W I T N E S S E T H:

That Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable considerations to Grantor in hand paid by Grantee, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained and sold to Grantee, and Grantee's successors and assigns forever, the following described land (the "Property") located in Lee County, Florida, to-wit:

LANDS DESCRIBED IN EXHIBIT "A" ATTACHED  
HERETO, MADE A PART HEREOF, AND INCORPORATED  
BY REFERENCE HEREIN.

SUBJECT TO THOSE ITEMS DESCRIBED IN EXHIBIT  
"B" ATTACHED HERETO, MADE A PART HEREOF, AND  
INCORPORATED BY REFERENCE HEREIN.

And except as set forth in Exhibit "B" attached hereto and incorporated herein, Grantor does hereby fully warrant the title to the Property, and will defend the same against the lawful claims of all persons whomsoever.

Wherever used herein and wherever the context so admits or requires, the terms Grantor and Grantee shall include the singular and the plural; the heirs, legal representatives, and assigns of individuals; and the successors and assigns of corporations and partnerships.

IN WITNESS WHEREOF, Grantor has caused this Statutory Warranty Deed to be duly executed and delivered in its name on the aforesaid date.

WITNESSES:

Mrs. Betty P. Cox  
Print  
Name: Betty P. Cox

ISLAND PACKING COMPANY,  
a Florida corporation,  
f/k/a COX PACKING, INC.

By: [Signature]  
STEVE J. COX,  
President (SEAL)

Yolanda A. Tullo  
Print  
Name: Yolanda A. Tullo

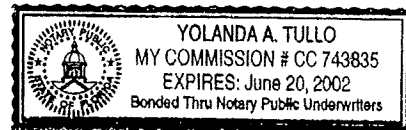
"Grantor"

As to Grantor

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

15<sup>th</sup> The foregoing instrument was acknowledged before me this day of May, 2000, by STEVE J. COX, as President of ISLAND PACKING COMPANY, a Florida corporation, f/k/a COX PACKING, INC., on behalf of the corporation, who is personally known to me or who has produced a Florida driver's license as identification.

Yolanda A. Tullo  
Notary Public  
Print or Stamp Name: \_\_\_\_\_  
(Notarial Seal)  
My commission expires: \_\_\_\_\_  
My serial number is: \_\_\_\_\_



On AK 03256 PG 2928

EXHIBIT "A"  
Legal Description

West half (West  $\frac{1}{2}$ ) of the East half (East  $\frac{1}{2}$ ) of Government Lot 3 in Section 19, Township 46 South, Range 24 East, lying South of that particular easement described in Deed Book 137, Page 117, of the Public Records of Lee County, Florida.

OR BK 03256 PG 2929

EXHIBIT "B"Subject to:

1. Taxes and assessments for the year 2000 and subsequent years.

2. Lee county Ordinances 86-14 and 86-38 providing for mandatory solid waste collection and the imposition of special assessments for said collection services. The special assessments for the current tax year are payable with the ad valorem taxes.

U-1

INSTR # 2006000015331, Pages 3  
Doc Type D, Recorded 01/11/2006 at 04:19 PM,  
Charlie Green, Lee County Clerk of Circuit Court  
Deed Doc. \$21000.00 Rec. Fee \$27.00  
Deputy Clerk LFAHRNER  
#1

Prepared by and return to:  
Ellen M. Macfarlane, Esq. (DMP)  
Macfarlane Ferguson & McMullen  
201 N. Franklin Street, Suite 2000  
Tampa, FL 33602

Record & Return to:  
LandAmerica - J. Haller-Walker  
1302 N. 19th Street, Suite 200  
Tampa, FL 33605  
File: 40292682

Tax Parcel No. 14-46-24-00-00022.0010

**WARRANTY DEED**

THIS INDENTURE is made effective on January 9, 2006, by **THE VALSPAR CORPORATION**, a Delaware corporation ("Grantor"), whose mailing address is 1101 Third Street South, Minneapolis, MN 55415, and **HANSON MARINE PROPERTIES, INC.**, a Florida corporation ("Grantee"), whose mailing address is c/o Salty Sam's Marina, 2500 Main Street, Fort Myers Beach, FL 33931.

**WITNESSETH:**

Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration to it in hand paid, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, and convey unto Grantee and its successors and assigns forever, that certain real property (the "Property") in the County of Lee and State of Florida, as more particularly described in Exhibit "A" attached hereto and made a part hereof,

TOGETHER WITH all the tenements, hereditaments and appurtenances, with every privilege, right, title, interest, estate, reversion, remainder and easement thereto belonging or in anywise appertaining: TO HAVE AND TO HOLD the same in fee simple forever.

Grantor covenants with Grantee that Grantor is lawfully seized of the Property; that Grantor has good right and lawful authority to sell the Property, that the Property is free from all liens and encumbrances except real estate taxes for the year 2006 and thereafter, and building and zoning laws, ordinances, state and federal regulations, and that Grantor will warrant the title to the Property and will defend the same, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has executed this conveyance on the above date by Grantor's duly authorized officer and has caused by its corporate seal to be affixed hereto.

Signed in the presence of:

**THE VALSPAR CORPORATION**  
a Delaware corporation

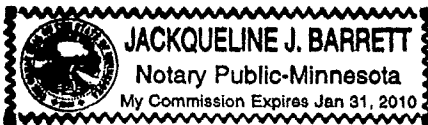
Elizabeth Cannon  
Print name: Elizabeth Cannon

Gary S. Hendrix  
Print name: Gary S. Hendrix

By: Steven L. Erdahl  
Print name: Steven L. Erdahl  
Title: Executive Vice President

STATE OF MINNESOTA    )  
  )ss  
COUNTY OF HENNEPIN    )

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of January, 2006, by Steven L. Erdahl as Executive Vice President of The Valspar Corporation, a Delaware corporation, on behalf of the corporation, and who is personally known to me.



