kwiktag® 022 563 440

GIS Tracking Sheet

Case No.: DC12005-00095

Intake Date: 9-15-05

Project Name: Caloosa Isle Yacht Club

STRAP Number(s): 16-44-24-03-0030B.0000 + -0030A.0000 + -0030D.0000

Planner Name: Josh Ext. 8365

LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date: 1/25/2006 **INTAKE:** ARCGIS DC105095

LEGAL SUFFICIENT ☑ YES ☐ NO Initials: LOM

If not, give brief explanation:

MAP UPDATE following FINAL ACTION

Date: 31JAN07

☐ Hearing Examiner Decision ☑ Board of County Commissioner's Resolution

☐ Administrative Approval ☐ Blue Sheet

Zoning Notes: Z-06-065, DCI2005-00095, 300CT06, CALOOSA ISLE YACHT CLUB, REZONE 5.77 ACRES FROM CPD TO CPD TO PERMIT THE REDEVELOPMENT OF CALOOSA ISLE MARINA TO ALLOW 334 BOAT SLIPS, 7000 SQ FOOT RESTAURANT AND 7500 SQ FEET OF ANCILLARY USES; CONDS

MAP UPDATED ☑ YES ☐ NO Initials: AJJJ

If not, give brief explanation: NOTE TO CPD: 007839

S:\WRITERS\Murphyge\gistracking.wpd

Dagostino & Wood, Inc.

Legal for Main Tract
(5.925 acres)

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

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

CONTAINING 5.925 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

RECEIVED
DEC 02 2005
COMMUNITY DEVELOPMENT

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

DCI 2005-00095

DCI 2005-00095

Dagostino & Wood, Inc.

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

PREPARED BY:

DAVID S. DAGOSTINO, PSM REG. NO. 5762

NOT VAILD WITHOUT SKETCH

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

DCI 2005-00095

RECEIVED
DEC 02 2005
COMMUNITY DEVELOPMENT

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

Dagostino & Wood, Inc.

Legal for Tract "D"
(0.316 acres)

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

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

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

CONTAINING 0.316 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

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

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

PREPARED BY:

DAVID S. DAGOSTINO, PSM, REG. NO. 5762

NOT VAILD WITHOUT SKETCH

DCI 2005-00095

RECEIVED
DEC 02 2005
COMMUNITY DEVELOPMENT

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

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

Sketch Of Description Applicant's Legal Checked by Lgm 1/25/2006

DCI 2005-00095

LEGAL DESCRIPTION

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

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CONTAINING 5.925 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

BEARINGS SHOWN HEREON ARE BASED UPON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983 (1990 ADJUSTMENT), THE RECORD PLAT OF WATERWAYS OF FORT MYERS UNIT 2 IS ALSO BASED UPON THE SAME ROTATION.

THIS IS NOT A SURVEY

DEC 02 2005

COMMUNITY DEVELOPMENT

LINE TABLE		
LINE	BEARING (M)	DISTANCE (M)
L1	S44°21'45"W	28.12'
L2	N59°30'14"W	102.61'
L3	S43°56'37"W	50.00'

LINE	BEARING (D)	DISTANCE (D)
L1	S43°56'37"W	27.98'
L2	N59°33'03"W	102.84'
L3	S43°56'37"W	50.00'

CURVE TABLE					
CURVE	DELTA (M)	RADIUS (M)	ARC (M)	CHORD BEARING (M)	CHORD (M)
C1	83°30'36"	25.00'	36.44'	S85°41'55"W	33.30'
C2	6°40'32"	668.68'	77.91'	N49°12'31"W	77.86
C3	134°26'42"	25.00'	58.66'	S23°13'33"E	46.10'
C4	90°01'49"	25.00'	39.28'	N45°04'58"E	35.36'
C5	5°47'59"	718.68'	72.75'	N48°46'15"W	72.72'
C6	95°36'51"	25.00'	41.72'	S03°51'49"E	37.04'

