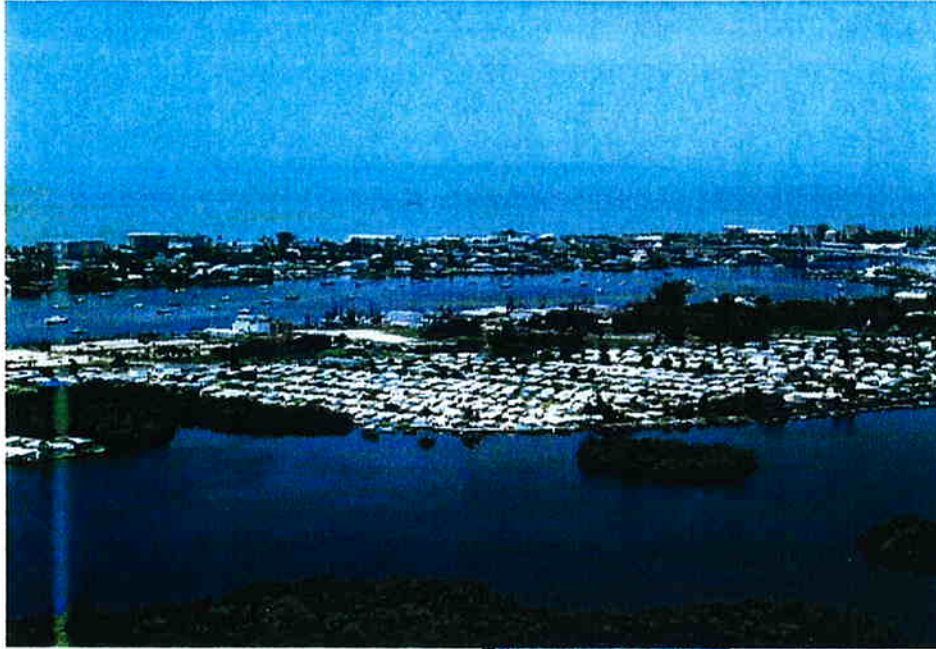


# San Carlos Island-Comp Plan Amendment

# 2007



Today

CPA 2007-0005

RECEIVED

MAY 21 2008

COMMUNITY DEVELOPMENT



Tomorrow

Joseph M. McHarris

McHarris Planning and Design

9/28/2007

# Old San Carlos Island-Comp Plan Amendment

---

## Lee County Comprehensive Plan Amendment

### Table of Contents

#### Description

Response Letters

Need for Request

Planning and Vision Process

Summary of Request

Consultant Team

Completed Lee Plan Application

#### Attachment A

A-1 Proposed Text Changes

A-2 Future Land Use Maps

A-3 Existing Land Use Maps

A-4 Existing Zoning Maps

A-5 Legal Description of Property

A-6 Copy of Deeds for Property

A-7 Aerial Maps

A-8 Authorization letter from Property Owners

#### Attachment B

B-1 Traffic Circulation Analysis

B-2a Sanitary Sewer and Portable Water Analysis

B-2b Surface water/Drainage Basin Analysis **Revised**

B-2c Parks, Recreation and Open Space Analysis and **Revised**

B-3a Fire Protection Letter

B-3b Emergency Medical Service Letter

B-3c Law Enforcement Letter

**RECEIVED**  
MAY 21 2008  
11:45 AM  
COMMUNITY DEVELOPMENT

OPA 2007-00051



# Old San Carlos Island-Comp Plan Amendment

---

B-3d Solid Waste Letter

B-3e Mass Transit Letter

B-3f Schools Letter

## **Attachment C**

C-1 FLUCFCS Information and Maps

C-2 Soils Information and Maps

C-3 Topographic Map

C-4 Wetlands Information and Map

C-5 FLUCFCS Table

C-6 Flood Zone

## **Attachment D**

D-1 Impacts on Historic Resources

D-2 Archeological Sensitivity Map

## **Attachment E**

E-Internal Consistency with the Lee Plan

## **Attachment F**

F-Additional Requirements for Specific Future Land Uses Amendments

## **Attachment G**

G-1 Justification of Proposed Amendment

## **Attachment H**

H-Summary of Proposed Development

## **Attachment I**

I-1 Land Use Analysis

## **Attachment J**

J-1 Shrimp Industry

RECEIVED  
MAY 21 2008  
COMMUNITY DEVELOPMENT

CPA 2007-00051

# Old San Carlos Island-Comp Plan Amendment

---

## Attachment K

K-1 RV Park Industry

## Attachment L

L-1 Survey

## Attachment M

M-1 Manatee Protection Plans

## Attachment N

N-1 Sea Grass Study

## Attachment O

O-1 Proposed Road Sections

RECEIVED

MAY 21 2008

COMMUNITY DEVELOPMENT

OPA 2007-00051



# Old San Carlos Island-Comp Plan Amendment

---

Lee County Application for a Comprehensive Plan Amendment

Response letters

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

CPA 2007-00051



*11338 Bonita Beach Road, Suite 103*

*Bonita Spring, Fl*

*239-948-6688*

**RECEIVED**  
MAY 21 2008

COMMUNITY DEVELOPMENT

**Project:** San Carlos Island  
**Case:** CPA2007-00051  
**Strap:** 19-46-24-00-00022.0010  
**Re:** FDOT comments

CPA 2007-00051

Dear Matt and David

Thank you for your time and attention to this matter. We are pleased to amend and clarify issues and/or comments that you had.

We have reviewed your response and find that there are two major issues with the Traffic from a practical standpoint. The first being the south bound traffic onto the island and the existing conditions of Main Street on the Island. To help with the concerns expressed in your letter we have amended our Plan to better define solutions for these areas of concern. Please find below the objective and policies as proposed in the revised document.

OBJECTIVE XX.7: INCORPORATION and UTILIZATION OF MULTIMODAL AND ALTERNAIVE 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 transits 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.

POLICY XX7.5

Where Projects are located in a high hazard area the applicant will establish a helicopter landing pad for emergencies.

Should you have any questions or comments please contact our office

With regards



Joseph M. McHarris

RECEIVED  
MAY 21 2008  
COMMUNITY DEVELOPMENT

GPA 2007-00051



*11338 Bonita Beach Road, Suite 103*

*Bonita Spring, Fl*

*239-948-6688*

**Project:** San Carlos Island  
**Case:** CPA2007-00051  
**Strap:** 19-46-24-00-00022.0010  
**Re:** Public Safety comments

**RECEIVED**  
MAY 21 2008  
COMMUNITY DEVELOPMENT

CPA 2007-00051

Dear John and Matt

I appreciate your comments regarding this amendment. In your response you stated your reason for objection was based on an increase in density in the coastal High hazard area. We respectfully disagree with your statement as this is an area that we studied to ensure consistency with the Lee plan. I have taken the time to go through section 105 and 106 in detail to point out my contention of where and why we are consistent with the plan.

The title of goal 105 is the "protection of life and property in Coastal High Hazard Areas. Nowhere in this goal is it statement "You can't build or redevelop in the coastal High Hazard Area" This amendment will take almost three Hundred RV residential units out of the Coastal High Hazard area by replacing them with code compliant structures to protect human life and property from natural disasters, which is very consistent with the Goal

Objective 105.1 talks about development in the coastal High hazard areas and mentions coastal high hazard areas that are not developed will be considered for reduction of density. This project is located in a Coastal High Hazard but is already developed. We are not an undeveloped island or piece of property. We are looking to redevelop and already developed piece of property.



POLICY 105.1.2: Talks about requirements for re-zonings to allow higher densities in Coastal High Hazard areas. It does not say higher densities will not be allowed. It specifically states that higher densities will not be allowed when evacuation routes would be exceeded. We do not exceed the evacuation routes.

POLICY 105.1.4: States that Through the Lee Plan amendment process, future land use designations of undeveloped areas within coastal high hazard areas will be considered for reduced density categories in order to limit the future population exposed to coastal flooding. First of all we are not an undeveloped area so we are not to be considered for a density reduction under this section. Second the redevelopment of this area will limit the future population for exposure to coast flooding by removing 271 units from a below flood situation, which is a stated goal for this policy. Also any additional density that may be requested for with this project would and could be offset by the properties that have been acquired by the state or the County. Below is a list of properties that have been acquired within close proximity to the project. We have also provide the calculations showing how many units are available based on the percent of uplands in each parcel

**Parcel number and area**

1. 11-46-23-00-00011.0000--a 17 acre parcel abutting Outlying Suburban land that is, according to GIS, approximately 20 percent in the Upland Conservation FLUM category.
2. 08-46-24-00-00004.0000--a 160 acre parcel abutting Outlying Suburban that is 34 percent in Upland Conservation.
3. 17-46-24-00-00001.0000--a 445 acre parcel that would be Outlying Suburban; 17 percent of it is in Upland Conservation.

**Density Calculations**

1.  $(17 \times .2) \times 3$  units per acre = 10 units
  2.  $(160 \times .34) \times 3$  units per acre = 159 units
  3.  $(445 \times .17) \times 3$  units per acre = 228 units
- Total units** **397**

**RECEIVED**  
MAY 21 2008

COMMUNITY DEVELOPMENT

CPA 2007-00051

POLICY 105.1.5: Does speak of 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, but also state that 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. This project should not be considered for the

minimum density requirements because of many individual characteristics that this area has such as available urban services, an existing urban form of higher density design, not only for this property but for the whole northern portion of the island. The potential for as it exist today with a do nothing mode is a recipe for loss of life and property (please refer back to the goal statement for 105)

GOAL and objective 106: LIMITATION OF PUBLIC EXPENDITURES IN COASTAL HIGH HAZARD AREAS. This section of the Lee Plan looks to limit public expenditures in areas particularly subject to repeated destruction by hurricanes, except to maintain required service levels, to protect existing residents, and to provide for recreation and open space uses. This project could decrease public expenditures by ridding the area of potential repeated destruction to the area by building to the latest's codes and flood requirements. The new amendment will provide open space uses where none exist today as part of the overall development, along with access to the waterfront for recreation.

POLICY 106.1.1: states that all further public expenditures made for new facilities on undeveloped barrier islands or within V zones will require a finding by the county commission that such expenditures are necessary to maintain required service levels, to protect existing residents, or to provide for recreation and open space needs. We are not an undeveloped island.

The above Goals, Objectives, and Policies do not state that higher densities are not allowed in the Coastal High Hazard areas, but prescribe when and where they may be allowed.

Thank you for your response and if you have any question or comments, please contact me at my office

With regards

Joe McHarris

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

CPA 2007-00051





11338 Bonita Beach Road, Suite 103

Bonita Spring, Fl

239-948-6688

**Project:** San Carlos Island  
**Case:** CPA2007-00051  
**Strap:** 19-46-24-00-00022.0010  
**Re:** Lee Tran comments

RECEIVED  
MAY 21 2008  
COMMUNITY DEVELOPMENT  
CPA 2007-00051

Dear Matt and Lee Tran

Thank you for your time and attention to this matter. We are please to amend and clarify issues and or comments that you had. Please find below your comments in *italic* and our response in **bold**. Should you have any additional comments or questions please contact our office.

Comment:

*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.*

**Response:**

**Text changes have been made to Objective XX.6 per you request to clarify our willingness to work with the County, Town, and both staffs to coordinate mass transit as it relates to this amendment. Below is the text change.**

OBJECTIVE XX.6: COORDINATION OF MASS TRANSIT. The development will establish dialogue to coordinate ~~a mass transit plan with the development, Lee Tran, and the Town of Fort Myers Beach with the county's TDP (Transit Development Plan) as well as county transit staff and the staff of the town of Fort Myers Beach.~~

*Comment:*

*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.*

**Response:**

**A text addition has been added to the document to provide at a minimum one Transit stop that meets the needs and requirements of Lee Tran and that works with the development. This stop will be provided with safe interconnection or sidewalks to and from the property from or be on Main Street. The stop will be located in such a way that all residents and visitors of the island will have access to the stop. Please be advised also that this project as part of its design will have either a grade separated road or grade separated pedestrian walkway.**

**Access for San Carlos Blvd is beyond the limits of this development. We do not control any land along this roadway.**

Thanks again for your review and should you have any questions or comments regarding our responses please contact my office or email me.

With regards

Joe McHarris

**RECEIVED**  
MAY 21 2008

COMMUNITY DEVELOPMENT

CPA 2007-00051



11338 Bonita Beach Road, Suite 103

Bonita Spring, FL

239-948-6688

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

CPA 2007-00051

**Project:** San Carlos Island  
**Case:** CPA2007-00051  
**Strap:** 19-46-24-00-00022.0010  
**Re:** SWFRPC

Dear Wayne and Matt

Thank you for your time and attention to this matter. We are please to amend and clarify issues and/or comments that you had. Please find below your comments in *italic* and our response in **bold**. Should you have any additional comments or questions please contact our office.

**1) Water dependent overlay zone.**

The property as it is developed today does not have commercial fishing businesses except for charter boats. The properties were last engaged in commercial fishing over ten years ago. This ended with the closing of the packing plant which was located within the properties. The property as they exist today has been allowed to develop by the county in a manner that is geared more like our Resort Mixed Use Water Dependent land use rather than industrial water front.

The proposal as written provides for Boating and marine support facilities with a mixed use menu of other water dependent uses such as charter boats, commercial docks for wholesale and retail seafood, water taxies, hotel, restaurants, cruise ships and terminals to name a few. This amendment will also promote and create additional opportunities for boating and marine support facilities on the island. An example of this would be the increase in larger boats including cruise and recreational type ships needing marine support that does not exist here today along with additional markets for commercial fishermen products.



Your comment stating that the island “ is as a whole being identified as suitable for staging Oil Exploration and development in the gulf “is irrelevant to this project because oil drilling is illegal off the coast of Florida. It is also inconsistent with the Lee Plan Policy 12.1.1 which states that “in no event will Lee County permit new or expanded petroleum facilities which would serve uses other than marine-related uses. Decision regarding this study as it relates to speculative future zoning for this property would also be unlawful and therefore shall have no bearing on this amendment.

Your comment that this amendment would preclude other areas on the island from industrial waterfront is incorrect as this amendment is only for a portion of the island, not the whole island. This amendment will not limit the other properties on the island from maintaining and or growing marine industrial and marine support services, but will allow them with additional opportunities that are not there today. This amendment will create opportunities to expand the industrial uses all the while opening up the water front with public access.

We believe that by approving this amendment you will be creating new opportunities that will ensure the preservation and future development of a working waterfront while incorporating a mixture of uses that will support area. Many of the uses that exist on the island today like the RV parks do not support or promote a working waterfront. The mixture of use that we are proposing will support a working waterfront and can be seen in places like “fishermen’s Warf in San Francisco and the working/tourist waterfront s in Newport R. I. and Boston. These places have and are working with this kind of development for many years

## **2) Hurricane High Hazard Area**

Your comment that the property is currently in a High Hazard Area is correct. Your comment that increasing densities is not promoted is not entirely correct, especially when we are looking at properties in question. The title of goal 105 is the “protection of life and property in Coastal High Hazard Areas. Nowhere in this goal is it statement “You can’t increase density in the coastal High Hazard Area” This amendment will take almost three Hundred RV residential units out of the Coastal High Hazard area by replacing them with code compliant structures to protect human life and property from natural disasters. This is very consistent with the Goal. This project is also consistent with Goal 110 (HAZARD MITIGATION) of the Lee Plan which states “To provide through county plans, programs, and regulations means to minimize future property losses from natural disasters such as flooding, tropical storms and hurricanes”, It is through this Comprehensive plan amendment that we will achieve the above stated goal. Policy 110.1.2 states “The County will not permit new or expanded mobile home or recreational vehicle development on barrier islands or in V-Zones as defined by the Federal Emergency Management Agency”. The only thing better than not permitting new or expanded facilities, is to remove them from the coastal area.

Objective 105.1 talks about development in the coastal High hazard areas and mentions coastal high hazard areas that are not developed will be considered for reduction of density. This project is located in a Coastal High Hazard but is already developed. We are not an undeveloped island

**RECEIVED**  
MAY 21 2008

CPA 2007-00051

or piece of property. We are looking to redevelop and already developed piece of property there for we should not be considered for reduction of density.

POLICY 105.1.2: Talks about requirements for re-zonings to allow higher densities in Coastal High Hazard areas. It does not say higher densities will not be allowed. It specifically states that higher densities will not be allowed when evacuation routes would be exceeded. We do not believe we exceed the evacuation routes. With that said the mitigation for impacts to shelters and evacuation times is required by Lee Plan Policies 109.1.1 and 109.2.2. These Lee Plan provisions are implemented in Chapter 2, Article XI of the LDC.

POLICY 105.1.4: States that Through the Lee Plan amendment process, future land use designations of undeveloped areas within coastal high hazard areas will be considered for reduced density categories in order to limit the future population exposed to coastal flooding. First of all we are not an undeveloped area so we are not to be considered for a density reduction under this section. Second the redevelopment of this area will limit the future population for exposure to coast flooding by removing 271 units from a below flood situation, which is a stated goal for this policy. Also any additional density that may be requested for with this project would and could be offset by the properties that have been acquired by the state or the County. Below is a list of properties that have been acquired within close proximity to the project. We have also provide the calculations showing how many units are available based on the percent of uplands in each parcel

**Parcel number and area**

1. 11-46-23-00-00011.0000--a 17 acre parcel abutting Outlying Suburban land that is, according to GIS, approximately 20 percent in the Upland Conservation FLUM category.
2. 08-46-24-00-00004.0000--a 160 acre parcel abutting Outlying Suburban that is 34 percent in Upland Conservation.
3. 17-46-24-00-00001.0000--a 445 acre parcel that would be Outlying Suburban; 17 percent of it is in Upland Conservation.

**Density Calculations**

1.  $(17 \times .2) \times 3$  units per acre = 10 units
2.  $(160 \times .34) \times 3$  units per acre = 159 units
3.  $(445 \times .17) \times 3$  units per acre = 228 units

**Total units**

**397**



POLICY 105.1.5: Does speak of 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, but also state that 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. This project should not be considered for the minimum density requirements because of many individual characteristics that this area has such as available urban services, an existing urban form of higher density design, not only for this property but for the whole northern portion of the island. The potential for as it exist today with a do nothing mode is a recipe for loss of life and property (please refer back to the goal statement for 105)

GOAL and objective 106: LIMITATION OF PUBLIC EXPENDITURES IN COASTAL HIGH HAZARD AREAS. This section of the Lee Plan looks to limit public expenditures in areas particularly subject to repeated destruction by hurricanes, except to maintain required service levels, to protect existing residents, and to provide for recreation and open space uses. This project could decrease public expenditures by ridding the area of potential repeated destruction to the area by building to the latest's codes and flood requirements. The new amendment will provide open space uses where none exist today as part of the overall development, along with access to the waterfront for recreation.

POLICY 106.1.1: states that all further public expenditures made for new facilities on undeveloped barrier islands or within V zones will require a finding by the county commission that such expenditures are necessary to maintain required service levels, to protect existing residents, or to provide for recreation and open space needs. We are not an undeveloped island.

### **3) Liveboards**

The reality in your statement that the liveboards are mobile is limited because hurricanes happen in the off season and many of the residents that use this facility, will not be there during an impending storm. Your statement regarding the disposability of the Liveboards units is a scary thought especially concerning water quality and cleanup after a hurricane. The Lee Plan does allow for mitigation these kinds of circumstances

### **4) Recreation Vehicles**

You are correct in your statement that the Mobile units are fixed to the site and do stay year round. This has been the practice for some 30-40 years and many of the unit's owners stay or visit year round to the property. While some of the RVs are not used, as a practical matter, during hurricane season, there is no legal impediment to doing so. Furthermore, most of them are park models, and are consequently immobile as discussed above. As a result, significant property damage will occur in a hurricane regardless of the number of people who are at risk. The 271 RVs are, therefore, an offset against the density permitted by the amendment. Your assertion that the transfer of these units to units that are built to "current construction standards and flood regulations" will somehow increase risk to property and lives seems contrary to conventional thinking. The potential for 271 year round



2007-00051

“mobile” structures to be destroyed and distributed into the bay during a hurricane is a scary thought versus modern hurricane and flood resistant housing that provide open space, landscaping, drainage, and water treatment were there is none today. Allowing 271 mobile units into the bay does not sound like good planning. Proper planning would dictate that correcting an impending problem instead of ignoring it would be prudent. This is why the Lee plan provides language for mitigating such circumstances. See Goal 110 Hazard Mitigation.

#### **5) Sea level Rise**

Again, ignoring the fact that you do have 271 residential type facilities below flood level with a rising sea level makes no sense. Instead one should be looking at how we mitigate this problem to a win, win situation. Again, the Comprehensive plan provides language and opportunities to mitigate the problem away like we are proposing to do which would remove and replace these units with flood and hurricane resistant structures that are up to or better than current codes.

#### **6) Final comments**

A master plan for the entire island is not a realistic endeavor as you have too many individual owners and interest conflicts that make this impossible. Your comment that something needs to be done on the island is correct and this is the plan that will get the ball rolling and in the right direction. Our clients have tried several times to implement something for the whole island with no success. They are very active with the island and attend almost all if not all meeting related to the island. The Comprehensive plan your comment that we have not considered the adjacent properties is incorrect as we have provided language in this amendment to include adjacent properties into the plan. Your assumption that we have not considered an appropriate mixture of uses and human scale principle is incorrect as we have developed design standards that include building design, landscape design, buffers and set back requirements and building massing design that takes into account the island, adjacent properties along with sound planning and design principle that work. This plan has been develop first as a vision, then as a conceptual plan and them as a written document that takes into account the individual nature of the island the adjacent properties and the properties. The amendment will also create a number of public benefits that should be weighed against any increased evacuation times, including vastly improved surface water management, aesthetics, and public access to the waterfront.

To your response that this is one persons attempt ..... We would like to say that this is not one person’s attempt, but a culmination of ten plus years of work between the county staff and island residents to create a future vision for the island.

Our first attempt to provide a future vision for the island was as board members on the San Carlos Island CRA. During those years we tried to get all the property owners on San Carlos Island to participate but, only some of the land owners would come an participate ....most did not care.....and the few that did were able to get the County to adopt the San Carlos Island Overlay as





a quick Band Aid approach to the problems on the island then and are still plaguing us today. The only real development that has been done over the last ten years has been through the CRA. Now with the disbandment of the CRA by the county, we have been left in the same boat we were in years ago, with all the same problems and many many more.

Most of the major landowners have worked hard for and with the overlay in an attempt to provide the island with some relief from the county regulations that are outdated and causing blight in the area. Most of the water front properties are sitting here today empty and/or underutilized while paying some of the highest taxes in the County for water front property that is artificially restricted.

After the County disbanded the CRA some of the Residents and Land Owners got together and formed what is now a Non Profit Group called the San Carlos Redevelopment Group so as to be able to continue to try and work with the County as a private group of concerned stakeholders on San Carlos Island. We have met many times over the past years and have always had and open invite to everyone on the island to come to all of our meetings, most never come. While many of us have devoted endless hours over the past several years towards this cause working with the county staff, it again has not provided any mechanisms to create new needed opportunities to this once vibrant and diverse island with a new vision or plan for the islands future.

San Carlos Island has changed due to economic conditions beyond anyone's control over the last 15 years and in the last few years even more so. Now most of this area is more Resort, Ferry Boat, Cruise Ships, Recreational, Residential type land uses and activities that were allowed under the CRA and is not and has not had any Industrial activities on the subject properties for over a decade.

Recently two of the property owners presented separate plans for both their properties as a Site Development Plan (SDP) in an attempt to provide a plan and add to the economic base that has happened to the island under the old CRA. Both were denied and were told that they would need a Comprehensive Plan Amendment in order to allow the properties to develop in a different manner than what is allowed today. Those both owners have banded together to provide a unified vision to some 35+ acres.

This CPA is not by any means a first attempt or one persons attempt to provide a plan. It is through the past decade of experience as, property owners, business, owners and residents that this plan has been developed. It is not the first, but it may be their last as the high taxes, economic downturn and the limited land use for these properties is causing distress and additional blight in the area. This CPA is being initiated by two of the largest land owners on the island in an attempt to put forth a plan that provides a vision and provides a process that allows the county and the private sector to work together in an expedient process to help the island evolve in a manner that is beneficial to all.



Thanks again for your review and should you have any questions or comments regarding our responses please contact my office or email me.

With regards




Joe McHarris

RECEIVED

MAY 21 2008

COMMUNITY DEVELOPMENT

 2007-00051



11338 Bonita Beach Road, Suite 103

Bonita Spring, Fl

239-948-6688

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

**Project:** San Carlos Island CPA

**Case:** CPA2007-00051

**Strap:** 19-46-24-00-00022.0010

CPA 2007-00051

Dear Public Works

Please find below your comments in *italic* and our response in **bold**. Where we have made changes to the document we have provided you with a strike-thru version and colored additions to the text.

*Comments: Public Works staff has reviewed the above referenced Comprehensive Plan Amendment application and finds it insufficient for review. The applicant has failed to provide 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).*

***Response: please see response from Delisi/Fitzgerald***

Thank you for your response and if you have any question or comments, please contact me at my office

With regards

Joe McHarris

RECEIVED

MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051

***Exhibit IV.B.2***  
***Parks, Recreation and Open Space***  
***Level of Service Standards***

**Background**

***Policy 95.1.3*** of The Lee Plan states the minimum acceptable level-of-service standards that will be the basis for planning the provision of required public facilities within Lee County. Some of the standards will be the basis for determining the adequacy of public facilities for the purpose of permitting new development. The "Minimum Acceptable Level of Service" will be the basis for facility design, for setting impact fees, and the operation of the Concurrency Management System (where applicable).

***"Regulatory"*** standards are those that are identified by state law as being essential to support development which includes parks and recreation facilities.

***Community Parks*** "Regulatory" level-of-service standards are **0.8 acres** of developed standard community parks open for public use per 1,000 permanent population, unincorporated county only.

**Section IV.B.2.: Comprehensive Plan Amendment Support Documentation**

***Current and Projected LOS***

The subject property is located in *District 44- South Fort Myers Community Park Impact Fee Benefit District*.

The regulatory level-of-service was met in 2006 according to the Lee County 2007 Concurrency Report, and the level-of-service policy standards identified in The Lee Plan and will continue to be met through 2010.

There are currently twelve existing parks within the South Fort Myers Community Park Benefit District that consist of 154 total acres.

With a total existing Community Park District inventory of 154 acres provided, the "Regulatory" standard (86.5 acres in 2006) was met in 2006 and will continue to be met through the year 2010 as projected.

**RECEIVED**

MAY 21 2008

CPA 2007-00051

COMMUNITY DEVELOPMENT

The proposed increase in density will have slight impacts on the level of service required. At an assumed 2.09 Persons Per Household (PPH), the additional 116 units will create a demand of 1.45 acres of community park space at the minimum regulatory level-of-service. The proposed amendment meets the regulatory level-of-service in this district.

*Improvements/Expansions*

The WA-KE Hatchee Park is currently being developed that will consist of an additional 44 acres adjacent to the existing one acre WA-KEE Hatchee Recreation Center.

*Anticipated revisions to the Community Facilities and Service Elements*

There are no anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element.

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

PA 2007-00051





*11338 Bonita Beach Road, Suite 103*

*Bonita Spring, Fl*

*239-948-6688*

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

**Project:** San Carlos Island  
**Case:** CPA2007-00051  
**Strap:** 19-46-24-00-00022.0010  
**Re:** Environmental comments

CPA 2007-00051

Dear Doug and Matt

Please find below your comments in *italic* and our response in **bold**. Where we have made changes to the document we have provided you with a strike-thru version and colored additions to the text.

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.

**Response: The objective has been revised to include the use of native plans to help naturalize the old Florida look. We have revised the language to incorporate landscape standards and it is under XX10.18 Landscape 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.

**Response: Policy has been revised 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*.

**Response: Policy has been revised 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.

**The Eco Park will benefit the wetlands on site by providing education for visitors and residents about the wetlands and other habitats of the area. The Eco Park is located on the north-west side of Main Street and can be seen on the conceptual site plan provided.**

**The Eco Park will be part of the Community learning center. The Park itself will be passive, information; boardwalk experience with a variety of tours type's available. Tour types will be noninvasive and educational in nature.**

Please provide a protected species survey for all vegetated areas; including all islands. Are any of these Islands known rookeries or wading bird nests?

**Response: Please see the enclosed Lee County Protected Species Survey (PSS) prepared by Passarella and Associates, Inc. (PAI). None of the islands have been identified as known rookeries according to the Florida Fish and Wildlife Conservation Commission's Florida Atlas of Breeding Sites for Herons and Their Allies (FFWCC, 1991). This information is also consistent with PAI's report which found no nest sites on the islands.**

Please demonstrate compliance of policy 107.2.12: Will sufficient protection of mangroves be given on this project?

**Response: As part of the project's development review process, all undeveloped wetland areas, including the mangroves, will be placed under a recorded conservation easement per the South Florida Water Management District's Environmental Resource Permit conditions, This will provide sufficient protection to demonstrate compliance with policy 107.2.12 of The Lee Plan.**

Please provide Conservative Lands Category wetlands on all mangrove areas.

**Response: The undeveloped mangrove areas will be designated Conservation Lands pursuant to review and approval of the project by the SFWMD and U.S. Army Corps of Engineers, if applicable.**

2007-00051

Thanks again for your review and should you have any questions or comments regarding our responses please contact my office or email me.

With regards

Joe McHarris

A handwritten signature in black ink, appearing to read 'Joe McHarris', is written over a vertical line that extends from the 'With regards' text down to the signature line.

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

CPA 2007-00051



*11338 Bonita Beach Road, Suite 103*

*Bonita Spring, Fl*

*239-948-6688*

**Project:** San Carlos Island

**Case:** CPA2007-00051

**Strap:** 19-46-24-00-00022.0010

**Re:** Lee County Sheriff's Department

Matt

Please see the attached letter provided by the Sheriffs Department

**RECEIVED**  
MAY 21 2008

COMMUNITY DEVELOPMENT

*CPA* 2007-00051

**Mike Scott**  
**Office of the Sheriff**



**State of Florida**  
**County of Lee**

October 31, 2007

Joseph McHarris  
McHarris Planning and Design  
11338 Bonita Beach Rd  
Suite 103  
Bonita Springs, FL 33135

Reference to Project: San Carlos Island Comprehensive Plan

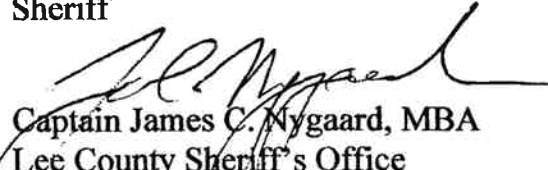
Dear Mr. McHarris

The Lee Plan ammendment identified by you as San Carlos (Island) Comp Plan would not affect the Lee County Sheriff's Office ability to provide core services at this time.

When you make application for a Development Order for this property, please provide the Lee County Sheriff's Office with set of plans and uses for each building in this project. A Crime Prevention Through Environmental Design (CPTED) survey and report will be done at that time with recommendations to you and the county staff.

Please contact Kevin Farrell, Coordinator of the Crime Prevention Unit at 477-2821 with copies of your plans.

Mike Scott  
Sheriff

  
Captain James C. Nygaard, MBA  
Lee County Sheriff's Office  
Administration Bureau  
14750 Six Mile Cypress Pkwy  
Fort Myers, FL 33912  
239-477-1424 (Office)

**RECEIVED**

MAY 21 2008

COMMUNITY DEVELOPMENT

CRA 2007-00051







*11338 Bonita Beach Road, Suite 103*

*Bonita Spring, FL*

*239-948-6688*

**Project:** San Carlos Island

**Case:** CPA2007-00051

**Strap:** 19-46-24-00-00022.0010

**Re:** Fort Myers Beach Fire Department Response

Matt

Please see the attached letter provided by the Fire department

**RECEIVED**  
MAY 21 2008

COMMUNITY DEVELOPMENT

CPA 2007-00051



## Fort Myers Beach Fire Control District

100 Voorhis Street • Fort Myers Beach, Florida 33931  
Mailing Address: PO Box 2880 • Fort Myers Beach, Florida 33932

### BOARD OF COMMISSIONERS

John Scanlon - Chairman

Theodore A. (Ted) Reckwerdt -  
Vice-Chairman

Betty Goodacre - Sec./Treas.

Carol Morris - Fire Commissioner

Joseph Schmid - Fire Commissioner

### FIRE CHIEF

Mike Becker

March 12, 2008

Mr. Joseph M. McHarris  
McHarris Planning and Design  
11338 Bonita Beach Rd. Suite 103  
Bonita Springs, FL 33135

Re: San Carlos Island-Letter of Availability

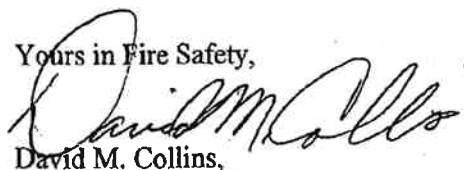
Dear Mr. McHarris:

I am writing this letter to inform you that the Ft. Myers Beach Fire Control District has adequate Fire and EMS. Services to cover your proposed project.

May I suggest that consideration be given to fully sprinkle all buildings considered in this project.

If I can be of further assistance to you please feel free to contact me at 239-463-6163 ext. 226

Yours in Fire Safety,

  
David M. Collins,  
Fire Marshall.

**RECEIVED**

MAY 21 2008

COMMUNITY DEVELOPMENT

CPA 2007-00051

"Providing Tomorrows Quality Service Today"

Phone (239) 463-6163 • FAX (239) 463-6761



11338 Bonita Beach Road, Suite 103

Bonita Spring, Fl

239-948-6688

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

**Project:** San Carlos Island  
**Case:** CPA2007-00051  
**Strap:** 19-46-24-00-00022.0010  
**Re:** Natural Resources comments

CPA 2007-00051

Dear Steve and Matt

Thank you for your time and attention to this matter. We are please to amend and clarify issues and/or comments that you had. Please find below your comments in *italic* and our response in **bold**. Should you have any additional comments or questions please contact our office.

**General**

**County Comment:** The Table of Contents specifies Attachment J as Layout Plan. That appears to be missing.

***Response: Attachment J is missing and the table of contents has been updated***

**County Comment:** Where is the documentation of ownership or other justification for including the submerged lands in the proposed amendment?

***Response: Please see the deeds that have been provided along with the survey that we have attached as part amendment showing ownership.***

**County Comment:** 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.

**Response:** *We are working on several cross sections for Main Street and will provide them as soon as they are done.*

**County Comment:** 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.

**Response:** *You are correct and we have deleted the reference to Donna*

**County Comment:** Is the increased year round occupancy in the coastal high hazard area consistent with the Comprehensive Plan?

**Response:** *Many of the habitants already use their facility for year round occupancy. The stated goals for 105 and 110 in the current Plan provide for mitigation to minimize future loss of life and property in the coastal High Hazard Areas. The existing conditions if allowed to stay the same are likely candidates for losses due to a natural disaster. This plan proposes to remedy the situation by building out of the flood zone, building to current standards or exceeding them and by providing other elements that mitigate future loss of life and property. We are also proposing a refuge of last resort should someone get caught unaware of the danger. Please also see our indebt response to this question in our letter to SWFPC which will further clarify the question as it relates to the Comprehensive plan.*

**County Comment:** 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.

**Response:** *We have clarified this statement to include the following additional information to this document. The Industrial lands designation north of Main Street, the one sandwiched between and located in the middle of the trailer parks is the one that we are asserting is incompatible with the adjacent properties. This property is and should clearly be residential in nature.*

*Our other assertion is that the properties south of Main Street have been developing over the last decade as something other than industrial marine. It is with this type of development that we see potential expansion for the property while preserving water dependent uses.*

*We have not suggested any other pattern for the rest of the island. This comprehensive plan is only for the properties as noted and will help the other areas of the island. This plan does not take out water-dependent uses, but incorporates them into a mixed use development to help with the long term viability of the project and surrounding area.*

*Additionally we have provided a component (POLICY XX.5.3) as part of this comprehensive plan to educate and provide information to recreational boaters and other users of the area, such as tourists, regarding harbor safety and public health, maritime history of the area,*

**RECEIVED**  
MAY 21 2008

CRA 2007-00051

*uses of the harbor/gulf area, natural resources, or other information that increases public awareness of areas heritage and unique habitats.*

**County Comment:** Attachment G states that the plan “provides a mechanism to mitigate submerged land”. What does that mean?

**Response:** *The submerged lands at this time are in a state of limbo, this plan will provide for a resolution to the problem at hand and the future of how these lands can be used.*

### **Water Dependency**

**County Comment:** 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.

**Response:** *Please remember that this comprehensive plan is for the properties noted and not for the whole island. I would disagree with your comment as the land in question has already been developing in a manner that is not purely Marine industrial. The property as exists today is more consistent with the proposed amendment than just marine industrial. The property has been developed with water dependent uses and will continue with a mixed use component that will provide economic support for the surrounding water dependent uses. These uses will include but are not being limited to... .. a marina, Fish house/restaurants, Boat repair, Marine craft or marine equipment sales, charter fishing offices, seafood market (wholesale and retail), mooring areas, commercial and recreational fishing operations, water taxis/ferry landings, yacht clubs, Boat/ cruise terminals, marine based tourism facilities/ environmental tours, Retail trade facilities, boat yards, Port facilities with cruise ships, light shipping and various other support facilities for waterborne commerce and recreation to name a few.*

**County Comment:** The reported demise of the shrimping industry is used as a justification for this project. When the subject property was last engaged actively in shrimp harvest operations?

**Response:** The last shrimp activity on these properties was over ten years ago and ended with the closing and demolition of the canning facility. If the amendment is approved there are opportunities within this plan to bring back some elements limited elements like wholesale and retail markets for the existing fleets while providing education on Florida's wild shrimp and how it is different than the foreign farm raised.

**County Comment:** What objective information supports the assertion that shrimping and other commercial fishing is no longer viable in this area?





**Response:** Shrimping/Fishing like it use to be in the area with 50 plus or minus boats, simply does not exist today because it is not economically viable at this scale. We are not saying that a small fleet serving the local area and tourist is out of the question and is more than likely what is happening today and will continue in the future. This project will support fishing by providing additional markets for their catches which will be incorporated into this project.

**County Comment:** 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.

**Response:** Our point exactly. This comprehensive plan is for a portion of the island that is has not been dependant on fishing for some time (over ten years); it is not an amendment for the whole island. This project will bring additional opportunities and markets for the remaining industry and will help with their survival. The states advertising has been directed at the upper end market of shrimp consumption of which this amendment is consistent with. What better way to protect the existing market than providing new markets right next to the source.

**County Comment:** 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?

**Response:** *The Comprehensive Plan Amendment for this property will bring in the much needed new/expanded waterfront industries to the islands existing infrastructure, by replacing the greatly reduced shrimp/fishing industry with a mixed use water-dependant development on the properties noted. This amendment is not intended for the whole island. The potential for this project to bring visitors to the island coupled with larger recreational boats, additional chartered boats for fishing excursions, additional routes for curse type ships, restaurants and retail shops for local catches, to be eaten on site, bought for local consumption or shipped to someone's home will help the rest of the island struggling waterfront by creating opportunities that are not there today. With these there will be additional needs for new and existing support services on the island, such as the remaining fishermen, who are struggling today, boat repairs especially of larger boats and other water related industries. The fishermen will have additional markets to sell their catches too. The existing Marine ship yards and similar water front service facilities will have more boats to work on hopefully insuring their future success for all.*

**RECEIVED**  
MAY 21 2007

CPA 2007-00051

**County Comment:**

The changes as proposed seem inconsistent with Goals 8, 12, 121, 122, 128, and 158 of the Comprehensive Plan.

**Response:****Goal 8: Marine Oriented Uses**

*These Water Dependent uses for the project will include but are not limited to ... .. marinas, Fish house/restaurants, Boat repair, Marine craft or marine equipment sales, charter fishing offices, seafood markets, mooring areas, commercial and recreational fishing operations, water taxis/ferry landings, yacht clubs, marine-based tourism facilities/environmental tours, Retail trade facilities, boat yards, Port facilities with cruise ships, light shipping and various other support facilities for waterborne commerce and recreation to name a few.*

**Goal 12: San Carlos Island**

*This amendment carries the spirit of Goal 12 while enhancing the viability of success to the project that cannot be done without a comprehensive plan amendment. We are locating the water-dependent uses along the shore while providing the housing in the middle, just like Goal 12 suggests. This amendment will manage growth and redevelopment on the island in a manner that will enhance the areas quality of life and public and private infrastructure thru the use of Building and landscape standards along with a comprehensive master concept plan. . This project starts with the vision and then defines it. The improvements to the island will include open space, water retention, Bike and walking paths, green space, public access to the water, better parking to name a few, where little or none exist today.*

**Goal 121: Fisheries Management**

*The new watershed approach will be directed at restoring and protecting coastal water quality. In particular, appropriate management measures will control polluted runoff which is a major issue with the current system.*

*The submerged lands issue will be resolved in a manner that is good for everyone including the environment.*

**Goal 122: Commercial Fishing**

*This project will provide new markets for the existing commercial fishermen which is a stated goal of policy 122.1.3 of the Lee Plan.*

**Goal 128: Shoreline Management**

*The areas along the shoreline will be utilized for water-dependent uses with open access to the public. Interspaced within this area will be programmed amenities to enhance and protect water-dependent uses while blending water related uses.*

**Goal 158:** *This amendment is design to maintain a diversified and stable economy by providing employment opportunities, maintaining and improving the quality of life*



*while preserving and enhancing the foundations of the counties existing retirement, recreation, tourist and cultural heritage of the island. This amendment will provide Lee County with a competitive position to enable retention and expansion of these and other business opportunities with a world class facility like the one proposed.*

### **Resource Impact Issues**

**County Comment:** 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?

**Response:** *We have engaged in a Seagrass and Depth conditions for the proposed docking area and the ingress and egress pathways. We will provide this under separate cover as soon as it is completed.*

**County Comment:** Has a review been completed for consistency with the Lee County Manatee Protection Plan?

**Response:** *The south portions of the property have had approvals for their Manatee Protection Plan. We are working on the northern Manatee plans now and will provide them when completed.*

**County Comment:** Operational details would be necessary to comment on the appropriateness of a water taxi.

**Response:** *A water taxi is a must to provide alternative means of access should someone want to go the beach. It is important to note that there has been several project on Fort Myers Beach that have requested a Water Taxi location in there rezoning . The three that I am personally familiar with are the ones at SnookBight Marina, Tops, and Snug Harbor. We have included with this text amendment language that provides for a water taxi that would be used by the resort to shuttle passenger to and from Fort Myers Beach. See revised text amendment Objective xx.7: incorporation and utilization of multimodal and alternative modes of transit.*

Thanks again for your review and should you have any questions or comments regarding our responses please contact my office or email me.