Jackeline J. Barrett  
Notary Public  
Printed Name: Jackeline J. Barrett  
My Commission Expires: 1-31-2010

#32169262

**EXHIBIT "A"**  
**Legal Description**

That portion of the East  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of Government Lot 3, in Section 19, Township 46 South, Range 24 East, lying North of and adjoining that particular easement described in Official Records Book 183, Pages 287 and 288 of the Public Records of Lee County, Florida;

TOGETHER WITH an easement between Sears, Roebuck and Co. and DeSoto, Inc., recorded in Official Records Book 1664, Page 131, more particularly described as follows:

A strip of land 50.00 feet in width extending from West to East across the East  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of Government Lot 3 in Section 19, Township 46 South, Range 24 East, the centerline of which strip of land or easement is described as follows:

From a point on the East side of San Carlos Boulevard 25.00 feet Southerly along said Boulevard from the Southwest corner of Block 9, San Carlos on the Gulf, according to the map or plat thereof recorded in Plat Book 6, Page 6 of the Public Records of Lee County, Florida, run East at right angles to said Boulevard and parallel with the South line of said Block 9 for 1,384.60 feet to point of deflection; thence deflect to the right  $19^{\circ}58'$  and run Southeasterly for 1,825.60 feet to a point on the West line of said East  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of Government Lot 3; thence run North along said West line for 31.70 feet to the Point of Beginning of said easement centerline; from said Point of Beginning run East perpendicular to the West line of said East  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of Government Lot 3 for 330.00 feet, more or less, to a point on the East  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of Government Lot 3.

This instrument prepared by:  
Return to:  
William H. Grace, P.A.  
P.O. Box 2119  
Fort Myers, FL 33902

Property Appraiser's Parcel  
ID #19-46-24-00-00021.0010

-----  
**WARRANTY DEED**  
-----

This Indenture, made this 1st of March, 2006  
**BETWEEN**

WASH ENTERPRISES, LTD., a Florida Limited Partnership  
whose post office address is:  
1725 Main Street, Fort Myers Beach, FL 33931

of the County of LEE State of FLORIDA  
Grantor, and

EBB TIDE RV PARK LLC, a Florida Limited Company  
whose post office address is:  
2500 Main Street, Fort Myers Beach, FL 33931

of the County of LEE State of FLORIDA Grantee,

Witnesseth that said Grantor, for and in consideration of the sum  
of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATIONS (\$10.00),  
to said Grantors in hand paid by said Grantee, the receipt whereof  
is hereby acknowledged, has granted, bargained and sold to the said  
Grantee's heirs and assigns forever, the following described land,  
situate, lying and being in LEE County, FLORIDA, to wit:

The West  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of Government Lot 3 in  
Section 19, Township 46 South, Range 24 East, lying  
North of County Road (Main Street), Fort Myers Beach,  
Lee County, Florida, together with all riparian rights  
thereunto belonging, as described in Deed Book 264,  
Page 571, of the Public Records of Lee County, Florida.

Together with all of Sellers' rights, title and interest  
in and to adjacent submerged lands, if any.

Subject to easements, restrictions and reservations of record and  
taxes for the calendar year.


And said Grantor does hereby fully warrant the title to said land,  
and will defend the same against the lawful claims of all persons  
whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and

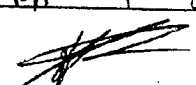
Signed, sealed and delivered in our presence:

Witnesses

WASH ENTERPRISES, LTD.  
a Florida Limited Partnership

  
\_\_\_\_\_  
Witness signature  
Print name of witness below:

BY: Andrew Shaw  
ANDREW SHAW, General Partner

  
\_\_\_\_\_  
Witness signature  
Print name of witness below:


STATE OF FLORIDA  
COUNTY OF LEE

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared ANDREW SHAW, General Partner of WASH ENTERPRISES, LTD., who is personally known to me or who has produced \_\_\_\_\_ as identification and who did take an oath and who executed the foregoing instrument and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 1st day of March, 2006.

WILLIAM H. GRACE  
Notary Public, State of Florida  
My comm. exp. May 24, 2008  
Comm. No. DD 322939

\_\_\_\_\_  
PRINT NAME OF NOTARY PUBLIC

  
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

(SEAL)

Commission No. \_\_\_\_\_

101.50 R. Stamp  
4900.00  
4914.50

THIS INSTRUMENT PREPARED BY:  
THOMAS H. GUNDERSON, ESQUIRE  
P. O. Box 280  
Ft. Myers, FL 33902

3667820

Documentary Tax Pd. 4900.00  
Intangible Tax Pd.  
CHARLIE GREEN, CLERK, LEE COUNTY  
Deputy Clerk

DR2542 PG2234

## WARRANTY DEED

THIS INDENTURE, made this 25th day of July, 1994 between LEWIS E. THURSTON, of the County of Orange and State of New York, party of the first part, and OYSTER BAY LAND COMPANY, a Florida corporation, whose post office address is 793 West Shore Drive, Kinnelon, New Jersey 07405, of the County of Morris and State of New Jersey, party of the second part,

WITNESSETH that the said party of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS and other good and valuable consideration, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part, its successors and assigns forever, the following described land, situate lying and being in the County of Lee, State of Florida, to wit:

See attached Exhibit "A".

