

GIS Tracking Sheet

Case No.:

DCI 2011-00038

Intake Date:

Project Name:

STRAP Number(s):

Planner Name:

Ext.

LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date:

INTAKE:

LEGAL SUFFICIENT

YES

NO

Initials:

If not, give brief explanation:

MAP UPDATE following FINAL ACTION

Date:

Hearing Examiner Decision

Board of County Commissioner's Resolution

Administrative Approval

Blue Sheet

Zoning Notes:

12/20/11

MAP UPDATED

YES

NO

Initials: *CS*

If not, give brief explanation:

ZONE: CPD: 561074

BOARD OF COUNTY COMMISSIONERS

John E. Manning
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Karen B. Hawes
County Manager

Michael D. Hunt
County Attorney

Diana M. Parker
County Hearing Examiner

December 09, 2011

MICHAEL E. ROEDER
KNOTT, CONSOER, EBELINI, HART
1625 HENDRY STREET
#301
FORT MYERS FL 33901
Re: GRADYS LODGE
BCCR11-10-01 Extension (F)
DCI2011-00038

Dear MICHAEL E. ROEDER:

In accord with BCCR11-10-01, development permits meeting certain criteria are entitled to one 4-year extension from the existing/initial permit expiration date. Accordingly, the effectiveness of the Master Concept Plan identified in Zoning Resolution, Z-04-029 (DCI2003-00080), DCI2011-00038, GRADYS LODGE, is hereby extended for the following:

APPROVAL OF A 4 YEAR EXTENSION FROM DECEMBER 6, 2011 TO DECEMBER 6, 2015 FOR GRADY'S LODGE.

No additional extensions under BCCR11-10-01 may be granted for the above-referenced development permit. All underlying conditions of the zoning resolution remain in full force and effect. Failure to comply with zoning conditions may result in enforcement action as provided under Florida law and local regulations.

This extension applies only to the specific approvals identified above. If your project requires additional development permits or authorizations to continue construction, you are required to obtain the necessary approvals, including related permit extensions. If you hold other permits or authorizations that qualify for an extension under BCCR11-10-01, you must file a specific request for each qualifying development permit.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Department of Community Development
Division of Zoning



Pam Houck
Director

BOARD OF COUNTY COMMISSIONERS

John E. Manning
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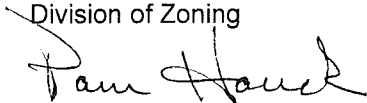
No additional extensions under BCCR11-10-01 may be granted for the above-referenced development permit. All underlying conditions of the zoning resolution remain in full force and effect. Failure to comply with zoning conditions may result in enforcement action as provided under Florida law and local regulations.

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If you have any questions, please do not hesitate to contact me.

Sincerely,

Department of Community Development
Division of Zoning



Pam Houck
Director

Knott · Ebelini · Hart

Attorneys At Law

George H. Knott *+
Mark A. Ebelini
Thomas B. Hart □
Aaron A. Haak ◇+

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Michael E. Roeder, AICP
Director of Zoning
and Land Use Planning

* Board Certified Civil Trial Lawyer
□ Board Certified Real Estate Lawyer
+ Board Certified Business Litigation Lawyer
◇ Board Certified Construction Lawyer

MRoeder@knott-law.com

December 1, 2011

RECEIVED
DEC 01 2011

COMMUNITY DEVELOPMENT

Ms. Pam Houk
Department of Community Development
P.O. Box 398
Fort Myers, FL 33902

DCI 2011-00038

RE: Extension of Master Concept Plan for Z-04-029

Dear Pam:

Pursuant to the recently adopted Resolution 11-10-01, we are requesting a four year extension for the Master Concept Plan approved under Z-04-029 for Grady's Lodge. As you know, we are hoping to replace this approval with a new CPD for a dry storage marina, but it is only prudent to extend the existing MCP in case of any unforeseen complications. I am attaching a copy of the original zoning resolution, as well as a letter dated October 6, 2009 from Robert Hutcherson which had requested the first two year extension. Also, enclosed please find a check for \$200.00 to cover the cost of this application.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