With regards

Joe McHarris

**RECEIVED**  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051

# Carlos Island-Comp Plan Amendment

---

Lee County Application for a Comprehensive Plan Amendment

## Need for Request

RECEIVED  
MAY 21 2008  
COMMUNITY DEVELOPMENT

2007-00051



# Carlos Island-Comp Plan Amendment

---

## Need for Request

The RV park consists of 271 units with many of the units 40 years or older. The increase in property taxes has increased the annual rents almost out of reach for many seasonal residents. It most also be noted that increase in rents have not been for additional profit, but only used to pass along the increases to offset losses. Where the rents have gotten out of reach for residents many just abandon the units leaving additional cost to the owners.



RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051



## Carlos Island-Comp Plan Amendment

---

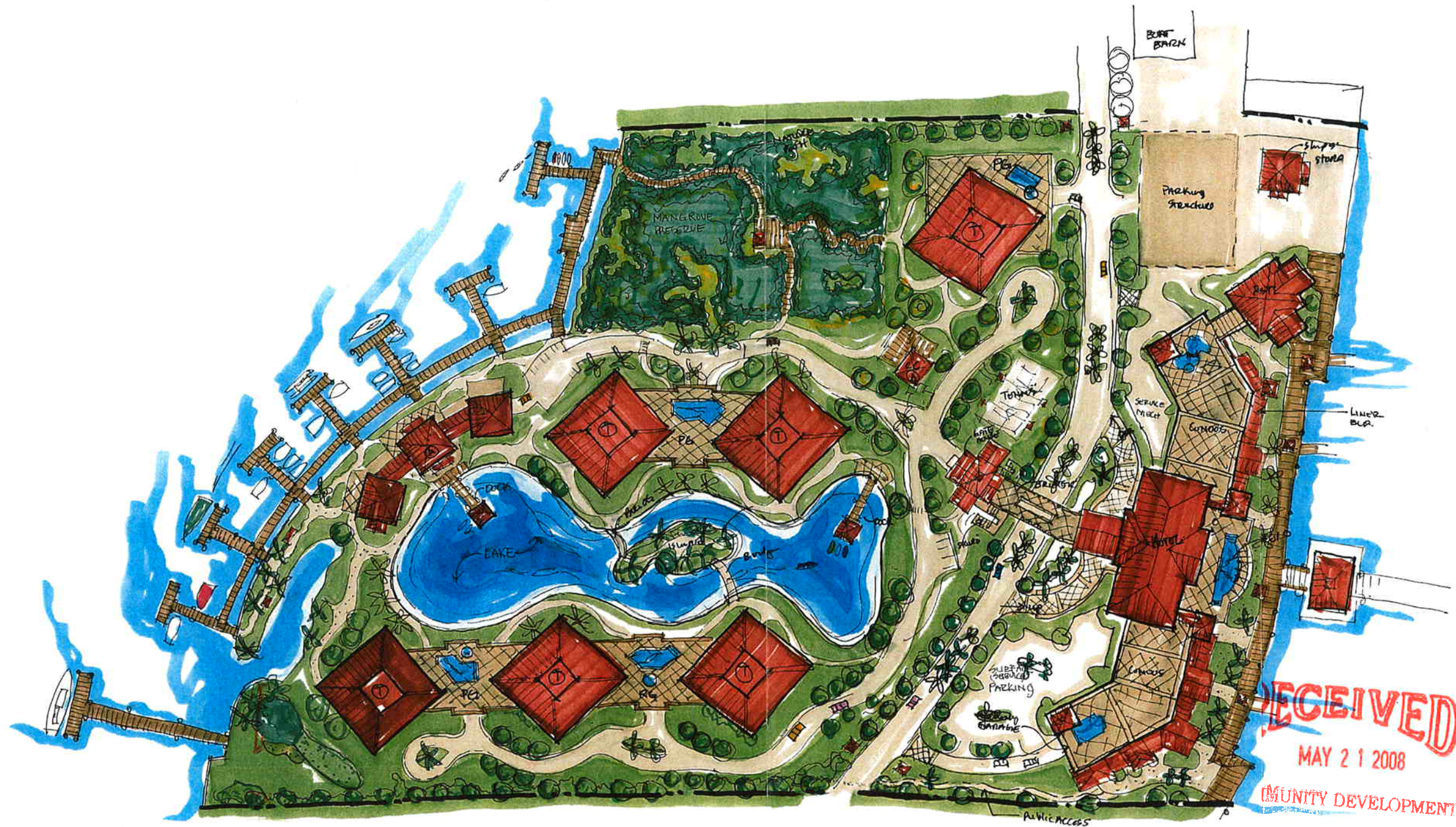
### Conclusion

This requested is needed because the uses that have made the island in the past are not there or will not be there in the future. The owners have pursued other avenues to make things work with little or no success in achieving a master plan for the site. This amendment will be used as the vehicle to achieve a master concept that provides unity and vision.

RECEIVED  
MAY 21 2008  
COMMUNITY DEVELOPMENT

2007-00051





RECEIVED  
MAY 21 2008  
COMMUNITY DEVELOPMENT

100A 2007-00051

<b>McHARRIS</b> PLANNING & DESIGN 1100 W. WILSON AVE. SUITE 100 DUNEDIN, FL 33425 Phone: (321) 848-0088 Fax: (321) 848-0089 Mobile: (321) 848-0089	
PROJECT: OLD SAN CARLOS ISLAND SITE: 100A DATE: MAY 21, 2008 DRAWN BY: [Signature] CHECKED BY: [Signature] SCALE: 1" = 100' PROJECT NO.: 2007-00051	
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100



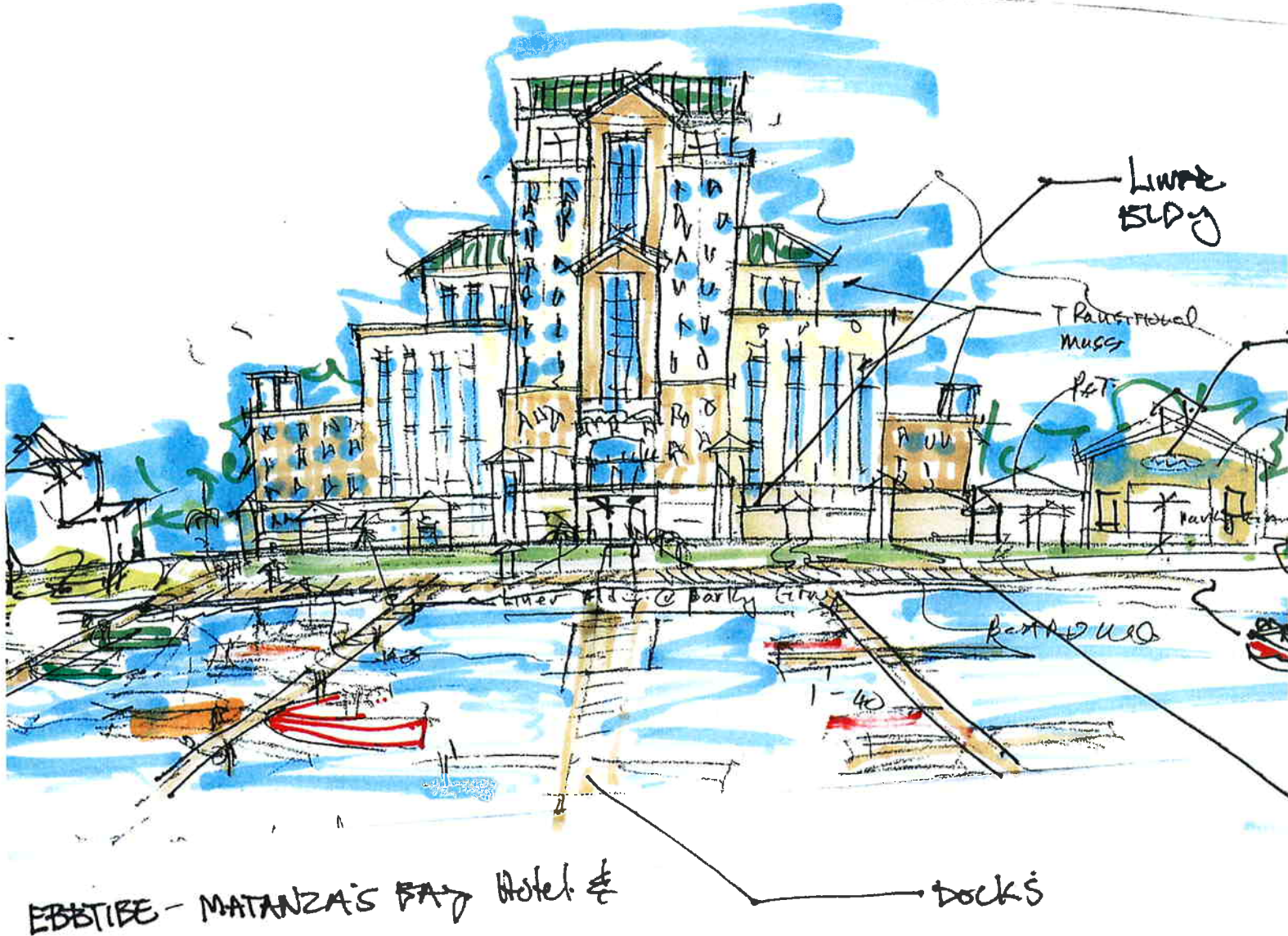
# San Carlos Island-Comp Plan Amendment

---





# San Carlos Island-Comp Plan Amendment



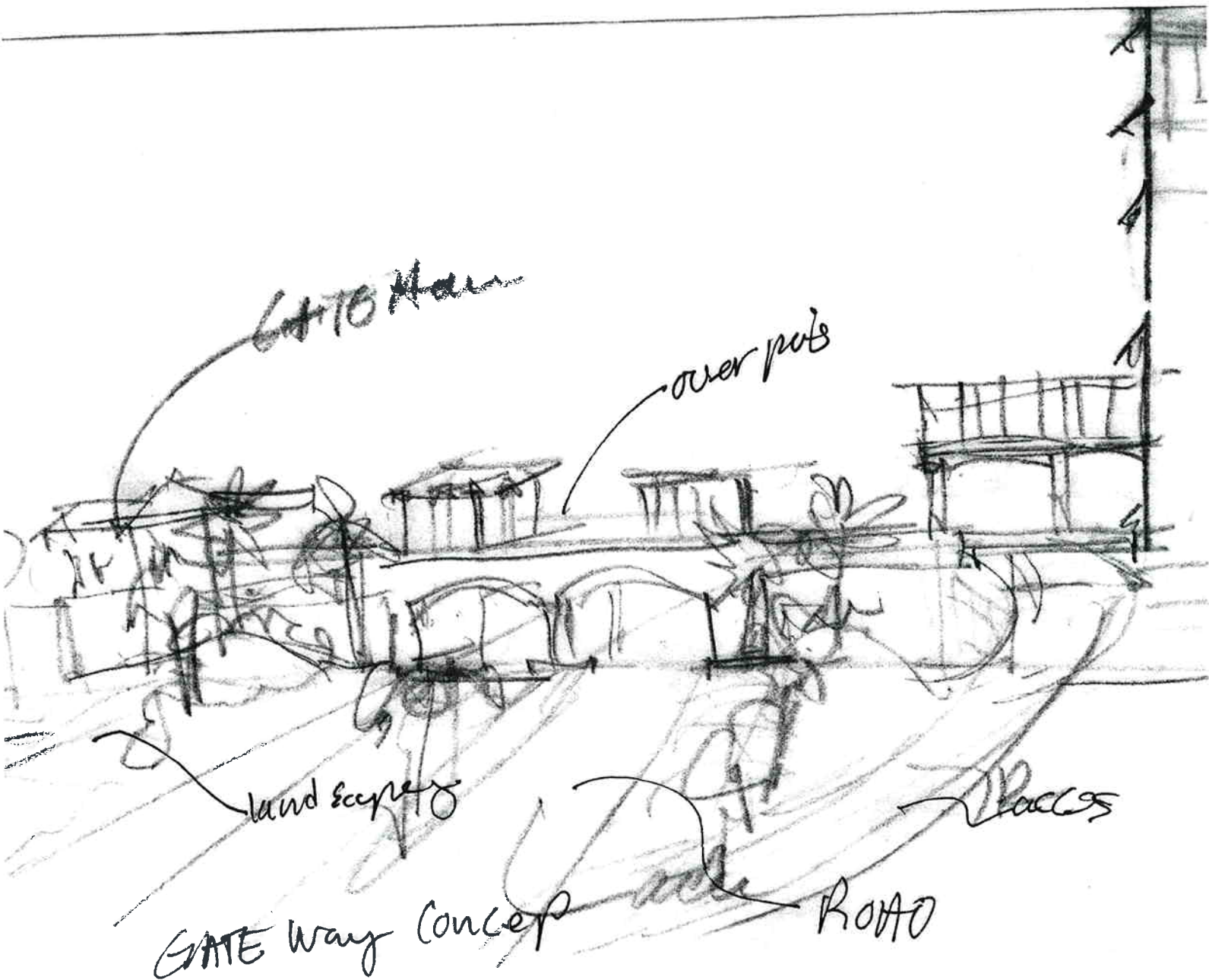
**RECEIVED**

MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051

# San Carlos Island-Comp Plan Amendment



RECEIVED

MAY 21 2008

COMMUNITY DEVELOPMENT

CRX 2007-00051



# San Carlos Island-Comp Plan Amendment

---

Lee County Comprehensive Plan Amendment

## Summary of Request

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051

# San Carlos Island-Comp Plan Amendment

---

## Summary of Request

This Lee Plan Application is a result of three major issues that have impacted the small island over the last decade. The first is the decline of the local shrimping industry that has created a vacuum for in the island identity and prospects for the future. The second is the increase in the property taxes that have made the mobile home parks too expensive for many seasonal residents and creating a need for alternative uses for the property. The third reason are the existing land uses that are not consistent with the Comprehensive plan for Lee County and the Future land uses that are not consistent with the economic situation of the island and the reality of commercial fishing in this area. This amendment does not include the entire island as there would be no viable means to gain consensus on such a large area with hundreds of property owners. What this request does is to pull together two of the island largest land owners with contiguous property to create a large enough land mass in order to rejuvenate an area in decline. This amendment would also allow other properties to op into this land designation if they want to as long as they are contiguous or meet the requirements for the designation. This application contains the following two requests:

- 1 A map amendment
- 2 Text amendment to allow a separate zoning district for the area in the request

### **The amendment should be approved for the following reasons:**

- 1 The amendment is in conformance with the recommendation of the existing Lee Plan acknowledging the need for amendments to the area. See Vision Statement, Iona McGregor ... "Residents of this community will address current planning concerns in a comprehensive review of this area and future amendments to this plan will be made to address these concerns".
- 2 Doing nothing will cause further decline to an area that is struggling with outdated industries and land uses that do not mix well and do not take into account or reflect the unique qualities for the area.
- 3 The proposed text changes will allow and provide the mechanism for the redevelopment of a valuable and underutilized resource for the county and the island for its future economic benefits
4. This proposal is a result of sound planning practice that take into account the unique aspects of the property, its surrounding neighbor and its rich history. Before one word were put done to paper, a vision for the property was developed though multiple generations of schematic concepts and conceptual images, discussions of economic issues, environmental needs and many more. Once this vision was established, we then put pen to paper to create an amendment that achieves this vision and can be tested against this vision time and time again.

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051

## Carlos Island-Comp Plan Amendment

The commercial shrimp/fishing industry and the supporting industries have been declining over the past decade due in part to cheap imports, additional regulations, fuel cost and property tax increases. The fleet is a mere fraction of what it used to be and is not a viable choice for most anymore.



GPA 2007-00051

RECEIVED  
MAY 21 2008

# Old San Carlos Island-Comp Plan Amendment

---

Lee County Comprehensive Plan Amendment

## Consultant Team

RECEIVED  
MAY 21 2008  
COMMUNITY DEVELOPMENT

*CPA* 2007-00051

# Old San Carlos Island-Comp Plan Amendment

---

## Legal Consultant

### **Matthew D. Uhle**

Attorney At Law  
Knott, Consoer, Ebelini, Hart & Swett, P.A.  
239-334-2722  
MUhle@knott-law.com

## Project Manager/Planning

### **Joseph M. McHarris**

McHarris Planning and Design  
11338 Bonita Beach Road  
Suite 103 Bonita Springs FL 3413

Phone: (239) 948-6688  
Fax: (239) 948-6689  
Email: Joe@mcharris.com

## Civil Engineering

### **Drew Fitzgerald, P.E.**

DeLisi Fitzgerald, Inc.  
1500 Royal Palm Square Boulevard, Suite 101  
Fort Myers, FL 33919

P: (239) 418-0691  
F: (239) 418-0692

## Traffic

**RECEIVED**  
MAY 21 2008  
COMMUNITY DEVELOPMENT

### **Rob L. Price, P.E.**


TR Transportation Consultants, Inc  
13881 Plantation Road, Suite 11,  
Fort Myers, FL 33912

Phone: (239) 278-3090  
Fax: (239) 278-1906  
Email: tbt@trtrans.net

## Environmental

### **David Anthony Ecologist**

Passarella and Associates Inc  
9110 College Point Court  
Fort Myers, FL 33919  
DavidA@Passarella.net

 2007-00051

# San Carlos Island-Comp Plan Amendment

---

Department of Community Development  
Division of Planning  
Post Office Box 398  
Fort Myers, FL 33902-0398  
Telephone: (239) 479-8585  
FAX: (239) 479-8519

## **APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT**

(To be completed at time of intake)

DATE REC'D \_\_\_\_\_  
APPLICATION FEE \_\_\_\_\_

REC'D BY: \_\_\_\_\_  
TIDEMARK NO: \_\_\_\_\_

THE FOLLOWING VERIFIED:

Zoning

Commissioner District

Designation on FLUM

\_\_\_\_\_  
(To be completed by Planning Staff)

Plan Amendment Cycle: Normal \_\_\_ Small \_\_\_ Scale \_\_\_ DRI \_\_\_ Emergency \_\_\_

Request No: \_\_\_\_\_

### **APPLICANTS PLEASE NOTE:**

Answer all questions completely and accurately. Please print or type responses. If additional space is needed, number and attach additional sheets. The total number of sheets in your application is:

Submit **6** copies of the complete application and amendment support documentation, including maps, to the Lee County Division of Planning. Additional copies may be required for Local Planning Agency, Board of County Commissioners hearings and the Department of Community Affairs' packages.

I, the undersigned owner or authorized representative, hereby submit this application and the attached amendment support documentation. The information and documents provided are complete and accurate to the best of my knowledge.

September, 27, 2007  
DATE

  
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

**RECEIVED**  
MAY 21 2008

2007-00051

COMMUNITY DEVELOPMENT



# San Carlos Island-Comp Plan Amendment

---

## I. APPLICANT/AGENT/OWNER INFORMATION

**McHarris Planning and Design**

APPLICANT

**11338 Bonita Beach Road, Suite 103**

ADDRESS

**Bonita Springs FL 34135**

CITY STATE ZIP

**239.948.6688**

TELEPHONE NUMBER

**239.948.6689**

FAX NUMBER

**Joseph M. Mcharris of Mcharris Planning and Design**

AGENT\*

**11338 Bonita Beach Road, Suite 103**

ADDRESS

**Bonita Springs FL 34135**

CITY STATE ZIP

**239.948.6688**

TELEPHONE NUMBER

**239.948.6689**

FAX NUMBER

**RECEIVED**  
MAY 21 2008

COMMUNITY DEVELOPMENT

OWNER(s) OF RECORD See attachment III A

ADDRESS

**2007-00051**

CITY STATE ZIP

TELEPHONE NUMBER

FAX NUMBER

OWNER(s) OF RECORD See attachment III A

ADDRESS

CITY STATE ZIP

TELEPHONE NUMBER

FAX NUMBER

Name, address and qualification of additional planners, architects, engineers, environmental consultants, and other professionals providing information contained in this application.

\* This will be the person contacted for all business relative to the application.

# San Carlos Island-Comp Plan Amendment

## II. REQUESTED CHANGE (Please see Item 1 for Fee Schedule)

### A. TYPE: (Check appropriate type)

Text Amendment **X**

Future Land Use Map Series Amendment **X**  
(Maps 1 thru 21)

List Number(s) of Map(s) to be amended  
(Maps 1 thru 21)

### B. SUMMARY OF REQUEST (Brief explanation):

See attached "Summary of Request"

**RECEIVED**  
MAY 21 2008

## III. PROPERTY SIZE AND LOCATION OF AFFECTED PROPERTY (For amendments affecting development potential of property)

### A. Property Location:

1. Site Address: See attachment IIIA "Strap Numbers/Addresses"

2. STRAP(s): See attachment IIIA "Strap Numbers/Addresses"

### B. Property Information

Total Acreage of Property: **76.25 acres**

Total Acreage included in Request: **Same as above**

Area of each Existing Future Land Use Category:

Total Uplands: **32.18 acres**

Total Wetlands: **0**

Total Submerged: **44.07 acres** (8.75 @ Matanzas Pass, 35.32 @ Hurricane Bay)

Current Zoning: **Suburban, Wetlands, IL, CM, IM, and Urban Community**

Current Future Land Use Designation: **Urban community, Suburban, and Industrial**

Existing Land Use: **Seasonal RV Park, Light Industrial, Commercial, Marina**

### C. State if the subject property is located in one of the following areas and if so how does the proposed change affect the area:

Lehigh Acres Commercial Overlay: **N/A**

Acquisition Area: **N/A**

Joint Planning Agreement Area (adjoining other jurisdictional lands): **N/A**

Community Redevelopment Area: **San Carlos Island Water-Dependent Overlay Zone**

### D. Proposed change for the Subject Property: **Creation of a New Land Use Category that reflects the history and best use of the property. This will be done thru a text and map amendment**

# San Carlos Island-Comp Plan Amendment

---

E. Potential development of the subject property:

**1. Existing today**

RV Units: **271 units on 14.83 acres of uplands for a density of 18.27 units per acre, or 36.05 acres of upland and submerged lands for a total density of 7.52 units per acre**

Live aboard: **127-250 units**

Commercial acres: **11.98 acres with potential for 101,830 square feet of commercial based on 8500 feet per acre**

Industrial acres: **5.34 acres with development potential for 53,400, of industrial space based on 10,000 per acre**

Submerged Land: **44.07 with a potential to add additional live aboard and boat slips at the north property of approximately 350 units**

**2. Calculation of maximum allowable development under existing FLUM:**

Residential Units/Density: **134 units**

Live a board: **600 units**

Commercial intensity: **0**

Industrial intensity; **145,000 square feet**

Boat storage: **500**

2007-00051

**3. Calculation of maximum allowable development under existing overlay:**

Residential Units/Density: **134**

Live a board: **600 units**

Commercial intensity: **0**

Marine Industrial intensity: **125,000**

Marine Support facilities: **20,000**

Boat storage: **500**

RECEIVED  
MAY 21 2008

**4. Calculation of maximum allowable development under proposed FLUM: AMENDMENT**

Residential Units/Density: **600 units for a density of 11 units per total acres of submerged and uplands or 30 units per acres of total uplands.**

Live aboard: **199**

Mixed Use commercial intensity: **300 unit hotel with associated amenities, marina uses with 500 boat storage building, and 98,000 square feet of commercial**

Live aboard: **250 units**

Industrial intensity: **(0)**

## **IV. AMENDMENT SUPPORT DOCUMENTATION**

At a minimum, the application shall include the following support data and analysis. These items are based on comprehensive plan amendment submittal requirements of the State of Florida, Department of Community Affairs, and policies contained in the Lee County Comprehensive Plan. Support documentation provided by the applicant will be used by staff as a basis for evaluating this request. To assist in the preparation of

## San Carlos Island-Comp Plan Amendment

---

amendment packets, the applicant is encouraged to provide all data and analysis electronically. (Please contact the Division of Planning for currently accepted formats)

### A. General Information and Maps

*NOTE: For each map submitted, the applicant will be required to provide a reduced map (8.5"x 11") for inclusion in public hearing packets.*

**The following pertains to all proposed amendments that will affect the development potential of properties (unless otherwise specified).**

1. Provide any proposed text changes.

**(See Attachment 1-A)**

2. Provide a Future Land Use Map showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.

**(See Attachment 2-A)**

2007-0005 1

3. Map and describe existing land *uses* (not designations) of the subject property and surrounding properties. Description should discuss consistency of current uses with the proposed changes.

**(See Attachment 3-A)**

4. Map and describe existing zoning of the subject property and surrounding properties.

**(See Attachment 4-A)**

5. The legal description(s) for the property subject to the requested change.

**(See Attachment 5-A)**

6. A copy of the deed(s) for the property subject to the requested change.

**(See Attachment 6-A)**

RECEIVED  
MAY 21 2008  
COMMUNITY DEVELOPMENT

7. An aerial map showing the subject property and surrounding properties.

**(See Attachment 7-A)**

8. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner.

**(See Attachment 8-A)**

### **B. Public Facilities Impacts**

*NOTE: The applicant must calculate public facilities impacts based on a maximum development scenario (see Part II.H.).*

#### **1. Traffic Circulation Analysis**

The analysis is intended to determine the effect of the land use change on the Financially Feasible Transportation Plan/Map 3A (20-year horizon) and on the

## San Carlos Island-Comp Plan Amendment

---

Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit the following information:

Long Range – 20-year Horizon:

- a. Working with Planning Division staff, identify the traffic analysis zone (TAZ) or zones that the subject property is in and the socio-economic data forecasts for that zone or zones;
- b. Determine whether the requested change requires a modification to the socio-economic data forecasts for the host zone or zones. The land uses for the proposed change should be expressed in the same format as the socio-economic forecasts (number of units by type/number of employees by type/etc.);
- c. If no modification of the forecasts is required, then no further analysis for the long range horizon is necessary. If modification is required, make the change and provide to Planning Division staff, for forwarding to DOT staff. DOT staff will rerun the FSUTMS model on the current adopted Financially Feasible Plan network and determine whether network modifications are necessary, based on a review of projected roadway conditions within a 3-mile radius of the site;
- d. If no modifications to the network are required, then no further analysis for the long range horizon is necessary. If modifications are necessary, DOT staff will determine the scope and cost of those modifications and the effect on the financial feasibility of the plan;
- e. An inability to accommodate the necessary modifications within the financially feasible limits of the plan will be a basis for denial of the requested land use change;
- f. If the proposal is based on a specific development plan, then the site plan should indicate how facilities from the current adopted Financially Feasible Plan and/or the Official Trafficways Map will be accommodated.

Short Range – 5-year CIP horizon:

- a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediated development plan, identify the existing roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);
- b. Identify the major road improvements within the 3-mile study area funded through the construction phase in adopted CIP's (County or Cities) and the State's adopted Five-Year Work Program;

Projected 2020 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);



## San Carlos Island-Comp Plan Amendment

---

c. For the five-year horizon, identify the projected roadway conditions (volumes and levels of service) on the roads within the 3-mile study area with the programmed improvements in place, with and without the proposed development project. A methodology meeting with DOT staff prior to submittal is required to reach agreement on the projection methodology;

d. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.

2. Provide an existing and future conditions analysis for:

a. Sanitary Sewer (**See Attachment B-2a**)

b. Potable Water (**See Attachment B-2a**)

c. Surface Water/Drainage Basins (**See Attachment B-2b**)

d. Parks, Recreation, and Open Space. (**See Attachment B-2c**)

Analysis should include (but is not limited to) the following:

- 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).

3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:

a. Fire protection with adequate response times; (**See Attachment B-3a**)

b. Emergency medical service (EMS) provisions; (**See Attachment B-3b**)

c. Law enforcement; (**See Attachment B-3c**)

d. Solid Waste; (**See Attachment B-3d**)

e. Mass Transit; and (**See Attachment B-3e**)

f. Schools. (**See Attachment B-3f**)

*In reference to above, the applicant should supply the responding agency with the information from Section's II and III for their evaluation. This application should include the applicant's correspondence to the responding agency.*

**RECEIVED**  
MAY 21 2008

COMMUNITY DEVELOPMENT

CRA 2007-0005 1



## San Carlos Island-Comp Plan Amendment

---

### C. Environmental Impacts

Provide an overall analysis of the character of the subject property and surrounding properties, and assess the site's suitability for the proposed use upon the following:

1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS). **(See Attachment C-1)**
2. A map and description of the soils found on the property (identify the source of the information). **(See Attachment C-2)**
3. A topographic map with property boundaries and 100-year flood prone areas indicated (as identified by FEMA). **(See Attachment C-3)**
4. A map delineating wetlands, aquifer-recharge areas, and rare & unique uplands. **(See Attachment C-4)**
5. A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map). **(See Attachment C-5)**

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-0005 1

## Old San Carlos Island-Comp Plan Amendment

---

### D. Impacts on Historic Resources

List all historic resources (including structure, districts, and/or archeologically sensitive areas) and provide an analysis of the proposed change's impact on these resources. The following should be included with the analysis:

1. A map of any historic districts and/or sites, listed on the Florida Master Site File, which are located on the subject property or adjacent properties. **(See Attachment D-1)**
2. A map showing the subject property location on the archeological sensitivity map for Lee County. **(See Attachment D-2)**

### E. Internal Consistency with the Lee Plan **(See Attachment E)**

1. Discuss how the proposal affects established Lee County population projections, Table 1(b) (Planning Community Year 2020 Allocations), and the total population capacity of the Lee Plan Future Land Use Map.
2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.
3. Describe how the proposal affects adjacent local governments and their comprehensive plans.
4. List State Policy Plan and Regional Policy Plan goals and policies which are relevant to this plan amendment.

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-0005 1

## Old San Carlos Island-Comp Plan Amendment


### F. Additional Requirements for Specific Future Land Use Amendments (See Attachment F)

1. Requests involving Industrial and/or categories targeted by the Lee Plan as employment centers (to or from)
    - a. State whether the site is accessible to arterial roadways, rail lines, and cargo airport terminals,
    - b. Provide data and analysis required by Policy 2.4.4,
  - c. The affect of the proposed change on county's industrial employment goal specifically policy 7.1.4.
  2. Requests moving lands from a Non-Urban Area to a Future Urban Area
    - a. Demonstrate why the proposed change does not constitute Urban Sprawl. Indicators of sprawl may include, but are not limited to: low-intensity, low-density, or single-use development; 'leap-frog' type development; radial, strip, isolated or ribbon pattern type development; a failure to protect or conserve natural resources or agricultural land; limited accessibility; the loss of large amounts of functional open space; and the installation of costly and duplicative infrastructure when opportunities for infill and
  3. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.
  4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.
- G. Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis. (See Attachment G)

Item 1: Fee Schedule	Map Amendment Flat Fee
Map Amendment > 20 Acres	
Small Scale Amendment (10 acres or less)	
Text Amendment Flat Fee	

**RECEIVED**  
MAY 21 2008  
COMMUNITY DEVELOPMENT

\$2,000.00 each  
\$2,000.00 and \$20.00 per 10 acres  
\$1,500.00 each  
\$2,500.00 each

 2007-0005 1

# Old San Carlos Island-Comp Plan Amendment

## AFFIDAVIT

I, Joseph M. McHarris, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.

[Signature]  
Signature of owner or owner-authorized agent Date

Joseph M. McHarris  
Typed or printed name

JOSEPH McHARRIS

STATE OF FLORIDA)  
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 4 day of SEPTEMBER 2007,  
by JOSEPH McHARRIS, who is personally known to me or who has produced  
as identification.

[Signature]  
(SEAL) Signature of notary public

TARA ROE  
Printed name of notary public



**RECEIVED**  
MAY 21 2008

COMMUNITY DEVELOPMENT

CPA 2007-00051

# San Carlos Island-Comp Plan Amendment

---

Lee County Comprehensive Plan Amendment

## Strap Numbers/Addresses

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

CPA 2007-0005 1



## San Carlos Island-Comp Plan Amendment

---

**19-46-24-00-00022.0010**

HANSON MARINE PROPERTITES INC  
SALTY SAMS MARINA  
2500 MAIN ST  
FORT MYERS BEACH FL 33931(material testing)

**19-46-24-00-00023.0020**

WISCONSIN DISTRIBUTORS INC  
2500 MAIN ST  
FORT MYERS BEACH FL 33931(boat storage)

**19-46-24-00-00022.0000**

WISCONSIN DISTRIBUTORS INC  
2500 MAIN ST  
FORT MYERS BEACH FL 33931(ss bar)

**19-46-24-00-00021.001A**

HANSON MARINE PROPERTIES INC  
2200 MAIN ST  
FORT MYERS BEACH FL 33931(PK)

**19-46-24-00-00021.0070**

OYSTER BAY LAND CO  
BOB BEASLEY  
1711 MAIN ST  
FORT MYERS BEACH FL 33931 (water)

**19-46-24-00-00021.0040**

OYSTER BAY LAND CO  
BOB BEASLEY  
1711 MAIN ST  
FORT MYERS BEACH FL 33931(3/3)

**RECEIVED**  
MAY 21 2008

COMMUNITY DEVELOPMENT

CA 2007-0005 1

## San Carlos Island-Comp Plan Amendment

---

**19-46-24-00-00021.0020**

OYSTER BAY LAND CO  
BOB BEASLEY  
1711 MAIN ST  
FORT MYERS BEACH FL 33931(2/3)

**19-46-24-00-00021.0000**

OYSTER BAY LAND COMPANY  
BOB BEASLEY  
1711 MAIN ST  
FORT MYERS BEACH FL 33931

**19-46-24-00-00021.0010**

EBB TIDE RV PARK LLC  
2500 MAIN ST  
FORT MYERS BEACH FL 33931(1/2)

**19-46-24-00-00021.000A**

EBB TIDE RV PARK LLC  
2500 MAIN ST  
FORT MYERS BEACH FL 33931(2/2)

**19-46-24-00-00021.0030**

OYSTER BAY LAND CO  
BOB BEASLEY  
1711 MAIN ST  
FORT MYERS BEACH FL 33931

**19-46-24-00-00021.0050**

OYSTER BAY LAND CO  
BOB BEASLEY  
1711 MAIN ST  
FORT MYERS BEACH FL 33931

**RECEIVED**  
MAY 21 2008

COMMUNITY DEVELOPMENT

*CPA* 2007-00051

## San Carlos Island-Comp Plan Amendment

---

19-46-24-00-00021.003A

OYSTER BAY LAND CO  
BOB BEASLEY  
1711 MAIN ST  
FORT MYERS BEACH FL 33931

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051

# San Carlos Island-Comp Plan Amendment

---

Lee County Application for a Comprehensive Plan Amendment

## Attachment A-1

### Proposed Text Changes

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

CA 2007-0005 1



# San Carlos Island-Comp Plan Amendment

## GOAL XX: DESTINATION RESORT MIXED USE WATER DEPENDANT LANDUSE

(DRMUWDL) To create a land-use category that considers the history, the uniqueness of the land, while correcting some of the problems that are present today with zoning and out-dated uses, while providing a mechanism to create the future for the area.

OBJECTIVE XX.1: To ensure that Destination Resort Mixed Use Water Dependand Land-use are located in the most appropriate area within the future land use category.

POLICY XX.1.1: The Mixed Use Water Dependand Land-use Overlay Map, Map X, shows those locations that are appropriate for the development of Mixed Use Water Dependand Uses. The areas depicted on Map X are consistent with the application of the following locational criteria:

1. Located in areas characterized by predominantly outdated RV type living facilities meant for temporary habitation without individual type land ownership
2. Located in areas characterized as predominantly impacted by a declining water dependand industry like commercial fishing or other and with a minimum of 25 acres of contiguous lands under unified control.
3. Located within costal wind zone areas depicted as 100 Year Flood Plains, as illustrated on Map X of the Lee Plan
4. Located in areas with direct access to existing roadways and navigable bodies of water.
- 5; Located in an area with multiple zoning conditions that may not be suitable for each other

POLICY XX.1.2: Destination Resort Mixed Use Water Dependand land use category will only be allowed, subject to the other requirements of this Goal, in the areas depicted on Map X, Mixed Use Water Dependand Facilities

OBJECTIVE XX.2: GROWTH MANAGEMENT. Development of Mixed Use Water Dependand Facilities areas must be consistent with the growth management principles and practices as provided in the following policies.

POLICY XX.2.1: Destination Mixed Use Water Dependand land use category will be will amend by December 2009 by the Lee County Land Development Code (LDC) to include provisions for a new Mixed Use Water Dependand Facilities Planned Development zoning category.

POLICY XX.2.2: Approved Destination Resort Mixed Use Water Dependand land Use Developments will automatically expire, reverting to the original zoning category, if a Lee County Development Order is not obtained within five (5) years of zoning approval.

POLICY XX.2.3: Destination Resort Mixed Use Water Dependand land Use location must have adequate fire protection, transportation facilities, wastewater treatment and water supply, and provided further that they have no adverse effects such as noise, lighting, or odor on surrounding land uses and natural resources.

POLICY XX.2.4: Destination Resort Mixed Use Water Dependand land use category may only be located in the areas depicted on the Mixed Use Water Dependand Facilities Map, Map X. Adjacent contiguous

2007-00051

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

# San Carlos Island-Comp Plan Amendment

---

properties may be added to the category with an update to the map and amendment to the overall existing master plan. All existing and new shall be under unified control.

POLICY XX.2.5: Applications for Destination Resort Mixed Use Water Dependant Facilities development will be reviewed and evaluated as to their impacts on, and will not negatively affect, any adjacent, existing residential, commercial or conservation activities.

POLICY XX.2.6: Destination Resort Mixed Use Water Dependant land use- will be included in the Lee County Zoning Regulations and may be the subject of deviation requests during the "planned development" rezoning process. This provision is intended to encourage joint use of parking, access easements, and storm-water retention facilities where such joint use does not negate the essential purpose of the district

OBJECTIVE XX 3: COMMERCIAL LAND USES. This amendment recognize the unique conditions and preferences of San Carlos Island and is being developed to ensure that new development areas create a unified and pleasing aesthetic/visual quality in landscaping, architecture, lighting and signage, while provide for employment opportunities, while eliminating uses that are not compatible with adjacent uses. Existing and future county regulations, land use interpretations, policies, zoning approvals, and administrative actions should be undertaken in an effort to promote the goal of redevelopment for the island with increased mixed use opportunities to service the needs of the community and surrounding areas. County regulations should attempt to ensure that commercial areas maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, lighting and signage. Commercial land uses must be designed to be compatible Old Florida and Florida Vernacular styles of architecture and the historic identity of the island.

POLICY XX.3.1: The property owners of lands designated DRMUWDF shall utilize innovative open space design, mixed use concept that integrate well designed pedestrian/bicycle connections to commercial and, locations on or a walk-able distance to mass transit service.

POLICY XX.3.2: The cost for the provision and expansion of facilities for potable water and sanitary sewer that benefits development in the Amendment area will be borne by those who benefit. Such funding may include (but is not limited too), impact fees, special taxing or benefit districts, or Uniform Community Development Districts. The cost for these types of improvements will not be borne by the county in full.

POLICY XX.3.3: The cost for the provision and expansion of facilities necessary to comply with the recommendations of the amendment that benefits development will be borne by those who benefit. Such funding may include (but is not limited to) impact fees, special taxing or benefit districts, or Uniform Community Development Districts. The cost for these types of improvements will not be borne solely by the county.

POLICY XX.3.4: The DRMUWDF is an area which provides the associated support development and synergism to create a viable destination type development. 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.

2007-00051

RECEIVED  
MAY 21 2008

# San Carlos Island-Comp Plan Amendment

POLICY XX 3.5: The following uses are prohibited within the DRM UWDF : "

- Drive thru facilities
- Big box retailers and single free standing retail facilities greater than 20,000 square feet.

POLICY XX.3.6: This amendment mandates commercial developments within the boundaries to provide interconnect opportunities with adjacent uses in order to minimize access points onto primary road corridors; and residential developments to provide interconnect opportunities with commercial areas, including but not limited to bike paths and pedestrian access ways.

OBJECTIVE XX.4: RESIDENTIAL USES. This amendment will enhance the residential character of the Old San Carlos Island by evaluating adjacent uses, natural resources, access and recreational or open space, and requiring compliance with enhanced buffering requirements. It will also replace the existing non compliant stock of seasonal RV's with new flood and hurricane resistant facilities.

POLICY XX.4.1: This amendment will provide opportunities for public access to the water and shall include provisions for bicyclists/pedestrians.

POLICY XX.4.2: Road capacity improvements needed within the within and to the property to serve demands generated outside the community will be designed to minimize the impacts on the community

POLICY XX.4.3: This amendment will allow for the transfer of RV densities to residential at a 1 to 1 ratio.

OBJECTIVE XX 5: COMMUNITY CHARACTER. The amended area will propose regulations, policies and actions affecting the character and aesthetic appearance of the development to help create a visually attractive community while maintain the rich heritage of the island.

POLICY XX.5.1: In order to maintain the Old Florida Marine identity for the community, commercial developments are shall use vernacular Florida architectural styles for all buildings. (See design standards) The use of Mediterranean styles of architecture is discouraged.

POLICY XX.5.2: In order to create open space, storm-water management system, walking paths, ect the existing heights limitations will need to be changed to allow for these. The new height limit will be 22 stories over parking

POLICY XX.5.3: In order to preserve/enhance/restore the heritage and natural beauty of this island. The project will provide an educational component to project with the objective of educating the public on its unique quality and rich heritage and means to protect the area. This will be done with descriptive display, multimedia presentations and other proven means to educate and inform.

OBJECTIVE XX.6: COORDINATION OF MASS TRANSIT. The development will establish dialogue to coordinate ~~a mass transit plan with the development, Lee Tran, and the Town of Fort Myers Beach with the county's TDP (Transit Development Plan) as well as county transit staff and the staff of the town of Fort Myers Beach.~~

2007-00051

RECEIVED  
MAY 21 2008

## San Carlos Island-Comp Plan Amendment

POLICY XX.6.1: Mixed-use developments, as defined in the Lee Plan, and mixed-use developments containing both commercial and residential uses within the same development shall provide for an integration of commercial with residential uses with pedestrian linkages are strongly encouraged which will be allowed densities consistent with the Urban Community future land use designation, mixed-use developments will be limited to an overall density (excluding commercial) of 15 dwelling units per acre at those locations.

Bicycle & Pedestrian facilities will be provided throughout the development. Connections between all uses are required to facilitate these alternative modes of transportation. When possible, connections to adjacent developments will be provided.