Subject to easements, restrictions and reservations of record and taxes for the year 1994 and all subsequent years, this property is an improved land and not the homestead of the Grantor herein, nor contiguous thereto. And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered  
in the Presence of:

Joellen Snow  
Witness Signature

JOELLEN SNOW  
Print/Type Name of Witness

Margaret E. Riggs  
Witness Signature

Margaret E. Riggs  
Print/Type Name of Witness

STATE OF New York  
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 25 day of July, 1994 by LEWIS E. THURSTON, who is personally known to me or who has produced Driver's Lic. & Personally Known as identification.

My Commission Expires: 5/31/96

SHIRLEY ZELLER  
Notary Public, State of New York  
Orange County  
Reg. No. 01224714292

Commission Expires 5/31/96

Lewis E. Thurston  
LEWIS E. THURSTON

ADDRESS:  
228 Oakland Valley Road  
Cuddebackville, NY 12729

Shirley Zeller  
Notary Public

SHIRLEY ZELLER  
Type/Print Name of Notary

• SECOND VERIFIED - CHARLIE GREEN, CLERK •  
• BY: G. SHERROD, D.C. •

CHARLE GREEN LEE CTY, FL

94 OCT -7 PM 4:25

EXHIBIT "A"

That portion of the East Half of the West Half of Government Lot 3 lying Southerly of Main Street (a 50 foot right-of-way) in Section 19, Township 46 South, Range 24 East, Fort Myers Beach, Lee County, Florida.

0R2542 PG2235

15.00 record

350.00 due

THIS INSTRUMENT PREPARED BY:  
Thomas H. Gunderson  
P. O. Box 280  
Ft. Myers, FL 33902

4452452

083000 PG0707

Documentary Tax Pd. 1 350.00  
Intangible Tax Pd.  
CHARLIE GUNL CLERK, LEE COUNTY  
~~May 10 1998~~ Deputy Clerk

RECORDED BY  
MARY JO ROBINSON, D.C.

WARRANTY DEED

THIS INDENTURE, made this 30th day of June, 1998 between EARLE W. ROSSITER and LAURA J. VOGEL, Joint Tenants, whose address is PO Box 2360, Fort Myers Beach, FL 33932, parties of the first part, and OYSTER BAY LAND COMPANY, a Florida corporation, whose address is 1711 Main Street, Fort Myers Beach, FL 33931, party of the second part,

WITNESSETH that the said parties of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS and other good and valuable consideration, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said party of the second part, its successors and assigns forever, the following described land, situate lying and being in the County of Lee, State of Florida, to wit:

As described in Exhibit "A" attached hereto and made a part hereof.

Subject to easements, restrictions and reservations of record and taxes for the year 1998 and all subsequent years.

Parcel Identification No. 19-46-24-00-00021.0060

THE SUBJECT PROPERTY IS NOT NOW, NOR HAS IT EVER BEEN, THE HOMESTEAD PROPERTIES OF THE GRANTORS NAMED HEREIN, NOR IS IT CONTIGUOUS TO THEIR HOMESTEAD PROPERTIES.

And the said parties of the first part do hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered  
in the Presence of:

Robert Murphy  
Witness Signature

Robert Murphy  
(Type/Print Name of Witness)

Charles Barnett  
Witness Signature

Charles Barnett  
(Type/Print Name of Witness)

Earle W. Rossiter  
EARLE W. ROSSITER

Whose address is:  
PO Box 2360  
Fort Myers Beach, FL 33932

① / VIRGINIE ORTIZ  
Witness Signature

(Type/Print Name of Witness)

② / D. [Signature]  
Witness Signature

DEBORA OLIVEIRA  
(Type/Print Name of Witness)

[Signature]  
LAURA J. VOGEL

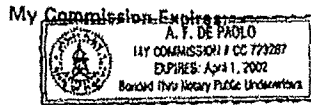
Whose address is:

OR3000 PG 708

STATE OF FL

COUNTY OF Lee

The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of Aug, 1998 by EARLE W. ROSSITER, who is personally known to me or who produced \_\_\_\_\_ as identification.



[Signature]  
Notary Public

A. F. De Paolo  
(Type/Print Name of Notary)

Commission No: \_\_\_\_\_

STATE OF FLORIDA

COUNTY OF PINE HILLS

The foregoing instrument was acknowledged before me this 6 day of AUGUST, 1998 by LAURA J. VOGEL, who is personally known to me or who produced FLA DP LIC as identification.

My Commission Expires: \_\_\_\_\_



Lawrence La Briola  
Notary Public, State of Florida  
Commission No. CC 637978  
My Commission Exp. 06/09/2004

[Signature]  
Notary Public

(Type/Print Name of Notary)

Commission No: \_\_\_\_\_

EXHIBIT "A"  
Legal Description

A tract or parcel of land in Government Lot 3, Section 19, Township 46 South, Range 24 East, San Carlos Island, Lee County, Florida, which tract or parcel is described as follows:

From the intersection of the West line of said Government Lot 3 and the northeasterly line of Main Street as described in Deed Book 137 at page 117 of the Public Records of Lee County, Florida, run S 55° 19' 00" E along said northeasterly line of Main Street (50 feet wide) for 346.28 feet to the Point of Beginning.