KNOTT EBELINI HART



Michael E. Roeder, AICP
Director of Zoning and
Land Use Planning
MER:kab



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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County Manager

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County Attorney

Diana M. Parker
County Hearing Examiner

October 08, 2009

ROBERT D. HUTCHERSON
12801 WESTLINKS DRIVE
FORT MYERS FL 33913

Re: GRADY'S LODGE
Senate Bill 360 Extension (F)
DCI2009-00037

Dear MR. HUTCHERSON:

In accord with Senate Bill 360 (SB360) and Lee County Resolution 09-06-22, development permits meeting certain criteria are entitled to one 2-year extension from the existing/initial permit expiration date. Accordingly, the effectiveness of the Master Concept Plan identified in Zoning Resolution Z-04-029, DCI2003-00080, GRADY'S LODGE, is hereby extended for the following:

From the expiration date of December 6, 2009 to December 6, 2011.

No additional extensions under SB360 may be granted for the above-referenced development permit. All underlying conditions of the zoning resolution remain in full force and effect. Failure to comply with zoning conditions may result in enforcement action as provided under Florida law and local regulations.

This extension applies only to the specific approvals identified above. If your project requires additional development permits or authorizations to continue construction, you are required to obtain the necessary approvals, including related permit extensions. If you hold other permits or authorizations that qualify for an extension under SB360, you must file a specific request for each qualifying development permit.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Department of Community Development
Division of Zoning

Pam Houck
Director



October 6, 2009

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OCT 06 2009

Ms. Mary Gibbs, AICP
Director of Community Development
PO Box 398
Ft Myers, FL 33902-0398

RE: Senate Bill 360 Permit Extension
Grady's Lodge, Z-04-029

DCI 2009-00037

Dear Ms. Gibbs:

I am writing to request a Senate Bill 360 permit extension of two years for the above-referenced Zoning Master Concept Plan. The original MCP was approved on December 6, 2004 and is valid for a period of five years, expiring on December 6th of this year. The property is located on North Captiva Island, is zoned Commercial Planned Development (CPD), and is designated Outer Islands on the Lee County Comprehensive Plan. The CPD was approved for 10 hotel units (cabins), a 4,200 sq. ft. lodge with caretaker's residence, and an outdoor pool area on 1.59 acres.

The original owner had contracted with a separate entity for the sale of the property; however, the buyer was unable to complete the sale, and bankruptcy proceedings were begun. I have enclosed a copy of the deed transferring the property (5-45-21-16-00000.0480) back to Mr. Scott's ownership on September 24th, and Mr. Scott is currently negotiating with a second developer. Lee County Resolution 09-08-22, pertaining to statutory extension of development approvals, authorizes the Director of Community Development to grant two year extensions based on certain criteria. The request is being made in a timely fashion, identifies the anticipated time frame, and does not pose an immediate threat to public safety or health. Should you need any additional information, please do not hesitate to contact this office.

Sincerely,

WilsonMiller, Inc.

Robert D. Hutcherson, AICP
Senior Project Manager
Associate

Enc.

12801 Westlinks Drive Suite 106 Fort Myers, Florida 33913

800.649.4336 239.939.1020 F 239.939.3412

WilsonMiller.com

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

WHEREAS, an application was filed by the property owner, Graydon W. Scott, to rezone a 1.59+/- acre parcel from commercial (C-1) to commercial planned development (CPD), in reference to Grady's Lodge; and,

WHEREAS, public hearings were advertised and held on April 22, 2004, May 14, 2004 and July 14, 2004, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #2003-00080; and