Vehicular connections between residential and non-residential uses will be provided to facilitate the internal capture of trips. When possible, connections to adjacent developments will be made to provide alternative access to the non-residential components of this development other than the Main Street.

POLICY XX.6.2: Lee County will work with the community and private landowners to identify opportunities to maintain and enhance public access 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), 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 XX.7.3

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. Side walk improvements will be eligible for road impact fee credits.

### POLICY XX.7.4

Where Projects are intersected by public roadways for developments greater than 32 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.

CRA 2007-00051

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT



# San Carlos Island-Comp Plan Amendment

---

OBJECTIVE XX7: GENERAL SITE DEVELOPMENT STANDARDS. The site design for projects within this development will consider the individual characteristics of their site, along with the overall context of the development. This will be done by careful consideration of the site design with respect to the local climate, existing structures and adjacent vegetation, transportation access and the impact (both positive and negative) that the building or structure may have on adjacent areas.

POLICY XX.7.1: DRMUWDF shall seek solutions that minimize the impact of grading with respect to the removal of natural vegetation and the major alterations of existing grades.

POLICY XX 7.2: The orientation of the building(s) should take into account any existing native vegetation, parcel configuration, solar orientation, access, adjacent structures and views.

POLICY XX 7.3: The impact and intensity of the paving, minimizing of clearing limits, and aesthetics are important factors to be considered in the design of the project entries, parking areas and roads. Landscape, circulation signage, lighting, striping and changes in paving materials should be coordinated to enhance circulation. Parking areas shall be designed to avoid long rows of parking spaces without adequate landscaping. All parking areas and driveways should be paved using pervious materials when applicable.

POLICY XX 7.4: Attention shall be given to the locations of pedestals and transformers as they relate to aesthetics. All utilities shall be installed underground. Any utility items, which must protrude above ground for service, access, safety, or code, must be screened with a wall, fence, and/or landscape elements.

POLICY XX 7.5: Lighting shall be used to accent key architectural elements, to emphasize landscape features, and to provide a safe and enjoyable environment. The outlining of a building or roof with lighting is prohibited. Exterior Light sources must be concealed where possible and all light shall be in shades of white. Colored lights are prohibited. No spillover of light can occur on neighboring properties and lighting must be shielded to prevent glare. Tree-up lighting shall be concealed underground or in shrub masses. Garden lights or walkway bollards should direct the light downward with a concealed light source and shall be incorporated into landscape beds.

Parking lot light fixtures shall not exceed 25 feet in height and lighting located in pedestrian areas shall not exceed 15 feet. No "cobra" head style fixtures are permitted. Light fixtures should either be designed as an integral design element that complements the design of the project through style and material or blend into the landscape by the use of muted colors and simple designs. Exterior light fixtures are encouraged to be either wrought iron or cast aluminum. Mill finish metal is allowed. Building mounted security and service area lighting fixtures must not project above the fascia or roofline of the building and must be shielded. Such fixture and shields must be a harmonious color with the building. Security fixtures may not be substituted for parking lot or walkway lighting and are restricted to loading, storage, service and other similar locations.

CPA 2007-00051

RECEIVED  
MAY 21 2008

## San Carlos Island-Comp Plan Amendment

---

POLICY XX 7.6: No wall, screen, or fence of any kind may be constructed unless they are architecturally compatible with those of the building and the landscaping. The design of these elements shall appear seamless with the building and/or landscaping.

POLICY XX 7.7: The project will provide to the inhabitants and guest an area of last refuge should anyone not heed the warnings of an impending storm. This area is not to be advertised as a hurricane shelter, but as a place of last resort.

OBJECTIVE XX 9: SERVICE AREA AND EQUIPMENT. The intent of this section is to ensure that service and function areas are planned and designed to have the least amount of impact on the general public and adjacent neighbors. This can be accomplished by providing adequate space and incorporating these elements into the project at an early stage.

POLICY XX 9.1 No materials, supplies, or equipment shall be stored in an area on a site except inside a closed building or behind a suitable barrier so as not to be visible to the general public or to an adjoining site. Loading doors and service areas shall be screened, and/or buffered by landscaping, so as not to be visible from any street or from any adjoining residential site. Adequate area shall be provided on site for all loading and maneuvering of trucks and other vehicles in order that such operations will not be carried out in the street.

POLICY XX 9.2: Screening devices must be of a height at least equal to that of the material or equipment being screened. . The design, material, textures, and colors of screening devices shall be architecturally compatible with those of the building and with the landscaping. The design of these elements shall appear seamless with the building and/or landscaping. Frequently, planting material can provide an effective screen offering the same opaqueness of a wall. Plantings should be considered to soften the "hardness" of man-made screens.

OBJECTIVE XX.10: ARCHITECTURAL STANDARDS. The architectural theme for the development exhibits characteristics of early Florida building traditions. A common architectural theme based on the local region, along with local interpretations of these styles, is required for all buildings within the development including ancillary buildings. All buildings should complement their surroundings. The horizontal landforms, local climate, and ~~subtropical~~ native vegetation, should dictate the dwelling location and form. The architectural details and definition shall consider all sides of the building and include, but not be limited to, banding, accent materials, roof character, and window treatments. The policies have been set to help create a visually attractive community

POLICY XX 10.1: Large blank unadorned walls will not be permitted. All equipment shall be screened and be placed out of view. Natural materials and paint colors shall be in warm earth tones for the exterior of buildings and structures.

POLICY XX 10.2: Special attention should be given to scale and proportion to the building site as it is of major importance to the development. The scale relationship of each building component shall relate to the overall massing for the project. The introduction of characteristics such as steep roofs, detailed eaves, balconies, and other building ornamentation is encouraged to customize the mass and design of an individual building or large structures. Retaining walls, planter walls, and privacy walls should be used to break up the elevations of a building and help relate the structure to the ground.

CRA 2007-00051

RECEIVED  
MAY 21 2008

# San Carlos Island-Comp Plan Amendment

---

POLICY XX 10.3: Architectural details and design (such as changes in plane, height, texturing, banding, etc.) shall be considered in each elevation to give large surfaces and structures interest where appropriate. Equal attention to detail and architectural definition must be given to all sides of the structure, including, but not limited to, the foundations, banding, accent materials, roof character, and window treatment.

POLICY XX 10.4: The following architectural details shall be considered in the design of each building:

- Varying roof heights
- Mix of hip, gable for roofs, flat and varying slopes
- Detailed windows and/or doors
- Decorative shutters
- Windows with muntins
- Recessed windows
- Railings and associated details
- Cantilevered balconies
- Verandas and courtyards
- The appearance of "thick" walls
- Decorative chimneys, tower or other roof apparatus
- Exposed rafter tails
- Planters, pergolas, and trellises
- Clap board siding or Textured "hand-troweled" wall finish or smooth stucco with banding
- Metal of flat tile roofs
- Exterior stairs

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

OPA 2007-0005 1

POLICY XX 10.5: Colors and materials are an intricate part of the Architecture and landscape for this development. Warm and rich colors that are evocative of the coastal region shall be considered when selecting colors for this project. An example of inappropriate color is a bright color used for large areas of wall and roof surfaces.

POLICY XX 10.6: Materials expression within the architecture includes massive wood beams, supported rooflines, cantilevered balconies and other decorative elements. Beams should be made of redwood, cedar or cypress with a finish that is rough-cut. Walls should be made of clap board or textured stucco or simulated limestone that adds richness to the wall surface. Decorative metals for gates, railings, and other decorative details should be finished black, dark bronze, galvanized or copper. Stone and simulated stone should be rough or smooth and laid in a fashion appropriate to the style of architecture. Materials like coral rock, limestone, granite, pre-cast concrete, or architectural foam should be used as decorative detailing at windows, doors, for wall material, or other decorative areas on the building. Vinyl or wood is siding is discouraged.

POLICY XX 10.2: Preferred building materials are:

- Cementitious lap siding.
- Painted stucco in natural earth tones; anodized or paint finish is required on all metal surfaces including windows, flashing, drips, and caps, in colors complimenting or matching the approved colors.
- Fascias must be constructed of cedar or redwood or other similar material and painted to match the trim color. Soffits must be of wood or stucco. Metal or vinyl soffits are prohibited.

## San Carlos Island-Comp Plan Amendment

- Foam products used on the exterior of buildings shall be installed to meet industry standards to ensure quality construction and be detailed away from areas that are in high traffic areas.

POLICY XX 10.7: All buildings shall have pitched roofs or simulated pitched rooflines. The minimum roof pitch allowed in the Development is 4 in 12. Overhangs may vary as necessitated by architectural design and these design guidelines. The typical roof overhangs are very wide to protect from the sun & rain and to provide passive energy conservation. Flat roofs are not allowed unless accompanied with a full parapet. Flat walls with parapets are not allowed unless consistent with the vocabulary of the architecture. Parapets may be appropriate in certain situations above walkways and in conjunction with a coordinated signage design or as a decorative element. Roofs shall have a minimum overhang of 2 feet on the eaves and 1 foot on gable ends or as noted otherwise in these standards. Fascias must be a minimum of 10 inches. No metal fascias are allowed.

POLICY XX 10.8: All rooftop equipment must match roofing colors and be placed as inconspicuously as possible, preferably located near the rear elevation. Exposed flashing, gutters, and downspouts must be painted to match the fascia and/or walls of the structure or be made of copper and left to weather to natural patina. Preferred roof materials: flat roof and or Standing seam metal roofs

POLICY XX 10.9: Buildings must have a minimum overhang of 24 inches with a 10inch fascia (gable ends may utilize a one foot overhang with a 10 inch fascia), or a minimum of 14-inch overhang and a 10" fascia when associated with a cornice, banding, or corbels (minimum height of 8 inches).

POLICY XX 10.10: Windows and doors are often dominant elements in the design of buildings. The trim around these openings thus becomes an important feature to link the openings to the buildings. Windows should utilize clear glass or a tinted glass of bronze, gray, green, or smoked colors. No reflective glass or tinting may be used. Aluminum window frames in white or with warm, earth tone finishes such as bronze, sepia, ochre, and terra cotta are permitted. Mill finished aluminum is prohibited. Windows within stucco walls on all facades shall provide architectural detailing or be banded. Window openings should follow classic geometry that includes both square and rectangular windows. Radius or arched top shapes are encouraged in accent areas.

POLICY XX 10.11: Awnings shall be designed as an integral part of the project or building and should be associated with an opening. Awnings shall be made of canvas and shall not be backlit. Awnings shall not be connected to another elevation or be used above the roofline of a building.

POLICY XX 10.12: Shutters are encouraged as an integral part of the building design when appropriate. Shutters should be designed and sized according to the opening it is associated with.

POLICY XX 10.13: Doors constructed of wood are encouraged. Heavy, rustic plank doors are a signature element of buildings and entrances. Recessed doorways, giving the appearance of thick walls, are encouraged. Ornamental iron or aluminum gates used as part of the entry sequence are encouraged. Service and emergency exit doors shall be painted the same color as adjacent walls

POLICY XX 10.14: Covered walkways/loggias are required on the front of all buildings and shall be constructed of a material that is consistent with the overall look and design for the building/project.

RECEIVED  
MAY 21 2008

CPA 2007-00051



# San Carlos Island-Comp Plan Amendment

POLICY XX 10.15: Accessory buildings shall be consistent with the style of the main buildings. An accessory building must be of the same color, material, and architectural style as the main building or of color, material, and style that is generally recognized as complimentary to that of the main structure. Any utilities servicing accessory buildings shall be installed underground. Freestanding metal utility sheds or storage sheds are not permitted.

## POLICY XX 10.16: Parking Garage and Structures

Intent: to hide the function / storage of the cars in an aesthetically pleasing manner. All garage structures shall be design with punched openings and closed corners. The following are acceptable means of masking commercial garages:

- Liner Buildings can be placed in front of garage structure to disguise the function. Liner buildings are structures placed in front of the garage structure and can be functional or non functional. Liner building shall be designed with multiple facades.
- Landscaping
- Combination of liner buildings and landscaping

RECEIVED  
MAY 21 2008

## POLICY XX 10.17: Boardwalk area

Intent: to provide guidelines for the development of a boardwalk along the southern portion of the property that promotes a multitude of activities that are waterfront related multiple routes to the boardwalk shall be provided. The area between the boardwalk and the main buildings shall be provided with both active and passive spaces for the enjoyment of guests.

Boardwalk-Minimum width shall be 6'0" and shall have a large portion of the water front at 12 feet or greater for the majority of the water. The boardwalk will be made with Materials or a combination of materials that are durable and ADA compliant.

Kiosks -These are encouraged along the boardwalk at appropriate intervals and in various sizes. They may provide services or information. Kiosks shall be designed to be architecturally compatible with the main building.

## POLICY XX10.18 Landscape Standards

CPA 2007-0005 1

### DESIGN INTENT

It is intended that nature be an integral design component with the building and site plan for this project. The landscape should be carefully designed and detailed to heighten one's sense of nature as well as to promote health of the plant species within the community. A landscape design that incorporates Xeriscape principles to conserve water is required. Indigenous plant preservation/enhancement and buffering shall be provided in accordance with the zoning regulations of Lee County.

Views from the roadways, and adjacent properties toward a landscaped area should complement the appearance of the building. All front, side and rear building setback areas must be landscaped and should contain primarily native plants. A minimum of 70% native plants must be used in the landscape design.



## San Carlos Island-Comp Plan Amendment

---

Corners of the building shall be landscaped with trees and under plantings to soften the buildings edges. All shade trees must be planted at a minimum height of 14'-0". Palms should be planted in cluster of three or more and shall be a minimum height of 16' feet at planting. Specimen palms may be used similar to shade tree placements in the landscape design of the project.

Ornamental plantings should be used close to the building. Existing native plants that are preserved may be credited for these requirements. A listing of approved and disapproved planting material has been provided in the index for your review.

Shrub masses can be used to channel winds, buffer intruding noises and views, and screen private areas. All shrub plantings should be massed in groupings of three or more plants. Linear hedges or box-clipped shrubs are not allowed within the buffers. Larger shrubs and plantings may be required at large wall and fencing areas.

To prevent the further infestation and choking of native plants, all species on lee counties list of exotics shall be removed including but not limited to:

Australian Pine - Casuarina equisetfolia

Punk Tree or Cajeput - Melaleuca leucandendra

Brazilian Pepper - Schinus terebinthifolius

Downy Rose Myrtle - Rhodomytus tomentosa

Air Potato – Dioscorea bulbifera

Lather Leaf – Colubrina asiatica

Climbing Fern – Lygodium spp.

Java Plum – Syzygium cumini

Catclaw Mimosa – Mimosa pigra

Earleaf Acacia - Acacia auriculiformis

Women's tongue – Albizia lebbeck

Laurel Fig – ficus microcarpa

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

CDA 2007-0005 1

### **PARKING AREAS AND ISLANDS**

Parking areas shall provide a hedge type buffer at the perimeter of the parking area. A landscape buffer shall be provided between the building and the drive or parking area for all public areas. A landscaped parking island shall be provided per county code. Landscaping shall be provided at each island with a minimum of 1 shade tree (or 3 palms) and 8 (three gallon) shrubs.

## San Carlos Island-Comp Plan Amendment

---

### OBJECTIVE XX.11: WATER QUALITY, QUANTITY, AND SURFACE WATER RESOURCES.

Destination Resort Mixed Use Water Dependant Facilities must be located, designed and operated in such a way that they will not degrade the ambient surface or groundwater quality. These facilities must be located, designed and operated in such a way that they will not adversely impact the surrounding existing water. The location, design and operation of Mixed Use Water Dependant Facilities must maintain or improve the storage and distribution of surface water resources.

POLICY XX.11.1: Any Destination Resort Mixed Use Water Dependant Facilities proposed within the land use category must cooperate with Lee County and SFWMD in implementing an overall surface water management plan as outlined in Objective 60.2 and 117.1. Compliance with these Policies must be demonstrated during Development Order approval.

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 wildlife habitat or impact on protected species, species of special concern, threatened or endangered species.

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, threatened or endangered species.

POLICY XX.12.2: Through the development review process, Private Recreation Facilities will be designed and operated to conserve critical habitat of protected species. This will be accomplished through regulation, incentives and public acquisition.

OBJECTIVE XX.13: NATURAL RESOURCES. Destination Resort Facilities must be located, designed and operated to minimize environmental impacts, and where appropriate, protect, enhance and manage natural resources such as, waterways, wetlands, natural water bodies, and indigenous uplands.

POLICY XX.13.1: All retained onsite natural areas, must be perpetually managed by the owner(s), or their assignees, with accepted Best Management Practices. The type of management techniques will be determined by the specific plant community. A natural area land management plan must be submitted to the Lee County Division of planning prior to the approval of a final local development order. This policy does not preclude areas that have been compromised in the past to be designed in such a way as to be assessable to the public for environmental and educational purposes. Management techniques addressed in the plan must include, but not be limited to the following:

- Exotic pest plant control;
- Removal of any trash and debris;
- Restoration of appropriate hydrology;
- Native plant restoration, where appropriate;
- Discussion of flora and fauna;
- Retention of dead trees and snags.

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

CRA 2007-0005 1

## San Carlos Island-Comp Plan Amendment

---

POLICY XX.13.2: The development will minimize adverse effects on wetlands and riparian areas.

POLICY XX.13.3: Destination Resort Mixed Use Water Dependant Facilities must be designed to preserve a minimum of 20% of on-site, indigenous native upland habitat.

POLICY XX.13.4: The development will incorporate energy and resource conservation devices, such as green building technologies

OBJECTIVE XX.14: INTERDEVELOPMENT COORDINATION WITH THE TOWN OF Fort Myers BEACH. Due to the unique location and proximity to the town of Fort Myers Beach the development will commit to working with the town to propose and resolve concerns.

POLICY XX.14.1: The developer will set up and coordinate a dialogue with the town to review parking and access issue during the Development order process.

POLICY XX.14.2: The developer will provide a liaison to any harbor planning committee to coordinate activities in and around the Harbor

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

CPA  
2007-00051

# Old San Carlos Island-Comp Plan Amendment

---

Lee County Application for a Comprehensive Plan Amendment

## Attachment A-2

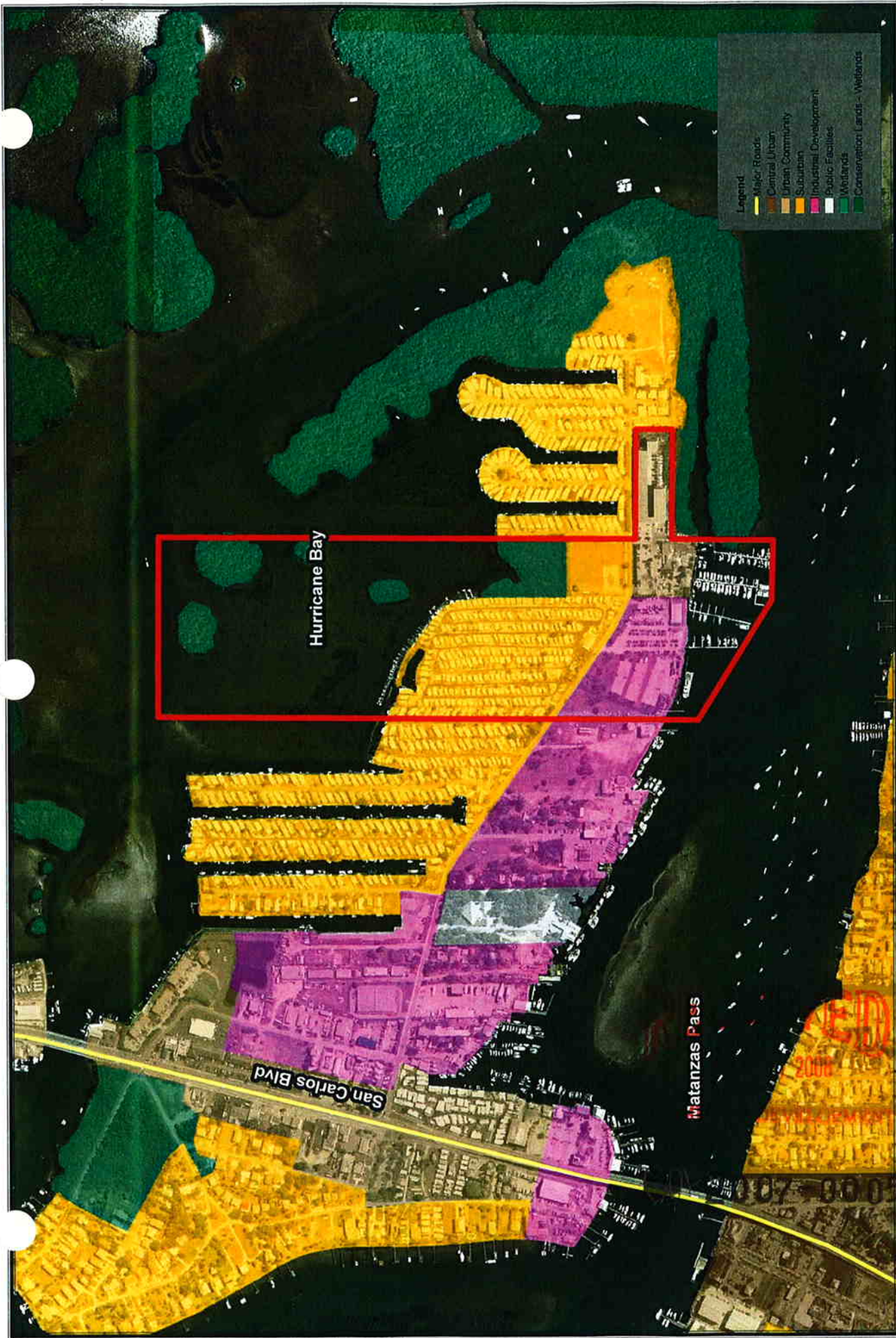
### Future Land Use Map

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

CRA 2007-00051





# FUTURE LAND USE

EBBTIDE



0 0.05 0.1 0.2 Miles

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

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



# San Carlos Island-Comp Plan Amendment

---

Lee County Application for a Comprehensive Plan Amendment

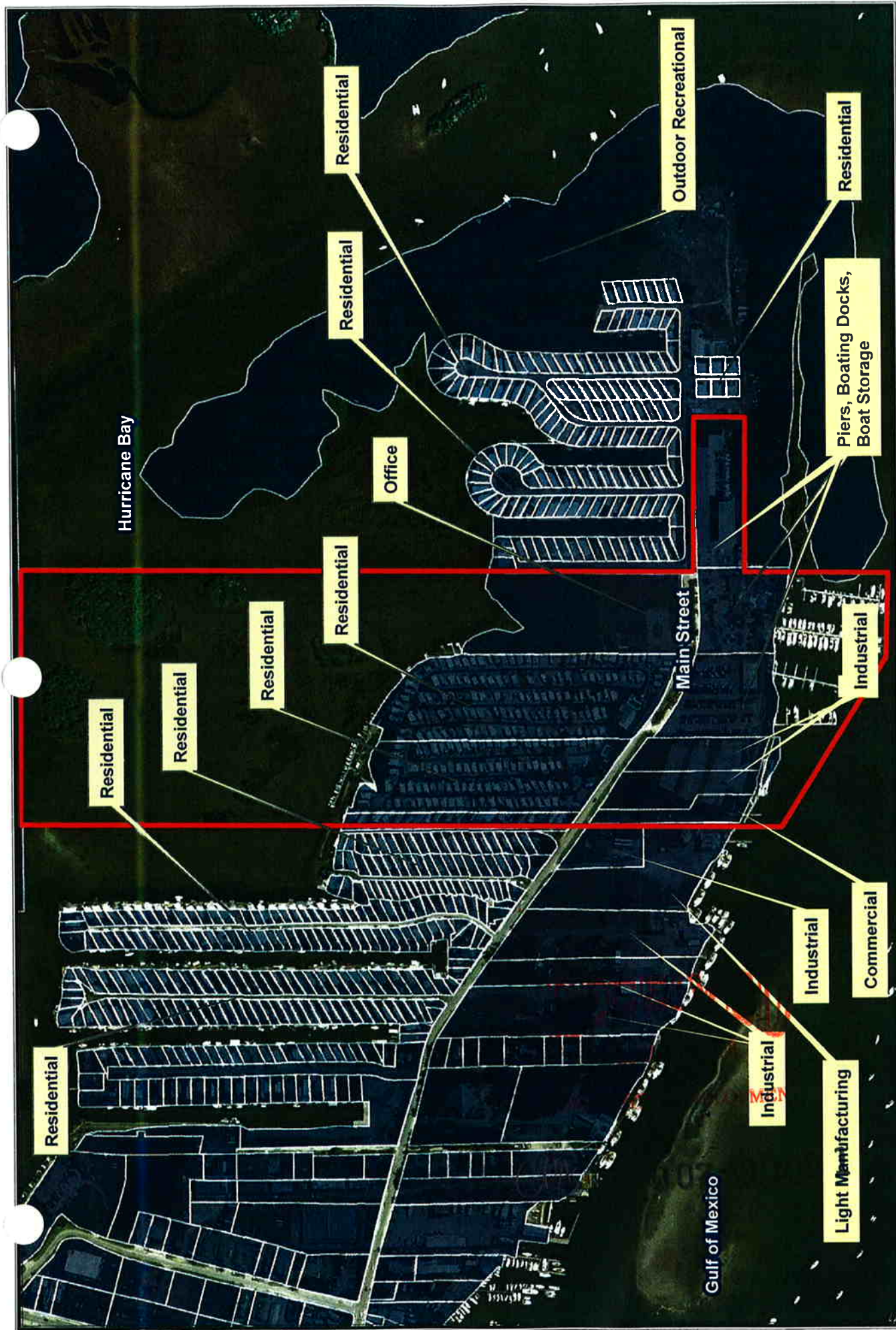
## Attachment A-3

### Existing Land Use Map

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

CPA 2007-0005 1

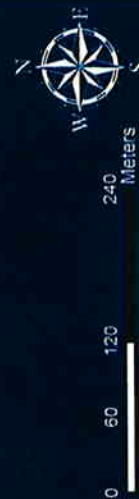


# EXISTING LAND USE

EBBTIDE

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

1500 Royal Palm Square Blvd., Suite 1101  
Fort Myers, FL 33919  
239-418-0691 • 239-418-0692 fax



# San Carlos Island-Comp Plan Amendment

---

Lee County Application for a Comprehensive Plan Amendment

## Attachment A-4

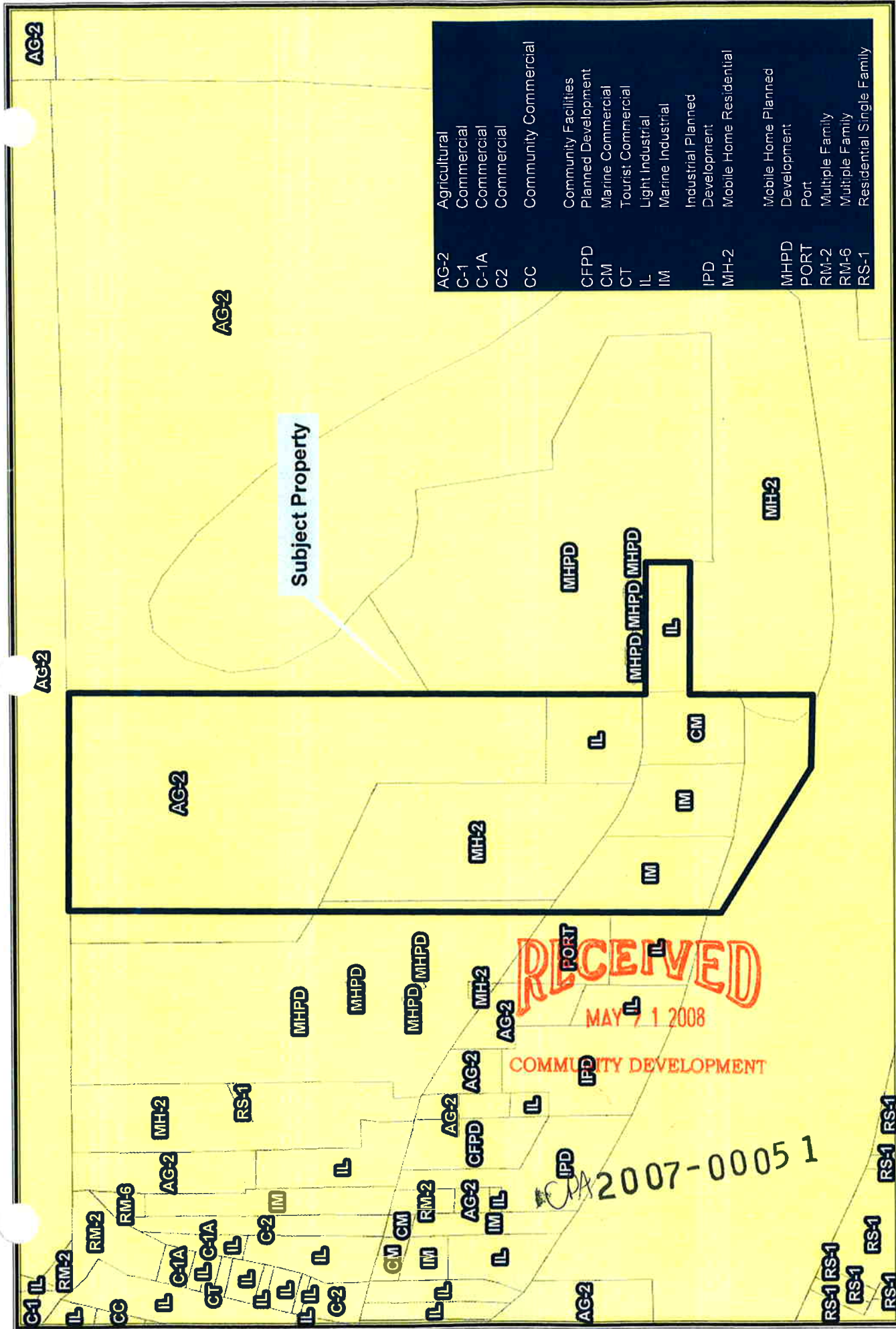
### Existing Zoning Map

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051





AG-2	Agricultural
C-1	Commercial
C-1A	Commercial
C-2	Commercial
CC	Community Commercial
CFPD	Community Facilities
CM	Planned Development
CT	Marine Commercial
IL	Tourist Commercial
IM	Light Industrial
IPD	Marine Industrial
MH-2	Industrial Planned Development
MHPD	Mobile Home Residential
PORT	Mobile Home Planned Development
RM-2	Port
RM-6	Multiple Family
RS-1	Multiple Family Residential Single Family

# ZONING MAP

EBBTIDE

**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

0 70 140 280 Meters

# San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

## Attachment A-5

### Legal Description of Property

RECEIVED

MAY 21 2008

COMMUNITY DEVELOPMENT

CRA 2007-00051



PARCEL "A"  
That Portion Of The East Half (East 1/2) Of The West Half (West 1/2) 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 1/2) Of The East Half (East 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.

PARCEL "C"  
That Portion Of The East Half (East 1/2) Of The East Half (East 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 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-Foot Road Easement Granted By Sears, Roebuck & Co. To Warren Investment & Development Corp. By Instrument Recorded In DB Book 183, Pages 286 Through 289, 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 DB Book 779, Page 151, Public Records Of Lee County, Florida.

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  
 PARCEL "E"  
 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 17 Of The Public Records Of Lee  
 County, Florida, And The West Line Of The East Half (East 1/2) Of The West Half (West 1/2) Of Government Lot 3 Of Said Section 19, Run Southerly Along The  
 West Line Of Said Fraction Of A Section For 376.32 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 Southerly Line Of Main Street; Thence Deflect 60° 22'28" To The Left And  
 Run Southeasterly Along Said Bulkhead Line For 281.85 Feet; Thence Deflect 29°37'48" 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 Southeasterly, Westerly And Northwesterly Along The Said Mean High Tide Line To The Point Of  
 Beginning.

PARCEL 7\*

That Portion Of The East ½ Of The East ¼ 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 ½ Of The East ¼ 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 1,384.68 Feet To Point Of Deflection; Thence Deflect To The Right 195°58' And Run Southeasterly For 1,825.68 Feet To A Point On The West Line Of Said East ½ Of The East ¼ 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 ½ Of The East ¼ Of Government Lot 3 For 339.00 Feet, More Or Less, To A Point On The East ½ Of The East ¼ Of Government Lot 3.

PARCEL "G"  
The West 1/4 Of The East 1/4 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 74  
That Portion Of The East Half (East 1/2) Of The West Half (West 1/2) 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 #1**

Description Of That Portion Of The East One Half (East 1/2) 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 N 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 330.87 Feet; Thence Run N 58°25'44" W For 386.64 Feet To A Point On The West Line Of The East One Half (East 1/2) 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 62 Acres, More Or Less.

PARCEL 44  
Description Of That Portion Of The East One Half (East 1/2) Of The West One Half (West 1/2) Of Government Lot 3, Section 19, Township 46 South, Range 24 East, Lee County, Florida, Lying Southerly Of The Northernly 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 10 For 1,980.00 Feet To The Northeast Corner The West One Half (West 1/2) 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 1/2) Of Government Lot 3 For 310.84 Feet; Thence Run N 58°17'44" W For 387.88 Feet To The Vest Line Of The East One Half (East 1/2) Of The West One Half (West 1/2) Of Said Government Lot 3; Thence Run N 00°00'00" E Along Said West Line For 26.70 Feet To A Point On The Northernly 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 20 Acres, More Or Less.

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

# San Carlos Island-Comp Plan Amendment

---

Lee County Application for a Comprehensive Plan Amendment

Attachment A-6

Deed Information

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

CRA 2007-00051

**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 P82964

**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.

**RECEIVED**  
MAY 21 2008

COMMUNITY DEVELOPMENT

RECORDED BY  
KAREN CARTWRIGHT, D.C.

Documentary Tax Pd. \$ 3675.00  
Intangible Tax Pd  
\$                       
CHARLIE GREEN, CLERK, LEE COUNTY  
By Karen Cartwright Deputy Clerk

2007-00051

## 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.

RECEIVED

MAY 21 2008

COMMUNITY DEVELOPMENT

CPA 2007-00051



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

DR3104 PG2966

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  
aforesaid 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 Idr. Lic 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 SUSAN R JOHNSON  
My Commission Expires:



RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

CHARLIE GREEN, CLERK  
LEE COUNTY, FL  
99 APR 16 AM 11:45

CPA 2007-00051

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:  
\_\_\_\_\_

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT  
CPA 2007-00051

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:

ISLAND PACKING COMPANY,  
a Florida corporation,  
f/k/a COX PACKING, INC.

Mrs. Betty D. Cox  
Print  
Name: Betty D. Cox

By: [Signature]  
STEVE J. COX,  
President (SEAL)

Yolanda A. Tullo  
Print  
Name: Yolanda A. Tullo

"Grantor"

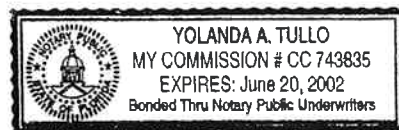
As to Grantor

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: \_\_\_\_\_

**RECEIVED**  
MAY 21 2008  
COMMUNITY DEVELOPMENT



G:\YOLANDA TULLO\YAT\RE\C164-13261-DEED.DOC

CRA 2007-00051

ON BK 03256 PG 2928

EXHIBIT "A"  
Legal Description

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.

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

CPA 2007-00051



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.

**RECEIVED**  
MAY 21 2008

COMMUNITY DEVELOPMENT

CPA 2007-00051

UA1

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:

J. 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.

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

OPA 2007-00051

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

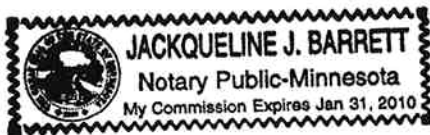
Elizabeth Cannon  
Print name: Elizabeth Cannon

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.



Jackqueline Barrett  
Notary Public  
Printed Name: Jackqueline F Barrett  
My Commission Expires: 1-31-2010

#3216926\2

**RECEIVED**  
MAY 21 2008

COMMUNITY DEVELOPMENT

CPA 2007-00051

**EXHIBIT "A"**  
**Legal Description**

That portion of the East ½ 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 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 ½ 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 ½ 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 ½ of the East ½ of Government Lot 3 for 330.00 feet, more or less, to a point on the East ½ of the East ½ of Government Lot 3.

**RECEIVED**  
MAY 21 2008

COMMUNITY DEVELOPMENT

CDA 2007-0005 1



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

RECEIVED  
MAY 21 2008

This Indenture, made this 1st of March, 2006  
BETWEEN

COMMUNITY DEVELOPMENT

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

2007-00051

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

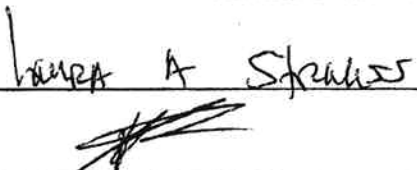
Signed, sealed and delivered in our presence:

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:

Commission No. \_\_\_\_\_

CPA 2007-00051

RECEIVED (SEAL)  
MAY 21 2008  
COMMUNITY DEVELOPMENT

101.50 R  
4900.00 - INC Stamp  
4918.50

THIS INSTRUMENT PREPARED BY:  
THOMAS H. GUNDERSON, ESQUIRE  
P. O. Box 280  
Ft. Myers, FL 33902

3667820

Documentary Tax Pd. 4,900.00  
Intangible Tax Pd.  
CHARLIE GREEN, CLERK, LEE COUNTY  
Deputy Clerk

OR2542 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 improved land and not the homestead of the Grantor herein, nor contiguous hereto. 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 day of July, 1994 by LEWIS E. THURSTON, who is personally known to me or who has produced Driver's Lic. identification.

My Commission Expires: 5/31/96

SHIRLEY ZELLER  
N.Y. Public State of New York  
Orange County  
Reg. No. 012E-1714392

Commission Expires 5/31/96

Lewis E. Thurston  
LEWIS E. THURSTON

ADDRESS:  
228 Oakland Valley Road  
Cuddebackville, NY 12729

CPA 2007-00051

Shirley Zeller  
Notary Public  
SHIRLEY ZELLER  
Type/Print Name of Notary

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

• RECORDED & VERIFIED - CHARLIE GREEN, CLERK •  
• BY: G. SHERWOOD, 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.

DR2542 PG2235

RECEIVED

MAY 21 2008

COMMUNITY DEVELOPMENT

CRA 2007-00051

15.00 record

350.00 doc

THIS INSTRUMENT PREPARED BY:  
Thomas H. Gunderson  
P. O. Box 280  
Ft. Myers, FL 33902

4452452

083000 PG0707

Documentary Tax Pd. \$ 350.00  
Intangible Tax Pd. \_\_\_\_\_  
CHARLIE GULLI CLERK, LEE COUNTY  
Mary Jo Robinson 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 Branch  
Witness Signature

Charles Branch  
(Type/Print Name of Witness)

Earle W. Rossiter  
EARLE W. ROSSITER

Whose address is:  
PO Box 2360  
Fort Myers Beach, FL 33932

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

CPA 2007-00051



① VIRGINIE ORTI 3  
Witness Signature

(Type/Print Name of Witness)

② [Signature]  
Witness Signature

DEBORA OLIVEIRA  
(Type/Print Name of Witness)

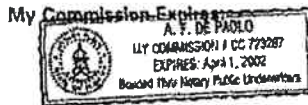
[Signature]  
LAURA J. VOGEL

Whose address is:

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)

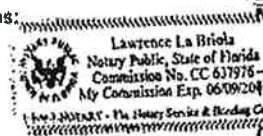
Commission No: \_\_\_\_\_

STATE OF FLORIDA

COUNTY OF PIVESH

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 as identification.

My Commission Expires:



[Signature]  
Notary Public

(Type/Print Name of Notary)

Commission No: \_\_\_\_\_

OR3000 PG0708

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-0005 1

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.

DR 3000 PGN 709

CHARLIE GREEN, CLERK  
LEE COUNTY, FL  
98 AUG 14, PM 1:17

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

CPA 2007-00051

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  
 MY COMMISSION # CC 100488 EXPIRES  
 March 24, 1996  
 ISSUED BY THE FLORIDA BAR, INC.

Lewis E. Thurston  
 LEWIS E. THURSTON

ADDRESS:  
 228 Oakland Valley Road  
 Cuddebackville, NY 12729

Documentary Tax \$ 4893.00  
 Intangible Tax \$ \_\_\_\_\_  
 CHARLIE GREEN, CLERK, LEE COUNTY  
Chlorward Deputy Clerk

Thomas H. Gunderson  
 Notary Public

Thomas H. Gunderson  
 Type/Print Name of Notary

Commission No. \_\_\_\_\_

0R2457 PG3114

RECEIVED  
 MAY 21 2008  
 COMMUNITY DEVELOPMENT

CPA 2007-00051

THIS INSTRUMENT PREPARED BY:  
 Thomas H. Gunderson  
 Post Office Box 280  
 Fort Myers, FL 33902

3652001

Documentary Tax Pd. \$ .75  
 Intangible Tax Pd.  
 CHARLES W. GUNDESON, Clerk  
 BY W. Gunderson Deputy Clerk

002533 P63462

SECOND VERIFIER - QUINCY GREEN CLERK  
 BY: HELGA CARROLL, P.C.

**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

Sharon M. Monette  
 Witness

Sharon M. Monette  
 Type/Print Name of Witness

Sharon J. Alexander  
 Witness

SHARON J. ALEXANDER  
 Type/Print Name of Witness

BY: Sharon M. Monette  
 Its: President

**RECEIVED**  
 MAY 21 2008

COMMUNITY DEVELOPMENT

CRA 2007-00051

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:

Carolyn R Vance  
Notary Public

NOTARY PUBLIC, State of Florida at Large  
My Commission Expires April 23, 1998  
BONDED THRU AGENTS NOTARY BROKERAGE

CAROLYN R VANCE  
Type/Print Name of Notary  
Commission No. CC102092

RECEIVED

MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051





15.25.12  
15.70

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 Thomas H. Gunderson 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:

See attached Exhibit "A".  
This property is not approved land and not the homestead of the Grantor herein, nor contiguous thereto.  
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

Lewis E. Thurston  
LEWIS E. THURSTON

JOELLEN SNOW  
(Type/Print Name of Witness)

Margaret E. Riggs  
Witness Signature

ADDRESS:

228 Oakland Valley Road  
Cuddebackville, NY 12729

MARGARET E. RIGGS  
(Type/Print Name of Witness)

**RECEIVED**  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051

RECORD VERIFIED - CHARLIE GREEN, CLERK  
BY: L. SHERWOOD, D.C.