From said Point of Beginning run N 34° 41' 00" E for 21.39 feet to a point of curvature; thence run northeasterly and northerly along the arc of a curve of radius 135.00 feet for 82.51 feet to a point of tangency; thence run N 00° 20' 00" W for 756.69 feet to a point on the northerly face of an existing concrete seawall; thence run S 76° 37' 11" E along said northerly face of old seawall for 75.55 feet to an intersection with said east line of the west 60 feet of the East half (E-1/2) of the West half (W-1/2) of Government Lot 3; thence run South for 907.22 feet to an intersection with said northeasterly line of Main Street; thence run N 55° 19' 00" W along said northeasterly line of Main Street for 127.99 feet to the Point of Beginning:

EXCEPTING THEREFROM the West 60 feet of the East half (E-1/2) of the West half (W-1/2) of said Government Lot 3.

Bearings mentioned are from assuming the West line of Government Lot 3 bears North.

DR3000 P60709

CHARLIE GREEN, CLERK  
LEE COUNTY, FL  
98 AUG 14 PM 1:17

CHARLIE GREEN LEE CITY, FL

93 DEC 29 PM 2:39

THIS INSTRUMENT PREPARED BY:  
THOMAS H. GUNDERSON, ESQUIRE  
P. O. Box 280  
Ft. Myers, FL 33902

3513238

WARRANTY DEED

THIS INDENTURE, made this 29 day of December, 1993 between  
LEWIS E. THURSTON, of the County of Orange and State of New  
York, party of the first part, and OYSTER BAY LAND COMPANY, a  
Florida corporation, whose post office address is 793 West Shore  
Drive, Kinnelon, New Jersey 07405, of the County of  
Orange and State of New Jersey, party of the second part,

WITNESSETH that the said party of the first part, for and in  
consideration of the sum of TEN (\$10.00) DOLLARS and other good  
and valuable consideration, to him in hand paid by the said party  
of the second part, the receipt whereof is hereby acknowledged,  
has granted, bargained and sold to the said party of the second  
part, its heirs and assigns forever, the following described  
land, situate lying and being in the County of Lee, State of  
Florida, to wit:

That portion of the East Half of the West Half of Government  
Lot 3 lying Northerly of Main Street (a 50 foot right-of-  
way) in Section 19, Township 46 South, Range 24 East, Fort  
Myers Beach, Lee County, Florida.

Subject to easements, restrictions and reservations of  
record and taxes for the year 1993 and all subsequent years.

And the said party of the first part does hereby fully warrant  
the title to said land, and will defend the same against the  
lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said party of the first part has  
hereunto set his hand and seal the day and year first above  
written.

Signed, Sealed and Delivered  
in the Presence of:

Thomas H. Gunderson  
Witness Signature

Thomas H. Gunderson  
Print/Type Name of Witness

Robert W. Beasley  
Witness Signature

ROBERT W. BEASLEY  
Print/Type Name of Witness

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this  
29 day of December, 1993 by LEWIS E. THURSTON, who is  
personally known to me or who has produced  
\_\_\_\_\_ as identification.

My Commission Expires:

Thomas H. Gunderson  
Notary Public

Thomas H. Gunderson  
Type/Print Name of Notary

Commission No. \_\_\_\_\_



THOMAS H. GUNDERSON  
MY COMMISSION # 0010488 EXPIRES  
MARCH 24, 1996  
ISSUED BY THE FLORIDA BAR ASSOCIATION, INC.

Documentary Tax Paid \$ 4893.00  
Intangible Tax Paid \_\_\_\_\_  
CHARLIE GREEN, CLERK, LEE COUNTY  
Chenwood Deputy Clerk

RECORD RETURNED - CHARLIE GREEN, CLERK  
BY: C. CHENWOOD, D.C.

OR2457 PG3114

THIS INSTRUMENT PREPARED BY:

Thomas H. Gunderson  
Post Office Box 280  
Fort Myers, FL 33902

3652001

Documentary Tax Pd. \$

Intangible Tax Pd.

CHARLES GRIFFIN, Clerk of the County  
By [Signature] Deputy Clerk

**QUIT CLAIM DEED**

THIS INDENTURE, made this 30th day of August, 1994, between DILAND CORPORATION, a Florida corporation, whose mailing address is 2235 Hollowridge Drive, Orange City, Florida 32763; party of the first part, and OYSTER BAY LAND COMPANY, a Florida corporation, whose mailing address is 793 West Shore Drive, Kinnelon, New Jersey 07405, party of the second part,

WITNESSETH, that the said party of the first part, for and in consideration of the sum of TEN DOLLARS (\$10.00), and other good and valuable consideration, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has remised, released and quitclaimed, and by these presents does remise, release and quitclaim unto the said party of the second part all the right, title, interest claim and demand, which the said party of the first part has in and to the following described lot, piece or parcel of land, situate lying and being in the County of Lee, State of Florida, to wit:

That portion of the peninsula lying westerly of the east line (as extended North into Hurricane Bay) of the East Half of the West Half of Government Lot 3, Section 19, Township 46 South, Range 24 East, Lee County, Florida as shown on the survey attached as Exhibit "A."

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest and claim whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part.

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and seal the day and year first above written.

Signed, Sealed and Delivered  
in the Presence of:

DILAND CORPORATION, a  
Florida corporation

[Signature]  
Witness

Sharon M. Mowette  
Type/Print Name of Witness

[Signature]  
Witness

SHARON J. ALEXANDER  
Type/Print Name of Witness

BY: [Signature]

Its: President

082533 PG3462

RECORD VERIFIED - CHARLIE CHEN, CLERK  
BY: HELEN CARROLL, S.E.