WHEREAS, second public hearings were advertised and held on October 18, 2004 and December 6, 2004, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 1.59+/- acre parcel from C-1 to CPD, to permit a 15 unit hotel/motel in the form of 10 one and two unit cabins, not to exceed a maximum height of 35 feet. The property is located in the Outer Islands Land Use Category and is legally described in attached Exhibit A. The request is APPROVED SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. The development of this project must be consistent with the one (1) page Master Concept Plan entitled "GRADY'S LODGE," stamped received by the permit counter on FEB 02 2005 and attached hereto as Exhibit C, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

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

a. Schedule of Uses

ESSENTIAL SERVICES

RECEIVED

OCT 06 2009

EXCAVATION, water retention (dry retention only)
HOTEL/MOTEL (maximum of 10 cabins), including the following accessory uses
(which can only operate if the hotel/motel has received a Certificate of
Occupancy):

ADMINISTRATIVE OFFICE, only within the lodge building
CARETAKERS RESIDENCE, only within the lodge building
CONSUMPTION ON PREMISES, within the lodge building and including
the outdoor seating area and pool bar
FOOD STORE, Group I, only within lodge building
REAL ESTATE OFFICE, only within lodge building
RECREATIONAL FACILITIES, private on-site
RENTAL AND LEASING ESTABLISHMENTS, Group I, only within the lodge
building and limited to bicycles, golf carts, and boat rentals for the
guests of the lodge
RESTAURANTS, Group II and III, only within the lodge building
SIGNS, in accordance with Chapter 30, of the LDC
SPECIALTY RETAIL, Groups I and II, only within the lodge building

b. Site Development Regulations

Minimum Lot Area and Dimensions:

Area: 1.59 acres
Width: 100 feet
Depth: 100 feet

Minimum Setbacks:

Street: 20 feet
Side: 15 feet
Rear: 15 feet
Development perimeter: 15 feet
Maximum Height: 35 feet (maximum two (2) stories,
lodge only)
20 feet for the 10 cabins
Maximum Lot Coverage: 40 percent
Minimum Building Separation: 10 feet

3. This development is limited to a 4,200-square-foot lodge building containing a caretakers residence and commercial retail and/or office uses, with a 1,125-square-foot covered porch and an outside 300-square-foot pool bar, as depicted on the Master Concept Plan. The development is also limited to a maximum of 10 hotel/motel units (cabins) having a maximum size of 750 square feet for five (5) cabins and a maximum size of 400 square feet

for the remaining five (5) cabins, excluding the optional porches. The typical cabin must be in substantial compliance with the attached artist renderings attached hereto as **Exhibit D**. The caretaker's residence, within the lodge building, is in addition to the 10-unit hotel/motel.

4. Prior to local development order approval, the landscape plan must delineate the existing native trees to be preserved and any Sabal palms to be relocated on site. These native trees may be used to meet the LDC landscaping requirements with the credits allowed in LDC § 10-420(h).
5. Enhancement of the Type "D" buffer is as follows:
 - a. A minimum 15-foot-wide buffer with a double row hedge of native shrubs (minimum four foot height at planting) installed four foot on center and five trees per 100 linear feet along the west, south, and east property boundaries. Existing trees and native shrubs may be used toward the required buffer plantings; and
 - b. At the time of local development order approval, the placement of the vegetative buffer along the south and east property lines must be coordinated with the Upper Captiva Fire Department to ensure fire department personnel have access to the rear of the most southerly and easterly cabins.
6. Consumption on Premises:
 - a. The outdoor seating area and pool bar are limited to the cross-hatched area as shown on Grady's Lodge Master Concept Plan stamped received by the permit counter on January 20, 2004; and
 - b. No live musical entertainment, is allowed in the outdoor seating area; however, "background" music may be piped in, at a reduced volume, so that patrons may maintain a normal level of conversation. Background music is prohibited before 10:00 a.m. and after 6:00 p.m., Monday through Sunday; and
 - c. The hours of operation for the outdoor seating area, in conjunction with the consumption of alcoholic beverages, are limited from no earlier than 10:00 a.m. to no later than 10:00 p.m.; and
 - d. The consumption on premises alcoholic beverage license series is to be used only in conjunction with a Group II or III restaurant and in conjunction with the pool bar and outdoor seating area; and
 - e. The hours for consumption on premises for inside the restaurant shall be limited to 10:00 a.m. to 11:00 p.m.; and
 - f. Lighting on the proposed pool deck must be designed so as to prevent direct glare, light spillage or hazardous interference with vehicular and pedestrian traffic on abutting streets and all abutting properties.