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. 01724714302  
Commission Expires 5/31/96

DR2542 PG2237

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051

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 PG2238

RECEIVED

MAY 21 2008

COMMUNITY DEVELOPMENT

2007-0005 1

# San Carlos Island-Comp Plan Amendment

---

Lee County Application for a Comprehensive Plan Amendment

## Attachment A-7

### Aerial Map

RECEIVED

MAY 21 2008

COMMUNITY DEVELOPMENT

2007-0005 1





Gulf of Mexico



Hurricane Bay

Subject Property

San Carlos Bay

County Hwy 865

Main Street

Matanzas Pass

# AERIAL LOCATION MAP

EBBTIDE



0 87.5 175 350 525 700 Meters

**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

# San Carlos Island-Comp Plan Amendment

---

Lee County Application for a Comprehensive Plan Amendment

## Attachment A-8

### Authorization Letter(s) from Property Owner(s)

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-0005 1

Owner's Affidavit

We Ramon J. Alvarez owners of parcel number(s) 19-46-24-00-00021.0070, 19-46-24-00-00021.0040, 19-46-24-00-00021.0020, 19-46-24-00-00021.0030, 19-46-24-00-00021.0050 and 19-46-24-00-00021.0000 and 19-46-24-00-00021.0006 and 19-46-24-00-00021.0034, and 19-46-24-00-00021.0070

I, hereby authorize McHarris Planning and Design to act on our behalf, to initiate the application and further process the Comprehensive Plan Amendment of said properties:

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051

DATED this 21 day of August, 2007.

Owner

By: Ramon J. Alvarez

(Signature)

Printed Name: RAMON J. ALVAREZ

As: PRESIDENT

Address:

Sworn to and subscribed before me this 21<sup>st</sup> day of August, 2007  
by Ramon J. Alvarez, who is personally  
known to me or who has produced his license as identification.

(Affix Seal)

Notary Public  
Printed Name: Maria Chae Krauss

Maria Chae Krauss

MARIA CHAE KRAUSS  
Notary Public, State of NJ  
My Commission Expires Nov. 4, 2009

My Commission Expires: Nov. 4, 2009

Owner's Affidavit

We Ramon J. Alvarez owners of parcel number(s) 19-46-24-00-00021.0070, 19-46-24-00-00021.0040, 19-46-24-00-00021.0020, 19-46-24-00-00021.0030, 19-46-24-00-00021.0050 and 19-46-24-00-00021.0000 AND 19-46-24-00-00021.006 AND 19-46-24-00-00021.003A, AND 19-46-24-00-00021.0070

I, hereby authorize McHarris Planning and Design to act on our behalf, to initiate the application and further process the Comprehensive Plan Amendment of said properties:

DATED this 21 day of August, 2007.

Owner

By: Ramon J. Alvarez

(Signature)

Printed Name: RAMON J. ALVAREZ

As: PRESIDENT

Address:

Sworn to and subscribed before me this 21<sup>st</sup> day of August, 2007  
by Ramon J. Alvarez, who is personally  
known to me or who has produced his license as identification.

(Affix Seal)

Notary Public  
Printed Name: Maria Chae Krauss

Maria Chae Krauss

MARIA CHAE KRAUSS  
Notary Public, State of NJ  
My Commission Expires Nov. 4, 2009

My Commission Expires: Nov. 4, 2009

**RECEIVED**  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051



**Owner's Affidavit**

We Ramon J. Alvarez owners of parcel number(s) 19-46-24-00-00021.0070, 19-46-24-00-00021.0040, 19-46-24-00-00021.0020, 19-46-24-00-00021.0030, 19-46-24-00-00021.0050 and 19-46-24-00-00021.0000 And 19-46-24-00-00021.006 And 19-46-24-00-00021.003A, And 19-46-24-00-00021.0070

I, hereby authorize McHarris Planning and Design to act on our behalf, to initiate the application and further process the Comprehensive Plan Amendment of said properties:

DATED this 21 day of August, 2007.

Owner

By: Ramon J. Alvarez

(Signature)

Printed Name: RAMON J. ALVAREZ

As: PRESIDENT

Address:

Sworn to and subscribed before me this 21<sup>st</sup> day of August, 2007  
by Ramon J. Alvarez, who is personally  
known to me or who has produced his license as identification.

(Affix Seal)

Notary Public

Printed Name: Maria Chae Krauss

Maria Chae Krauss

MARIA CHAE KRAUSS  
Notary Public, State of NJ  
My Commission Expires Nov. 4, 2009

My Commission Expires: Nov. 4, 2009

**RECEIVED**  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051





11338 Bonita Beach Rd #103  
Bonita Springs, FL 34135  
239-948-6688

### Owner's Affidavit

We \_\_\_\_\_, owners of parcel number(s) \_\_\_\_\_, hereby authorize McHarris Planning and Design to act on our behalf, to initiate the application and further process the Planned Development of said properties:

DATED this 21 day of August, 2007.

Hansen Marine Prop Inc

Owner

By: 

(Signature)

Printed Name: DARRELL HANSON

As: PRESIDENT

Address: 2200 Main St

Ft Myers Beach, FL  
33931

Sworn to and subscribed before me this 21 day of August, 2007 by DARRELL HANSON, who is personally known to me or who has produced \_\_\_\_\_ as identification.

(Affix Seal)

My Commission Expires



Notary Public  
Printed Name: TARA ROE

**RECEIVED**

MAY 21 2008

2007-00051

COMMUNITY DEVELOPMENT



11338 Bonita Beach Rd #103  
Bonita Springs, FL 34135  
239-948-6688

### Owner's Affidavit

We \_\_\_\_\_, owners of parcel number(s) \_\_\_\_\_, hereby authorize McHarris Planning and Design to act on our behalf, to initiate the application and further process the Planned Development of said properties:

DATED this 21 day of August, 2007.

Elb Tide RV Park LLC

Owner

By: 

(Signature)

Printed Name: DARRELL HANSON

As: PRESIDENT

Address: 1725 Main St

Sworn to and subscribed before me this 21 day of August, 2007 by DARRELL HANSON, who is personally known to me or who has produced \_\_\_\_\_ as identification.

(Affix Seal)



My Commission Expires: \_\_\_\_\_

Notary Public 

Printed Name: TARA ROE

**RECEIVED**  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051



11338 Bonita Beach Rd #103  
Bonita Springs, FL 34135  
239-948-6688

### Owner's Affidavit

We \_\_\_\_\_, owners of parcel number(s) \_\_\_\_\_, hereby authorize McHarris Planning and Design to act on our behalf, to initiate the application and further process the Planned Development of said properties:

DATED this 21 day of August, 2007.

Wisconsin Dist., Inc  
Owner

By: [Signature]  
(Signature)

Printed Name: DARRELL HANSON

As: PRESIDENT

Address: 2500 main st  
Ft. Myers Beach

FL  
33981

Sworn to and subscribed before me this 21 day of August, 2007 by DARRELL HANSON, who is personally known to me or who has produced \_\_\_\_\_ as identification.

(Affix Seal)



My Commission Expires: \_\_\_\_\_

Notary Public  
Printed Name: TARA ROE

**RECEIVED**  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051

# San Carlos Island-Comp Plan Amendment

---

Lee County Application for a Comprehensive Plan Amendment

## Attachment B-1

### Traffic Circulation Analysis

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-0005 1

**TRAFFIC CIRCULATION ANALYSIS**  
**PREPARED FOR A**  
**COMPREHENSIVE PLAN AMENDMENT**  
**FOR**  
**EBBTIDE**

**PROJECT NO. F0709.13**

**RECEIVED**  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051

**PREPARED BY:**  
**TR Transportation Consultants, Inc.**  
13881 Plantation Road, Suite 11  
Fort Myers, Florida 33912-4339  
(239) 278-3090

September 27, 2007



## CONTENTS

- I. INTRODUCTION
- II. EXISTING CONDITIONS
- III. PROPOSED PLAN AMENDMENT
- IV. IMPACTS OF PROPOSED PLAN AMENDMENT
- V. CONCLUSION

**RECEIVED**  
MAY 21 2008  
COMMUNITY DEVELOPMENT

2007-0005 1

**EBBTIDE**  
**POTENTIAL FEDERAL, STATE, OR COUNTY PROTECTED SPECIES**  
**BY HABITAT TYPE AND DESIGNATED STATUS**

September 25, 2007

FLUCFCS Code and Description		Potential Protected Species	USFWS Status	FWCC Status	County Status
180	Boat Docks*	Eastern Indigo Snake ( <i>Drymarchon corais couperi</i> )	T	T	P
		Gopher Tortoise ( <i>Gopherus polyphemus</i> )	-	T	P
184	Marina*	Florida Manatee ( <i>Trichechus manatus latirostris</i> )	E	E	-
422	Brazilian Pepper*	Eastern Indigo Snake ( <i>Drymarchon corais couperi</i> )	T	T	P
		Gopher Tortoise ( <i>Gopherus polyphemus</i> )	-	T	P
540	Bays and Estuaries	American Alligator ( <i>Alligator mississippiensis</i> )	T	SSC	P
		Roseate Spoonbill ( <i>Ajaia ajaja</i> )	-	SSC	P
		Limpkin ( <i>Aramus guarauna</i> )	-	SSC	P
		Little Blue Heron ( <i>Egretta caerulea</i> )	-	SSC	P
		Reddish Egret ( <i>Egretta rufescens</i> )	-	SSC	P
		Snowy Egret ( <i>Egretta thula</i> )	-	SSC	P
		Tri-Colored Heron ( <i>Egretta tricolor</i> )	-	SSC	P
		Everglades Mink ( <i>Mustela vison evergladensis</i> )	-	T	P
		Florida Manatee ( <i>Trichechus manatus latirostris</i> )	E	E	-
6129 E1	Mangroves, Disturbed (0-24% Exotics)	Roseate Spoonbill ( <i>Ajaia ajaja</i> )	-	SSC	P
		Little Blue Heron ( <i>Egretta caerulea</i> )	-	SSC	P
		Snowy Egret ( <i>Egretta thula</i> )	-	SSC	P
		Tri-Colored Heron ( <i>Egretta tricolor</i> )	-	SSC	P
		Brown Pelican ( <i>Pelecanus occidentalis</i> )	-	SSC	P
		Reddish Egret ( <i>Egretta rufescens</i> )	-	SSC	P
		Wood Stork ( <i>Mycteria americana</i> )	E	E	P
6129 E3	Mangroves, Disturbed (50-75% Exotics)	Big Cypress Fox Squirrel ( <i>Sciurus niger avicennia</i> )	-	T	P
		Florida Black Bear ( <i>Ursus americanus floridanus</i> )	-	T	P
		American Alligator ( <i>Alligator mississippiensis</i> )	T	SSC	P
		Twisted Air Plant ( <i>Tillandsia flexuosa</i> )	-	-	P
		Prickly-Apple ( <i>Cereus gracillis</i> )	-	-	P
740	Disturbed Land*	Eastern Indigo Snake ( <i>Drymarchon corais couperi</i> )	T	T	P
		Gopher Tortoise ( <i>Gopherus polyphemus</i> )	-	T	P

\*Habitat surveyed for the species noted as a precautionary measure although not required per the LDC.

County-Lee County

USFWS-United States Fish and Wildlife Service

FWCC-Florida Fish and Wildlife Conservation Commission

E-Endangered

P-Protected in Lee County

SSC Species of special concern

T-Threatened

**RECEIVED**  
MAY 21 2008  
COMMUNITY DEVELOPMENT

## **I. INTRODUCTION**

TR Transportation Consultants, Inc. has conducted a traffic circulation analysis pursuant to the requirements outlined in the application document for Comprehensive Plan Amendment requests. The analysis will examine the impact of the requested land use change from Suburban, Industrial Development, Urban Community, and Wetlands to a site specific land use designation to be titled 'Destination Resort Mixed Use Water Dependant Land Use'. The subject site is located along Main Street east of its intersection with San Carlos Boulevard in Lee County, Florida.

The following report will examine the impacts of changing the future land use category from the four existing land uses (Suburban, Industrial Development, Urban Community, and Wetlands) to a new site specific land use designation to be titled 'Destination Resort Mixed Use Water Dependant Land Use'.

## **II. EXISTING CONDITIONS**

The subject site currently contains several existing uses including Recreational Vehicle lots, Marina uses, and an existing restaurant. The subject site is bordered by Hurricane Bay to the north and the Matanzas Pass to the south. To the east and west of the subject site are existing Recreational Vehicle lots and marina uses.

**San Carlos Boulevard (S.R. 865)** is a two-lane undivided roadway south of Main Street and a four-lane undivided roadway with a two-way left turn lane north of Main Street. The intersection of San Carlos Boulevard and Main Street currently operates under two-way stop control. San Carlos Boulevard has a posted speed limit of 45 mph and is under the jurisdiction of the Florida Department of Transportation.

**RECEIVED**  
MAY 21 2008

COMMUNITY DEVELOPMENT

**Main Street** is a two-lane undivided local roadway that bisects the subject site. Currently Main Street terminates less than one (1) mile east of its intersection with San Carlos Boulevard. However, Lee County currently has plans to construct a bridge that would connect Main Street to Estero Parkway on Fort Myers Beach based on the current 2030 Financially Feasible Plan. Main Street is under the jurisdiction of the Lee County Department of Transportation.

### III. PROPOSED PLAN AMENDMENT

The proposed Comprehensive Plan Amendment would change the future land use designation on the subject site from the existing Suburban, Industrial Development, Urban Community, and Wetlands to a site specific land use designation to be titled 'Destination Resort Mixed Use Water Dependant Land Use'. Based on the permitted uses within the Lee Plan for these land use designations, the proposed land use designation change would result in an increase in the number of allowable multi-family residential units and hotel units but a decrease in the allowable marina uses. **Table 1** highlights the intensity of uses that could be constructed under the existing land use designation and the intensity of uses under the proposed land use designation.

**Table 1  
Ebbtide  
Land Uses**

Existing/Proposed	Land Use Category	Intensity
Existing	Suburban, Industrial Development, Urban Community, and Wetlands	134 residential units
		145,000 s.f. marine industrial
		0 hotel units
Proposed	Destination Resort Mixed Use Water Dependant Land Use	600 residential units
		20,000 s.f. marine industrial
		300 hotel units

**RECEIVED**  
MAY 21 2008

#### IV. IMPACTS OF PROPOSED PLAN AMENDMENT

The transportation related impacts of the proposed comprehensive plan amendment were evaluated pursuant to the criteria in the application document. This included an evaluation of the long range impact (20-year horizon) and short range (5-year horizon) impact the proposed amendment would have on the existing and future roadway infrastructure.

##### Long Range Impacts (20-year horizon)

The Lee County Metropolitan Planning Organization's (MPO) recently updated 2030 long range transportation travel model was reviewed to determine the impacts the amendment would have on the surrounding area. The subject site lies within Traffic Analysis Zone (TAZ) 1695. The model has both productions and attractions included in this zone. The productions include both single-family and multi-family housing as well as some hotel uses. The attractions include industrial, commercial, and service employees. Table 3 identifies the land uses currently contained in the long range travel model utilized by the MPO and Lee County for the Long Range Transportation Analysis.

**Table 3  
TAZ 1695  
Land Uses in Existing 2030 Travel Model**

Land Use Category	Intensity
Single Family Homes	81 residential units
Multi-Family Homes	849 residential units
Hotel Units	22 rooms
Industrial Employment	86 employees
Commercial Employment	94 employees
Service Employment	261 employees

**RECEIVED**  
MAY 21 2008

COMMUNITY DEVELOPMENT

Based on the data for TAZ 1695, indicated in Table 3, the current Lee County MPO 2030 Long Range Transportation Plan (LRTP) does not account for all of the development permitted within TAZ 1695 based on the current land use designations. For example,



TAZ 1695 does not include all of the employees that would work at the site assuming the site included all 145,000 square feet of marine industrial uses currently permitted under the existing land use designations. Therefore, the number of industrial employees was not reduced for the purposes of this analysis even though the allowable amount of marine industrial uses will be reduced.

The proposed Comprehensive Plan Amendment is anticipated to add 466 multi-family residential units and a 300 room hotel to the existing 2030 Financially Feasible FSUTMS Model. It should be noted that there will be some commercial uses within the proposed hotel that will be ancillary to the hotel. In addition, there are and will continue to be both wet and dry slips permitted as ancillary uses to the marine industrial portion of the site. Table 4 indicates the revised TAZ data for Zone 1695 with the proposed density requested with this Comprehensive Plan Amendment.

**Table 4**  
**Based on Proposed Map Amendment within TAZ 1695**  
**Land Uses in Modified 2030 Travel Model**

Land Use Category	Intensity
Single Family Homes	81 residential units
Multi-Family Homes	1,315 residential units
Hotel Units	322 rooms
Industrial Employment	86 employees
Commercial Employment	94 employees
Service Employment	261 employees

**RECEIVED**  
MAY 21 2008  
COMMUNITY DEVELOPMENT

The modifications made to the TAZ data, including ZDATA1 and ZDATA2 files, are attached to the Appendix for reference. The 2030 Long Range Transportation model (FSUTMS) was run with the existing data shown in Table 3 then compared to runs with the modified data from Table 4 to indicate what additional improvements above and beyond those indicated in the 2030 Financially Feasible Plan Highway Element. The 2030 Financially Feasible Plan Highway Element improvements were included in the FSUTMS runs. Based on the 2030 MPO Financially Feasible plan, the only roadway improvement planned within the vicinity of the subject site is the construction of a bridge

that would connect the eastern terminus of Main Street to Estero Parkway on Fort Myers Beach.

Based on this analysis, none of the roadway segments analyzed are shown to operate below the adopted Level of Service standard in the year 2030. **Figure 1** illustrates the projected 2030 traffic conditions on the surrounding roadway network both with and without the proposed Comprehensive Plan Amendment. No changes to the Lee County MPO Long Range Transportation Plan will be warranted as a result of this analysis.

#### **Short Range Impacts (5-year horizon)**

The Lee County Capital Improvement Program (CIP) for Fiscal Year 2006/2007 to 2010/2011 was reviewed, as well as the FDOT Work Program for Fiscal Year 2006/2007 to 2010/2011 in order to determine the short term impacts the proposed land use change would have on the surrounding roadways.

The only improvement in the vicinity of the subject site included in either the Lee County CIP or FDOT Work Program is the ongoing widening improvements to Summerlin Road east of San Carlos Boulevard. This improvement was accounted for in the 2030 FSUTMS analysis. No additional improvements would be required in the short term in order to support the proposed Comprehensive Plan Amendment.

#### **Recommendations to the Long Range Transportation Plan**

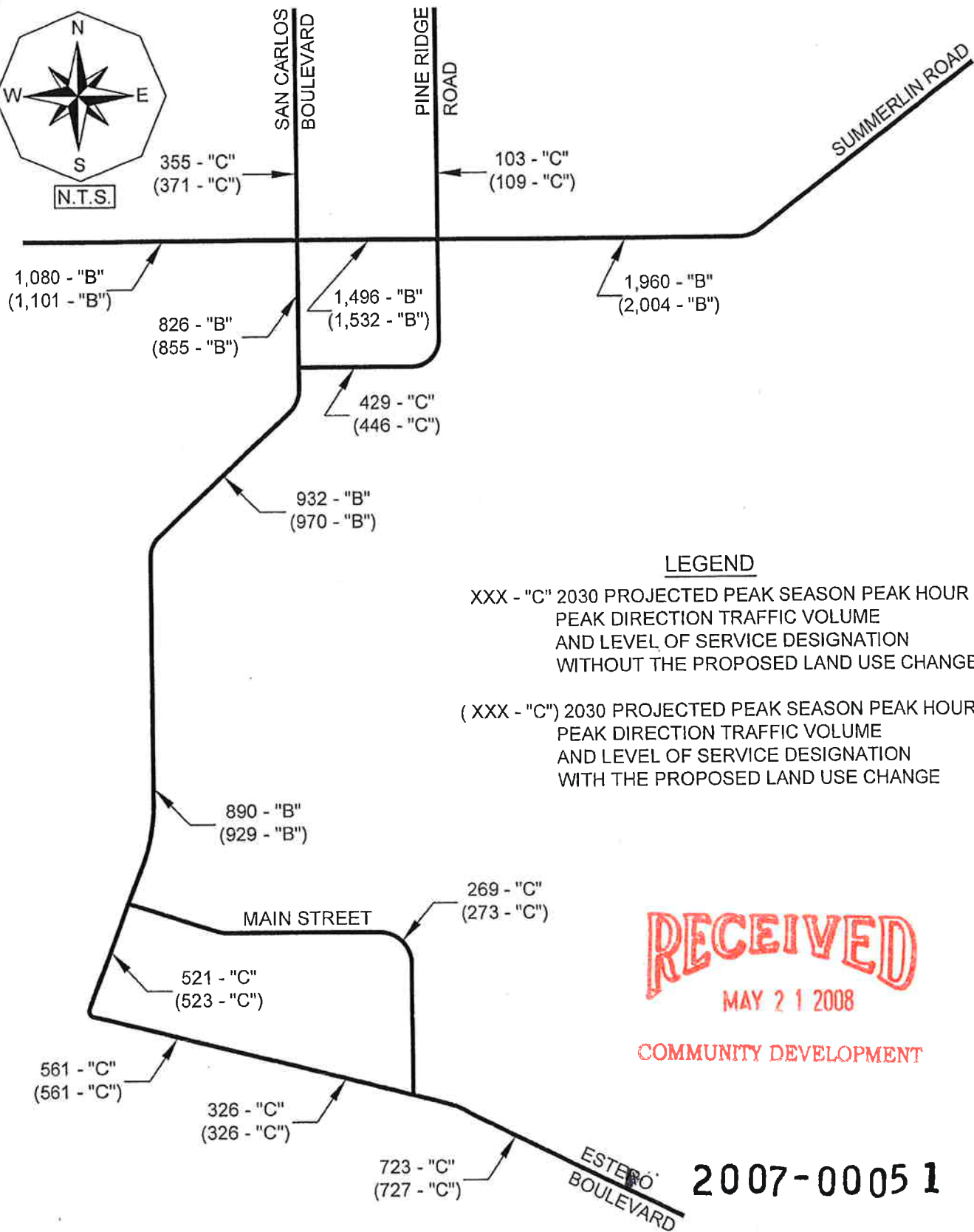
Based on this analysis, none of the roadway segments analyzed are shown to operate below the adopted Level of Service standard in the year 2030. Therefore no changes to the Lee County MPO Long Range Transportation Plan will be warranted as a result of this analysis.

**RECEIVED**  
MAY 21 2008

Page 5  
COMMUNITY DEVELOPMENT

2007-00051

F0709.13



### LEGEND

XXX - "C" 2030 PROJECTED PEAK SEASON PEAK HOUR  
PEAK DIRECTION TRAFFIC VOLUME  
AND LEVEL OF SERVICE DESIGNATION  
WITHOUT THE PROPOSED LAND USE CHANGE

(XXX - "C") 2030 PROJECTED PEAK SEASON PEAK HOUR  
PEAK DIRECTION TRAFFIC VOLUME  
AND LEVEL OF SERVICE DESIGNATION  
WITH THE PROPOSED LAND USE CHANGE

**RECEIVED**  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-0005 1

## V. CONCLUSION

The proposed Comprehensive Plan Amendment is to modify the future land use designation on the subject site from the existing Suburban, Industrial Development, Urban Community, and Wetlands designations to a site specific land use designation to be titled 'Destination Resort Mixed Use Water Dependant Land Use'. The subject site is located along Main An analysis of the 2030 Recommended Long Range Transportation Plan indicates that none of the roadway segments analyzed are anticipated to operate below the adopted Level of Service standard. Therefore no changes to the Lee County MPO Long Range Transportation Plan will be warranted as a result of this analysis.

**RECEIVED**

MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051

# APPENDIX

RECEIVED

MAY 21 2008

COMMUNITY DEVELOPMENT

2007-0005 1



2030 TRAFFIC CONDITIONS  
WITH/WITHOUT THE PROPOSED  
LAND USE CHANGE

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-0005 1

**2030 TRAFFIC CONDITIONS WITH EXISTING DENSITY  
EXISTING PLUS PROGRAMMED ROAD NETWORK  
EBBTIDE COMPREHENSIVE PLAN AMENDMENT**

ROADWAY	# OF LANES	LOS	STANDARD	RAW FSUTMS	P.C.S. #	PSWDT/AADT	2030 AADT	K-100 FACTOR <sup>2</sup>	D FACTOR <sup>2</sup>	TOTAL TRAFFIC LOS SERVICE	
										PK DIRECTION	VOLUME <sup>3</sup>
SEGMENT											LOS
San Carlos Blvd.	2LN	E	N. of Summerlin Rd.	8,622	37	1.170	7,369	0.091	0.53	355	920
	4LN	E	S. of Summerlin Rd.	28,875	8	1.153	25,043	0.060	0.55	826	1,950
	4LN	E	S. of Pine Ridge Rd.	32,548	8	1.153	28,229	0.060	0.55	932	1,950
	4LN	E	N. of Main St.	31,092	8	1.153	26,966	0.060	0.55	890	1,950
	2LN	E	S. of Main St.	18,196	8	1.153	15,781	0.060	0.55	521	920
Estero Blvd.	2LN	E	E. of San Carlos Blvd.	13,328	44	1.090	12,228	0.085	0.54	561	920
	2LN	E	W. of Main St.	7,752	44	1.090	7,112	0.085	0.54	326	920
	2LN	E	E. of Main St.	17,162	44	1.090	15,745	0.085	0.54	723	920
Main St.	2LN	E	E. of San Carlos Blvd.	9,410	8	1.153	8,161	0.060	0.55	269	850
Summerlin Rd.	4LN	E	W. of San Carlos Blvd.	25,016	36	1.277	19,590	0.104	0.53	1,080	1,950
	6LN	E	E. of San Carlos Blvd.	34,665	19	1.277	27,146	0.104	0.53	1,496	3,040
	6LN	E	E. of Pine Ridge Rd.	45,420	19	1.277	35,568	0.104	0.53	1,960	3,040
Pine Ridge Rd.	2LN	E	N. of Summerlin Rd.	2,170	35	1.113	1,950	0.104	0.51	103	850
	2LN	E	S. of Summerlin Rd.	9,009	35	1.113	8,094	0.104	0.51	429	850

<sup>1</sup> Calculated based upon data from the 2006 Lee County Traffic Count Report. The data for PCS #36 was utilized for PCS #19 as Summerlin Road has been under construction for the past two years.

<sup>2</sup> Obtained from the 2006 Lee County Traffic Count Report

<sup>3</sup> Obtained from the Lee County Generalized Service Volumes Table

**RECEIVED**  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051

**2030 TRAFFIC CONDITIONS WITH PROPOSED DENSITY  
EXISTING PLUS PROGRAMMED ROAD NETWORK  
EBBTIDE COMPREHENSIVE PLAN AMENDMENT**

ROADWAY	SEGMENT	# OF LANES	LOS STANDARD	RAW FSUTMS	P.C.S. #	PSWDT/AADT	2030 AADT	K-100 FACTOR <sup>2</sup>	D FACTOR <sup>2</sup>	TOTAL TRAFFIC LOS SERVICE	
										PK DIRECTION	VOLUME <sup>3</sup>
San Carlos Blvd.	N. of Summerlin Rd.	2LN	E	9,011	37	1,170	7,702	0.091	0.53	371	920
	S. of Summerlin Rd.	4LN	E	29,859	8	1,153	25,897	0.060	0.55	855	1,950
	S. of Pine Ridge Rd.	4LN	E	33,893	8	1,153	29,395	0.060	0.55	970	1,950
	N. of Main St.	4LN	E	32,471	8	1,153	28,162	0.060	0.55	929	1,950
	S. of Main St.	2LN	E	18,283	8	1,153	15,857	0.060	0.55	523	920
Estero Blvd.	E. of San Carlos Blvd.	2LN	E	13,333	44	1,090	12,232	0.085	0.54	561	920
	W. of Main St.	2LN	E	7,731	44	1,090	7,093	0.085	0.54	326	920
	E. of Main St.	2LN	E	17,264	44	1,090	15,839	0.085	0.54	727	920
Main St.	E. of San Carlos Blvd.	2LN	E	9,532	8	1,153	8,267	0.060	0.55	273	850
Summerlin Rd.	W. of San Carlos Blvd.	4LN	E	25,499	36	1,277	19,968	0.104	0.53	1,101	1,950
	E. of San Carlos Blvd.	6LN	E	35,487	19	1,277	27,789	0.104	0.53	1,532	3,040
	E. of Pine Ridge Rd.	6LN	E	46,438	19	1,277	36,365	0.104	0.53	2,004	3,040
Pine Ridge Rd.	N. of Summerlin Rd.	2LN	E	2,292	35	1,113	2,059	0.104	0.51	109	850
	S. of Summerlin Rd.	2LN	E	9,357	35	1,113	8,407	0.104	0.51	446	850

<sup>1</sup> Calculated based upon data from the 2006 Lee County Traffic Count Report. The data for PCS #36 was utilized for PCS #19 as Summerlin Road has been under construction for the past two years.

<sup>2</sup> Obtained from the 2006 Lee County Traffic Count Report

<sup>3</sup> Obtained from the Lee County Generalized Service Volumes Table

**RECEIVED**  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051

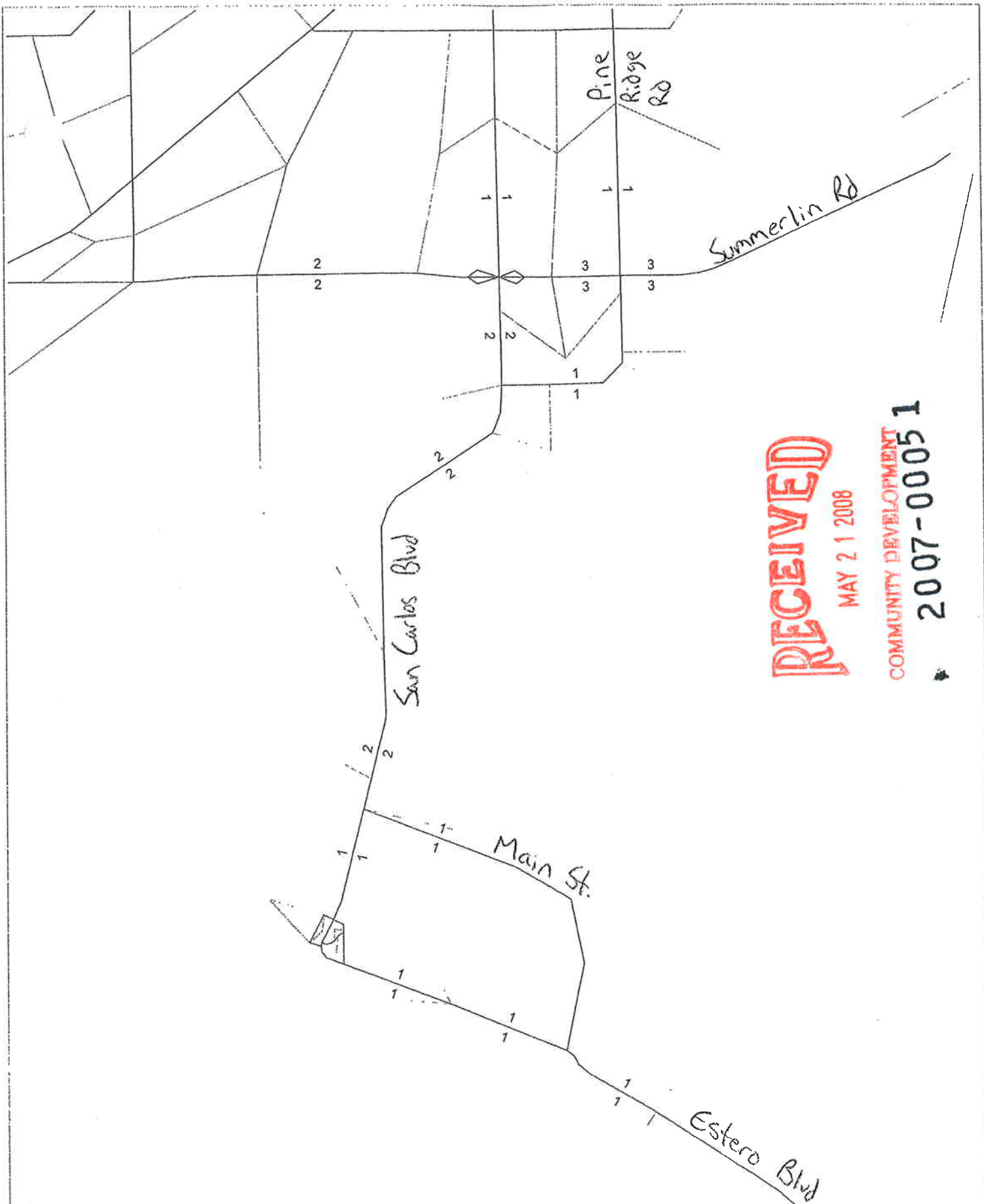
FSUTMS DATA PLOTS BOTH  
WITH/WITHOUT THE PROPOSED  
LAND USE CHANGE

RECEIVED

MAY 21 2008

COMMUNITY DEVELOPMENT

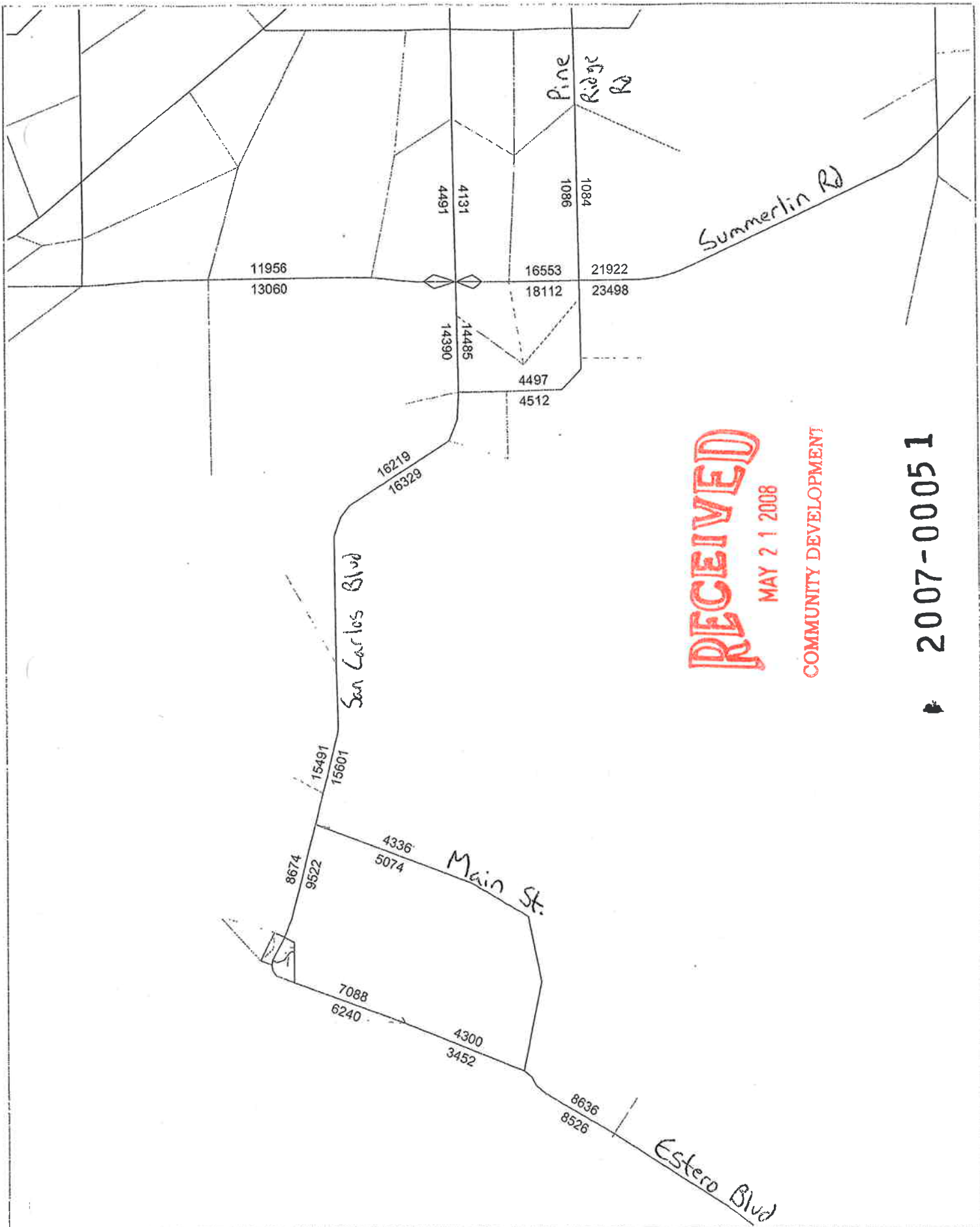
2007-00051



**RECEIVED**  
MAY 21 2008  
COMMUNITY DEVELOPMENT  
2007-00051

2030 Financially Feasible Plan  
Programmed Number of Lanes For Each Roadway Analyzed  
No Modifications



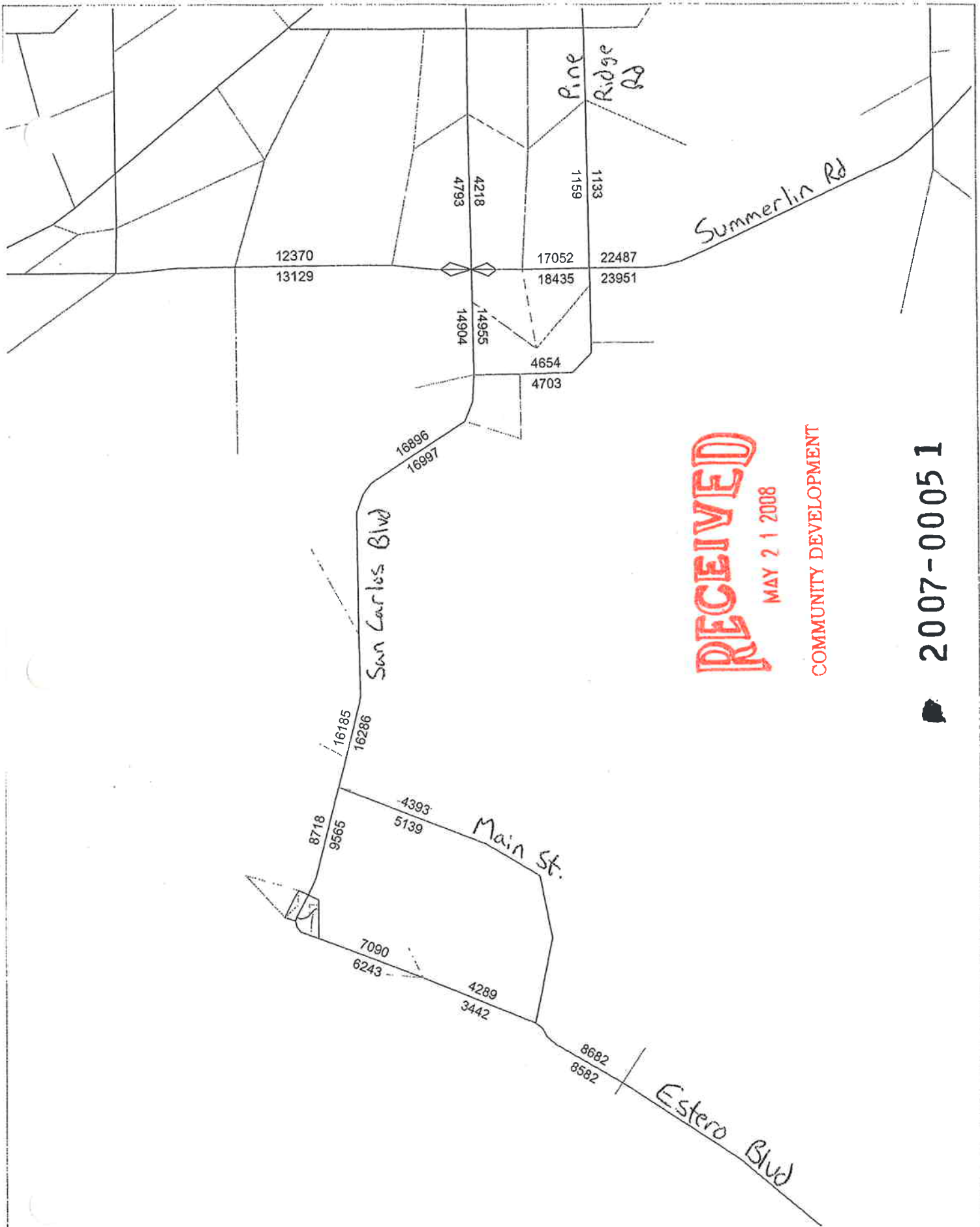


RECEIVED

MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051



**RECEIVED**  
MAY 21 2008  
COMMUNITY DEVELOPMENT

2007-00051

2030 Financially Feasible Plan  
With Proposed Ebbtide Comprehensive Plan Amendment

# ZDATA FILE INFORMATION

**RECEIVED**  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051

# EXISTING 2030 FINANCIALLY FEASIBLE PLAN

## Z-DATA 1 File

TAZ	Single Family Data	Multi-Family Data	Hotel
1 0 1695	81 5 3 132 0 27 73	849 51 34 679 6 74 20	22 99 38

### Population:

TAZ 1695

Single Family: 1.6 persons/unit  
 Multi Family: 0.8 persons/unit  
 Hotel: 1.7 persons/unit

## Z\_DATA 2 file

Indust.	Comm.	Serv.	Tot	School
TAZ	Emp.	Emp.	Emp.	Enr.
1695	86	94	261	441 67 0 0

RECEIVED

MAY 21 2008

COMMUNITY DEVELOPMENT

2007-0005 1

MODIFIED 2030 FINANCIALLY FEASIBLE PLAN  
WITH PROPOSED COMP PLAN CHANGE

Z-DATA 1 File

TAZ	Single Family Data	Multi-Family Data	Hotel
1 0 1695	81 5 3 132 0 27 73	1315 51 34 1052 6 74 20	322 99 547

Population:

TAZ 1695

Single Family: 1.6 persons/unit  
Multi Family: 0.8 persons/unit  
Hotel: 1.7 persons/unit

Z\_DATA 2 file

TAZ	Indust. Emp.	Comm. Serv. Emp.	School Enr.
2 1695	86	94 261	441 67 0 0

RECEIVED  
MAY 21 2008  
COMMUNITY DEVELOPMENT

2007-00051



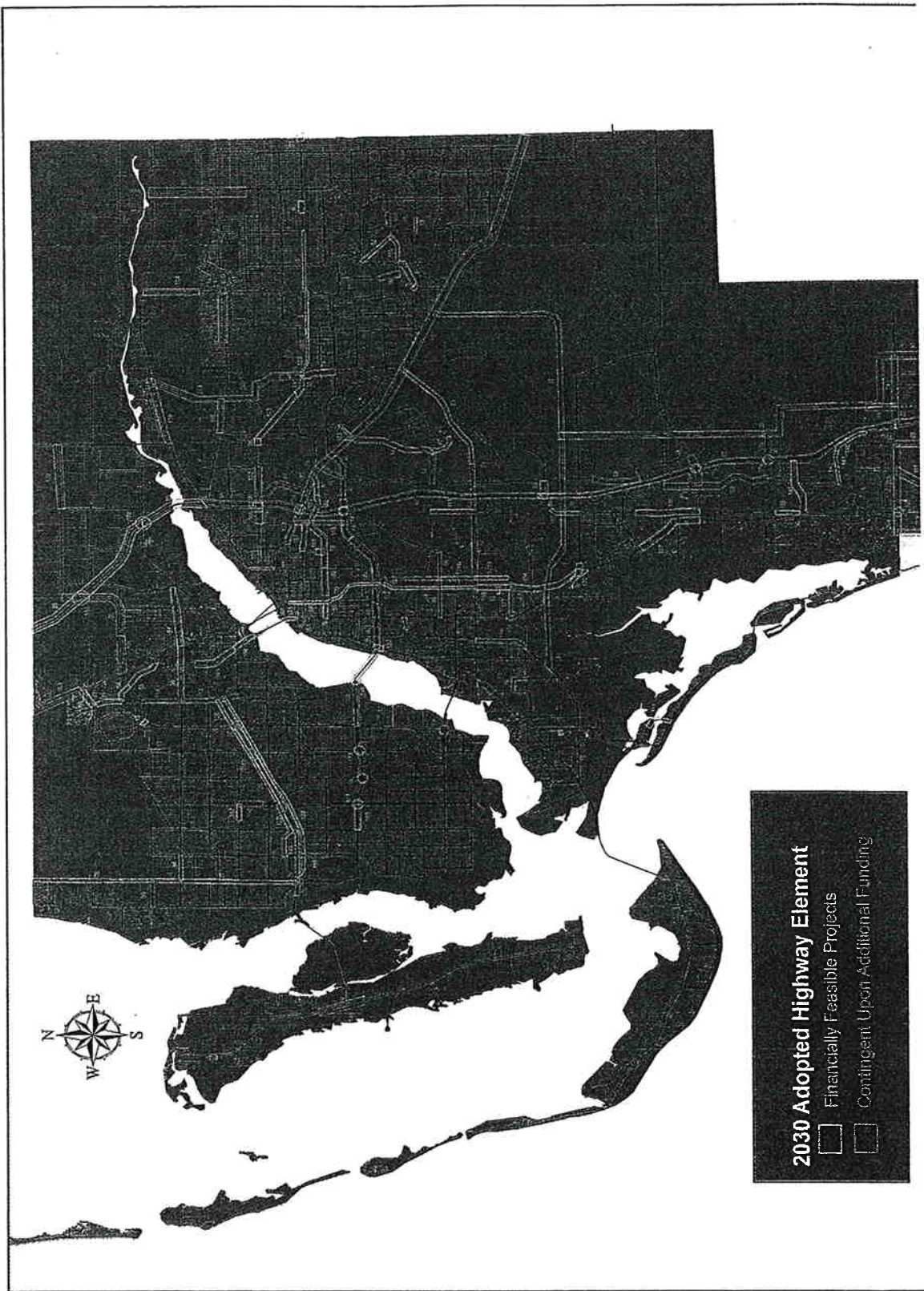
ADOPTED 2030 HIGHWAY  
ELEMENT

RECEIVED

MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051



**RECEIVED**  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051

# LEE COUNTY GENERALIZED LEVEL OF SERVICE THRESHOLDS

**RECEIVED**

MAY 21 2008

COMMUNITY DEVELOPMENT

2007-0005 1

**Lee County**  
**Generalized Peak Hour Directional Service Volumes**  
**Urbanized Areas**

Sept., 2005

c:\input2

Uninterrupted Flow Highway						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	100	360	710	1,000	1,270
2	Divided	1,060	1,720	2,480	3,210	3,650
3	Divided	1,590	2,580	3,720	4,820	5,480

Arterials						
Class I (>0.00 to 1.99 signalized intersections per mile)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	290	760	900	920
2	Divided	450	1,630	1,900	1,950	1,950
3	Divided	670	2,490	2,850	2,920	2,920
4	Divided	890	3,220	3,610	3,700	3,700

Class II (>2.00 to 4.50 signalized intersections per mile)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	210	660	850	900
2	Divided	*	490	1,460	1,790	1,890
3	Divided	*	760	2,240	2,700	2,830
4	Divided	*	1,000	2,970	3,500	3,670

Class III (more than 4.50 signalized intersections per mile)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	370	720	850
2	Divided	*	*	870	1,640	1,790
3	Divided	*	*	1,340	2,510	2,690
4	Divided	*	*	1,770	3,270	3,480

Controlled Access Facilities						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	120	740	930	960	960
2	Divided	270	1,620	1,970	2,030	2,030
3	Divided	410	2,490	2,960	3,040	3,040

Collectors						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	530	800	850
1	Divided	*	*	560	840	900
2	Undivided	*	*	1,180	1,620	1,720
2	Divided	*	*	1,240	1,710	1,800

Note: the service volumes for I-75 (freeway) should be from FDOT's most current version of LOS Handbook.