STATE OF Florida  
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 30<sup>th</sup>  
day of August, 1994, by Gerald D. Fincke, as  
President of DILAND CORPORATION, a Florida corporation, on  
behalf of the corporation, who is personally known to me or who has  
produced \_\_\_\_\_ as identification.

My Commission Expires:

NOTARY PUBLIC, State of Florida at Large  
My Commission Expires April 23, 1995  
BONDED THRU AGENTS NOTARY BROKERAGE

Carolyn R Vance  
Notary Public

CAROLYN R VANCE  
Type/Print Name of Notary  
Commission No. CC1002092

94 SEP -8 AM 11:40

~~OR2533 PG3464~~

Designates Property  
BUT claimed

[illegible]

*[Handwritten signature]*

There is no indication in any of the letters mentioned. It is not a description of Latin, nor is it a description of the situation in the country. The author is not a native speaker of the language and is not a native speaker of the language. The author is not a native speaker of the language and is not a native speaker of the language.

Admission fee included  
 Refreshments before and after

### Appendix 2. Continued

41	Wasserman, Sam	214	Wasserman, Sam
42	Wasserman, Sam	215	Wasserman, Sam
43	Wasserman, Sam	216	Wasserman, Sam
44	Wasserman, Sam	217	Wasserman, Sam
45	Wasserman, Sam	218	Wasserman, Sam
46	Wasserman, Sam	219	Wasserman, Sam
47	Wasserman, Sam	220	Wasserman, Sam
48	Wasserman, Sam	221	Wasserman, Sam
49	Wasserman, Sam	222	Wasserman, Sam
50	Wasserman, Sam	223	Wasserman, Sam
51	Wasserman, Sam	224	Wasserman, Sam
52	Wasserman, Sam	225	Wasserman, Sam
53	Wasserman, Sam	226	Wasserman, Sam
54	Wasserman, Sam	227	Wasserman, Sam
55	Wasserman, Sam	228	Wasserman, Sam
56	Wasserman, Sam	229	Wasserman, Sam
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58	Wasserman, Sam	231	Wasserman, Sam
59	Wasserman, Sam	232	Wasserman, Sam
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67	Wasserman, Sam	240	Wasserman, Sam
68	Wasserman, Sam	241	Wasserman, Sam
69	Wasserman, Sam	242	Wasserman, Sam
70	Wasserman, Sam	243	Wasserman, Sam
71	Wasserman, Sam	244	Wasserman, Sam
72	Wasserman, Sam	245	Wasserman, Sam
73	Wasserman, Sam	246	Wasserman, Sam
74	Wasserman, Sam	247	Wasserman, Sam
75	Wasserman, Sam	248	Wasserman, Sam
76	Wasserman, Sam	249	Wasserman, Sam
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79	Wasserman, Sam	252	Wasserman, Sam
80	Wasserman, Sam	253	Wasserman, Sam
81	Wasserman, Sam	254	Wasserman, Sam
82	Wasserman, Sam	255	Wasserman, Sam
83	Wasserman, Sam	256	Wasserman, Sam
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85	Wasserman, Sam	258	Wasserman, Sam
86	Wasserman, Sam	259	Wasserman, Sam
87	Wasserman, Sam	260	Wasserman, Sam
88	Wasserman, Sam	261	Wasserman, Sam
89	Wasserman, Sam	262	Wasserman, Sam
90	Wasserman, Sam	263	Wasserman, Sam
91	Wasserman, Sam	264	Wasserman, Sam
92	Wasserman, Sam	265	Wasserman, Sam
93	Wasserman, Sam	266	Wasserman, Sam
94	Wasserman, Sam	267	Wasserman, Sam
95	Wasserman, Sam	268	Wasserman, Sam
96	Wasserman, Sam	269	Wasserman, Sam
97	Wasserman, Sam	270	Wasserman, Sam
98	Wasserman, Sam	271	Wasserman, Sam
99	Wasserman, Sam	272	Wasserman, Sam
100	Wasserman, Sam	273	Wasserman, Sam

1. NAME \_\_\_\_\_  
 2. ADDRESS \_\_\_\_\_  
 3. CITY \_\_\_\_\_  
 4. STATE \_\_\_\_\_  
 5. ZIP \_\_\_\_\_  
 6. PHONE \_\_\_\_\_  
 7. DATE \_\_\_\_\_  
 8. SIGNATURE \_\_\_\_\_  
 9. PRINT NAME \_\_\_\_\_  
 10. PRINT ADDRESS \_\_\_\_\_  
 11. PRINT CITY \_\_\_\_\_  
 12. PRINT STATE \_\_\_\_\_  
 13. PRINT ZIP \_\_\_\_\_  
 14. PRINT PHONE \_\_\_\_\_  
 15. PRINT DATE \_\_\_\_\_  
 16. PRINT SIGNATURE \_\_\_\_\_  
 17. PRINT NAME \_\_\_\_\_  
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15. July 1994  
15.70  
21. Dec Stamp

THIS INSTRUMENT PREPARED BY:  
THOMAS H. GUNDERSON, ESQUIRE  
P. O. Box 280  
Ft. Myers, FL 33902

3667821

Documentary Tax Pd. \$ 70  
Intangible Tax Pd.  
CHARLIE GREEN, CLERK, LEE COUNTY  
By Charles Green Deputy Clerk