7. The Applicant must provide, through Lee County Emergency Management, literature and brochures for Hurricane Awareness/Preparedness describing the risks of natural hazards.
8. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
9. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.
10. The 10 hotel/motel units cannot be condominiumized nor can separate long term leases be granted for more than 30 days per calendar year. Prior to local development order approval, these restrictions must be recorded in the public records of Lee County.
11. The 10 hotel/motel units cannot be outfitted with kitchens or cooking facilities.
12. The developer must prove that the project will be served by an adequate water supply prior to any development order approvals.
13. Golf cart batteries may not be stored outdoors.
14. The exact location of building footprints, accessory uses, septic drainfields, driveways, and golf cart parking areas will be adjusted as necessary to avoid the unnecessary destruction of indigenous vegetation. No indigenous vegetation will be removed outside of these designated areas.
15. Developer agreed to make a voluntary contribution for impacts to the road system on North Captiva in the amount of \$4,000.00.
16. Administrative amendments to the rezoning approval are prohibited.
17. Developer must plant Green Buttonwood trees three to four feet apart and staggered around south and west the boundaries in addition to the four foot hedge abutting the property line in order to create an acceptable sight and sound barrier. Developer may plant indigenous vegetation in excess of the minimum required buffer without the consent of neighbors. The buffer must be installed as soon as irrigation can be provided, and prior to the commencement of any construction on the site. Developer must maintain the buffer in good condition, replanting dead vegetation within a reasonable time.
18. Placement of Air Conditioning units shall be located along the side walls of the proposed lodge. There shall be no A/C units on walls or footings along the rear of the structures (excluding the Main Lodge) that would direct noise outward of the development toward the residential zone. Additionally all A/C units shall be surrounded by a three sided barrier, to a height of not less than 18" above the top of the A/C unit, constructed of solid wood and

lined with concrete board or foam panels as a noise abatement barrier. Such barriers shall be placed so that the open side faces the side of the unit, which will create the maximum reduction of noise surrounding the development. Approximate locations of the A/C units are depicted on the Master Concept Plan.

19. Trash dumpsters shall be located and fully screened so that they are not seen from either the roadway or surrounding residents.
20. Major construction, i.e. sinking of the pilings, framing and roofing (but excluding work on the pool, planting of vegetation buffer, site retention and infrastructure, interior work and less noisy exterior work), shall only be conducted and limited to the less populated, out-of-season months from May 15th thru December 20th. The only exception during this period would be the Thanksgiving Holiday weekend when no construction shall take place. Any other site work that is not specifically covered in this section shall be mutually agreed upon by the parties in advance of any construction.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from LDC § 10-291(2), which requires that all development must abut and have access to a public or private street designed, and constructed or improved, to meet the standards in § 10-296 (a Category "A" road), to allow golf cart access to the existing shell/gravel road. This deviation is APPROVED.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (subject parcel identified with shading)
- Exhibit C: The Master Concept Plan
- Exhibit D: Artist's renderings for cabins

The applicant has indicated that the STRAP number for the subject property is:
05-45-21-16-00000.0480

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,

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

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

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Nay
Tammy Hall	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 6th day of December 2004.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Michelle B Cooper
Deputy Clerk

BY: [Signature]
Chairman
Approved as to form by:

[Signature]
County Attorney's Office



CASE NO. DC12003-00080

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MINUTES OFFICE

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