RECEIVED

MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051

LEE COUNTY PEAK SEASON DATA  
FROM THE 2006 LEE COUNTY  
TRAFFIC COUNT REPORT

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051



# PERMANENT COUNT STATION 8 SAN CARLOS BLVD (SR 865) S OF PRESCOTT ST

2006 AADT = 32600  
K100 Factor - 0.06

Monthly ADT as a % of Annual ADT

January	111%
February	114%
March	117%
April	115%
May	99%
June	93%
July	95%
August	87%
September	84%
October	94%
November	101%
December	90%

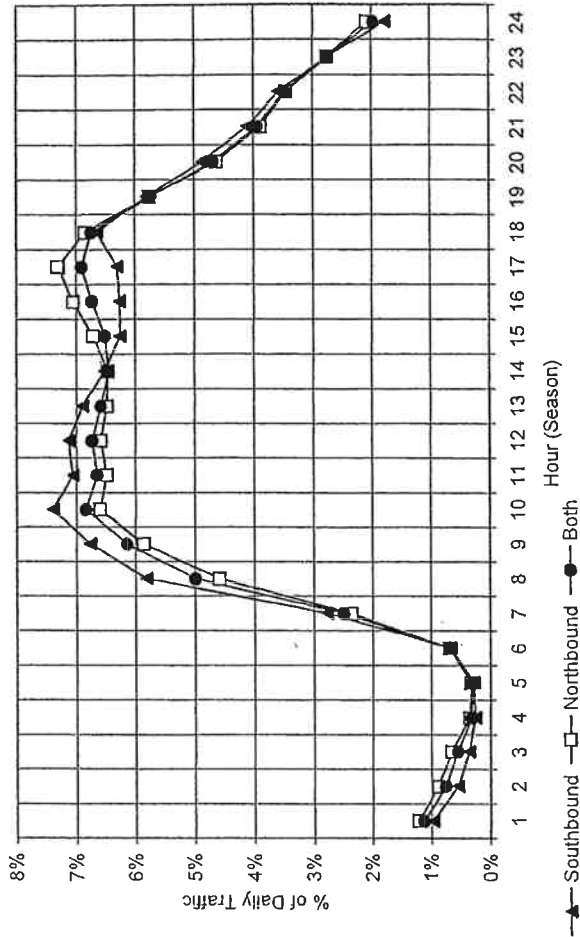
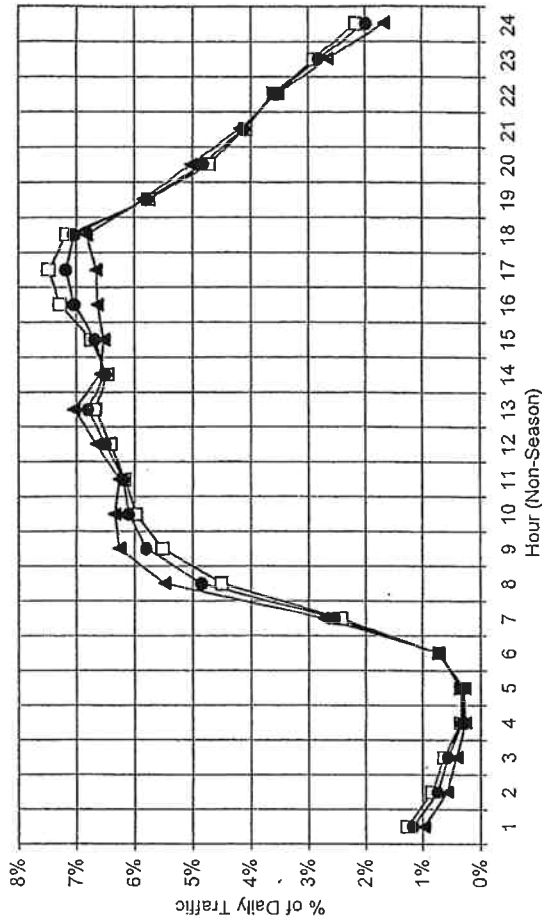
Day of Week as a % of Annual ADT

Monday	97%
Tuesday	98%
Wednesday	98%
Thursday	100%
Friday	109%
Saturday	104%
Sunday	94%

Weekday Peak Flow Characteristics

Season	Non-Season	Season
Peak Flow between 7 a.m. and 9 a.m.	5.3%	5.6%
1) as a % of weekday traffic	54%	55%
2) directional Split (peak direction)	Southbound	Southbound
Peak Flow between 4 p.m. and 6 p.m.	7.1%	6.8%
1) as a % of weekday traffic	52%	52%
2) directional Split (peak direction)	Northbound	Northbound

## PERMANENT COUNT STATION 8 SAN CARLOS BLVD (SR 865) S OF PRESCOTT ST



RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-0005 1

PERMANENT COUNT STATION 35  
SUMMERLIN RD (CR 869) S OF PARK MEADOWS

2006 AADT = 34300

K100 Factor - 0.104

Monthly ADT as a % of Annual ADT

January	109%
February	113%
March	112%
April	102%
May	98%
June	95%
July	85%
August	92%
September	96%
October	95%
November	98%
December	106%

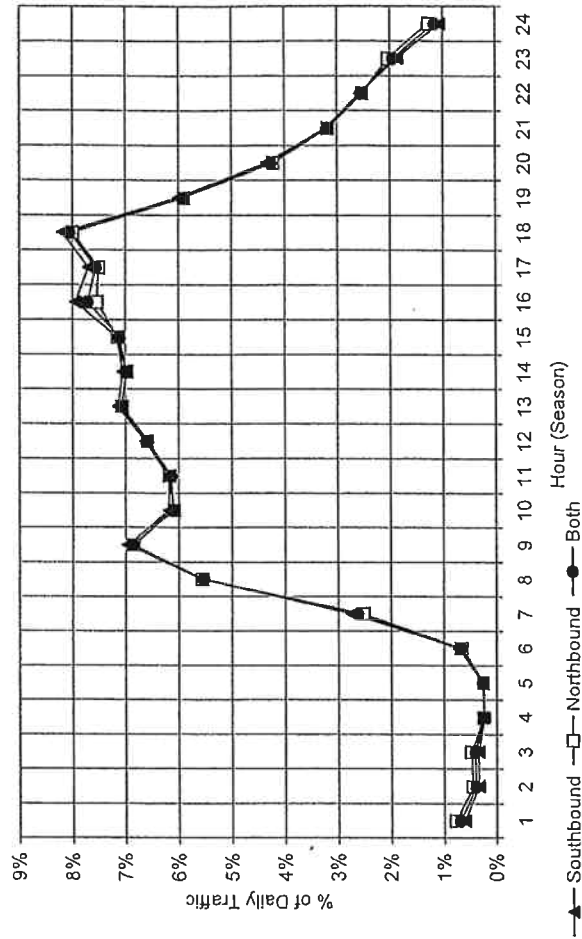
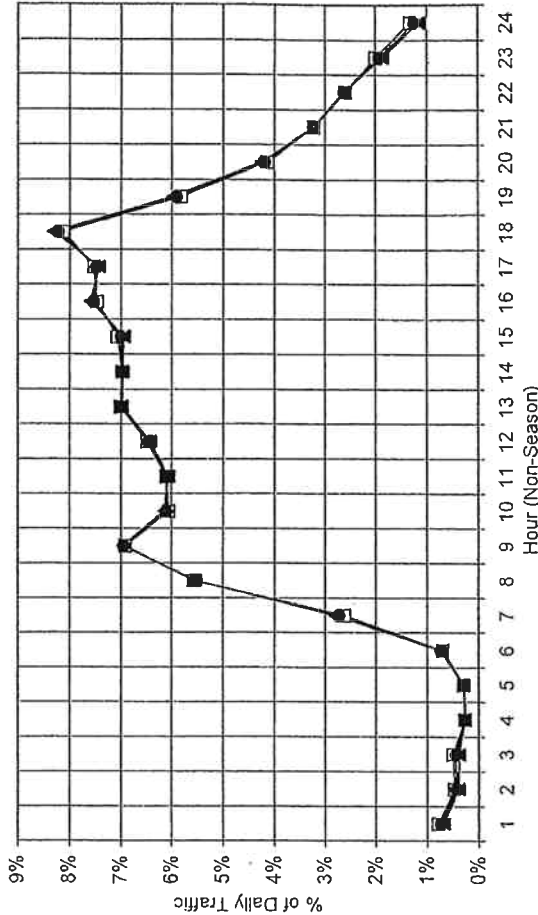
Day of Week as a % of Annual ADT

Monday	109%
Tuesday	114%
Wednesday	115%
Thursday	116%
Friday	115%
Saturday	76%
Sunday	57%

Weekday Peak Flow Characteristics

Season	Non-Season	Season
Peak Flow between 7 a.m. and 9 a.m.	6.2%	6.2%
1) as a % of weekday traffic	50%	50%
2) directional Split (peak direction)	Southbound	Southbound
Peak Flow between 4 p.m. and 6 p.m.	7.8%	7.8%
1) as a % of weekday traffic	50%	51%
2) directional Split (peak direction)	Southbound	Southbound

PERMANENT COUNT STATION 35  
SUMMERLIN RD (CR 869) S OF PARK MEADOWS



# PERMANENT COUNT STATION 36 SUMMERLIN RD (CR 869) E OF JOHN MORRIS RD

2006 AADT = 17300

K100 Factor - 0.104

Monthly ADT as a % of Annual ADT

January	119%
February	130%
March	134%
April	117%
May	96%
June	90%
July	88%
August	79%
September	75%
October	83%
November	100%
December	106%

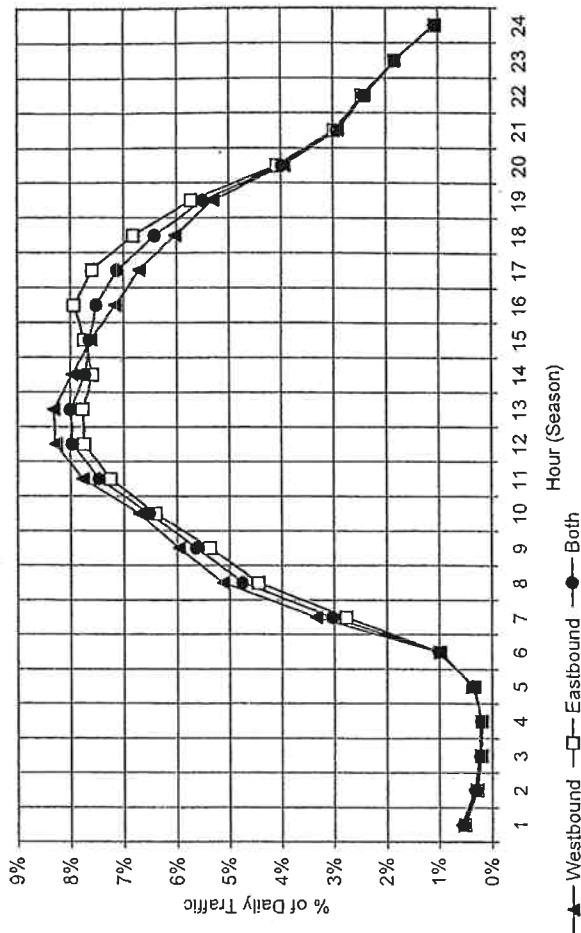
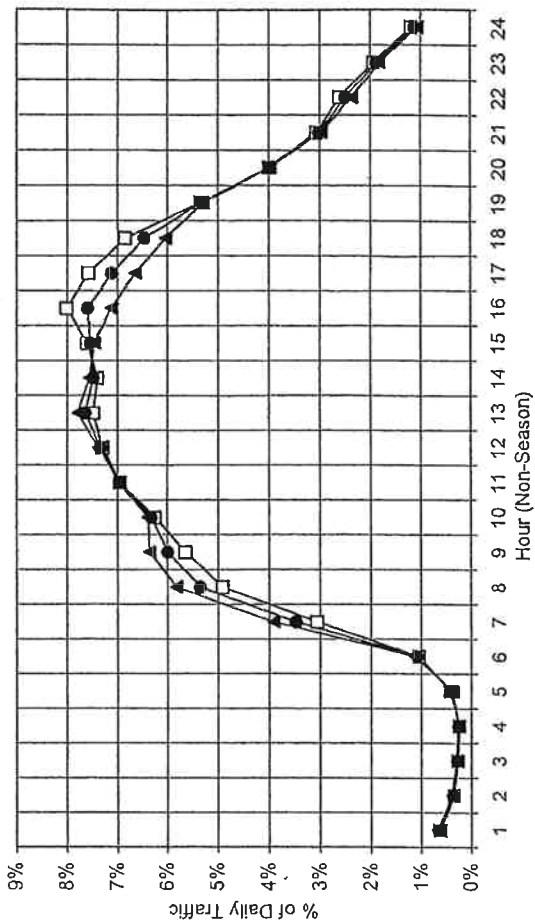
Day of Week as a % of Annual ADT

Monday	99%
Tuesday	101%
Wednesday	104%
Thursday	103%
Friday	111%
Saturday	101%
Sunday	81%

Weekday Peak Flow Characteristics

Peak Flow between 7 a.m. and 9 a.m. 1) as a % of weekday traffic 2) directional Split (peak direction)	Non-Season	Season
Peak Flow between 4 p.m. and 6 p.m. 1) as a % of weekday traffic 2) directional Split (peak direction)	5.7% 54% Westbound	5.2% 53% Westbound
	6.8% 53% Eastbound	6.8% 53% Eastbound

# PERMANENT COUNT STATION 36 SUMMERLIN RD (CR 869) E OF JOHN MORRIS RD



RECEIVED  
MAY 21 2008  
COMMUNITY DEVELOPMENT

2007-00051



# PERMANENT COUNT STATION 37 MCGREGOR BLVD (SR 867) S OF PINE RIDGE RD

2006 AADT = 29900

K100 Factor - 0.091

Monthly ADT as a % of Annual ADT

January	104%
February	115%
March	125%
April	111%
May	97%
June	92%
July	86%
August	87%
September	86%
October	95%
November	104%
December	97%

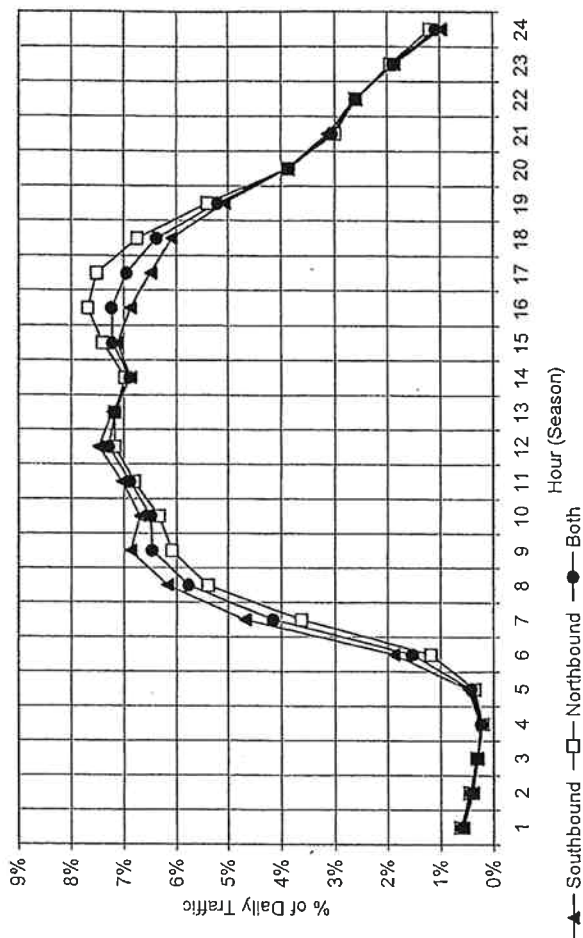
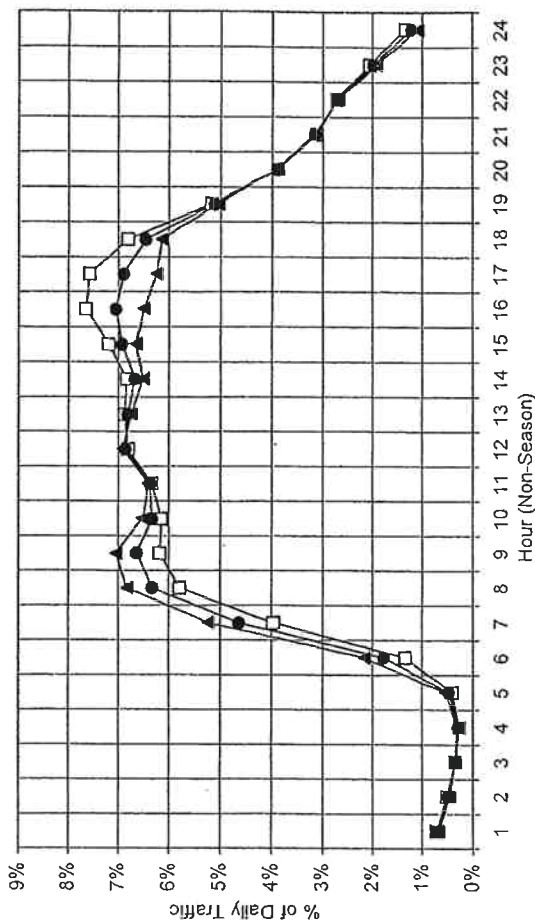
Day of Week as a % of Annual ADT

Monday	101%
Tuesday	105%
Wednesday	106%
Thursday	107%
Friday	112%
Saturday	94%
Sunday	76%

Weekday Peak Flow Characteristics

Peak Flow between 7 a.m. and 9 a.m.	Non-Season	Season
1) as a % of weekday traffic	6.5%	6.1%
2) directional Split (peak direction)	54%	53%
	Southbound	Southbound
Peak Flow between 4 p.m. and 6 p.m.		
1) as a % of weekday traffic	6.7%	6.7%
2) directional Split (peak direction)	54%	53%
	Northbound	Northbound

# PERMANENT COUNT STATION 37 MCGREGOR BLVD (SR 867) S OF PINE RIDGE RD



COMMUNITY DEVELOPMENT  
MAY 21 2008

2007-00051

PERMANENT COUNT STATION 44  
ESTERO BV N OF DONORA BV

2006 AADT = 15300  
K100 Factor = 0.085

Monthly ADT as a % of Annual ADT

January	110%
February	110%
March	107%
April	110%
May	100%
June	95%
July	97%
August	87%
September	83%
October	95%
November	105%
December	102%

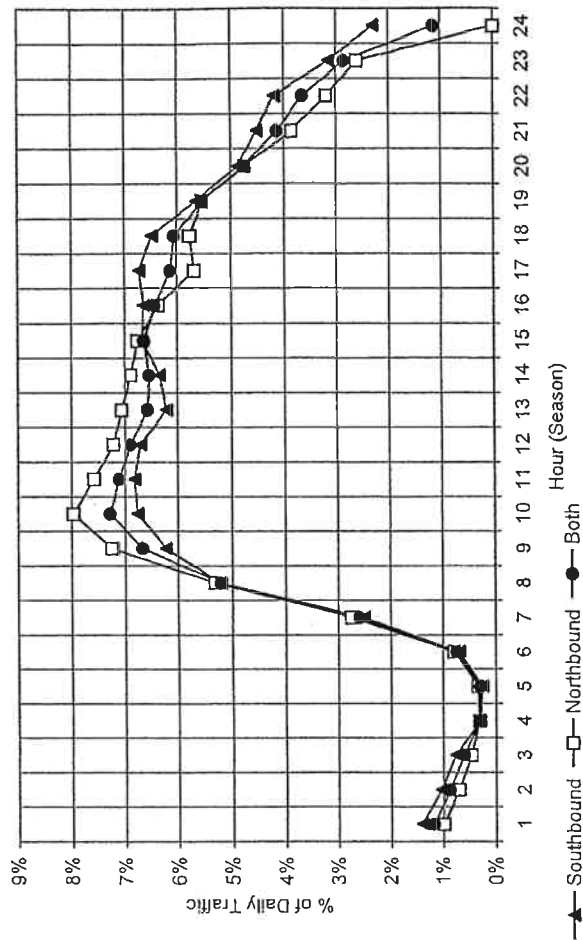
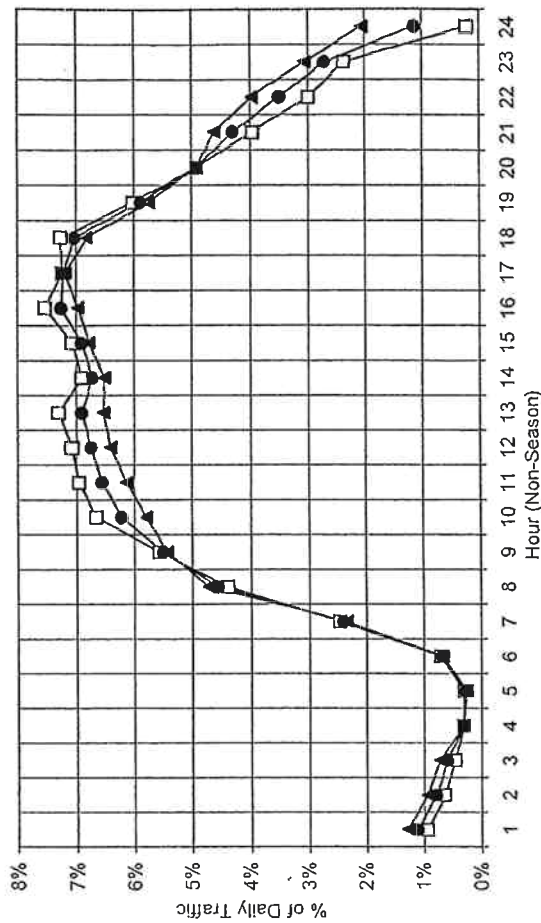
Day of Week as a % of Annual ADT

Monday	100%
Tuesday	100%
Wednesday	101%
Thursday	102%
Friday	108%
Saturday	100%
Sunday	91%

Weekday Peak Flow Characteristics

Peak Flow between 7 a.m. and 9 a.m.	Non-Season	Season
1) as a % of weekday traffic	5.0%	5.9%
2) directional Split (peak direction)	51%	52%
	Southbound	Northbound
Peak Flow between 4 p.m. and 6 p.m.		
1) as a % of weekday traffic	7.1%	6.1%
2) directional Split (peak direction)	51%	54%
	Northbound	Southbound

PERMANENT COUNT STATION 44  
ESTERO BV N OF DONORA BV



RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-0005 1



# San Carlos Island-Comp Plan Amendment

---

Lee County Application for a Comprehensive Plan Amendment

## Attachment B-2a

### Utilities Analysis (Sanitary Sewer and Portable Water )

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051

## EBBTIDE COMPREHENSIVE PLAN AMENDMENT

**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

### UTILITIES ANALYSIS

Under the current land use designations of the Comprehensive Plan, the subject property can be developed with 134 residential units and 145,000 square feet of industrial uses generating an approximate water and wastewater demand of 40,025 gallons-per-day (GPD). With the proposed amendment, 600 residential units, 100,000 square-feet of commercial retail and a 300 unit hotel will be allowed which increases the demand by 154,975 GPD, for a total demand of 195,000 GPD. The property is located within the Lee County Utilities Franchise Areas for potable water and wastewater service.

Wastewater service will be provided by the Fort Myers Beach plant of Lee County Utilities (LCU) which has a permitted capacity to serve 6.0 million gallons per day (MGD) while operating at 4.1 MGD.

Water service will also be provided by the LCU Green Meadows Water Treatment Plant. The Green Meadows plant currently has a permitted capacity to serve 9.75 MGD. Its maximum day demand from the last 12 months is 9.47 MGD.

Based on current capacities of the treatment plants, there is excess capacity to serve the demand of the proposed development.

**RECEIVED**  
MAY 21 2008  
COMMUNITY DEVELOPMENT

2007-0005 1

# San Carlos Island-Comp Plan Amendment

---

Lee County Application for a Comprehensive Plan Amendment

## Attachment B-2b

### Surface Water/Drainage Basins Analysis

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-0005 1

**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

## **EBBTIDE COMPREHENSIVE PLAN AMENDMENT**

### **DRAINAGE FACILITIES ANALYSIS**

#### Existing Facilities

Most of the upland portions of the subject property are developed with higher intensity development including a higher density mobile home park, a dry boat storage facility, a restaurant, and other commercial/industrial marina support facilities. A significant portion of the property is submerged lands that were created as part of Hurricane Pass when Hurricane Donna made landfall in Lee County. These lands and the mangrove islands associated with it remain under fee simple ownership. There are no dedicated water management facilities that currently exist on the property which allows surface water run-off and pollutants to discharge directly to Matanzas Pass to the south and Hurricane Pass to the north.

#### Proposed Facilities

The proposed development will include a water management system consisting of lakes and dry detention areas that will provide water quality and quantity treatment prior to discharge into Hurricane Pass and Matanzas Pass. The ability to incorporate a modern water management system in place of the uncontrolled surface discharge from the developed areas of the property should allow for the reduction of pollutants discharging directly to the surrounding water bodies.

#### Level of Service

The proposed project will provide water quality for 2.5" of rainfall in a one hour storm event, attenuation for the 25 year, 3 day storm event, and flood protection from the 100 year storm event. All proposed works will follow the current South Florida Water Management Requirements as a minimum. These include meeting the 5 year year, 1 day event for the road centerlines and parking, the 25 year, 3 day event for allowable discharge control, and the 100 year, 3 day and FEMA flood zones for finished floor elevations.

**RECEIVED**  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051

# San Carlos Island-Comp Plan Amendment

---

Lee County Application for a Comprehensive Plan Amendment

## Attachment B-2c

### Parks, Recreation, and Open Space Analysis

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051



**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

**FACILITIES ANALYSIS**

The following analysis, demonstrates how the proposed Ebbtide development land use category will support the additional public facilities to service the property.

**Parks**

Level of Service and generation rates for park and recreational facilities are adopted as part of the Lee County Comprehensive Plan in the Capital Improvements Element. The level of service for Parks is established in Policy 95.1.3.5 as follows:

*(a) Regional Parks 6 acres of developed regional park land open for public use per 1000 total seasonal county population.*

*(b) Community Parks 0.8 acres of developed standard community parks open for public use per 1000 permanent population, unincorporated county only.*

In establishing a facility needs analysis for park and recreation lands, the most recent available demographic data is still the 2000 US Census. According to the census data we can assume an average permanent population of 77%. This is very conservative number based on similar developments with much higher seasonal populations. It is envisioned that the Ebbtide development property will be marketed substantially toward a seasonal and second home buyer population. However, to be very conservative we are using a county wide average. According to the census data the average household size is 2.31 people per household.

Table 1 below shows the park generation created by the proposed development:

<b>Park Type</b>	<b>Generation Rate</b>	<b>Population</b>	<b>Park Acreage</b>
Regional Park	6 acres/1,000 people total	1,076	6.5
Community Park	.8 acres/1,000 people permanent	829	0.7

In addition to park area, the Lee County Land Development Code specifies general open space and preserve guidelines for development. The requirement in the LDC is generally 40% open space for residential developments and 30% for commercial. The Ebbtide development will need to meet those guidelines as well, generating significant open space area.

The Ebbtide development will need to pay impact fees, which will pay the proportionate amount of money to off set any impacts that are created for new parks in Lee County. In addition to impact fees, the Ebbtide amendment will maintain a significant public waterfront access opportunity for both the new residents added by this development as well as existing Lee County residents. With the existing marina and other waterfront amenities, the park amenities that will be provided for well exceed the impacts of this Lee Plan amendment.

**RECEIVED**  
MAY 21 2008

**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

***Exhibit IV.B.2  
Parks, Recreation and Open Space  
Level of Service Standards***

**Background**

***Policy 95.1.3*** of The Lee Plan states the minimum acceptable level-of-service standards that will be the basis for planning the provision of required public facilities within Lee County. Some of the standards will be the basis for determining the adequacy of public facilities for the purpose of permitting new development. The "Minimum Acceptable Level of Service" will be the basis for facility design, for setting impact fees, and the operation of the Concurrency Management System (where applicable).

***"Regulatory"*** standards are those that are identified by state law as being essential to support development which includes parks and recreation facilities.

***Community Parks*** "Regulatory" level-of-service standards are **0.8 acres** of developed standard community parks open for public use per 1,000 permanent population, unincorporated county only.

**Section IV.B.2.: Comprehensive Plan Amendment Support Documentation**

***Current and Projected LOS***

The subject property is located in *District 44- South Fort Myers Community Park Impact Fee Benefit District*.

The regulatory level-of-service was met in 2006 according to the Lee County 2007 Concurrency Report, and the level-of-service policy standards identified in The Lee Plan and will continue to be met through 2010.

There are currently twelve existing parks within the South Fort Myers Community Park Benefit District that consist of 154 total acres.

With a total existing Community Park District inventory of 154 acres provided, the "Regulatory" standard (86.5 acres in 2006) was met in 2006 and will continue to be met through the year 2010 as projected.

**RECEIVED**  
JAN 21 2008

2007-00051

The proposed increase in density will have slight impacts on the level of service required. At an assumed 2.09 Persons Per Household (PPH), the additional 116 units will create a demand of 1.45 acres of community park space at the minimum regulatory level-of-service. The proposed amendment meets the regulatory level-of-service in this district.

*Improvements/Expansions*

The WA-KE Hatchee Park is currently being developed that will consist of an additional 44 acres adjacent to the existing one acre WA-KEE Hatchee Recreation Center.

*Anticipated revisions to the Community Facilities and Service Elements*

There are no anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element.

RECEIVED

MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051

# San Carlos Island-Comp Plan Amendment

---

Lee County Application for a Comprehensive Plan Amendment

**Attachment B-3a**

**Fire Protection Letter**

**RECEIVED**  
MAY 21 2008

COMMUNITY DEVELOPMENT

**2007-00051**

**BOARD OF COMMISSIONERS**

John Scanlon - Chairman

Theodore A. (Ted) Reckwerdt -  
Vice-Chairman

Betty Goodacre - Sec./Treas.

Carol Morris - Fire Commissioner

Joseph Schmid - Fire Commissioner

**FIRE CHIEF**

Mike Becker

**Fort Myers Beach Fire Control District**

100 Voorhis Street • Fort Myers Beach, Florida 33931

Mailing Address: PO Box 2880 • Fort Myers Beach, Florida 33932

September 11, 2007

Mr. Joseph M. McHarris  
McHarris Planning and Design  
11338 Bonita Beach Rd. Suite 103  
Bonita Springs, FL 33135

Re: San Carlos Island-Letter of Availability

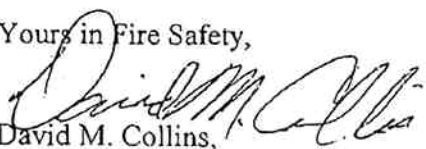
Dear Mr. McHarris:

I am writing this letter to inform you that the Ft. Myers Beach Fire Control District has adequate Fire and EMS. Services to cover your proposed project.

May I suggest that consideration be given to fully sprinkle all buildings considered in this project.

If I can be of further assistance to you please feel free to contact me at 239-463-6163 ext. 226

Yours in Fire Safety,

  
David M. Collins,  
Fire Marshall.**RECEIVED**  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051

*"Providing Tomorrows Quality Service Today"*

Phone (239) 463-6163 • FAX (239) 463-6761



# San Carlos Island-Comp Plan Amendment

---

Lee County Application for a Comprehensive Plan Amendment

## Attachment B-3b

### Emergency Medical Service Letter

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051

**BOARD OF COMMISSIONERS**

John Scanlon - Chairman

Theodore A. (Ted) Reckwerdt -  
Vice-Chairman

Betty Goodacre - Sec./Treas.

Carol Morris - Fire Commissioner

Joseph Schmid - Fire Commissioner

**FIRE CHIEF**

Mike Becker

**Fort Myers Beach Fire Control District**

100 Voorhis Street • Fort Myers Beach, Florida 33931

Mailing Address: PO Box 2880 • Fort Myers Beach, Florida 33932

September 11, 2007

Mr. Joseph M. McHarris  
McHarris Planning and Design  
11338 Bonita Beach Rd. Suite 103  
Bonita Springs, Fl. 33135

Re: San Carlos Island-Letter of Availability

Dear Mr. McHarris:

I am writing this letter to inform you that the Ft. Myers Beach Fire Control District has adequate Fire and EMS. Services to cover your proposed project.

May I suggest that consideration be given to fully sprinkle all buildings considered in this project.

If I can be of further assistance to you please feel free to contact me at 239-463-6163 ext. 226

Yours in Fire Safety,

  
David M. Collins,  
Fire Marshall.**RECEIVED**  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051

*"Providing Tomorrows Quality Service Today"*

Phone (239) 463-6163 • FAX (239) 463-6761

# Old San Carlos Island-Comp Plan Amendment

---

Lee County Application for a Comprehensive Plan Amendment

Attachment B-3c

Law Enforcement Letter

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051



*11338 Bonita Beach Road, Suite 3  
Bonita Spring, Fl 34135  
239-948-6688*

September 4, 2007

Mr. Kevin Farrell.  
Planning and Research  
Lee County Sheriff's Office  
14750 Six Mile Cypress Parkway  
Fort Myers, Fl 33912-4406

Re: San Carlos Island-Letter of Availability  
Parcel Strap No.: See attached List and location map  
Property Address: See attached List and Location map

Dear Mr. Farrell:

We are seeking an amendment to the Lee County Comprehensive Plan for a (+/-) 32 acres of upland and 44 acres of submerged lands located at San Carlos Island. The amendment is intended to clean up existing and the future land uses that are out dated due to the decline in the commercial fishing and shrimping industry that are almost non existent today. Another aspect of the amendment is to help facilitate the rezoning of two antiquated RV parks with a mixed use master concept plan that respects the islands history while improving its future. If approved, there will be a maximum increase above the existing uses of 329 residents, a resort type hotel with 300 rooms and an additional 78,000 square feet of commercial support space.

As part of this approval process, Lee County Requires a letter form your agency indicating that there will be adequate facilities to serve the increase in demand. Attached for you reference, please find the project location map.

At your earliest convenience, please forward a letter to our office verifying that the increase in demand will be served adequately. We thank you in advance for you attention to this item and if you have any questions or require additional information, please contact our office.

With regards

Joseph M. McHarris

**RECEIVED**  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051

**Mike Scott**  
**Office of the Sheriff**



**State of Florida**  
**County of Lee**

October 31, 2007

Joseph McHarris  
McHarris Planning and Design  
11338 Bonita Beach Rd  
Suite 103  
Bonita Springs, FL 33135

**Reference to Project: San Carlos Island Comprehensive Plan**

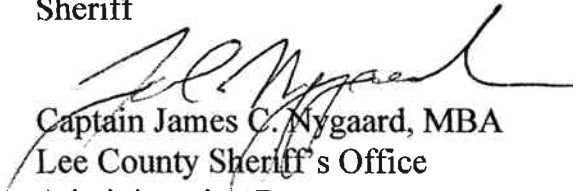
Dear Mr. McHarris

The Lee Plan amendment identified by you as San Carlos (Island) Comp Plan would not affect the Lee County Sheriff's Office ability to provide core services at this time.

When you make application for a Development Order for this property, please provide the Lee County Sheriff's Office with set of plans and uses for each building in this project. A Crime Prevention Through Environmental Design (CPTED) survey and report will be done at that time with recommendations to you and the county staff.

Please contact Kevin Farrell, Coordinator of the Crime Prevention Unit at 477-2821 with copies of your plans.

Mike Scott  
Sheriff

  
Captain James C. Nygaard, MBA  
Lee County Sheriff's Office  
Administration Bureau  
14750 Six Mile Cypress Pkwy  
Fort Myers, FL 33912  
239-477-1424 (Office)

**RECEIVED**  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051





# Old San Carlos Island-Comp Plan Amendment

---

Lee County Application for a Comprehensive Plan Amendment

Attachment B-3d

Solid Waste letter

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-0005 1

**DELISI FITZGERALD, INC.**

*Planning - Engineering - Project Management*

September 14, 2007

Mr. Keith Howard  
Deputy Director of Solid Waste  
Lee County  
10500 Buckingham Road  
Fort Myers, FL 33905

Via FAX: 461-5871

Re: Ebttide  
Letter of Availability  
Parcel Strap No: See attached list  
Property Address: See attached list

Dear Mr. Howard:

We are seeking an amendment to the Lee County Comprehensive Plan for a +/- 70 acre site at the above mentioned location. If approved, there will be a maximum increase of 466 residential dwelling units, plus 98,000 square feet of commercial floor area and a 300 unit hotel. As part of the approval process, Lee County requires a letter from your agency indicating that there will be adequate facilities to serve the increase in demand. Attached for reference, please find the project location map and strap number/property address attachment.

At your earliest convenience, please forward a letter to our office verifying that the increase in demand will be served adequately. If you have any questions or require additional information, please contact our office.

Sincerely,

DeLisi Fitzgerald, Inc.