BR2542 PG2236

QUIT CLAIM DEED

THIS INDENTURE, made this 25th day of July, 1994, between LEWIS E. THURSTON, of the County of Orange and State of New York, party of the first part, and OYSTER BAY LAND COMPANY, a Florida corporation, whose mailing address for tax purposes is 793 West Shore Drive, Kinnelon, New Jersey 07405 of the County of Morris and State of New Jersey, party of the second part,

WITNESSETH, that the said party of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS and other good and valuable consideration, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has remised, released and quitclaimed, and by these presents does remise, release and quitclaim unto the said party of the second part all the right, title, interest claim and demand, which the said party of the first part has in and to the following described lot, piece or parcel of land, situate lying and being in the County of Lee, State of Florida, to wit:

This See attached Exhibit "A".  
Herein, for ~~the~~ improved land and not the homestead of the Grantor  
TO HAVE AND TO HOLD the same, together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest and claim whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered  
in the Presence of:

Joellen Snow  
Witness Signature

JOELLEN SNOW  
(Type/Print Name of Witness)

Margaret E. Rigg  
Witness Signature

MARGARET E. RIGG  
(Type/Print Name of Witness)

Lewis E. Thurston  
LEWIS E. THURSTON

ADDRESS:

228 Oakland Valley Road  
Cuddebackville, NY 12729

RECORDED VERIFIED - CHARLIE GREEN, CLERK  
BY: C. GREEN, D.C.

0R2542 P62237

STATE OF New York  
COUNTY OF Orange

The foregoing instrument was acknowledged before me this  
25 day of July, 1994, by LEWIS E. THURSTON, who is  
personally known to me or who has produced Driver's License  
Personally Known as identification.

My Commission Expires:

5/31/96

Shirley Zeller  
Notary Public

SHIRLEY ZELLER  
(Type/Print Name of Notary)

Commission No:

SHIRLEY ZELLER  
Notary Public, State of New York  
Orange County  
Reg. No. 012E1714302  
Commission Expires 5/31/96

94 OCT -7 PM 4:25

EXHIBIT "A"

A parcel of submerged land in Matanzas Pass in Section 19, Township 46 South, Range 24 East, Lee County, Florida, being more particularly described as follows:

From the intersection of the southerly line of a County Road known as Main Street as described in Deed Book 137 at page 117 of the Public Records of Lee County, Florida and the west line of the East Half (E½) of the West Half (W½) of Government Lot 3 of said Section 19, run southerly along the west line of said fraction of a section for 576.32 feet to the face of an existing seawall and intersection with the established bulkhead line and the point of beginning of the herein described lands. From said point of beginning continue southerly along a southerly prolongation of said westerly line of said fraction of a section along said bulkhead line for 1 foot to a point 577.32 feet southerly of said southwesterly line of Main Street; thence deflect 60° 22' 20" to the left and run southeasterly along said bulkhead line for 281.85 feet; thence deflect 29° 37' 40" to the left and run easterly for 85 feet more or less to the easterly line of said fraction of a section; thence run northerly along said east line of said fraction of a section to an intersection with the mean high tide line along the northerly shore of Matanzas Pass; thence run southwesterly, westerly and northwesterly along the said mean high tide line to the Point of Beginning.