  
Andrew Fitzgerald, P.E.  
President

Project No.: 21079

**RECEIVED**  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051

### **Ebbtide Strap Numbers and Address Attachment**

<b>Strap Number</b>	<b>Property Address</b>
19-46-24-00-00022.0010	2500 Main Street, Fort Myers Beach, FL 33931
19-46-24-00-00023.0020	2500 Main Street, Fort Myers Beach, FL 33931
19-46-24-00-00022.0000	2500 Main Street, Fort Myers Beach, FL 33931
19-46-24-00-00021.001A	2200 Main Street, Fort Myers Beach, FL 33931
19-46-24-00-00021.0070	1711 Main Street, Fort Myers Beach, FL 33931
19-46-24-00-00021.0040	1711 Main Street, Fort Myers Beach, FL 33931
19-46-24-00-00021.0020	1711 Main Street, Fort Myers Beach, FL 33931
19-46-24-00-00021.0000	1711 Main Street, Fort Myers Beach, FL 33931
19-46-24-00-00021.0010	2500 Main Street, Fort Myers Beach, FL 33931
19-46-24-00-00021.000A	2500 Main Street, Fort Myers Beach, FL 33931
19-46-24-00-00021.0030	1711 Main Street, Fort Myers Beach, FL 33931
19-46-24-00-00021.0050	1711 Main Street, Fort Myers Beach, FL 33931

**RECEIVED**  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051

# San Carlos Island-Comp Plan Amendment

---

Lee County Application for a Comprehensive Plan Amendment

Attachment B-3e

Mass Transit Letter

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051



**LEE COUNTY**  
SOUTHWEST FLORIDA  
BOARD OF COUNTY COMMISSIONERS

Bob Janes  
District One

A. Brian Bigelow  
District Two

Ray Judah  
District Three

Tammy Hall  
District Four

Frank Mann  
District Five

Donald D. Stilwell  
County Manager

David M. Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

September 13, 2007

Mr. Joseph M. McHarris  
McHarris Planning and Design  
11338 Bonita Beach Rd  
Suite 3  
Bonita Springs, FL 34135

**Re: Service Availability Request for San Carlos Island**

Mr. Brawley:

Lee County Transit received your letter dated September 4, 2007 in reference to the Comprehensive Plan Land Use Map Amendment Application for the parcels related to the subject site on San Carlos Island. San Carlos Boulevard is an established transit corridor and Lee County currently provides public transportation services through this corridor which is approximately one-half of a mile from the subject site. We consider all of the parcels related to this Comprehensive Plan Amendment Application to be within our existing service area. Our long range planning activities maintain this transit corridor and document the need for additional, enhanced services on the route providing service to this area. We anticipate the current capacity on this route to be sufficient to meet the needs of the proposed land use and zoning changes you wish to change.

If you have any questions please contact me at (239) 533-0333 or you can send an e-mail to [mhorsting@leegov.com](mailto:mhorsting@leegov.com).

Sincerely,

Michael Horsting, AICP  
Principal Planner  
Lee County Transit

**RECEIVED**

MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051



# San Carlos Island-Comp Plan Amendment

---

Lee County Application for a Comprehensive Plan Amendment

## Attachment B-3f

### Schools Letter

*Letter and correspondence has been initiated. No formal letter of response as of the submission date*

RECEIVED

MAY 21 2008

COMMUNITY DEVELOPMENT

.. 2007-00051



*11338 Bonita Beach Road, Suite 3  
Bonita Spring, FL 34135  
239-948-6688*

September 4, 2007

Ms. Susan Teston  
Long Range Planner  
Lee County School Board  
Planning Department  
2055 Central Avenue  
Fort Myers, FL 33901

Re: San Carlos Island-Letter of Availability  
Parcel Strap No.: See attached List and location map  
Property Address: See attached List and Location map

Dear Susan,

We are seeking an amendment to the Lee County Comprehensive Plan for a (+/-) 32 acres of upland and 44 acres of submerged lands located at San Carlos Island. The amendment is intended to clean up existing and the future land uses that are out dated due to the decline in the commercial fishing and shrimping industry that are almost non existent today. Another aspect of the amendment is to help facilitate the rezoning of two antiquated RV parks with a mixed use master concept plan that respects the islands history while improving its future. If approved, there will be a maximum increase above the existing uses of 329 residents, a resort type hotel with 300 rooms and an additional 78,000 square feet of commercial support space.

As part of this approval process, Lee County Requires a letter form your agency indicating that there will be adequate facilities to serve the increase in demand. Attached for you reference, please find the project location map.

At your earliest convenience, please forward a letter to our office verifying that the increase in demand will be served adequately. If you have any questions or require additional information, please contact our office.

With regards

Joseph M. McHarris

RECEIVED  
MAY 21 2008  
COMMUNITY DEVELOPMENT  
2007-00051

# San Carlos Island-Comp Plan Amendment

---

Lee County Application for a Comprehensive Plan Amendment

## Attachment C-1

### FLUCFCS Information and Map

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051





# San Carlos Island-Comp Plan Amendment

---

Lee County Application for a Comprehensive Plan Amendment

## Attachment C-2

### Soils Information and Map

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051





RECEIVED  
MAY 21 2008

**Legend:**

-  EBBTIDE
-  HYDRIC
-  Non-HYDRIC

SOIL UNIT	DESCRIPTION	HYDRIC
23	WULFERT MUCK	YES
28	IMMOKALEE SAND	NO
59	URBAN LAND	NO
69	MATLACHA GRAVELLY FINE SAND	NO
99	OPEN WATER	YES

0 500 1,000 1,500

Feet  
2007-00051

**NOTES:**

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF JANUARY 2005.

ROADWAY NETWORKS AND SOILS WERE ACQUIRED FROM THE FLORIDA GEOGRAPHIC DATA LIBRARY WEBSITE.

SOILS MAP  
EBBTIDE

DRAWN BY	DATE
J.L.	8/31/07
REVIEWED BY	DATE
C.E.	8/31/07
REVISED	DATE



**PASSARELLA & ASSOCIATES**

# San Carlos Island-Comp Plan Amendment

---

Lee County Application for a Comprehensive Plan Amendment

Attachment C-3

Topographic Map

RECEIVED

MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051



Note: Topographic data shown obtained from Lee County GIS database

- Legend
- Spot Elevations
  - Major Roads
  - Subject Property

Hurricane Bay

0.14

San Carlos Blvd

Matanzas Pass

# TOPOGRAPHIC MAP

EBBTIDE



0 0.045 0.09 0.18 Miles

**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

# San Carlos Island-Comp Plan Amendment

---

Lee County Application for a Comprehensive Plan Amendment

## Attachment C-4

### Wetlands Information and Map

RECEIVED

MAY 21 2008

COMMUNITY DEVELOPMENT

2007-0005 1





DRAFT

RECEIVED  
MAY 21 2008

LEGEND:



POTENTIAL SFWMD AND COE  
WETLANDS (7.93 Ac.±)



POTENTIAL SFWMD "OTHER SURFACE  
WATERS" AND COE WATERS  
(38.66 Ac.±)

FLUCFCS CODE	DESCRIPTION	ACREAGE	TOTAL % OF
130	RESIDENTIAL, HIGH DENSITY	19.45 Ac.±	19.0%
180	BOAT DOCKS	4.27 Ac.±	5.6%
184	MARINA	11.91 Ac.±	15.7%
422	BRAZILIAN PEPPER	0.04 Ac.±	0.1%
540	BAYS AND ESTUARIES	34.39 Ac.±	45.2%
6129 E1	MANGROVES, DISTURBED (0-24% EXOTICS)	7.61 Ac.±	10.0%
6129 E3	MANGROVES, DISTURBED (50-75% EXOTICS)	0.32 Ac.±	0.4%
740	DISTURBED LAND	2.55 Ac.±	3.4%
814	ROAD	0.53 Ac.±	0.7%
TOTAL		76.07 Ac.±	100.0%

NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF JANUARY 2005.

PROPERTY BOUNDARY PER DELISI FITZGERALD, INC. DRAWING No.2007 -1114 (2).DWG DATED AUGUST 31, 2007.

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999).

UPLAND/WETLAND LIMITS HAVE NOT BEEN REVIEWED BY ANY REGULATORY AGENCY AND ARE SUBJECT TO CHANGE.

AERIAL WITH FLUCFCS AND WETLANDS MAP  
EBBTIDE

DRAWN BY	DATE
J.I.	8/31/07
REVIEWED BY	DATE
C.E.	8/31/07
REVISED	DATE



PASSARELLA  
& ASSOCIATES INC.

2007-00051



# San Carlos Island-Comp Plan Amendment

---

Lee County Application for a Comprehensive Plan Amendment

Attachment C-5

FLUCFCS Tables

RECEIVED  
MAY 21 2008  
COMMUNITY DEVELOPMENT

2007-0005 1

**EBBTIDE**  
**POTENTIAL FEDERAL, STATE, OR COUNTY PROTECTED SPECIES**  
**BY HABITAT TYPE AND DESIGNATED STATUS**

September 25, 2007

FLUCFCS Code and Description		Potential Protected Species	USFWS Status	FWCC Status	County Status
180	Boat Docks*	Eastern Indigo Snake ( <i>Drymarchon corais couperi</i> )	T	T	P
		Gopher Tortoise ( <i>Gopherus polyphemus</i> )	-	T	P
184	Marina*	Florida Manatee ( <i>Trichechus manatus latirostris</i> )	E	E	-
422	Brazilian Pepper*	Eastern Indigo Snake ( <i>Drymarchon corais couperi</i> )	T	T	P
		Gopher Tortoise ( <i>Gopherus polyphemus</i> )	-	T	P
540	Bays and Estuaries	American Alligator ( <i>Alligator mississippiensis</i> )	T	SSC	P
		Roseate Spoonbill ( <i>Ajaia ajaja</i> )	-	SSC	P
		Limpkin ( <i>Aramus guarauna</i> )	-	SSC	P
		Little Blue Heron ( <i>Egretta caerulea</i> )	-	SSC	P
		Reddish Egret ( <i>Egretta rufescens</i> )	-	SSC	P
		Snowy Egret ( <i>Egretta thula</i> )	-	SSC	P
		Tri-Colored Heron ( <i>Egretta tricolor</i> )	-	SSC	P
		Everglades Mink ( <i>Mustela vison evergladensis</i> )	-	T	P
		Florida Manatee ( <i>Trichechus manatus latirostris</i> )	E	E	-
6129 E1	Mangroves, Disturbed (0-24% Exotics)	Roseate Spoonbill ( <i>Ajaia ajaja</i> )	-	SSC	P
		Little Blue Heron ( <i>Egretta caerulea</i> )	-	SSC	P
		Snowy Egret ( <i>Egretta thula</i> )	-	SSC	P
		Tri-Colored Heron ( <i>Egretta tricolor</i> )	-	SSC	P
		Brown Pelican ( <i>Pelecanus occidentalis</i> )	-	SSC	P
		Reddish Egret ( <i>Egretta rufescens</i> )	-	SSC	P
		Wood Stork ( <i>Mycteria americana</i> )	E	E	P
6129 E3	Mangroves, Disturbed (50-75% Exotics)	Big Cypress Fox Squirrel ( <i>Sciurus niger avicennia</i> )	-	T	P
		Florida Black Bear ( <i>Ursus americanus floridanus</i> )	-	T	P
		American Alligator ( <i>Alligator mississippiensis</i> )	T	SSC	P
		Twisted Air Plant ( <i>Tillandsia flexuosa</i> )	-	-	P
		Prickly-Apple ( <i>Cereus gracillis</i> )	-	-	P
740	Disturbed Land*	Eastern Indigo Snake ( <i>Drymarchon corais couperi</i> )	T	T	P
		Gopher Tortoise ( <i>Gopherus polyphemus</i> )	-	T	P

\*Habitat surveyed for the species noted as a precautionary measure although not required per the LDC.

County-Lee County

USFWS-United States Fish and Wildlife Service

FWCC-Florida Fish and Wildlife Conservation Commission

E-Endangered

P-Protected in Lee County

- Species of special concern

- Threatened

**RECEIVED**  
MAY 21 2008

COMMUNITY DEVELOPMENT  
2007-00051

# San Carlos Island-Comp Plan Amendment

---

Lee County Application for a Comprehensive Plan Amendment

## Attachment D-1

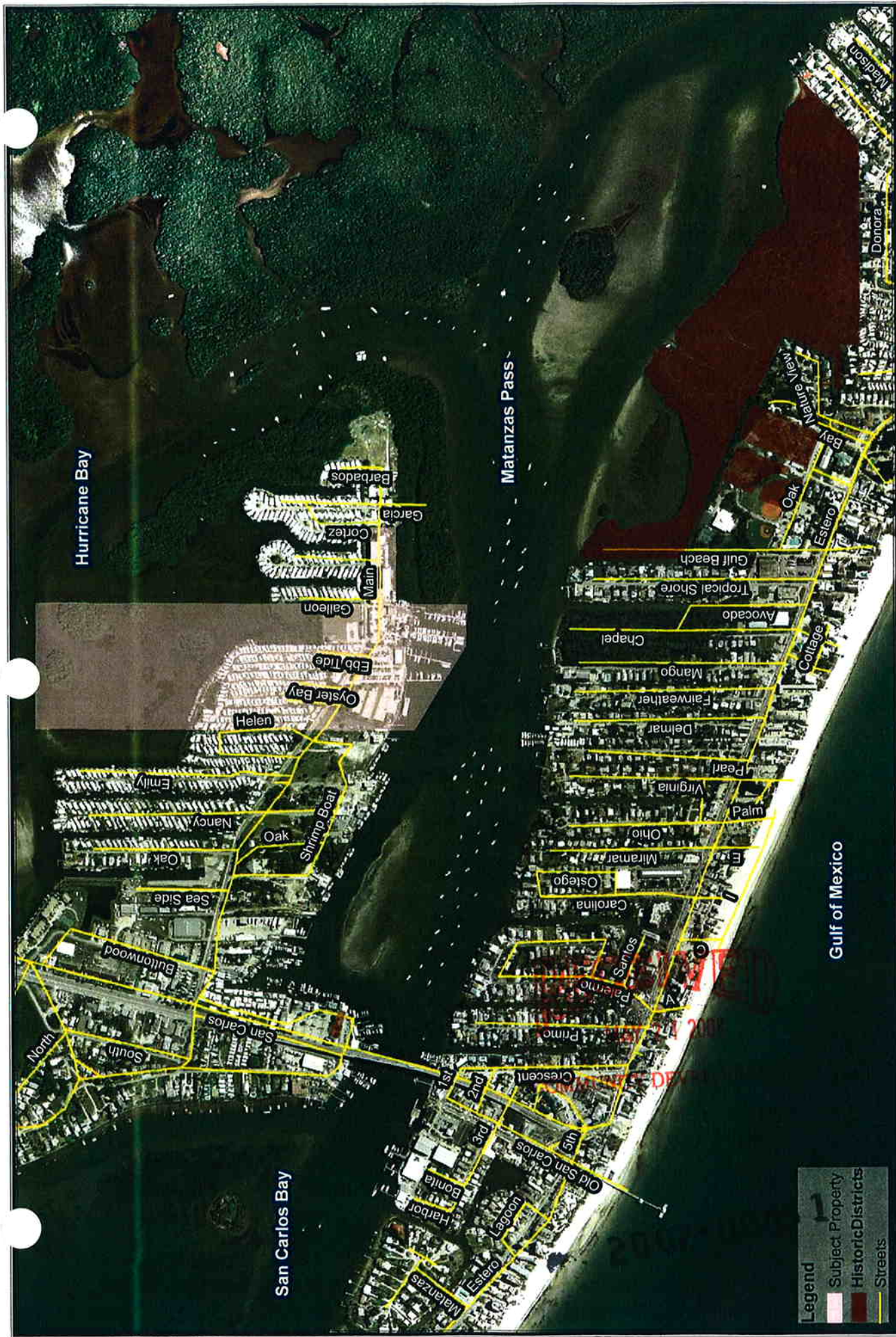
### Impacts on Historic Resources

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

CRA 2007-00051





# HISTORIC DISTRICTS

EBRTIDE



0 0.1 0.2 0.4 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

# San Carlos Island-Comp Plan Amendment

---

Lee County Application for a Comprehensive Plan Amendment

## Attachment D-2

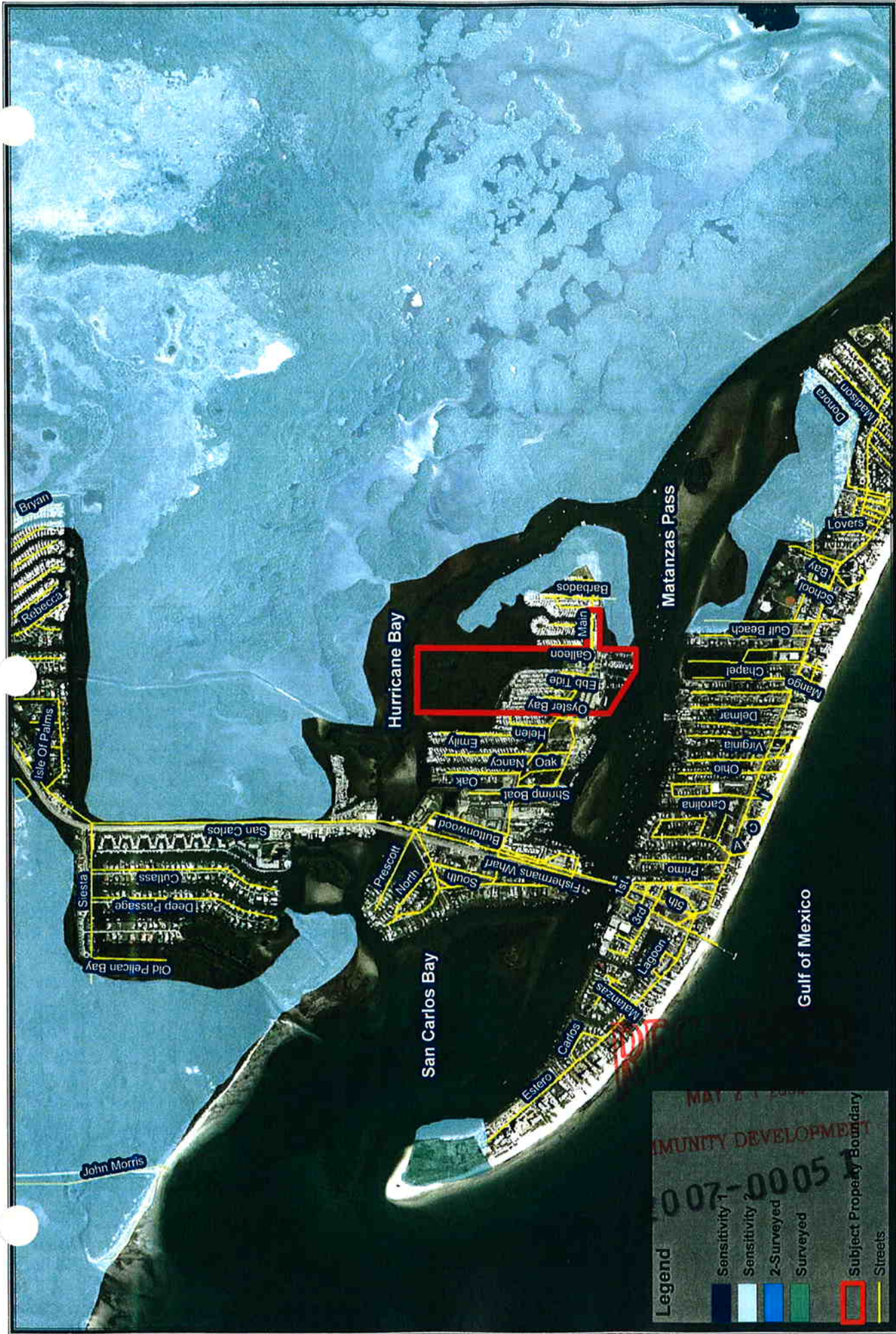
### Archeological Sensitivity Map

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051





# ARCHAEOLOGICAL SENSITIVITY

ERB/TDE

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

1500 Royal Palm Square Blvd., Suite 101  
Fort Myers, FL 33919  
239-418-0691 • 239-418-6692 fax



0 0.1 0.2 0.4 0.6 0.8 Miles

# San Carlos Island-Comp Plan Amendment

---

Lee County Application for a Comprehensive Plan Amendment

## Attachment D-3

### Flood Map

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051



Note: The flood zone information provided is based on FIRM community panel 125124 0429 D dated September 20, 1996

FEMA Flood Zone A12  
Elevation 12' NGVD

- Legend
- Subject Property
  - Major Roads
  - FEMA Flood Zone

Hurricane Bay

Main Street

San Carlos Blvd

Matanzas Pass

RECEIVED  
MAY 21 2008  
COMMUNITY DEVELOPMENT

2007-00051



0 0.045 0.09 0.18 Miles

# FEMA FLOOD ZONE MAP

ERTIDE

**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



# San Carlos Island-Comp Plan Amendment

---

Lee County Application for a Comprehensive Plan Amendment

## Attachment E-1

1. Discuss how the proposal affects established Lee County population projections, Table 1(b) (Planning Community Year 2020 Allocations), and the total population capacity of the Lee Plan Future Land Use Map.

RECEIVED  
MAY 21 2008  
COMMUNITY DEVELOPMENT

CPA 2007-00051

## San Carlos Island-Comp Plan Amendment

This amendment is in line with the established Lee County population projections. The Lee Plan Future Use Map has availability for additional residential units.

### Planning Community of Iona/McGregor

Year	Population
1998	27,621
1999	28,088
2020*	35,287

\* Forecast

Residential Use by Future Land Use Category	Acreage		
	Allocation for Year 2020	Existing	Available
Central Urban (CU)	462	238.85	223.15
Urban Community (UC)	697	532.24	164.76
Suburban (S)	2471	2050.54	420.46
Outlying Suburban (OS)	396	197.21	198.79
Industrial (ID)	7	5.4	1.6
Outer Islands (OI)	1	0	1
<b>Total Residential</b>	<b>4034</b>	<b>3024.24</b>	<b>1009.76</b>

**RECEIVED**  
MAY 21 2008

COMMUNITY DEVELOPMENT

Other Uses	Acreage		
	Allocation for Year 2020	Existing	Available
Commercial	782	512.81	269.19
Industrial	298	12.36	285.64

2007-00051



# Old San Carlos Island-Comp Plan Amendment

Lee County Application for a Comprehensive Plan Amendment

## Attachment E-2

### Internal Consistency with the Lee Plan

2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051

# Old San Carlos Island-Comp Plan Amendment

---

## Summary

After a complete and thorough review of the plan I have summarized the appropriate goals without response to that goal. For a more indebt review, please go the individual comment for each policy and objective that pertains to this amendment.

**GOAL 1: FUTURE LAND USE MAP.** To maintain and enforce a Future Land Use Map showing the proposed distribution, location, and extent of future land uses by type, density, and intensity in order to protect natural and man-made resources, provide essential services in a cost-effective manner, and discourage urban sprawl.

- This amendment is needed to meet the goals as stated above. The current plan is a hodge-podge of uses that do not protect natural resources

**GOAL 2: GROWTH MANAGEMENT.** To provide for an economically feasible plan that coordinates the location and timing of new development with the provision of infrastructure by government agencies, private utilities, and other sources.

- This amendment provides for a compact growth patter while opening up green space and providing access to the water. The project is located in an already developed location with many of the necessary provisions of infrastructure readily available.

**GOAL 3: PRIVATELY FUNDED INFRASTRUCTURE.** To assist in the provision of a full range of privately funded urban infrastructure in specified Future Urban areas which have existing or projected deficits in one or more essential services.

- Any deficiencies in infrastructure would be funded with impact fees or other sources.

**GOAL 4: DEVELOPMENT DESIGN - GENERAL.** To maintain innovative land development regulations which encourage creative site designs and mixed-use development

- This amendment utilizes mixed use-design with a creative site plan that opens up the water front, provides open space, and enhances the water dependent uses to name a few of its benefits.

**GOAL 5: RESIDENTIAL LAND USES.** To provide sufficient land in appropriate locations on the Future Land Use Map to accommodate the projected population of Lee County in the year 2020 in attractive and safe neighborhoods with a variety of price ranges and housing types.

- The north property already has a history of residential type uses; the only difference is that the new amendment would allow more permanent type of structures to replace the existing stock of units and provide additional units on lands that have been zoned differently than the existing pattern has been for this side of the island.

RECEIVED  
MAY 21 2008

2007-0005 1

# Old San Carlos Island-Comp Plan Amendment

---

- These replaced and new units would be built to the latest standards of construction and design aesthetics with a variety of sizes and types.

**GOAL 6: COMMERCIAL LAND USES.** To permit orderly and well-planned commercial development at appropriate locations within the county.

- The south side of the property has been predominantly developed to assist water dependent uses like commercial fishing that where vital to the economy and development of the island. This type of water dependent use is almost nonexistent today. This amendment is looking to the future by replacing past water dependent uses with new water dependent uses that are relative to not only the islands economy but also the county's economic development.

**GOAL 7: INDUSTRIAL LAND USES.** To promote opportunities for well-planned industrial development at suitable locations within the county.

- It is the opinion of this amendment that industrial zoned land at this location is not well planned and suitable for this location because of conflicts with the existing population and the fragile nature of the islands eco-system. This zoning was intended to preserve commercial fishing for the island. With the decline in this industry the need for this zoning is confusing if not dangerous to the island. The island will be better served with uses that promote the water and its access.

**GOAL 8: MARINE-ORIENTED LAND USES.** To designate prime locations for marine-oriented land uses and protect them from incompatible or pre-emptive land uses.

- This amendment is design to locate marine oriented land uses to the waterfront.

## **GOAL 11: WATER, SEWER, TRAFFIC, AND ENVIRONMENTAL**

This amendment seeks to enhance the environment that has been neglected because of outdated planning. This project is located in an area with a high level of infrastructure that can support the project and will redevelop utilizing the newest and best practices In planning and design

**GOAL 12: SAN CARLOS ISLAND.** All development approvals on San Carlos Island must be consistent with following objective and policy in addition to other provisions of this plan.

- 

**GOAL 39: DEVELOPMENT REGULATIONS.** Maintain clear, concise, and enforceable development regulations that fully address on-site and off-site development impacts and protect and preserve public transportation facilities.

- This amendment will not only adhere to the counties Development regulations, but has proposed more stringent regulation to ensure a high quality, aesthetically pleasing project that will be used as a bench mark for the future of the island.



# Old San Carlos Island-Comp Plan Amendment

---

**GOAL 40: SAFETY, ENERGY-EFFICIENCY, ACQUISITION, PRESERVATION, AND PROTECTION MEASURES FOR A MULTIMODAL TRANSPORTATION SYSTEM.** Establish strategies for safe, convenient, and energy-efficient operation for roads and the development acquisition, preservation, and protection of a multi-modal transportation system that is aesthetically-pleasing and furthers the efficient movement of commerce.

- This amendment is a major key to goal 40 because it provides a terminal for water transportation. It is being design to accommodate water taxis to and from Fort Myers beach, it will rent bikes, accommodate Lee Tran and will interconnect roads, bike path and pedestrian walks into Lee counties exiting systems, making this project a truly multimodal hub.

**GOAL 41: COMMUNITY AND ENVIRONMENTAL IMPACTS.** Develop and maintain a transportation system that protects community and neighborhood integrity and that preserves critical environmental habitats and significant aesthetic values.

- This amendment will enhances the transportation system with an aggressive landscape program, it will protect neighborhoods by providing adequate buffers , it will enhance environmental habitats by creating new and protecting existing ones and it will do this all with a master concept plan that coordinates the part with aesthetic values on all levels

**GOAL 42: INTERGOVERNMENTAL COORDINATION.** Cooperate with other governmental entities in the planning, funding, construction, operations and maintenance of transportation improvements within or affecting Lee County.

- This amendment proposes intergovernmental coordination with The town of Fort Myers Beach to work with them on concerns regarding transportation and access

**GOAL 43: MASS TRANSIT SERVICE.** Provide public transit service to residents and visitors (especially the transportation-disadvantaged population) in and between the concentrated population centers of Lee County, and ensure that this service is integrated with other modes of transportation.

- This amendment has a Mass transit component that not only links the project to population and employment centers but integrates it with other modes of transportation.

**GOAL 45: MARINE NAVIGATION MANAGEMENT.** Develop and implement a comprehensive marine access program.

- 

**GOAL 46: COORDINATED SYSTEM OF RAILWAYS, AVIATION, PORTS, AND ROADS.** Develop and maintain a coordinated system of railways, aviation, Transportation III-17 December 2004 ports, roads, and related facilities to facilitate the safe and efficient movement of commerce, consistent with community values and economic objectives.

# Old San Carlos Island-Comp Plan Amendment

---

- This amendment maintains and enhances the efficient movement of people and commerce by preserving the access and coordination of services that are and can be available to the water front at this location. Examples of this are the large docks available and the Key West express terminal.

**GOAL 53: POTABLE WATER INFRASTRUCTURE.** To ensure the public health, welfare, and safety by the provision of high-quality central potable water service throughout the future urban areas of unincorporated Lee County, and to ensure that the costs of providing facilities for the supply of potable water are borne by those who benefit from them.

- Development of this property is located in an area with adequate supply and an existing infrastructure.

**GOAL 54: CONSERVATION.** To ensure that future populations have access to potable water supplies and services at a reasonable price by using and encouraging conservation and resource management measures to reduce consumption of potable water

- Water conservation and other conservation techniques will be developed as part of green and smart growth designs

**GOAL 57: RESOURCE MANAGEMENT.** To further the public health and protect environmental quality by using and encouraging conservation and resource management measures to reduce consumption of potable water and subsequent generation of wastewater.

- Conservation techniques will be developed as part of green and smart growth designs

**GOAL 59: PROTECTION OF LIFE AND PROPERTY.** To reduce the hazards to life, health, and property created by flooding due to rainfall in a manner consistent with the community's criteria for the preservation of environmental values and the conservation of natural resources.

- This amendment reduces the protection of life and property by replacing 271 below flood and below current building standard with new up to date facilities while opening up green space and protecting natural resources.

**GOAL 60: COORDINATED SURFACE WATER MANAGEMENT AND LAND USE PLANNING ON A WATERSHED BASIS.** To protect or improve the quality of receiving waters and surrounding natural areas and the functions of natural groundwater aquifer recharge areas while also providing flood protection for existing and future development.

- This amendment will replace the almost non-existent water management system with a state of the art water management system that creates natural features and protects and enhances existing wetlands.

**GOAL 61: PROTECTION OF WATER RESOURCES.** To protect the county's water resources through the application of innovative and sound methods of surface water management and by ensuring that the



## Old San Carlos Island-Comp Plan Amendment

---

public and private construction, operation, and maintenance of surface water management systems are consistent with the need to protect receiving waters. Community Facilities and Services IV-14 December 2004

- This amendment will replace the almost non-existent water management system with a state of the art water management system that creates natural features and protects and enhances existing wetlands.

**GOAL 62: SOLID WASTE.** To ensure the health, safety, and general welfare of the citizens of Lee County by protecting the quality of the environment through the proper management and disposal of solid waste.

- Up to date recycling will be part of the project to ensure proper disposal of waste.

**GOAL 65: FIRE PROTECTION.** To assist fire districts in providing appropriate levels of high-quality cost-effective fire prevention and suppression services throughout the unincorporated county.

- This project will utilize state of the art fire suppression systems though-out the property in accordance with NFPA

**GOAL 68: POLLUTION CONTROL.** To ensure a safe and healthful environment for all Lee County residents.

- The project will utilize state of the art pollution control to protect both air and water quality to ensure a safe and healthful environment.

**GOAL 70: ENERGY CONSERVATION.** Lee County will promote the protection and preservation of the county's limited energy resources.

•

**GOAL 76: DISTRIBUTION OF FACILITIES.** To provide, maintain and preserve a diverse park, recreational, and open space system which provides equitable access and distribution to all residents of unincorporated Lee County regardless of interest, age, sex, income, race, handicap, or location of residency within unincorporated Lee County.

•

**GOAL 77: DEVELOPMENT DESIGN REQUIREMENTS.** To require new development to provide adequate open space for improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation. (Amended by Ordinance No. 94-30, 02-02) Parks, Recreation and Open Space V-1 December 2004

- The existing uses (except for the new) on the property for the most part is an example of what not to do because in its current state it has no aesthetic appeal, no environmental quality, did not preserve any plants or habitats, and provides almost no open space. The amendment is

# Old San Carlos Island-Comp Plan Amendment

---

design to create a master plan for the property which will create an environment of quality, preservation while being aesthetically pleasing in its appearance and its impact on the environment.

**GOAL 78: LANDSCAPE/WAYSIDE PARKS.** To improve the aesthetics of the community by providing Landscape/Wayside Parks where feasible and appropriate. Parks, Recreation and Open Space V-2 December 2004

- It is the intent of this project to create landscaped areas in and around the site and along its roads and paths.

**GOAL 79: BOAT RAMPS.** To provide a share of the boat ramps needed to allow county residents and visitors inexpensive access to public waterways.

- This project will allow residents and visitors inexpensive access to public waterways through water taxi services, the marina to name a few.

**GOAL 82: MAINTAINED WATER ACCESSES.** To improve access to public beaches and other bodies of water.

- This amendment provides improved public access to the beach by providing an alternative to driving over the bridge to look for a parking space to go to the beach. Our alternative is to park in a shaded parking garage and take the water taxis to the beach.
- We also will be providing many water associated activities that will improve ones access to many different water bodies and experiences.

**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.

- As part of the amendment we plan to provide a community learning facility that will provide information on the history of the island, indigenous habitats of the area. This facility will also be the jumping of place for eco friendly tours of the back bay, and other interesting and educational activities that are design to provide our residents and guests with a greater understanding of the unique environment and heritage the area has to offer.

**GOAL 101: PLANNING, COORDINATION AND IMPLEMENTATION.** To protect the public from the effects of natural and technological hazards through county emergency plans and programs.

- This amendment reduces the protection of life and property by replacing 271 below flood and below current building standard with new up to date facilities . It is also replacing the industrial uses for more appropriate uses at this location thus protecting by being proactive.



# Old San Carlos Island-Comp Plan Amendment

---

**GOAL 103: HAZARDOUS MATERIALS.** To protect the public and the environment from accidental contact with hazardous materials.

- It is also replacing the industrial uses designated for the property with more appropriate uses at protecting the area and public by being proactive in protecting an area that is surrounded by water.

**GOAL 104: COASTAL RESOURCE PROTECTION.** To protect the natural resources of the coastal planning area from damage caused by inappropriate development.

- This amendment is by its design, intended to protect, enhance and educate residents and visitors about the uniqueness of this coastal area and its natural resources through proper planning that is site specific.

**GOAL 105: PROTECTION OF LIFE AND PROPERTY IN COASTAL HIGH HAZARD AREAS.** To protect human life and developed property from natural disasters. (See also Goal 110.)

- This amendment reduces the protection of life and property by replacing 271 below flood and below current building standard with new up to date facilities that have been design to resist natural disasters in an effort to protect human life and property.

**GOAL 106: LIMITATION OF PUBLIC EXPENDITURES IN COASTAL HIGH HAZARD AREAS.** To restrict public expenditures in areas particularly subject to repeated destruction by hurricanes, except to maintain required service levels, to protect existing residents, and to provide for recreation and open space uses.

- While this property is located in a coastal high hazard area, it is the intent of this amendment to sustain existing levels of service while replacing existing and future uses with facilities that protect the resident population while providing for recreational and open space opportunities that are somewhat non existent today with the existing development.

**GOAL 107: RESOURCE PROTECTION.** To manage the county's wetland and upland ecosystems so as to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics.

- The future land use map has identified on its map a large area of wetlands on this property. This amendment will enhance this area while using it to teach about the needs and benefits of such habits.

**GOAL 108: ESTUARINE WATER QUALITY.** To manage estuarine ecosystems so as to maintain or improve water quality and wildlife diversity; to reduce or maintain current pollution loading and system imbalances in order to conserve estuarine productivity; and to provide the best use of estuarine areas. (Amended by Ordinance No. 94-30)

## Old San Carlos Island-Comp Plan Amendment

---

- The area as exist today does not have a comprehensive water management system and is therefore not helping the estuarine water quality for the area. The new amendment will provide state of the art systems to ensure water quality and the reduction of pollution in the systems. The marina will utilize best practice in its day to day operations also to to protect water quality.
- 

**GOAL 109: EVACUATION AND SHELTER.** To provide evacuation and shelter capabilities adequate to safeguard the public against the effects of hurricanes and tropical storms.

**GOAL 110: HAZARD MITIGATION.** To provide through county plans, programs, and regulations means to minimize future property losses from natural disasters such as flooding, tropical storms and hurricanes.

- This amendment can be seen as a mitigation device to prevent future property loses from natural disaster by replacing sub standard facilities with new hurricane and flood resistant buildings

**GOAL 111: POST-DISASTER REDEVELOPMENT.** To provide for planning and decision-making to guide redevelopment during the response and recovery period following major emergencies, such as tropical storms and hurricanes.

- If the community is redeveloped it will not need a Post-Disaster Redevelopment plan as this amendment would prevent such a disaster from happening at this location. I

**GOAL 112: INTERGOVERNMENTAL COORDINATION.** To protect natural resource systems that cross governmental boundaries through intergovernmental coordination.

- This amendment has a component to provide coordination with the town of Fort Myers beach to work on this and other issues.

**GOAL 113: COASTAL PLANNING AREAS.** To conserve, maintain, and enhance the natural balance of ecological functions in the coastal planning area, with particular emphasis on the protection of beach and dune systems so as to retain their contribution to storm protection, natural resources, and economic development.

- While we don not have beaches or dune systems, one of our major goals is to enhance the natural balance of the ecology of the area, while promoting economic development for the area.

**GOAL 114: WETLANDS.** To maintain and enforce a regulatory program for development in wetlands that is cost-effective, complements federal and state permitting processes, and protects the fragile ecological characteristics of wetland systems.

- Existing Wetlands will not be developed as part of this amendment but will be enhanced and preserved as a teaching tool for the community.

**GOAL 115: WATER QUALITY AND WASTEWATER.** To ensure that water quality is maintained or improved for the protection of the environment and people of Lee County.

RECEIVED  
JUL 24 2007

2007-00051



## Old San Carlos Island-Comp Plan Amendment

---

•

**GOAL 117: WATER RESOURCES.** To conserve, manage, and protect the natural hydrologic system of Lee County to insure continued water resource availability.

•

**GOAL 118: AIR QUALITY.** To maintain the best possible air quality, meeting or exceeding state and federal air quality standards.

•

**GOAL 121: FISHERIES MANAGEMENT.** To preserve the ecosystem that nourishes and shelters the commercial and sport fisheries in Lee County.

•

**GOAL 122: COMMERCIAL FISHING.** To maintain, support and expand commercial fishing in the county.

- This amendment is not consistent with the goal stated above due to the fact that the industry is dieing and nothing we do will revive it. This amendment respects the history of the island while looking to its future as a new viable asset to the county.

**GOAL 124: MARINE AND NAVIGATION MANAGEMENT.** To develop and implement a comprehensive marine resources management program.

•

**GOAL 125: WATER ACCESS.** To develop and implement a public water access program.

•

**GOAL 128: SHORELINE MANAGEMENT.** To encourage the maintenance and development of water dependent shoreline uses and to avoid their displacement by non-water-dependent uses.

•

**GOAL 135: MEETING HOUSING NEEDS.** To provide decent, safe, and sanitary housing in suitable neighborhoods at affordable costs to meet the needs of the present and future residents of the county.

•

**GOAL 141: IDENTIFICATION AND EVALUATION.** To provide for the identification and evaluation of the historic resources of Lee County.

•

**GOAL 144: EDUCATION AND PUBLIC PARTICIPATION.** To provide for the public awareness and involvement in all aspects of historic preservation in Lee County.



# Old San Carlos Island-Comp Plan Amendment

---

## In-depth Internal consistency review

### Chapter I

#### I. Lee County - A Vision for 2020

All units of local government in the State of Florida are required to adopt comprehensive plans pursuant to Chapter 163 of the Florida Statutes. These plans essentially serve three broad purposes. First of all, certain day-to-day public and private activities within each jurisdiction must be consistent with the goals, objectives, and policies in the adopted plan. Second, the plan is a source of authority for the local government's land development regulations and for a wide range of official discretionary actions, including, but not limited to, the capital improvement program. Finally, the plan represents the community's vision of what it will or should look like by the end of the planning horizon. This last function was emphasized in the 1993 ELMS III Bill, which encouraged local governments to use their plans to develop and implement a vision for the future.

The Lee Plan is designed to depict Lee County as it will appear in the year 2020. Given the projected increase in population (to 602,000 permanent and 764,171 seasonal residents) and the probable rate of technological change between the present date and 2020, it is impossible to describe the future face of the county with any degree of certainty or precision. However, the following list of themes will be of great importance as Lee County approaches the planning horizon:

- The growth patterns of the county will continue to be dictated by a Future Land Use map that will not change dramatically during the time frame of this plan. With the exception of Cape Coral and Lehigh Acres, the county's urban areas will be essentially built out by 2020 (pending, in some cases, redevelopment). The county will attempt to maintain the clear distinction between urban and rural areas that characterizes this plan. Its success will depend on two things: the continuing viability of agricultural uses and the amount of publicly-owned land in outlying areas.
- The county will protect its natural resource base in order to maintain a high quality of life for its residents and visitors. This will be accomplished through an aggressive public land acquisition program and by maintaining and enforcing cost-effective land use and environmental regulations that supplement, where necessary, federal, state, and regional regulatory programs.
- The county's traditional economic base will be diversified in order to increase the percentage of high-paying jobs, reduce tax burdens on residents, and enhance the stability of the community. Traditional industries, such as agriculture, commercial fishing, tourism, and construction, will continue to play a significant role in the county's economy, but will become less important in relation to new business opportunities afforded by the expanded international airport and the new university.



RECEIVED

MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051



## Old San Carlos Island-Comp Plan Amendment

---

- Cultural, educational and recreational opportunities will expand dramatically as the result of the county's increased urbanization.
- Increased urbanization will require a commensurate investment in the county's physical and social infrastructure. Public facilities will be maintained at adequate levels of service, partly by the construction of new facilities and partly by the use of new methods to conserve the capacity of existing facilities. Social problems, including, but not limited to, crime and illegal drug use, will be addressed primarily by early intervention and programs designed to eliminate their root causes.
- The Lee Plan's land use accommodation is based on an aggregation of allocations for 22 Planning Communities. These communities have been designed to capture the unique character of each of Vision Statement I-1 December 2005 these areas of the county. Within each community, smaller neighborhood communities may exist; however, due to their geographic size, a planning community could not be created based on its boundaries. These communities and their anticipated evolutions are as follows:

**Response:** This amendment will continue to support the vision with traditional industries that have been established in an area that is perfect for redevelopment to replace two dying industries. This amendment will create employment opportunities and enhance the stability of the community.

12. Iona/McGregor - This Community is located primarily south of Gladiolus Drive west of Hendry Creek and contains all of the islands not included in the Town of Fort Myers Beach. This community primarily has lands designated as Central Urban, Urban Community, Suburban, and Outlying Suburban. There is also an industrial area located west of Pine Ridge road north and Vision Statement I-6 December 2005 south of Summerlin Road. This community, due to its proximity to the area beaches, will continue to be a popular area for seasonal residents. This community has three discernible subareas: McGregor Boulevard/San Carlos Boulevard, Summerlin Road, and San Carlos Island. The McGregor Blvd./San Carlos Blvd area will be approaching build out by 2020 and some of the older (pre 1980) developments will begin to redevelop to take advantage of a higher end market seeking a combination of quick beach access and closeness to urban services. This area will remain primarily residential with retail uses located at the major intersections. The Summerlin Road Corridor will develop a new look by 2020 and will emerge as one of the county's primary medical service areas. This portion of the community will also continue to develop as a strong residential area with an influx of new gated communities.

The San Carlos Island area, which is nearly built out today, will continue to develop its infill areas while maintaining its marine oriented nature. Residents of this community will address current planning concerns in a comprehensive review of this area and future amendments to this plan will be made to address these concerns. This area is anticipated to grow from a current permanent population of 24,000 to 32,000 by 2020. The Iona/McGregor area is also expected to be home to an additional 14,000 seasonal residents by 2020.

**Response:** This amendment is consistent with the above statement/vision for the San Carlos Island area, which acknowledges the need for amendments to address current planning concerns. This amendment address the concerns of the current planning deficiencies by allowing development and redevelopment of an area that is and has been blighted by the decline in the shrimp and commercial



# Old San Carlos Island-Comp Plan Amendment

---

fishing industry and the demise of the RV parks due to severe increases in the tax base of the land. This amendment will address future development for the area that the current plan does not allow or never anticipated while maintaining its marine oriented nature.

## Chapter II

### II. Future Land Use

GOAL 1: FUTURE LAND USE MAP. To maintain and enforce a Future Land Use Map showing the proposed distribution, location, and extent of future land uses by type, density, and intensity in order to protect natural and man-made resources, provide essential services in a cost-effective manner, and discourage urban sprawl. (Amended by Ordinance No. 94-30)

**Response:** The goal of this amendment is to protect and enhance an area that developed a long time ago without the benefits of modern planning and a future land use map. This amendment does not promote sprawl and actually corrects the existing sprawl condition that exist on the site by creating open space, water management, and master planning that will enhance the area and revitalize it not just economically but also environmentally.

OBJECTIVE 1.1: FUTURE URBAN AREAS. Designate on the Future Land Use Map (Map 1) categories of varying intensities to provide for a full range of urban activities. These designations are based upon soil conditions, historic and developing growth patterns, and existing or future availability of public facilities and services. (The Future Land Use Map series also contains Map 2 and additional maps located in the appendix. A colored wall-size reproduction of Map 1 is also available.)

**Response:** This amendment is designed to blend existing intensities with appropriate activities based on site conditions.

POLICY 1.1.1: The Future Land Use Map contained in this element is hereby adopted as the pattern for future development and substantial redevelopment within the unincorporated portion of Lee County. Map 16 and Table 1(b) are an integral part of the Future Land Use Map series (see Policies 1.7.6 and 2.2.2). They depict the extent of development through the year 2020. No development orders or extensions to development orders will be issued or approved by Lee County which would allow the Planning Community's acreage totals for residential, commercial or industrial uses established in Table 1(b) to be exceeded (see Policy 1.7.6). The cities of Fort Myers, Cape Coral, and Sanibel are depicted on these maps only to indicate the approximate intensities of development permitted under the comprehensive plans of those cities. Residential are described in the following policies and summarized in Table 1(a). (Amended by Ordinance No. 94-29, 98-09)

**Response:** Our amendment will comply with Policy 1.1.1

POLICY 1.1.2: The Intensive Development areas are located along major arterial roads in Fort Myers, North Fort Myers, and Cape Coral. By virtue of their location, the county's current development

RECEIVED  
MAY 21 2008

2007-00051



## Old San Carlos Island-Comp Plan Amendment

---

neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed.  
(Amended by Ordinance No. 94-30)

**Response:** The land use map currently designates a large portion of the property as Suburban. This is in direct conflict with the description above. For example the property currently has property zoned industrial which is not a permitted uses as noted above. The amendment will correct this.

POLICY 1.1.6: N/A

POLICY 1.1.7: The Industrial Development areas play an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities, investments and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and locations that are convenient for employees to reach. Whereas the other Future Urban Areas will include a broad combination of residential, commercial, public, and limited industrial land uses, the Industrial Development area is to be reserved mainly for industrial activities per se, as well as for selective land use mixtures such as the combined uses of industrial, manufacturing, research, properly buffered recreational uses (except where precluded by airport hazard zone regulations), and office complexes (if specifically related to adjoining industrial uses) that constitute a growing part of Florida's economic development sector. New natural resource extraction (mining) activities and fill dirt operations must be approved through the Industrial Planned Development rezoning process. Retail or wholesale of products manufactured or processed upon the premises may be allowed at a ratio of 1 square foot of commercial uses to 10 square feet of industrial use in association with a Planned Development. Ancillary minor retail commercial uses intended to support the surrounding industrial land uses may not exceed 30,000 square feet per development; and, at buildout, may not exceed more than ten percent (10%) of the total acreage of the lands designated as Industrial Development areas in each community outlined in Map 16. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan. (Amended by Ordinance No. 94-30, 98-09, 99-15, 02-02)

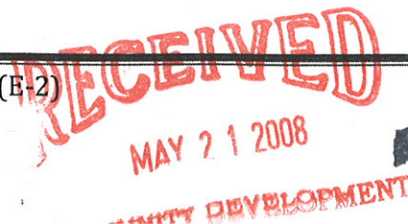
**Response:**

Although the area has Industrial zoning, industrial zoning is not intended to be part of this amendment do to the uniqueness of the site and its environmental sensitivity of the area. Also we believe that it is not the greatest and best for the property.

POLICY 1.1.8:

**Response:** N/A

POLICY 1.1.9: The University Community land use category provides for Florida's 10th University and for associated support development.



## Old San Carlos Island-Comp Plan Amendment

---

**Response:** N/A

OBJECTIVE 1.2: SOUTHWEST FLORIDA INTERNATIONAL AIRPORT AREA.

**Response:** N/A

OBJECTIVE 1.3: INTERSTATE HIGHWAY INTERCHANGE AREAS

**Response:** N/A

OBJECTIVE 1.4: NON-URBAN AREAS. Designate on the Future Land Use Map categories for those areas not anticipated for urban development at this time.

**Response:** N/A

OBJECTIVE 1.5: WETLANDS. Designate on the Future Land Use Map those lands that are identified as Wetlands in accordance with F.S. 373.019(17) through the use of the unified state delineation methodology described in FAC Chapter 17-340, as ratified and amended in F.S. 373.4211. (Amended by Ordinance No. 94-30)

POLICY 1.5.1: Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 114 of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan. (Amended by Ordinance No. 94-30)

POLICY 1.5.2: When the exact location of Wetlands boundaries is in question, Chapter XIII of this plan provides an administrative process, including a field check, to precisely define the boundary. (Amended by Ordinance No. 94-30)

POLICY 1.5.3: Wetlands that are conservation lands will be subject to the provisions of Policy 1.4.6 as well as the provisions of Objective 1.5. The most stringent provisions of either category will apply. Conservation wetlands will be identified on the FLUM to distinguish them from non-conservation wetlands. (Added by Ordinance No. 98-09)

**Response:** This amendment will comply with the wetlands objectives and policies. It will be designed in a way to better achieve conservation of important environmental resources and to initiate area wide surface water management.

OBJECTIVE 1.6: NEW COMMUNITY.

**Response:** Although we are not a "new Community" this amendment will meet many of the requirements such as:

1. The land will be developed under a well-conceived overall master plan;
2. The land can be served with all necessary facilities and services at little or no expense to the county.



## Old San Carlos Island-Comp Plan Amendment

---

3. Population, recreation, open space, educational, office, and research facilities are distributed in an orderly and attractive manner;
4. The land will be developed in such a manner as to protect environmentally sensitive areas;
5. The land will be developed as a free-standing community offering a complete range of land uses
6. Off-site impacts will be mitigated; and,
7. On-site levels of service will meet the county-wide standards contained in this plan.

Future Land Use II-15 December 2005

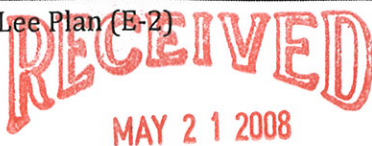
**OBJECTIVE 1.7: SPECIAL TREATMENT AREAS.** Designate on the Future Land Use Map, as overlays, special treatment areas that contain special restrictions or allowances in addition to all of the requirements of their underlying categories.

**POLICY 1.7.5:** The Water-Dependent overlay zone designates shoreline areas where priority will be granted to water-dependent land uses. Specific requirements are detailed for such zones on San Carlos Island under Goal 12, in the Greater Pine Island area under Goal 14, and for other areas in Lee County in the Conservation and Coastal Management Element. (Amended by Ordinance No. 94-30, 00-22) Future Land Use II-16 December 2005

**Response:** This amendment has taken into account the water dependant overlay and enhance it.

**POLICY 1.7.6:** The Planning Communities Map and Acreage Allocation Table (see Map 16 and Table 1(b) and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of generalized land uses for the year 2020. Acreage totals are provided for land in each Planning Community in unincorporated Lee County. No final development orders or extensions to final development orders will be issued or approved by Lee County which would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded. This policy will be implemented as follows:

1. For each Planning Community the County will maintain a parcel based database of existing land use. The database will be periodically updated at least twice every year, in September and March, for each Planning Community.
2. Project reviews for development orders must include a review of the capacity, in acres, that will be consumed by build-out of the development order. No development order, or extension of a development order, will be issued or approved if the project acreage, when added to the acreage contained in the updated existing land use database, exceeds the limitation established by Table 1(b), Acreage Allocation Table regardless of other project approvals in that Planning Community.
3. No later than the regularly-scheduled date for submission of the Lee Plan Evaluation and Appraisal Report, and every five years thereafter, the County must conduct a comprehensive evaluation of Planning Community Map and the Acreage Allocation Table system, including but not limited to, the



2007-00051

## Old San Carlos Island-Comp Plan Amendment

---

appropriateness of land use distribution, problems with administrative implementations, if any, and areas where the Planning Community Map and the Acreage Allocation Table system might be improved. (Amended by Ordinance No. 94-29, 98-09, 0022) POLICY 1.7.7: The Public Acquisition overlay zone designates areas that have been targeted for public acquisition by federal, state, regional, and/or local agencies. This overlay does not restrict the use of the land in and of itself. It will be utilized for informational purposes since this map will represent a composite of public acquisition activities in the county. (Amended by Ordinance No. 91-19, 00-22)

POLICY 1.7.8: **Response:** N/A

POLICY 1.7.9: The Urban Infill and Redevelopment overlay (Map 15) designates areas that have been targeted for economic development, job creation, housing, transportation, crime prevention, neighborhood revitalization and preservation, and land use incentives to encourage urban infill and redevelopment within the urban core, in accordance with F.S. 163.2517. These areas have the opportunity to receive additional funding to implement the planning program through the Urban Infill and Redevelopment Assistance Grant Program through the Florida Department of Community Affairs. (Added by Ordinance No. 02-02)

**Response:** ??????

POLICY 1.7.10:

**Response:** N/A

POLICY 1.7.11: The Airport Mitigation Lands overlay (Map 3M)

**Response:** N/A

OBJECTIVE 1.8: LEHIGH ACRES COMMERCIAL USES

**Response:** N/A

GOAL 2: GROWTH MANAGEMENT. To provide for an economically feasible plan which coordinates the location and timing of new development with the provision of infrastructure by government agencies, private utilities, and other sources.

**Response:** This amendment is in line with providing an economically feasible plan that coordinates development with infrastructure.

OBJECTIVE 2.1: DEVELOPMENT LOCATION. Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where Future Land Use II-19 December 2004 large tracts of land are by-passed in favor of development more distant from services and existing communities. (Amended by Ordinance No. 94-30, 00-22)

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

2007-00051



## Old San Carlos Island-Comp Plan Amendment

---

**Response:** This amendment provides for the redevelopment of an area of decay, does not promote sprawl, and is located in an area with existing services are already provided. This amendment will help protect environmental areas while cleaning up an area that is dense with structures that do not meet existing codes.

POLICY 2.1.1: Most residential, commercial, industrial, and public development is expected to occur within the designated Future Urban Areas on the Future Land Use Map through the assignment of very low densities to the non-urban categories.

**Response:** No Comment

POLICY 2.1.2: New land uses will be permitted only if they are consistent with the Future Land Use Map and the goals, objectives, policies, and standards of this plan. (Amended by Ordinance No. 00-22)

**Response:** This amendment will provide a land use that is consistent with the Future Land Use Map and the goals, objectives, policies and standards of this plan

POLICY 2.1.3: All land use categories and Planning Community Map areas permit the consideration of churches and schools (except in Wetlands and Airport Noise Zones), public uses and buildings, public utilities and resource recovery facilities, public recreational uses (including franchised quasi-commercial uses in conjunction with a public use), and sites for compatible public facilities when consistent with the goals, objectives, policies, and standards in this plan and applicable zoning and development regulations. (Amended by Ordinance No. 94-30, 98-09)

**Response:** This amendment will comply with the policy

POLICY 2.1.4: Any facility licensed under Chapter 10A-5 F.A.C. (e.g. an adult congregate living facility) will be deemed a residential use and limited to locations and densities appropriate for residences. (Amended by Ordinance No. 94-30, 00-22)

**Response:** This amendment will comply with the policy

OBJECTIVE 2.2: DEVELOPMENT TIMING. Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance. (Amended by Ordinance No. 94-30, 00-22)

**Response:** This amendment will comply with the policy

POLICY 2.2.1: Rezoning and development-of-regional-impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with

## Old San Carlos Island-Comp Plan Amendment

---

surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.  
(Amended by Ordinance No. 94-30, 00-22)

**Response: N/A**

POLICY 2.2.2: Map 1 of the Future Land Use Map series indicates the uses and density ranges that will ultimately be permitted on a given parcel. However, it is not a guarantee that such densities or uses are immediately appropriate, as the map provides for the county's growth over the coming 26 years. During the rezoning process the Board of County Commissioners will balance the overall standards and policies of this plan with three additional factors:

1. Whether a given proposal would further burden already overwhelmed existing and committed public facilities such that the approval should be delayed until the facilities can be constructed; and

2. Whether a given proposal is for land so far beyond existing development or adequate public facilities that approval should be delayed in an effort to encourage compact and efficient growth patterns; and  
Future Land Use II-20 December 2004

3. Whether a given proposal would result in unreasonable development expectations which may not be achievable because of acreage limitations contained in the Acreage Allocation Table (see Policy 1.7.6, Map 16 and Table 1(b)). In all cases where rezoning is approved, such approval does not constitute a determination that the minimum acceptable levels of service (see Policy 95.1.3) will be available concurrent with the impacts of the proposed development. Such a determination must be made prior to the issuance of additional development permits, based on conditions which exist at that time, as required by Lee County's concurrency management system. (Amended by Ordinance No. 94-30, 98-09)

**Response: This amendment does not further burden existing facilities, is not beyond existing developments and does not violate acreage allocation table.**

POLICY 2.2.3: When an area within the county is approaching the capacity of the necessary facilities as described above, requested rezoning to increase densities and intensities may be deferred or denied to give preference to existing vacant lots and other valid development approvals, provided that a constitutionally mandated reasonable use of land would still be permitted.

**Response: This amendment will comply with the policy**

OBJECTIVE 2.3: PUBLIC PROVISION OF INFRASTRUCTURE. The Capital Improvements Program will give the highest priority to the planning, programming, and construction of urban services and facilities in the existing developed areas where facilities are inadequate. Next priority will be given to service expansions in existing developed areas, followed by further expansion into other portions of the Future Urban Areas. Sufficient land will be identified and protected for utility facilities that will be necessary to support the proposed level of development. Other infrastructure planning priorities are contained in Policy 38.2.4 and Policy 95.1.1. (Amended by Ordinance No. 9430, 00-22)

**Response: This amendment will comply with the policy**

RECEIVED  
MAY 21 2008



## Old San Carlos Island-Comp Plan Amendment

---

POLICY 2.3.1: Specific level-of-service standards and capital improvement priorities will be detailed in the relevant elements of this plan and carried out through a capital improvements program as described in the Capital Improvements element. (Amended by Ordinance No. 00-22)

**Response:** This amendment will comply with the policy

POLICY 2.3.2: The cost for the provision and expansion of services and facilities that benefit new development will be borne primarily by those who benefit. Such funding may include (but is not limited to) impact fees, special taxing or benefit districts, community development districts, dedication of land and facilities, in-lieu-of fees, and capital construction, operation, and maintenance funds. (Amended by Ordinance No. 00-22)

**Response:** This amendment will comply with the policy

POLICY 2.3.3: All facility provision from the special funding sources in Policy 2.3.2 must be consistent with this plan.

**Response:** This amendment will comply with the policy

OBJECTIVE 2.4: FUTURE LAND USE MAP AMENDMENTS. Regularly examine the Future Land Use Map in light of new information and changed conditions, and make necessary modifications.

**Response:** This amendment to the land use maps is required because of changes shrinking industry and the increases in property values that are creating hardships for the area under its current plan

POLICY 2.4.1: The County will accept applications from private landowners or non-profit community organizations to modify the boundaries as shown on the Future Land Use Map. Procedures, fees, and timetables for this procedure will be adopted by administrative code. (Amended by Ordinance No. 94-30)

**Response:** No comments

POLICY 2.4.2 N/A

2007-00051

POLICY 2.4.3: N/A

POLICY 2.4.4: Lee Plan amendment applications to expand the Lee Plan's employment centers, which include light industrial, commercial retail and office land uses, will be evaluated by the Board of County Commissioners in light of the locations and cumulative totals already designated for such uses, including the 1994 addition of 1,400 acres to the Tradeport category just south of the Southwest Florida International Airport. (Added by Ordinance No. 97-05, Amended by Ordinance No. 00-22, 04-16)

**Response:** This amendment will comply with the policy

OBJECTIVE 2.5: ANNEXATION POLICY. N/A

## Old San Carlos Island-Comp Plan Amendment

---

**OBJECTIVE 2.6: REDEVELOPMENT.** Future redevelopment activities will be directed in appropriate areas, consistent with sound planning principles, the goals, objectives, and policies contained within this plan, and the desired community character. (Amended by Ordinance No. 00-22) Future Land Use II-22  
December 2004

**Response:** This amendment provides the mechanism to direct redevelopment to this area. The amendment has used sound planning principles that meet and exceeds the goals, objectives, and policies contained within this plan. The amendment also provides for design standard to guarantee the desired character for the community.

**POLICY 2.6.1:** Community redevelopment activities will be conducted by the Lee County Community Redevelopment Agency within approved redevelopment areas according to adopted redevelopment plans. (Amended by Ordinance 91-19, 00-22)

**Response:** no response

**POLICY 2.6.2:** Redevelopment activities will be comprehensive in approach and include the following components:

**Response:** This amendment will comply with the policy by providing the following:

- Study of incompatible land uses;
- Correction of outdated zoning classifications;
- Elimination of substandard or unsafe buildings;
- Traffic circulation and parking;
- Economic revitalization;
- Protection of adjacent residential neighborhoods and historic and natural resources;
- Signage;
- Landscaping;
- Urban Design/Master Planning;
  - Design guidelines
- Affordable Housing.

2007-00051

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

**POLICY 2.6.3:** Amend the county's development regulations by 1994 to provide additional flexibility for redevelopment activities within CRAs. (Added by Ordinance No. 94-30)

**Response:** No Response



## Old San Carlos Island-Comp Plan Amendment

---

POLICY 2.6.4: N/A

OBJECTIVE 2.7: HISTORIC RESOURCES. Historic resources will be identified and protected pursuant to the Historic Preservation element and the county's Historic Preservation Ordinance.

(Amended by Ordinance No. 94-30, 00-22)

**Response:**

**This amendment will comply with the policy**

2007-0005 1

OBJECTIVE 2.8: COASTAL ISSUES. Development in coastal areas is subject to the additional requirements found in the Conservation and Coastal Management element of this plan, particularly those found under Goals 105, 109, 110, 111, 112, and 113.

**Response:**

**This amendment will comply with the policy**

RECEIVED  
MAY 21 2008

OBJECTIVE 2.9: N/A

COMMUNITY DEVELOPMENT

OBJECTIVE 2.10: SCHOOL LOCATION. In order to ensure that public school locations are proximate to urban residential areas and are consistent with county growth policies proposals for new schools are subject to the objectives and policies contained under Goal 66. (Added by Ordinance No. 99-15)

**Response: N/A**

GOAL 3: PRIVATELY FUNDED INFRASTRUCTURE. To assist in the provision of a full range of privately funded urban infrastructure in specified Future Urban areas which have existing or projected deficits in one or more essential services. (Amended by Ordinance No. 94-30)

**Response:**

**The project will work with the county on related infrastructure deficiencies.**

OBJECTIVE 3.1: FUNDING MECHANISMS. The Future Land Use Map will include overlays designating specific geographic areas which are permitted urban-level densities and intensities because most necessary infrastructure will be provided through the creation of multifunction taxing and/or benefit districts, community development districts, direct developer provision, or an effective combination of similar financing mechanisms. (Amended by Ordinance No. 00-22)

**Response: The project will work with the county if this is the required**

POLICY 3.1.1: The county will establish taxing/benefit districts where appropriate for the designated areas in accordance with the provisions of general law. Such a district may be limited to specific types of infrastructure upon a formal finding by the Board of County Commissioners that more appropriate

## Old San Carlos Island-Comp Plan Amendment

---

mechanisms have been identified to provide the remaining facilities and services; a district may also be limited to a geographic area smaller than the overlay zone upon a formal finding by the board that this reduction will not substantially increase infrastructure costs which must be paid by general county revenues. (Amended by Ordinance No. 00-22)

**Response: The project will work with the county if this is the required**

POLICY 3.1.2: With initial funds from each designated area or other source, an examination will be made (under direction of the county) of the infrastructure needs for that area. A detailed plan for the provision of needed facilities will then be prepared.

**Response: N/A**

POLICY 3.1.3: The infrastructure to be provided through this program in each designated area may include any or all of the following facilities and services as appropriate: collector and arterial roads, surface water management (see Policy 60.2.2), water and sewer mains and treatment, fire and EMS service, parks, etc.

**Response: N/A**

POLICY 3.1.4: A committee of landowners in each designated area may be established to provide input into this process.

**Response: N/A**

POLICY 3.1.5: Where proposed development projects had been approved contingent upon the private provision of infrastructure that now will be provided through a different mechanism, the developer may apply through the zoning process to have such conditions modified or deleted.

**Response: N/A**

POLICY 3.1.6: Rezoning to permit increased densities that are granted after the effective date of this policy (March 1, 1989) but before the district (or equivalent funding mechanism) has been established and an infrastructure plan has been prepared will be subject to a special requirement that further development orders will be granted only upon a clear showing that the development will not cause the mandatory levels of service in Policy 95.1.3 to be exceeded. The granting of a development order will not release the property owner from any obligations under the privately funded infrastructure overlay. This requirement will not apply if it would preclude the constitutionally mandated reasonable use of a parcel of land. (Amended by Ordinance No. 93-25, 00-22) Future Land Use II-24 December 2004

GOAL 4: DEVELOPMENT DESIGN - GENERAL. To maintain innovative land development regulations which encourage creative site designs and mixed use developments. (Amended by Ordinance No. 94-30)

**Response: The project has provided as part of the comp plan amendment design standards. These standards are design to create innovative land development regulations which encourage mixed use development thus helping to reduce the impact on collector and arterial roads**



## Old San Carlos Island-Comp Plan Amendment

---

OBJECTIVE 4.1: Maintain the current planned development rezoning process which combines site planning flexibility with rigorous review. By the end of 1995, take specific steps to further promote the creation of mixed-use developments to reduce the impact on collector and arterial roads. (Amended by Ordinance No. 91-19, 94-30)

**Response: N/A**

POLICY 4.1.1: Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements. (Amended by Ordinance No. 91-19, 00-22)

**Response: this amendment is design to provide land uses and structures in a site oriented design. The site because of its uniqueness needs to be regulated to ensure the design outcome.**

POLICY 4.1.2: Development designs will be evaluated to ensure that the internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and functions contained within or adjacent to the development. (Amended by Ordinance 91-19, 00-22)

**Response: This comp plan amendment will comply with this policy**

GOAL 5: RESIDENTIAL LAND USES. To provide sufficient land in appropriate locations on the Future Land Use Map to accommodate the projected population of Lee County in the year 2020 in attractive and safe neighborhoods with a variety of price ranges and housing types. (Amended by Ordinance No. 94-30)

**Response: This comp plan amendment will comply with this policy**

OBJECTIVE 5.1: All development approvals for residential, commercial, and industrial land uses must be consistent with the following policies, the general standards under Goal 11, and other provisions of this plan. (Amended by Ordinance No. 94-30, 00-22)

**Response: This comp plan amendment will comply with these objectives**

POLICY 5.1.1: Residential developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as planned residential developments. (Amended by Ordinance No. 00-22)

**Response: This comp plan amendment will comply with this policy**

POLICY 5.1.2: Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.

## Old San Carlos Island-Comp Plan Amendment

---

**Response:** This comp plan amendment will comply with this policy. As the area exists today with the current mobile and recreational vehicle it is a hazard due to flood, storm and other endangerments for a safe neighborhood because of these issues. The new development will be built to correct all of these deficiencies

POLICY 5.1.3: During the rezoning process, direct high-density residential developments to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities. (Amended by Ordinance No. 94-30)

**Response:** This comp plan amendment will comply with this policy

POLICY 5.1.4: Prohibit residential development in all Industrial Development areas and Airport Noise Zone 3 as indicated on the Future Land Use Map, except for residences in the Industrial Development area for a caretaker or security guard, and except as provided in Chapter XIII. (Amended by Ordinance No. 94-30)

**Response:** This comp plan amendment will rectify the hap-hazard planning that has taken place over the last 100 years. 2007-00051

POLICY 5.1.5: Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests Future Land Use II-25 December 2004 for conventional rezoning will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments. (Amended by Ordinance No. 94-30, 99-15, 00-22)

**Response:** This comp plan amendment will comply with this policy and will create the appropriate buffers and open space based on the LDC or more stringent requirements of our own.

POLICY 5.1.6: Maintain development regulations that require high-density, multi-family, cluster, and mixed-use developments to have open space, buffering, landscaping, and recreation areas appropriate to their density and design. (Amended by Ordinance No. 94-30)

**Response:** This comp plan amendment will comply with this policy and will rectify a situation that does not reflect this policy as it exists today

POLICY 5.1.7: Maintain development regulations that require that community facilities (such as park, recreational, and open space areas) in residential developments are functionally related to all dwelling units and easily accessible via pedestrian and bicycle pathways. These pathways must be interconnected with adjoining developments and public pathways whenever possible. Townhouses, condominiums,



## Old San Carlos Island-Comp Plan Amendment

---

apartments, and other types of multi-family residential development must have directly accessible common open space. (Amended by Ordinance No. 94-30, 00-22)

**Response:** This comp plan amendment will comply with this policy. All developments within and without will be connected by pedestrian and vehicular paths along with bicycle trails

POLICY 5.1.8: Provide for adequate locations of low- and moderate-income housing through the rezoning process, the provision of public facilities and services, and the elimination of unnecessary administrative and legal barriers.

**Response:** This comp plan amendment will comply with this policy

POLICY 5.1.9: Consider by 1996 the provision of incentives and requirements for the reassembly, redesign, and replatting of vacant platted residential lots that are not suitable for timely, safe, and efficient development; and re-evaluate the effects of the single-family residence provision and the redesign, and replatting. (Amended by Ordinance No. 94-30)

**Response:** N/A

POLICY 5.1.10: N/A

POLICY 5.1.11: In those instances where land under single ownership is divided into two or more land use categories by the adoption or revision of the Future Land Use Map, the allowable density under this Plan will be the sum of the allowable densities for each land use category for each portion of the land. This density can be allocated across the property provided that: (Amended by Ordinance No. 92-35, 00-22)

1. The Planned Development zoning is utilized; and
2. No density is allocated to lands designated as Non-Urban or Environmentally Critical that would cause the density to exceed that allowed on such areas; and
3. The land was under single ownership at the time this policy was adopted and is contiguous; in situations where land under single ownership is divided by roadways, railroads, streams (including secondary riparian systems and streams but excluding primary riparian systems and major flow ways such as the Caloosahatchee River and Six Mile Cypress Slough), or other similar barriers, the land will be deemed contiguous for purposes of this policy; and Future Land Use II-26 December 2004

2007-00051

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT

## Old San Carlos Island-Comp Plan Amendment

---

4. The resultant Planned Development affords further protection to environmentally sensitive lands if they exist on the property.

N/A

GOAL 6: COMMERCIAL LAND USES. To permit orderly and well-planned commercial development at appropriate locations within the county. (Amended by Ordinance No. 94-30)

**Response:** This comp plan amendment will comply with this policy. The master concept plan will be design to provide a mixture of uses while locating these uses in a will planned development with appropriate locations for the uses.

OBJECTIVE 6.1: All development approvals for commercial land uses must be consistent with the following policies, the general standards under Goal 11 and other provisions of this plan. (Amended by Ordinance No. 94-30)

**Response:** This comp plan amendment will comply with this policy

POLICY 6.1.1: All applications for commercial development will be reviewed and evaluated as to:

- a. Traffic and access impacts (rezoning and development orders);
- b. Landscaping and detailed site planning (development orders);
- c. Screening and buffering (planned development rezoning and development orders);
- d. Availability and adequacy of services and facilities (rezoning and development orders);
- e. Impact on adjacent land uses and surrounding neighborhoods (rezoning);
- f. Proximity to other similar centers (rezoning); and
- g. Environmental considerations (rezoning and development orders). (Amended by Ordinance No. 00-22)

2007-0005 1

**Response:** This comp plan amendment will comply with this policy

POLICY 6.1.2: All commercial development must be consistent with the location criteria in this policy, except where specifically accepted by this policy or by Policy 6.1.7, or in Lehigh Acres by Policies 1.8.1 through 1.8.3.

1. Minor Commercial

- a. Major function Provides for the sale of convenience goods and services.

RECEIVED  
MAY 21 2008



## Old San Carlos Island-Comp Plan Amendment

---

b. Location The entire retail use, including buildings and outdoor sales area, must be located as follows except where this plan provides specific exceptions (e.g., Policy 6.1.7):

(1) On or near the intersection (within 330 feet of the adjoining rights-of-way of the intersection roads) of local and collector, local and arterial, or collector and collector roads. In Commercial Planned Developments where future road improvements that are included in the Capital Improvement Program will enable the property to qualify for the higher level of commercial development specified in Subsection 2 below, and which are conditioned to allow the increased commercial intensity when the roadway actually functions at the higher level of a collector road, the Minor Commercial use may extend beyond 330 feet of such intersections provided the Master Concept plan specifically indicates the phasing of the development from Minor to Neighborhood Commercial use. Proposed interconnections of future internal access roads or driveways servicing only the subject parcel with an arterial or collector will not comply with the requirements of this section;

Future Land Use II-27 December 2004

(2) At the intersection (as defined below) of collector and arterial or arterial and arterial roads; or

**Response N/A**

(3) Within a residential planned development provided it is located and designed primarily to meet the commercial needs of the residents of the development.

c. Site Area Two acres or less.

d. Range of Gross Less than 30,000 square feet. Floor Area

2007-00051

e. When developed as part of a mixed use planned development, and meeting the use limitations, modified setback standards, signage limitations and landscaping provisions, retail uses may deviate from the locational requirements and maximum square footage limitations, subject to conformance with the Estero Community Plan as outlined in Policies 19.2.3 and 19.2.4, and through approval by the Board of County Commissioners.

**Response : this provision is very similar to the requirements of our commercial need and we will comply with them in a similar manners. The commercial intended for this project is part of a mixed use design concept.**

### 2. Neighborhood Commercial

a. Major function Provide for the sale of convenience goods and personal services such as food, drugs, sundries, and hardware items.

b. Typical leading Supermarket and drug store. tenants

c. Location Must be located as follows (except where this plan provides specific exceptions):

## Old San Carlos Island-Comp Plan Amendment

---

At the intersection of an arterial and a collector or two arterials so that direct access is provided to both intersecting roads. Such direct access may be provided via an internal access road to either intersecting road. On Lee County's islands where there is no intersecting network of collectors and arterials, neighborhood commercial centers may be located using the standards for minor commercial centers.

d. Site Area 2 to 10 acres

e. Range of Gross 30,000 to 100,000 square feet Floor Area

f. In that portion of North Fort Myers lying between the Cape Coral city limits and the old S.A.L. railroad grade and north of the junction of the 41s, an exception to the strict adherence to the location standards in subsection (c) may be granted upon the approval of an application for Commercial Planned Development rezoning if the Board of County Commissioners makes a formal finding that the proposed project:

(1) is located on an existing arterial road; Future Land Use II-28 December 2004

(2) is located at the intersection of that arterial with a future collector or arterial that is indicated on the Official Trafficways Map; and

(3) will provide (or at least not interfere with) an acceptable alignment for the future roadway which is the justification for the approval, relative to both extensions from the point of intersection with the existing road.

### 3. Community Commercial

a. Major function Some functions of neighborhood commercial, in addition to providing for the sale of retail goods such as clothing, variety items, appliances, and furniture.

b. Typical leading Supermarket, drug store, minor department store, variety tenants store, or discount center.

c. Location Must be located as follows (except where this plan provides specific exceptions): At the intersection of two arterials so that direct access is provided to both intersecting roads. Such direct access may be provided by an internal access road to either intersecting road.

d. Site Area 10 to 35 acres

e. Range of Gross 100,000 to 400,000 square feet Floor Area

f. Notwithstanding prohibitions contained elsewhere in this plan, community commercial development may be granted in a portion of the Suburban land use category in North Fort Myers lying between the Cape Coral city limits and the old S.A.L. railroad grade and north of the junction of the 41s upon the approval of an application for Commercial Planned Development rezoning if the Board of County Commissioners makes a formal finding that the proposed project:



## Old San Carlos Island-Comp Plan Amendment

---

- (1) is located on an existing arterial road;
- (2) is located at the intersection of that arterial with a future arterial road that is indicated on the Official Trafficways Map; and
- (3) will provide (or at least not interfere with) an acceptable alignment for the future roadway which is the justification for the approval, relative to both extensions of that future roadway from the point of intersection with the existing road.

**Response: N/A**

#### 4. Regional Commercial

a. Major Function Some functions of community commercial, in addition to providing a full range and variety of shopping goods for comparative shopping (such as general merchandise, apparel, furniture, and home furnishings). Future Land Use II-29 December 2004

b. Typical leading tenants One or more full-line department stores.

c. Location Must be located in such a manner as to provide direct access to two and preferably three arterial roads. Such direct access may be via an internal access road to one or more arterials.

d. Site Area 35 to 100 acres

e. Range of Gross Floor Area 400,000 to 1 million square feet or more.

f. The Commercial Site location standards described in this policy do not apply to Regional Commercial development approved as a single mixed-use Development of Regional Impact containing regional shopping opportunities on a 483-acre portion of Section 9, Township 47 South, Range 25 East, that is bounded on the west by U.S. 41, on the east by the Seminole Gulf Railroad tracks, on the south by Coconut Road, and on the north by a line located one half mile north of Coconut Road designated Urban Community, provided that the DRI specifically addresses:

- 1) Impacts to flow-ways,
- 2) Community and Regional Park levels of service,
- 3) Roadway levels of service,
- 4) Public Schools,
- 5) Fire protection services, and
- 6) Affordable housing. (Added by Ordinance No. 02-29)

5. Commercial development "at the intersection" will extend no more than one-quarter mile from the centerline of the intersection and must include proper spacing of access points, with the following

**RECEIVED**  
MAY 21 2008  
COMMUNITY DEVELOPMENT

## Old San Carlos Island-Comp Plan Amendment

---

exception: in a commercial development approved under the planned development rezoning process, "at the intersection" may extend beyond one-quarter mile from the intersection, provided that:

- a. direct access is provided to the development within one-quarter mile of the intersection;
- b. an internal access road or frontage road provides access to the intersecting street prior to occupancy of the development; and
- c. all access points meet Land Development Code requirements for safety and spacing.
- d. the retail commercial use, including any outdoor sales, does not extend beyond one-half mile from the centerline of the intersection.

6. Any contiguous property under one ownership may, at the discretion of the Board of County Commissioners, be developed as part of the interstate interchange, except in the Mixed Use Interchange district, provided the property under contiguous ownership to be developed as part of the interstate interchange does not extend beyond three-quarters of a mile from the interchange centerpoint. Applications seeking interstate uses outside of the interstate highway interchange area will be evaluated by the Board considering the following factors: percentage of the property within the interstate interchange; compatibility with existing Future Land Use II-30 December 2004 adjacent land uses; and, compatibility with surrounding Future Land Use Categories. This is intended to promote planned developments under unified ownership and control, and to insure proper spacing of access points.

7. The location standards specified in Subsections 1-4 will apply to the following commercial developments: shopping centers; free-standing retail or service establishments; restaurants; convenience food stores; automobile dealerships; gas stations; car washes; and other commercial development generating large volumes of traffic. These location standards will not apply to the following: banks and savings and loan establishments without drive-in facilities; hotels or motels; marinas; general, medical, or professional offices; industrial, warehouse, or wholesale development; clubs, as defined in Chapter 34 of the Land Development Code (commercial clubs excepted); and other similar development. The distinction in this subsection between these two major types of commercial uses does not apply in Lehigh Acres, where commercial uses are permitted in accordance with Policies 1.8.1 through 1.8.3.

8. The standards specified in Subsections 1-4 for location, floor area and site area will serve as guidelines during the rezoning process (allowing limited discretion by the Board of County Commissioners in special cases in which retail uses are the only reasonable use of the parcel in light of its size, its proximity to arterials and collectors, and the nature of the existing and projected surrounding uses, including but not limited to environmental factors) but are strict requirements during the development order process in the case of zoning that existed prior to the effective date of the Lee Plan (December 21, 1984). The other standards specified in Subsections 1-4 will serve generally to indicate the types of development which are likely to fall within each commercial category. Proposed rezonings to commercial zoning districts that include both uses that are subject to the standards in Subsections 1-4 and uses that are not (see Subsection 7) may be found consistent with the Lee Plan by the Board of County Commissioners

2007-00051

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT



## Old San Carlos Island-Comp Plan Amendment

---

even if the subject parcel does not comply with the applicable location standard; provided, however, that no development orders will be issued on any such parcel for any use to which the standards in Subsection 1-4 is applicable, and all such development orders must be consistent with the level of service requirements in Policy 95.1.3.

9. The location standards in this policy are not applicable in the Interchange land use category, or in Lehigh Acres where commercial uses are permitted in accordance with Policies 1.8.1 through 1.8.3.

10. The Board of County Commissioners may approve applications for minor commercial centers that do not comply with the location standards for such centers but which are consistent with duly adopted CRA and Community plans.

11. Uses that must comply with Subsections 1-4 may occur at the outside of a T-intersection so long as direct access is provided from at least two points on the adjacent intersecting road, one of which must be an extension of the other intersecting road.

12. Map 19 illustrates the existing Lee County intersections that are deemed to be consistent with the standards in subsections 2 and 3. Neighborhood and community commercial centers must be located at one of the designated intersections, at another intersection utilizing the list of Functional Classification for Arterial and Collector Roads, or in accordance with one of the exceptions under Goal 6, or in Lehigh Acres in accordance with Policies 1.8.1 through 1.8.3. Future Land Use II-31 December 2004 The map shows some intersections with half-circles and others with full circles. Half circles indicate that only the two intersection quadrants shown on the map are deemed to be consistent with the standards. All of the quadrants of intersections designated with full circles are deemed to be consistent with the standards. Proposed neighborhood and community commercial centers that are located at the designated intersections are subject to all of the other Goals, Objectives and Policies of this Plan. Functional classifications of new or improved streets will be established in accordance with the definitions of "arterial" and "collector" roads in Rule 9J-5.003. A list of Functional Classification for Arterial and Collector Roads, consisting of roads that meet this criteria, will be maintained by the Department of Transportation, for county maintained roads, and the Division of Development Services, for privately maintained roads. These functional classification lists will be adopted by Administrative Code. For the purpose of determining compliance with the locational standards of Policy 6.1.2, only those roads identified as Major Collector roads will be considered collector roads. Roads identified as Minor Collector or not included on the list will be considered local roads. The map will be revised annually during the county's regular plan amendment cycle.

13. Freestanding single use commercial retail development of five (5) acres or more does not qualify as a Neighborhood Center as that term is used in the Suburban and Outlying Suburban Future Land Use Categories. (Amended by Ordinance No. 93-25, 94-30, 98-09, 99-15, 99-18, 00-22, 02-02)

**Response:** N/A

2007-00051  
RECEIVED  
MAY 21 2008  
COMMUNITY DEVELOPMENT

## Old San Carlos Island-Comp Plan Amendment

---

POLICY 6.1.3: Commercial developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as commercial planned developments designed to arrange uses in an integrated and cohesive unit in order to:

- provide visual harmony and screening;
- reduce dependence on the automobile;
- promote pedestrian movement within the development;
- utilize joint parking, access and loading facilities;
- avoid negative impacts on surrounding land uses and traffic circulation;
- protect natural resources; and
- provide necessary services and facilities where they are inadequate to serve the proposed use.