0R2542 P62238

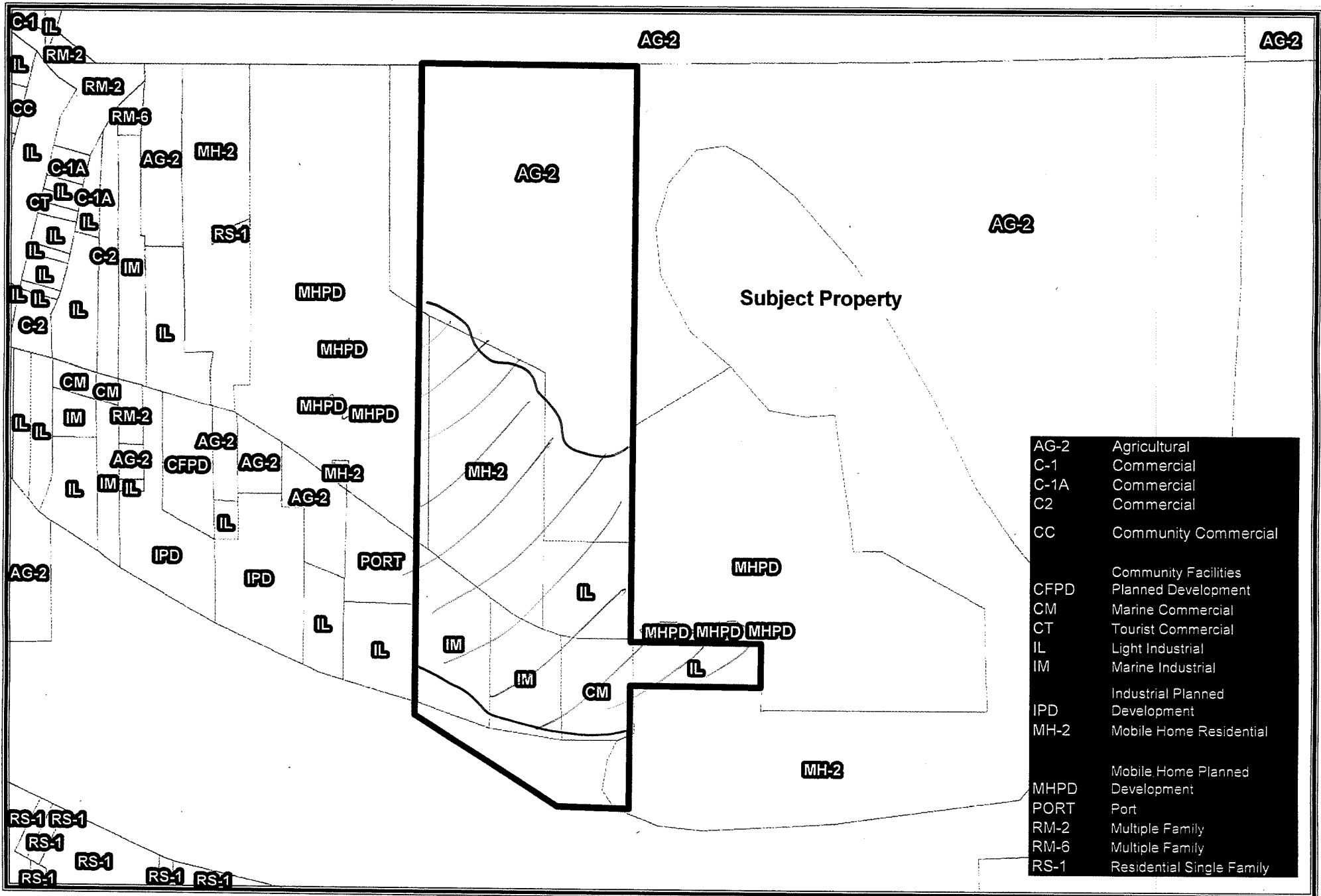
# San Carlos Island-Comp Plan Amendment

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Lee County Application for a Comprehensive Plan Amendment

## Attachment A-7

### Aerial Map



# ZONING MAP

EBBTIDE

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280  
Meters



**DELISI FITZGERALD, INC.**  
Planning - Engineering - Project Management

1500 Royal Palm Square Blvd., Suite 101  
Fort Myers, FL 33919  
239-418-0691 • 239-418-0692 fax

ENVIRONMENTAL LAND SERVICES, INC.  
3677 CENTRAL AVENUE SUITE G  
FORT MYERS, FLORIDA 33901  
PHONE: (239) 274-8022 ELS  
FAX: (239) 274-8019 LB 5986

LEGAL DESCRIPTIONS FOR  
BOUNDARY SURVEY 2007-1114, PAGE 1 OF 2:

PARCEL "A"

That Portion Of The East Half (East ½) Of The West Half (West ½) Of Government Lot 3 Lying Southerly Of Main Street (A 50 Foot Right-Of-Way) In Section 19, Township 46 South, Range 24 East, Fort Myers Beach, Lee County, Florida.

PARCEL "B"

West Half (West ½) Of The East Half (East ½) Of Government Lot 3 In Section 19, Township 46 South, Range 24 East, Lying South Of That Particular Easement Described In Deed Book 137, Page 117, Of The Public Records Of Lee County, Florida.

PARCEL "C"

That Portion Of The East Half (East ½) Of The East Half (East ½) Of Government Lot 3 In Section 19, Township 46 South, Range 24 East, Lying South Of The North Line Of That Particular Easement Described In D.R. Book 183, Pages 287 And 288, Of The Public Records Of Lee County, Florida, Including Any And All Riparian Rights And Submerged Land Interests Pertaining Thereto.

PARCEL "D"

Commencing At A Point On The Easterly Boundary Of The Sears, Roebuck & Co. Property And Thirty-Five Feet South Of Easterly Projection Of The Center Line Of The Fifty-Five Foot Easement Granted By Sears, Roebuck & Co. To Warren Investment & Development Corp. By Instrument Recorded In D.R. Book 183, Pages 286 Through 288, Public Records Of Lee County, Florida, Proceed Southerly Along The Said Boundary Line Of Said Sears, Roebuck & Co. Property For A Distance Of 200 Feet; Thence Left (Easterly) At Right Angles To The Last Mentioned Course For A Distance Of 600 Feet; Thence Left (Northerly) At Right Angles To The Last Mentioned Course For A Distance Of 200 Feet; Thence Left (Westerly) At Right Angles To The Last Mentioned Course For A Distance Of 600 Feet More Or Less To The Point Of Beginning; Together With A Perpetual Non-Exclusive Roadway Easement As Described In That Certain Grant Of Easement Recorded In D.R. Book 779, Page 151, Public Records Of Lee County, Florida.

PARCEL "E"

A Parcel Of Submerged Land In Matanzas Pass In Section 19, Township 46 South, Range 24 East, Lee County, Florida, Being More Particularly Described As Follows:  
From The Intersection Of The Southerly Line Of A County Road Known As Main Street As Described In Deed Book 137 At Page 117 Of The Public Records Of Lee County, Florida, And The West Line Of The East Half (East ½) Of The West Half (West ½) Of Government Lot 3 Of Said Section 19, Run Southerly Along The West Line Of Said Fraction Of A Section For 576.32 Feet To The Face Of An Existing Seawall And Intersection With The Established Bulkhead Line To The Point Of Beginning Of The  
Herein Described Lands, From Said Point Of Beginning Continue Southerly Along A Southerly Prolongation Of Said Westerly Line Of Said Fraction Of A Section Along Said Bulkhead Line For 1 Foot To A Point 577.32 Feet Southerly Of Said Southwesterly Line Of Main Street; Thence Deflect 60° 22' 20" To The Left And Run Southeasterly Along Said Bulkhead Line For 281.85 Feet; Thence Deflect 29° 37' 40" To The Left And Run Easterly For 85 Feet More Or Less To The Easterly Line Of Said Fraction Of A Section; Thence Run Northerly Along Said East Line Of Said Fraction Of A Section To An Intersection With The Mean High Tide Line Along The Northerly Shore Of Matanzas Pass; Thence Run Southwesterly, Westerly And Northwesterly Along The Said Mean High Tide Line To The Point Of Beginning.