(Amended by Ordinance No. 94-30, 00-22)

**Response:**      **This comp plan amendment will comply with this policy**

POLICY 6.1.4: Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities. (Amended by Ordinance No. 94-30, 00-22)

**Response:**      **This comp plan amendment will comply with this policy**

POLICY 6.1.5: The land development regulations will require that commercial development be designed to protect the traffic-carrying capacity of roads and streets. Methods to achieve this include, but are not limited to:

- frontage roads;
- clustering of activities;
- limiting access;
- sharing access;
- setbacks from existing rights-of-way; Future Land Use II-32 December 2004
- acceleration, deceleration and right-turn-only lanes; and
- signalization and intersection improvements (Amended by Ordinance No. 94-30, 00-22)

**Response:**      **This comp plan amendment will comply with this policy**

**RECEIVED**  
MAY 21 2008  
COMMUNITY DEVELOPMENT



## Old San Carlos Island-Comp Plan Amendment

---

POLICY 6.1.6: The land development regulations will require that commercial development provide adequate and appropriate landscaping, open space, and buffering. Such development is encouraged to be architecturally designed so as to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.

**Response:** This comp plan amendment will comply with this policy and will correct existing conditions that do not comply with this policy through the use of a master plan that utilizes landscaping, open space, buffering, and design standard to ensure a quality project

POLICY 6.1.7: Prohibit commercial developments from locating in such a way as to open new areas to premature, scattered, or strip development; but permit commercial development to infill on small parcels in areas where existing commercial development would make a residential use clearly unreasonable.

**Response:** This comp plan amendment is located in an existing area with a mixture of uses. It does not open up an area because of it is existing. The reason for the amendment is to rectify errors in the past while creating something nice for the future.

POLICY 6.1.8: Commercial development may take place, when properly zoned and when meeting the standards in Policy 6.1.2, within the Future Urban Areas. Minor or rural commercial uses which serve rural residents or marine traffic, neighborhood commercial uses which serve major non-commercial public attractions (e.g. Lee County Civic Center), limited agricultural - commercial uses which serve rural areas and agriculturally related needs, and limited commercial marinas (not including heavy marine commercial, such as extensive storage and hull, engine, and electronic repairs) may be permitted in non-urban areas. (Amended by Ordinance No. 94-30, 9809)

**Response:** N/A

POLICY 6.1.9: Prohibit commercial development from locating near existing or planned school areas in such a way as to jeopardize the safety of students. (Amended by Ordinance No. 00-22)

**Response:** N/A

POLICY 6.1.10: The approval or existence of commercial development on one corner of an intersection will not dictate the development of all corners for commercial development, nor does the existence of commercial development on an arterial or collector road dictate that all frontage must be similarly used. (Amended by Ordinance No. 00-22)

**Response:** N/A

POLICY 6.1.11: Provide by 1995 appropriate requirements and incentives for the conversion of strip commercial development into series of discrete, concentrated commercial areas. (Amended by Ordinance No. 94-30)

**Response:** N/A

RECEIVED  
MAY 21 2008

## Old San Carlos Island-Comp Plan Amendment

---

POLICY 6.1.12: Encourage the upgrading or revitalization of deteriorating commercial areas (consistent with approved CRA plans, where applicable), but prohibit the expansion or replacement of commercial uses which are inappropriately located or that have an adverse impact on surrounding residential and non-residential uses. Such revitalization includes, but is not limited to: store-front renewal, sign control, and the provision of common parking areas and consolidated access. (Amended by Ordinance No. 94-30)

**Response:** This comp plan amendment will comply with this policy

GOAL 7: INDUSTRIAL LAND USES. To promote opportunities for well-planned industrial development at suitable locations within the county.

OBJECTIVE 7.1: All development approvals for industrial land uses must be consistent with the following policies, the general standards under Goal 11, and other provisions of this plan. (Amended by Ordinance No. 94-30)

**Response:** N/A

POLICY 7.1.1: In addition to the standards required herein, the following factors apply to industrial rezoning and development order applications:

Future Land Use II-33 December 2004

1. The development must comply with local, state, and federal air, water, and noise pollution standards.
2. When located next to residential areas, industry must not generate noise levels incompatible with the residential development.
3. Bulk storage or production of toxic, explosive, or hazardous materials will not be permitted near residential areas.
4. Contamination of ground or surface water will not be permitted.
5. Applications for industrial development will be reviewed and evaluated as to:
  - a. air emissions (rezoning and development orders);
  - b. impact and effect on environmental and natural resources (rezoning and development orders);
  - c. effect on neighbors and surrounding land use (rezoning);
  - d. impacts on water quality and water needs (rezoning and development orders);
  - e. drainage system (development orders);
  - f. employment characteristics (rezoning);
  - g. fire and safety (rezoning and development orders);

2007-00051

MAY 21 2008

COMMUNITY DEVELOPMENT



## Old San Carlos Island-Comp Plan Amendment

---

- h. noise and odor (rezoning and development orders);
- i. buffering and screening (planned development rezoning and development orders);
- j. impacts on transportation facilities and access points (rezoning and development orders);
- k. access to rail, major thoroughfares, air, and, if applicable, water (rezoning and development orders);
- l. utility needs (rezoning and development orders); and
- m. sewage collection and treatment (rezoning and development orders).

(Amended by Ordinance No. 00-22)

**Response:** The area in question has some industrial zoning for the property that is incompatible with the adjacent property. With this amendment we will be looking at addressing the issue and resolving it with a master concept plan. This comp plan amendment will comply with this policy

POLICY 7.1.2: Industrial developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as Planned Developments designed to arrange uses as an integrated and cohesive unit in order to:

- promote compatibility and screening;
- reduce dependence on the automobile;
- promote pedestrian movement within the development; Future Land Use II-34 December 2004
- utilize joint parking, access and loading facilities;
- avoid negative impacts on surrounding land uses and traffic circulation;
- protect natural resources; and
- provide necessary facilities and services where they are inadequate to serve the proposed use.

(Amended by Ordinance No. 94-30, 98-09, 00-22)

**Response:** N/A

POLICY 7.1.3: Industrial land uses must be located in areas appropriate to their special needs and constraints, including, but not limited to, considerations of: topography; choice and flexibility in site selection; access by truck, air, deep water, and rail; commuter access from home-to-work trips; and utilities; greenbelt and other amenities; air and water quality considerations; proximity to supportive

## Old San Carlos Island-Comp Plan Amendment

---

and related land uses; and compatibility with neighboring uses. (Amended by Ordinance No. 93-25, 94-30, 00-22)

**Response:** N/A

POLICY 7.1.4: The Future Land Use Map must designate a sufficient quantity of land to accommodate industrial development that will employ 3% of the county's population in manufacturing activities by the year 2010. A report will be prepared by county staff every two years to monitor the county's progress towards this employment goal. (Amended by Ordinance No. 93-25, 94-30, 00-22)

**Response:** N/A

POLICY 7.1.5: The timing and location of industrial development will be permitted only with the availability and adequacy of existing or planned services and facilities. (Amended by Ordinance No. 00-22)

**Response:** N/A

POLICY 7.1.6: Land that is located outside of the Industrial Development, Tradeport, and Industrial Interchange areas but within the designated Future Urban Areas may be developed for light industrial purposes so long as adequate services and facilities are available, the use will not adversely impact surrounding land uses, and natural resources are protected, if one of the following conditions is met:

a. The parcel is located in the Intensive Development, Central Urban, or Urban Community land use categories, was zoned IL or IG prior to the adoption of the 1984 Lee Plan, and does not exceed 50 acres in size (unless it is adjacent to other existing or designated industrial lands); or

b. The parcel is located in the Intensive Development, Central Urban, Urban Community, General Interchange, Industrial Commercial Interchange, or University Village Interchange land use categories, and is zoned as a Planned Development. (Amended by Ordinance No. 94-30, 98-09, 99-18, 04-16)

**Response:** N/A

POLICY 7.1.7: Permit agriculturally-related industrial uses that directly serve the rural and agricultural community in areas indicated on the Future Land Use Map as Rural or Open Lands, provided they have adequate fire protection, transportation, and wastewater treatment and water supply, and have no adverse effect on surrounding land uses and natural resources. These determinations will be made during the rezoning process. (Amended by Ordinance No. 94-30, 0022)

**Response:** N/A

POLICY 7.1.8: Land development regulations will require that industrial uses be adequately buffered and screened from adjacent existing or proposed residential areas so as to prevent visual blight and noise pollution. (Amended by Ordinance No. 00-22) Future Land Use II-35 December 2004

**Response:** N/A

2007-0005 1  
RECEIVED  
MAY 21 2008



## Old San Carlos Island-Comp Plan Amendment

---

POLICY 7.1.9: Industrial development will not be permitted if it allows industrial traffic to travel through predominantly residential areas. (Amended by Ordinance No. 00-22)

**Response:** N/A

POLICY 7.1.10: All county actions relating to industrial land uses must be consistent with the goals, objectives, and policies of the Economic element of this Plan. (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22)

**Response:** N/A

GOAL 8: MARINE-ORIENTED LAND USES. To designate prime locations for marine-oriented land uses and protect them from incompatible or pre-emptive land uses.

**Response:** It is the goal of this amendment to create and enhance the property by utilizing marine oriented land use with a destination mixed use design to stimulate the area. The land use of marine industrial at this location is not appropriate because of the high intensity residential uses that are adjacent to the property

OBJECTIVE 8.1: Existing marinas, fish houses, and port facilities indicated on the Future Land Use Map as having water-dependent overlay zones will be reclassified by the county to commercial and industrial marine zoning categories to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing. (See Map 12) (Amended by Ordinance No. 94-30, 00-22)

**Response:** The existing water dependent facilities will be incorporated or redeveloped into the new plan. This will ensure the usefulness of the project and help create a project with a unified master plan

OBJECTIVE 8.2: All development approvals for marine-oriented land uses must also comply with requirements in the Ports, Aviation and Related Facilities sub-element, Objective 128.5: Marina Siting Criteria, and Objective 128.6: Marina Design Criteria. (Amended by Ordinance No. 94-30, 0022)

**Response:** n/a

GOAL 9: AGRICULTURAL LAND USES.

**Response:** N/A

GOAL 10: NATURAL RESOURCE EXTRACTION.

**Response:** N/A

GOAL 11: WATER, SEWER, TRAFFIC, AND ENVIRONMENTAL

2007-00051

RECEIVED  
MAY 21 2008

## Old San Carlos Island-Comp Plan Amendment

---

REVIEW STANDARDS. To insure that appropriate water, sewer, traffic, and environmental review standards are considered in reviewing rezoning applications and are met prior to issuance of a county development order.

### STANDARD 11.1: WATER.

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Chapter 17-22, F.A.C.).
2. If the proposed development lies within the boundaries of a water utility's certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 6), then the development must be connected to that utility. Future Land Use II-38 December 2004
3. The developer must provide proof that the prior commitments of the water utility, plus the projected need of the developer, do not exceed the supply and facility capacity of the utility.
4. All waterline extensions to new development will be designed to provide minimum fire flows, as well as adequate domestic services as required by Chapter 10D-4, F.A.C.
5. If a new development is located in a certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 6), and the utility cannot provide the service or cannot provide the service except at a clearly unreasonable cost to the developer, the developer is encouraged to petition the appropriate regulatory agency to contract the service area so that the development may establish its own community water system or invite another adjacent utility to expand its service area in order to provide the required service.
6. If a development lies outside any service area as described above, the developer may:
  - request that the service area of an adjacent water utility be extended to incorporate the property;
  - establish a community water system for the development; or
  - develop at an intensity that does not require a community water system. (Amended by Ordinance No. 94-30, 00-22)

2007-0005 1

**Response:** This amendment will comply with the stated goal, objectives and policies for this section

### STANDARD 11.2: SEWER.

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.



## Old San Carlos Island-Comp Plan Amendment

---

2. If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 7), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within 1/4 mile from any part of the development.
  3. If there is not sufficient capacity nor adequate infrastructure within 1/4 mile of the development, the developer must provide proof in the form of a clearly stated rejection of service.
  4. If a new development is located in a certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 7), and the utility cannot provide the service, or cannot provide the service except at a clearly unreasonable cost to the developer, the developer may establish on a temporary basis a self-provided sanitary sewer facility for the development, to be abated when the utility extends service to the site. The developer may also petition the appropriate regulatory agency to contract the service area of the utility in order that another utility may be invited to provide the service.
  5. If a development lies outside any service area as described above, the developer may:
    - request that the service area of an adjacent sewer utility be expanded to incorporate the property;
- Future Land Use II-39 December 2004
- establish a self-provided sanitary sewer system for the development;
  - develop at an intensity that does not require sanitary sewer service; or
  - if no more than 5000 gallons of effluent per day per parcel is produced, an individual sewage disposal system per Chapter 10D-6 may be utilized, contingent on approval by all relevant authorities. (Amended by Ordinance No. 94-30, 00-22)

**Response:**      **This amendment will comply with the stated goal, objectives and policies for this section**

### STANDARD 11.3: TRAFFIC.

2007-0005 1

1. A traffic impact statement must be submitted to and accepted by the county DOT for the following developments:

- Developments of Regional Impact (D.R.I.'s);
- Planned Developments (as specified in the Zoning Regulations); and
- Developments requiring a county development order, as specified in the Land Development Code.

2. The form, content, and level of detail required in the traffic impact statement will be established by Lee County by ordinance, administrative code, or other regulations. Lee County will establish criteria or thresholds to determine the scope of the traffic impact statement required:

## Old San Carlos Island-Comp Plan Amendment

---

- if the development meets or exceeds the established thresholds, the traffic impact statement will provide a comprehensive assessment of the development's impacts on the surrounding road system.
- if the development does not meet or exceed these thresholds, the traffic impact statement will provide information regarding traffic generation and impacts at the development's access points to the adjacent street system. (Amended by Ordinance No. 94-30, 00-22)

**Response:** This amendment will comply with the stated goal, objectives and policies for this section

STANDARD 11.4: ENVIRONMENTAL REVIEW FACTORS. In any case where there exists or there is the probability of environmentally sensitive areas (as identified by Lee County, the Corps of Engineers, Department of Environmental Protection, South Florida Water Management District, or other applicable regulatory agency), the developer/applicant must prepare an environmental assessment that examines the existing conditions, addresses the environmental problems, and proposes means and mechanisms to protect, conserve, or preserve the environmental and natural resources. (Amended by Ordinance No. 94-30, 00-22)

**Response:** N/A

GOAL 12: SAN CARLOS ISLAND. All development approvals on San Carlos Island must be consistent with following objective and policy in addition to other provisions of this plan. (Added by Ordinance No. 9430)

OBJECTIVE 12.1: SAN CARLOS ISLAND WATER-DEPENDENT OVERLAY ZONE. To protect marine-orientated land uses on San Carlos Island from incompatible or pre-emptive land uses all development must be consistent with the following policies in addition to other provisions of this plan. (Added by Ordinance No. 99-15) Future Land Use II-40 December 2004

POLICY 12.1.1: New development and substantial redevelopment within the Industrial Development land use category on San Carlos Island will be permitted only in accordance with the following criteria. (See glossary for definitions and Map 2 for map boundaries.) However, in no event will Lee County permit new or expanded petroleum facilities which would serve uses other than marine-related uses.

**Response:** No new Petroleum facilities are proposed under this amendment

1. At the foot of the Matanzas Pass Bridge - Within the water-dependent overlay zone which is defined as land within 150 feet of the shoreline: water-dependent marine industrial uses and water-dependent functions of recreational marinas.

- Landward of the overlay zone (150-foot line): marine industrial uses, in addition to water-related accessory uses which may be permitted to occupy up to 50% of that portion of a parcel lying landward of the 150-foot line.



## Old San Carlos Island-Comp Plan Amendment

---

2. North of Main Street - Within the water-dependent overlay zone, which is defined as land within 150 feet of the shoreline: water-dependent marine industrial uses and recreational marinas.

- Landward of the overlay zone (150-foot line): marine industrial uses, in addition to commercial or marine industrial uses which support the major industrial activities and recreational marinas.

3. South of Main Street - Within the water-dependent overlay zone which is defined as land within 300 feet of the shoreline: water-dependent marine industrial uses only.

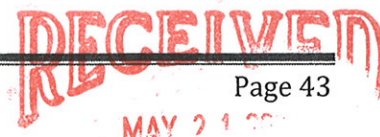
- Landward of the overlay zone (300-foot line): marine industrial uses; in addition, dry-storage recreational marinas may also be permitted through the "planned development" rezoning process, provided the following is clearly demonstrated: - Water access can be provided with only minimal interference to the waterfront industrial uses; and - Adequate road access is provided for the waterfront industrial uses; and - Any other commercial uses (such as food service or retail space) must be clearly ancillary to the recreational marina or industrial uses and comprise no more than five percent (5%) of the site.

4. Water-Dependent Overlay Zones in General - The water-dependent overlay zones will be included in the Lee County Zoning Regulations and may be the subject of deviation requests during the "planned development" rezoning process. This provision is particularly intended to encourage joint use of parking, access easements, and stormwater retention facilities where such joint use does not negate the essential purpose of the overlay zones. (This also applies to the water-dependent overlay zones elsewhere on San Carlos Island as described in Policy 12.1.1.)

5. Ancillary Commercial Uses - Wherever water-dependent, marine industrial uses are permitted, water-related ancillary commercial uses may also be permitted, provided they are clearly subordinate to the parcel's principal use and their total development area (building, parking, required buffers, water retention, etc.) does not exceed fifteen (15) percent of the Future Land Use II-41 December 2004 parcel's total area. However, at the foot of the Matanzas Pass Bridge, this percentage may be increased to twenty-five (25) percent so long as the resulting commercial use of land lying in the Industrial Development land use category does not exceed fifty (50) percent of all land in that category that is under unified ownership or control as of March 1, 1988. (Amended by Ordinance No. 94-30, 99-15, 00-22)

POLICY 12.1.2: New development and substantial redevelopment within a portion of the Urban Community land use category on San Carlos Island will be subject to the additional requirement that within a water-dependent overlay zone, wet or dry storage recreational marinas and other water-dependent uses only will be permitted. This water-dependent overlay zone affects two separate areas, both lying south of Main Street and east of San Carlos Boulevard, as depicted on Map 2 and described as follows:

- land within 150 feet of the shoreline along the inlet (between other lands designated as Industrial Development but exempting the Gulf Cove Trailer Park); and



## Old San Carlos Island-Comp Plan Amendment

---

- land within 300 feet of the shoreline and lying east of, and within 930 feet of, the main Industrial Development area. (Relocated by Ordinance No. 99-15, Amended by Ordinance No. 00-22)

OBJECTIVE 12.2: To manage growth, development, and redevelopment on San Carlos Island. To maintain and enhance the area's quality of life and public and private infrastructure. (Added by Ordinance No. 98-09)

**Response:**

POLICY 12.2.1: As part of the transit design process, the county will consider ways to establish pull-overs and turn-offs for the pick-up and discharge of passengers from all trolley and mass transit vehicles and requiring that such pick-up and discharge be done only at specified transit stops. (Relocated by Ordinance No. 98-09, Amended by Ordinance No. 00-22)

POLICY 12.2.2: Prior to the expenditure of public funds for the construction of new parking facilities within San Carlos Island, an analysis of the relationship of the facility to the level-of-service on constrained and backlogged roads will be undertaken, in order to determine if the location, size and function of the facility is appropriate and consistent with the adopted CRA plan and the Transportation Element of the Lee Plan. (Relocated by Ordinance No. 98-09, Amended by Ordinance No. 00-22)

POLICY 12.2.3: Recreation areas must have a minimum of impervious surfaces. (Relocated by Ordinance No. 98-09, Amended by Ordinance No. 00-22)

POLICY 12.2.4: Sidewalks, bike paths and mass transit routes must be designed to provide convenient and safe access to all recreational facilities in the area. (Relocated by Ordinance No. 98-09, Amended by Ordinance No. 00-22)

GOAL 13: CAPTIVA.

**Response: N/A**

GOAL 14: GREATER PINE ISLAND.

**Response: N/A**

GOAL 15: GASPARILLA ISLAND. N/A

**Response: N/A**

GOAL 16: PRIVATE RECREATIONAL FACILITIES IN THE DR/GR.

**Response: N/A**

GOAL 17: BUCKINGHAM.

**Response: N/A**

2007-00051

RECEIVED  
MAY 21 2008

COMMUNITY DEVELOPMENT



## Old San Carlos Island-Comp Plan Amendment

---

GOAL 18: UNIVERSITY COMMUNITY.

**Response: N/A**

GOAL 19: ESTERO.

**Response: N/A**

GOAL 20: BAYSHORE COMMUNITY.

**Response: N/A**

GOAL 21: CALOOSAHATCHEE SHORES:

**Response: N/A**

GOAL 22: BOCA GRANDE:

**Response: N/A**

GOAL 23 - GOAL 35: [RESERVED]

**Response: N/A**

TRANSPORTATION

Chapter III      III. Transportation      a. Traffic Circulation

GOAL 36: MAPS. Provide and keep current an integrated series of maps, which, when coordinated with the policies and programs in this plan and the plans of other agencies and jurisdictions, will insure a safe, convenient, and energy-efficient multi modal transportation system for Lee County, within the constraints of financial feasibility. (Amended by Ordinance No. 98-09, 99-15) Transportation III-1 December 2004 development regulations will rely on the existing or future classification of roads. The existing classification of public roads will be kept by the Lee County Department of Transportation. The existing classification of private roads will be kept by the Lee County Division of Development Services. The future classifications are identified on the Official Trafficways Map. (Added by Ordinance No. 99-15)

- Voluntary dedication of rights-of-way necessary for improvements shown on Transportation Map 3A will be encouraged at the time local development orders are granted.
- In cases where there are missing segments in the traffic circulation system, developers will be encouraged to also construct that portion of the thoroughfare that lies within or abuts the development. Road impact fee credits will be granted consistent with the provisions of the Lee County Land Development Code. Site-related improvements are not eligible for credits towards impact fees. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15) Transportation III-2 December 2004 corridors on the Official Traffic ways Map if necessary. (Amended and Relocated by Ordinance No. 99-15)



## Old San Carlos Island-Comp Plan Amendment

---

POLICY 36.2.3: The Official Trafficways Map is intended to show existing and planned transportation corridors which are needed to ensure county-wide continuity of the future road system. Review for voluntary compliance with these corridors will occur at the time of approval and issuance of local development orders and development permits, as defined in Section 163.3164(6) and (7), respectively, Florida Statutes. (Amended and Relocated by Ordinance No. 99-15)

POLICY 36.2.4: Transportation corridors contained in local development orders, planned development approvals, or DRI development orders will be reviewed by the county to determine compliance with the corridor needs shown on the Official Trafficways Map. Conflicts with these corridors and the corridors contained on the Official Trafficways Map will be identified and mutual resolution of these conflicts will be encouraged. (Amended by Ordinance No. 98-09, Relocated by Ordinance No. 99-15)

POLICY 36.2.5: Standards for use and development permits within Official Trafficways Map corridors will be specified in county zoning and development regulations in a manner consistent with these policies. (Amended and Relocated by Ordinance No. 99-15)

**Response: The amendment will comply with the policy and goals as stated above**

### GOAL 38: CAPITAL IMPROVEMENTS PROGRAMMING.

POLICY 38.2.2: No development order or development permit, as defined in Section 163.3164, F.S., will be granted if the approval will result in a needed facility not being available concurrent with the impacts of the development, unless the applicant has been granted previous development rights consistent with the Florida Department of Community Affairs' Declaratory Statements #88-DS-1 and 88-DS-2. (Amended by Ordinance No. 99-15)

- Priority will be given to the construction, maintenance, and reconstruction, where necessary, of roadways needed to serve existing development, including hurricane evacuation needs. Transportation III-7 December 2004

POLICY 38.2.6: In order to help protect the interregional and intrastate travel functions of Interstate 75 as part of the Florida Intrastate Highway System, and provide alternatives for local traffic use, Lee County will implement a system of parallel reliever roads, consistent with Transportation Map 3A. (Added by Ordinance No. 98-09)

**Response: The amendment will comply with the policy and goals as stated above**

GOAL 39: DEVELOPMENT REGULATIONS. Maintain clear, concise, and enforceable development regulations that fully address on-site and off-site development impacts and protect and preserve public transportation facilities. (Amended by Ordinance No. 98-09, 99-15)

OBJECTIVE 39.1: DEVELOPMENT IMPACTS. The county will maintain and enforce development regulations to ensure that impacts of development approvals occur concurrently with adequate roads, and to achieve maximum safety, efficiency, and cost effectiveness. (Amended by Ordinance No. 99-15)



## Old San Carlos Island-Comp Plan Amendment

---

POLICY 39.1.1: New development must:

- Have adequate on-site parking.
- Have access to the existing or planned public road system except where other public policy would prevent such access.
- Fund all private access and intersection work and mitigate all site-related impacts on the public road system; this mitigation is not eligible for credit against impact fees. (Amended and Relocated by Ordinance No. 99-15)

**Response: The amendment will comply with the above stated policy**

POLICY 39.1.3: County development regulations will require the interconnection of adjacent existing or future residential developments. Where a developer proposes private local streets with access control, he may propose an alternate means of interconnection provided the means does not require all local traffic to use the arterial network. All interconnections will be designed to discourage use by through traffic. (Amended and Relocated by Ordinance No. 99-15)

POLICY 39.1.4: Main access points from new development will not be established where traffic is required to travel through areas with significantly lower densities or intensities (e.g. Transportation III-8 December 2004 multifamily access through single-family areas, or commercial access through residential areas) except where adequate mitigation can be provided. (Amended and Relocated by Ordinance No. 99-15)

POLICY 39.1.5: The Land Development Code will continue to require appropriate landscaping for developments abutting arterial and collector roads. (Amended and Relocated by Ordinance No. 99-15)

POLICY 39.1.6: Through the zoning process, the county will direct high-intensity land uses to parcels which abut designated future transit corridors identified in Map 3C. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)

**Response: The amendment will comply with the policy and goals as stated above**

GOAL 40: SAFETY, ENERGY-EFFICIENCY, ACQUISITION, PRESERVATION, AND PROTECTION MEASURES FOR A MULTIMODAL TRANSPORTATION SYSTEM. Establish strategies for safe, convenient, and energy-efficient operation for roads and the development acquisition, preservation, and protection of a multimodal transportation system that is aesthetically-pleasing and furthers the efficient movement of commerce. (Amended by Ordinance No. 98-09, 99-15)

**Response: The amendment will comply with the goals as stated above. One of the design intents is to provide a multimodal facility to accommodate people coming and going to the property as well as when they are on the property.**

## Old San Carlos Island-Comp Plan Amendment

---

OBJECTIVE 40.1: PROTECTION OF ROADWAY CAPACITY. The county will protect the capacity and operational ability of county-maintained roadways through the enforcement of access control, connection separation standards and other methods. (Amended by Ordinance No. 98-09, 9915)

**Response:** This amendment will comply with the policy.

POLICY 40.1.1: The through traffic capacity of the county's expressways, arterials, and collectors will be protected by:

- Regulating accesses to collector and arterial streets to the extent permitted by state law.
- Providing sufficient distance between land access and expressway/freeway interchanges.
- Spacing signalized intersections on arterials and collectors for efficient traffic signal operation.
- Prohibiting on-street parking on arterials and collectors except in areas designated by the Board of County Commissioners. Transportation III-9 December 2004
- Developing a system of parallel access or frontage roads along identified collectors, arterials, and limited access facilities.
- Requiring access to arterials and collectors to be designed, funded, or built to meet forecasted use needs, including turn lanes, acceleration and deceleration lanes, and funding for future signalization. (Amended and Relocated by Ordinance No. 99-15)

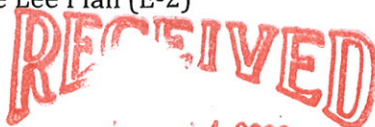
**Response:** This amendment will comply with the policy.

POLICY 40.1.2: The following standards are hereby established as the minimum desirable distances between connections to the county-maintained road network: Roadway Classification Centerline Distances (Feet) ,Arterial 660, Collector 330, Local Street 125, Frontage road, reverse frontage road 60, Or access way

Exceptions to these standards, and any criteria that would govern these exceptions, will be specified in the county's land development code. Certain roadways in the county are designated by the board as "controlled access," to which permanent access points are restricted to locations established and set by a specific access plan adopted by the Board by resolution. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)

**Response:** This amendment will comply with the policy to the best of our ability.

POLICY 40.1.3: The county will utilize a combination of methods to maintain the connection separation standards, including but not limited to requiring access roads, interconnections between developments, cross-access easements, continuous right-turn lanes, and other appropriate methods. The proper application of these various methods, and when any exceptions to the standards may apply, will be specified in the county's land development code. The county will maintain an Access Road Location Map





## Old San Carlos Island-Comp Plan Amendment

---

identifying where access streets are the preferred method of maintaining the connection separation standards. (Added by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)

**Response:** This amendment will comply with the policy.

OBJECTIVE 40.2: EFFICIENCY AND SAFETY. The county will continue its program of system modifications to increase travel safety and efficiency, such as the institution of automated toll collection and the Variable Pricing Program to encourage reduced-peak usage of toll facilities. Other measures designed to make the county's transportation system safer and more efficient will be proposed and implemented on an ongoing basis. (Amended by Ordinance No. 98-09, 99-15)

**Response:** This amendment will comply with the policy.

POLICY 40.2.1: In order to pursue more efficient use of existing road space, conserve energy, and reduce peak hour vehicle usage in congested areas, the county will promote for others and implement itself:

- Variable or staggered work hours.
- Car pooling and ride sharing.
- Incentives and programs to increase the use of mass transit.
- Incentives and programs to encourage transportation demand management.

**Response:** This amendment will comply with the policy.

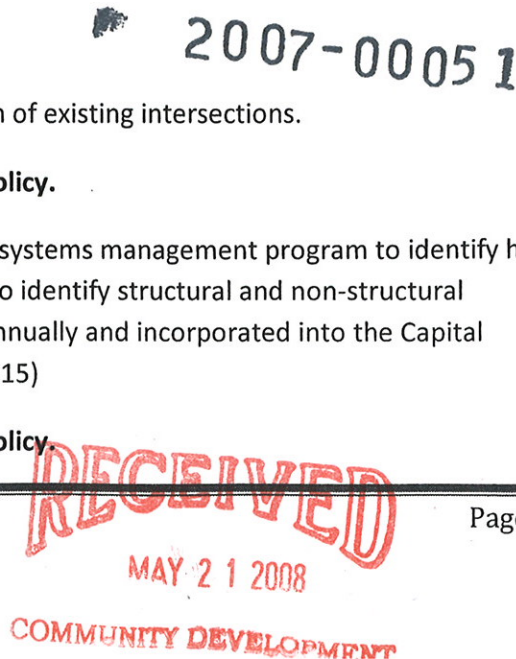
POLICY 40.2.2: Low-cost efficiency and safety improvements will be prioritized, such as: Transportation III-10 December 2004

- Continuing a traffic signal progression program (including synchronization) for arterial roadways, monitored quarterly, and rapidly responding to emergency progression problems.
- Monitoring and improving signals, signs, street lighting, and lane markings on all roadways.
- Restricting median cuts and driveways.
- Keeping maintenance programs adequately funded.
- Maintaining existing highway facilities or reconstruction of existing intersections.

**Response:** This amendment will comply with the policy.

POLICY 40.2.3: The county will maintain a transportation systems management program to identify high-hazard accident locations. Engineering studies designed to identify structural and non-structural measures to mitigate such hazards should be prepared annually and incorporated into the Capital Improvements Program. (Amended by Ordinance No. 99-15)

**Response:** This amendment will comply with the policy.



## Old San Carlos Island-Comp Plan Amendment

---

POLICY 40.2.4: Safety conditions will be improved by incorporating state-of-the-art safety measures into development regulations and by reconstructing unsafe roadway conditions. (Amended by Ordinance No. 99-15)

**Response:** This amendment will comply with the policy.

POLICY 40.2.5: A special roadway signalization, direction, and clearing plan will be developed and kept up to date to insure that any necessary hurricane evacuation along county roadways has maximum favorable roadway operating conditions. (Amended by Ordinance No. 99-15)

**Response:** This amendment will comply with the policy.

POLICY 40.2.6: The County will consider implementation of appropriate improvements identified through the Lee County Metropolitan Planning Organization's Congestion Management System (CMS). (Added by Ordinance No. 98-09)

**Response:** This amendment will comply with the policy.

POLICY 40.2.7: The County will annually fund its Traffic Signal/Intersection Improvement program in its Capital Improvement Program, to be used to pursue the types of improvements identified under Objective 40.2 to make the transportation system safer and more efficient. (Added by Ordinance No. 98-09, Amended by Ordinance No. 99-15)

**Response:** This amendment will comply with the policy.

OBJECTIVE 40.3: ROADWAY LANDSCAPING. The county will implement a landscaping program for Lee County roadways utilizing the guidelines for design implementation and long term maintenance set forth in the Lee County Roadway Landscape (LeeScape) Master Plan adopted on October 27, 1998. (Amended by Ordinance No. 98-09, 99-15)

**Response:** This amendment will comply with the objective and its policies.

2007-00051

OBJECTIVE 40.4: OTHER MODES OF TRANSPORTATION. When conducting all transportation planning and engineering studies, consider the needs and opportunities to allow and encourage the use of all modes of transportation. (Amended by Ordinance No. 98-09, 99-15)

POLICY 40.4.1: The county will consider the mass transit policies under Objective 43.1 during roadway studies. (Amended by Ordinance No. 98-09, 99-15)

POLICY 40.4.2: The county will develop a safe and interconnected bicycle/pedestrian system in unincorporated Lee County to meet the users' needs for transportation and recreation, consistent with the Bikeways/Walkways Facilities Plan (Map 3D). The system will provide facilities between residential, work, school, shopping, and recreation areas. Map 3D represents a desired future network unrestricted by jurisdictional responsibility or funding availability. The county is not obligated to build all the facilities depicted on the map. (Amended by Ordinance No. 98-09, 99-15)

RECEIVED

MAY 21 2008



## Old San Carlos Island-Comp Plan Amendment

---

POLICY 40.4.3: Safety considerations for pedestrians and cyclists will be incorporated into the design of segments and intersections of arterial and collectors. (Amended by Ordinance No. 9915)

POLICY 40.4.4: County implementation of the relevant portions of the system as shown in Map 3D will be through incorporation of bicycle/pedestrian facilities where possible in the construction plans of new and expanded roadways, requirements for new development to install facilities, federal and state grant applications, and annual County funding of improvements. (Added by Ordinance No. 99-15)

POLICY 40.4.5: The County will establish as priorities for its annual bicycle/pedestrian funding program the development of a network of bicycle/pedestrian facilities on arterial and collector roadways as identified on Map 3D and the connection of public schools to established residential neighborhoods. The county will establish priorities with assistance from the Bicycle/Pedestrian Advisory Committee. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)

**Response: The amendment will comply with the policy and objective as stated above**

GOAL 41: COMMUNITY AND ENVIRONMENTAL IMPACTS. Develop and maintain a transportation system that protects community and neighborhood integrity and that preserves critical environmental habitats and significant aesthetic values. (Amended by Ordinance No. 99-15)

OBJECTIVE 41.1: COMMUNITY IMPACTS. New and expanded transportation facilities will be aligned and designed to protect existing development except where no feasible alternative exists. (Amended by Ordinance No. 98-09, 99-15)

POLICY 41.1.1: Alignments of new and expanded roads and other transportation improvements will be selected to minimize the cost/benefit ratio while:

- Minimizing the number of businesses and residences displaced.
- Using major roads to define neighborhoods.
- Allowing sufficient land area between arterials to enable the formation of new neighborhoods.
- Distributing traffic loadings among available facilities. (Amended by Ordinance No. 98-09)

Transportation III-12 December 2004

POLICY 41.1.2: The alignment of arterials or expressways that penetrate or divide established residential neighborhoods will be avoided except where no feasible alternative exists. (Amended by Ordinance No. 99-15)

POLICY 41.1.3: For those neighborhoods where too much through traffic is a problem, the county will study (and implement when warranted) neighborhood traffic control plans to protect residential areas from the harmful impacts of excessive traffic. (Amended by Ordinance No. 0202)

POLICY 41.1.4: Local streets will be used to mitigate existing arterial or collector congestion problems only as a last resort. Planning new corridors through such areas will be undertaken in conjunction with

## Old San Carlos Island-Comp Plan Amendment

---

reimbursement for losses and a safety and buffering program for remaining residents. (Amended by Ordinance No. 99-15)

OBJECTIVE 41.2: ENVIRONMENTAL IMPACTS. New and expanded transportation facilities will continue to be aligned and designed to protect environmentally sensitive areas and rare and unique habitats (see Conservation and Coastal Management element). (Amended by Ordinance No. 98-09)

POLICY 41.2.1: Construction of new collector and arterial roads will not be undertaken by the county in Non-Urban areas unless fully reimbursed by MSTU/MSBUs or property owners, except where needed for through traffic to or between designated future urban areas. (Amended by Ordinance No. 99-15)

POLICY 41.2.2: New roads or expansion of existing facilities will not be extended through wetland systems and estuarine water bodies except in instances of overriding public interest and unless:

- It is the only feasible route to serve existing or designated future urban areas;
  - The crossing is culverted or bridged to the greatest degree possible, maintaining pre-development volume, direction, distribution, and surface water hydroperiod consistent with County standards and providing adequate wildlife corridors;
  - Scenic overlook opportunities are provided if appropriate; and
  - Equivalent mitigation is provided. (Amended by Ordinance No. 99-15)
- POLICY 41.2.3: The design phase of all new or improved arterial and collector roads which would affect wetland systems and estuarine water bodies will include an environmental impact assessment. This assessment will also address impacts on historic structures, archaeological resources (if the road travels through a zone of archaeological sensitivity), and rare and unique upland habitats (RU, see Objective 104.1). (Amended by Ordinance No. 99-15)

POLICY 41.2.4: Adequate provision will be included for the safe passage of wildlife across new or reconstructed county roads where required by law, permit conditions or where otherwise appropriate. (Amended by Ordinance No. 99-15)

POLICY 41.2.5: New and expanded roadways will not destroy archaeological sites unless full recovery of data and artifacts is included in the process. (Amended by Ordinance No. 99-15) Transportation III-13 December 2004

**Response: The amendment will comply with the Goals, objectives and policies as stated above**

GOAL 42: INTERGOVERNMENTAL COORDINATION. Cooperate with other governmental entities in the planning, funding, construction, operations and maintenance of transportation improvements within or affecting Lee County. (Amended by Ordinance No. 99-15, 02-02)

**Response: N/A**

RECEIVED  
MAY 21 2008



## Old San Carlos Island-Comp Plan Amendment

---

### b. Mass Transit

GOAL 43: MASS TRANSIT SERVICE. Provide public transit service to residents and visitors (especially the transportation-disadvantaged population) in and between the concentrated population centers of Lee County, and ensure that this service is integrated with other modes of transportation. (Amended by Ordinance No. 99-15)

**Response: A mass transit element is proposed for this development and will include trolley stops, and a water taxi to Fort Myers beach**

GOAL 44: TRANSIT DEVELOPMENT PLAN. To continue the development of a Transit Development Plan (TDP) for the county. (Amended by Ordinance No. 99-15)

**Response: N/A**

GOAL 45: MARINE NAVIGATION MANAGEMENT. Develop and implement a comprehensive marine access program. (Added by Ordinance No. 98-09, Amended by Ordinance No. 99-15)

OBJECTIVE 45.1: CHANNEL DREDGING. The county will maintain the support facility and service systems of existing ports. (Amended by Ordinance No. 99-15)

POLICY 45.1.1: The county will monitor the maintenance of support facility and service systems of existing ports, with responsibility for:

- Coordination between the U.S. Army Corps of Engineers and Lee County on the timing of maintenance dredging on federally maintained channels.
- Assessing the possibility of instituting a private channel maintenance assessment on properties benefiting from the channels. (Amended by Ordinance No. 99-15)

**Response: This amendment will comply with the above stated policies, objectives and goals**

GOAL 46: COORDINATED SYSTEM OF RAILWAYS, AVIATION, PORTS, AND ROADS. Develop and maintain a coordinated system of railways, aviation, Transportation III-17 December 2004 ports, roads, and related facilities to facilitate the safe and efficient movement of commerce, consistent with community values and economic objectives. (Amended by Ordinance No. 99-15)

**Response: N/A**

GOAL 47: COORDINATED SYSTEM OF AVIATION FACILITIES. Develop and maintain a coordinated system of aviation facilities to facilitate the safe, cost-effective, and efficient movement of commerce consistent with community values and economic objectives. (Amended by Ordinance No. 99-15)

**Response: N/A**

RECEIVED  
MAY 21 2008

2007-0005 11  
Page 53

# Old San Carlos Island-Comp Plan Amendment

---

GOAL 48 – GOAL 52: [RESERVED]

Transportation III-24 December 2004 COMMUNITY FACILITIES AND SERVICES

Chapter IV

## IV. Community Facilities and Services

### a. Potable Water

GOAL 53: POTABLE WATER INFRASTRUCTURE. To ensure the public health, welfare, and safety by the provision of high-quality central potable water service throughout the future urban areas of unincorporated Lee County, and to ensure that the costs of providing facilities for the supply of potable water are borne by those who benefit from them.

OBJECTIVE 53.1: The County will ensure the provision of acceptable levels of potable water service throughout the future urban areas of the unincorporated county, either directly by Lee County Utilities, or indirectly through franchised utility companies. (Amended by Ordinance No. 94-30, 0022, 03-04)

POLICY 53.1.1: The Board of County Commissioners hereby establishes service areas for the Lee County Utilities water systems throughout which it will provide standard service as required by demand, and within which it will challenge applications by private water utilities to obtain a Certificate of Operation from the Florida Public Service Commission and reject all applications for a county franchise therein. These service areas are illustrated in Map 6. Within the Fort Myers urban reserve area, the service areas shown on the map are subject to modifications in accordance with existing and future interlocal agreements. (Amended by Ordinance No. 93-25)

POLICY 53.1.2: The minimum acceptable level-of-service standards (see Policy 95.1.3) for potable water connections to Lee County Utilities will be:

- An available supply and treatment capacity of 250 gallons per day per equivalent residential connection (ERC) for the peak month, except that facilities serving only mobile home residential structures must have a capacity of 187.5 gallons per day and facilities serving only travel trailer residential structures must have a capacity of 150 gallons per day. (Amended by Ordinance No. 92-35, 00-22)
- POLICY 53.1.3: The Board of County Commissioners encourages all private utilities to set a minimum acceptable level of service to be adopted herein for use in the concurrency management system within their respective franchised or certificated areas. After the effective date of this plan or September 1, 1989, whichever is later, if the county has not adopted such standards into this plan, the standards adopted for the Lee County Utilities' water systems will apply in those certificated or franchised areas and will be used in enforcing concurrency regulations (see Policy 95.1.3).

After the deadline set above any private utility that cannot meet the Level-of- Service standards set forth for Lee County Utilities will have the opportunity to petition for a Plan Amendment for a revised