PARCEL "F"

That Portion Of The East ¼ Of The East ½ Of Government Lot 3, In Section 19, Township 46 South, Range 24 East, Lying North Of And Adjoining That Particular Easement Described In Official Records Book 183, Pages 287 And 288 Of The Public Records Of Lee County, Florida; Together With An Easement Between Sears, Roebuck & Co. and DeSoto, Inc., Recorded In Official Records Book 1664, Page 131, More Particularly Described As Follows:  
A Strip Of Land 50.00 Feet In Width Extending From West To East Across The East ¼ Of The East ½ Of Government Lot 3 In Section 19, Township 46 South, Range 24 East, The Centerline Of Which Strip Of Land Or Easement Is Described As Follows:  
From A Point On The East Side Of San Carlos Boulevard 25.00 Feet Southerly Along Said Boulevard From The Southwest Corner Of Block 9, San Carlos On The Gulf, According To The Map Or Plat Thereof Recorded In Plat Book 6, Page 6 Of The Public Records Of Lee County, Florida, Run East At Right Angles To Said Boulevard And Parallel With The South Line Of Said Block 9 For 1,384.60 Feet To Point Of Deflection; Thence Deflect To The Right 19° 58' And Run Southeasterly For 1,825.60 Feet To A Point On The West Line Of Said East ¼ Of The East ½ Of Government Lot 3; Thence Run North Along Said West Line For 31.70 Feet To The Point Of Beginning Of Said Easement Centerline; From Said Point Of Beginning Run East Perpendicular To The West Line Of Said East ¼ Of The East ½ Of Government Lot 3 For 339.00 Feet, More Or Less, To A Point On The East ¼ Of The East ½ Of Government Lot 3.

PARCEL "G"

The West ¼ Of The East ½ Of Government Lot 3 In Section 19, Township 46 South, Range 24 East, Lying North Of County Road (Main Street), Fort Myers Beach, Lee County, Florida, Together With All Riparian Rights Thereunto Belonging, As Described In Deed Book 264, Page 571, Of The Public Records Of Lee County, Florida.

PARCEL "H"

That Portion Of The East Half (East ½) Of The West Half (West ½) Of Government Lot 3 Lying Northerly Of Main Street (A 50 Foot Right-Of-Way) In Section 19, Township 46 South, Range 24 East, Fort Myers Beach, Lee County, Florida.

PARCEL "I"

Description Of That Portion Of The East One Half (East ½) Of Government Lot 3, Section 19, Township 46 South, Range 24 East, Lee County, Florida, Lying Southerly Of The Northerly Shoreline Of Matanzas Pass.  
Commence At The Northwest Corner Of Section 19, Township 46 South, Range 24 East, Lee County, Florida; Thence N 90° 00' 00" E Along The North Line Said Section 19 For 2,640.00 Feet To The Northeast Corner Of Government Lot 3, Said Section 19; Thence Run S 00° 00' 00" E Along The East Line Of Said Government Lot 3 For 2,956.97 Feet To The Point Of Beginning; Thence Continue S 00° 00' 00" E Along Said East Line Of Government Lot 3 For 409.69 Feet; Thence Run N 88° 51' 15" W For 330.07 Feet; Thence Run N 58° 35' 44" W For 386.64 Feet To A Point On The West Line Of The East One Half (East ½) Of Said Government Lot 3; Thence Run N 00° 00' 00" E Along Said West Line For 310.84 Feet To A Point On The Northerly Shoreline Of Matanzas Pass; Thence Run Along Said Shoreline Of Matanzas Pass Following Courses S 82° 10' 54" E For 333.10 Feet, S 00° 00' 00" E For 12.78 Feet And S 81° 11' 36" E For 333.94 Feet To The Point Of Beginning, Containing 6.2 Acres, More Or Less.

PARCEL "K"

Description Of That Portion Of The East One Half (East ½) Of The West One Half (West ½) Of Government Lot 3, Section 19, Township 46 South, Range 24 East, Lee County, Florida, Lying Southerly Of The Northerly Shoreline Of Matanzas Pass.  
Commence At The Northwest Corner Of Section 19, Township 46 South, Range 24 East, Lee County, Florida; Thence N 90° 00' 00" E Along The North Line Said Section 19 For 1,980.00 Feet To The Northeast Corner Of The West One Half (West ½) Of Government Lot 3, Said Section 19; Thence Run S 00° 00' 00" E Along Said East Line For 2,847.75 Feet To The Point Of Beginning; Thence Continue S 00° 00' 00" E Along Said East Line Of The West One Half (West ½) Of Government Lot 3 For 310.84 Feet; Thence Run N 58° 17' 44" W For 387.88 Feet To The West Line Of The East One Half (East ½) Of The West One Half (West ½) Of Said Government Lot 3; Thence Run N 00° 00' 00" E Along Said West Line For 206.70 Feet To A Point On The Northerly Shoreline Of Matanzas Pass; Thence Run S 73° 11' 15" E Along Said Shoreline Of Matanzas Pass For 344.74 Feet To The Point Of Beginning, Containing 2.0 Acres, More Or Less.