CURVE	DELTA (D)	RADIUS (D)	ARC (D)	CHORD BEARING (D)	CHORD (D)
C1	83°15'00"	25.00'	36.32'	------	33.21'
C2	6°45'00"	668.68'	78.78'	------	78.73'
C3	134°32'17"	25.00'	58.70'	S23°19'32"E	46.12'
C4	89°30'20"	25.00'	39.05'	N44°39'10"E	35.20'
C5	5°47'20"	718.68'	72.61'	------	72.58'
C6	95°47'20"	25.00'	41.80'	------	37.10'

BASIN

GRAPHIC SCALE
0 25 50
(IN FEET)
1 inch = 100 ft

CERTIFIED TO:

D&W DAGOSTINO & WOOD, INC.
Professional Surveying & Mapping
610 18th Avenue NE Naples, FL 34120
Phone: (239) 352-6885 Fax: (239) 352-6895

DAVID L. DAGOSTINO, (PSM) Professional Surveyor & Mapper No. 5762 — STATE OF FLORIDA

THIS MAP PREPARED BY:

CERTIFICATE OF AUTHORIZATION NO. LB 6886
NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

JOB NO. 05084 SHEET NO. 1 OF 1 SHEETS

DRAWING FILE: 05084.1 — DRAWING SCALE: 1"=100' — SURVEY DATE: 11/18/05 — REVISED BY: — REVISED DATE:

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

RECEIVED
DEC 02 2005
COMMUNITY DEVELOPMENT
DCI 2005-00095

LEGAL DESCRIPTION

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

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CONTAINING 0.316 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

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

Applicant's Legal Checked
Sketch
by Lcm 1/25/2006

DCI 2005-00095

****THIS IS NOT A SURVEY****

RECEIVED
DEC 02 2005
COMMUNITY DEVELOPMENT

LINE TABLE		
LINE	BEARING (M)	DISTANCE (M)
L1	S44°21'45"W	28.12'
L2	N59°30'14"W	102.61'
L3	S43°56'37"W	50.00'
LINE	BEARING (D)	DISTANCE (D)
L1	S44°56'37"W	27.98'
L2	N59°33'03"W	102.84'
L3	S43°56'37"W	50.00'

CURVE TABLE					
CURVE	DELTA (M)	RADIUS (M)	ARC (M)	CHORD BEARING (M)	CHORD (M)
C1	87°30'36"	25.00'	38.44'	S85°41'55"W	33.30'
C2	6°40'32"	668.68'	77.91'	N49°12'31"W	77.86'
C3	134°26'42"	25.00'	58.66'	S23°13'33"E	46.10'
C4	90°01'49"	25.00'	39.28'	N45°04'38"E	35.36'
C5	5°47'39"	718.68'	72.75'	N48°48'15"W	72.72'
C6	95°36'51"	25.00'	41.72'	S03°51'49"E	37.04'
CURVE	DELTA (D)	RADIUS (D)	ARC (D)	CHORD BEARING (D)	CHORD (D)
C1	87°15'00"	25.00'	38.32'	------	33.21'
C2	6°45'00"	668.68'	78.78'	------	78.73'
C3	134°32'12"	25.00'	58.70'	S23°19'32"E	46.12'
C4	89°30'20"	25.00'	39.05'	N44°39'10"E	35.20'
C5	5°47'20"	718.68'	72.61'	------	72.58'
C6	95°49'20"	25.00'	41.80'	------	37.10'

BASIN

GRAPHIC SCALE
0 25 50
(IN FEET)
1 inch = 100 ft.

CERTIFIED TO:

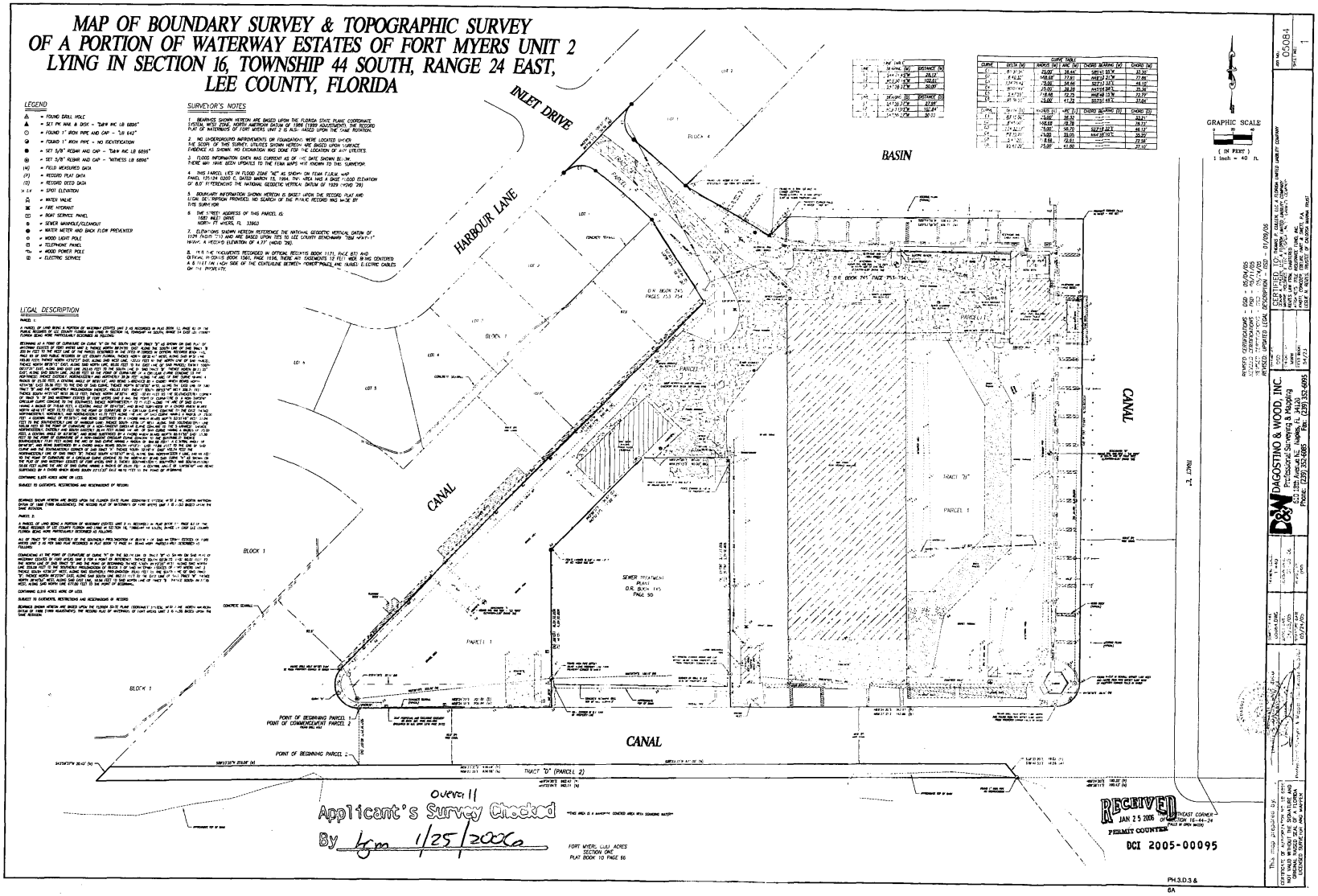
D&W DAGOSTINO & WOOD, INC.
Professional Surveying & Mapping
610 18th Avenue NE Naples, FL 34120
Phone: (239) 352-0455 Fax: (239) 352-6995

THIS MAP PREPARED BY:
DANIEL A. DAGOSTINO, P.S.M. NO. 5588
CERTIFICATE OF AUTHORIZATION NO. LB 3588
NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

Professional Surveyor & Mapper No. 5588
STATE OF FLORIDA

Job No. 03084
SHEET NO. 1

MAP OF BOUNDARY SURVEY & TOPOGRAPHIC SURVEY OF A PORTION OF WATERWAY ESTATES OF FORT MYERS UNIT 2 LYING IN SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA



LEGEND

- ⚓ = FOUND DRILL HOLE
- ▲ = SET PK NAIL & DISC - "DAPK INC LB 6896"
- ○ = FOUND 1" IRON PIPE AND CAP - "LB 642"
- ⊕ = FOUND 1" IRON PIPE - NO IDENTIFICATION
- ● = SET 5/8" REBAR AND CAP - "D&W INC LB 6896"
- ⊗ = SET 5/8" REBAR AND CAP - "WITNESS LB 6896"
- (M) = FIELD MEASURED DATA
- (P) = RECORD PLAT DATA
- (D) = RECORD DEED DATA
- 9.34 = SPOT ELEVATION
- = WATER VALVE
- = FIRE HYDRANT
- = BOAT SERVICE PANEL
- = SEWER MANHOLE/CLEANOUT
- = WATER METER AND BACK FLOW PREVENTER
- = WOOD LIGHT POLE
- = TELEPHONE PANEL
- = WOOD POWER POLE
- = ELECTRIC SERVICE

SURVEYOR'S NOTES

1. BEARINGS SHOWN HEREON ARE BASED UPON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983 (1990 ADJUSTMENT), THE RECORD PLAT OF WATERWAYS OF FORT MYERS UNIT 2 IS ALSO BASED UPON THE SAME ROTATION.
2. NO UNDERGROUND IMPROVEMENTS OR FOUNDATIONS WERE LOCATED WITHIN THE SCOPE OF THIS SURVEY. UTILITIES SHOWN HEREON ARE BASED UPON SURFACE EVIDENCE AS SHOWN. NO EXCAVATION WAS DONE FOR THE LOCATION OF ANY UTILITIES.
3. FLOOD INFORMATION SHOWN WAS CURRENT AS OF ---. DATE SHOWN BELOW. THERE MAY HAVE BEEN UPDATES TO THE FEMA MAPS NOT KNOWN TO THIS SURVEYOR.
4. THIS PARCEL LIES IN FLOOD ZONE "AE" AS SHOWN ON FEMA F.I.R.M. MAP PANEL 125124 0265 C, DATED MARCH 18, 1984, INC. AREA HAS A BASE 1-100 ELEVATION OF 8.0' REFERENCING THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD 29).
5. BOUNDARY INFORMATION SHOWN HEREON IS BASED UPON THE RECORD PLAT AND LEGAL DESCRIPTION PROVIDED. NO SEARCH OF THE PUBLIC RECORD WAS M-DE BY THIS SURVEYOR.
6. THE STREET ADDRESS OF THIS PARCEL IS: 1001 INLET DRIVE NORTH FT MYERS, FL 33903
7. ELEVATIONS SHOWN HEREON REFERENCE THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD '29) AND ARE BASED UPON TIES TO LEE COUNTY BENCHMARK "BM NORTH" HAVING A RECORD ELEVATION OF 4.27' (NGVD 29).
8. THERE ARE ENCUMBRANCES RECORDED IN OFFICIAL RECORDS BOOK 1171, PAGE 837 AND OFFICIAL RECORDS BOOK 1081, PAGE 1936, THERE ARE EASEMENTS 12 FEET WIDE, BEING CENTERED 6.0 FEET ON EACH SIDE OF THE CENTERLINE BETWEEN POWER POLES AND RAISED ELECTRIC CABLES ON THE PROPERTY.

LEGAL DESCRIPTION

PARCEL 1:

A PARCEL OF LAND BEING A PORTION OF WATERWAY ESTATES UNIT 2 AS RECORDED IN PLAT BOOK 10, PAGE 82 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA AND LYING IN SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF CURVATURE ON CURVE "A" ON THE SOUTH LINE OF TRACT "D" AS SHOWN ON SAID PLAT OF WATERWAY ESTATES OF FORT MYERS UNIT 2, THENCE NORTH 89°57'11" WEST ALONG THE SAID SOUTH LINE OF TRACT "D" 200.94 FEET TO THE WEST LINE OF THE PARCEL DESCRIBED IN THE OFFICIAL RECORDS BOOK 745, PAGES 753 AND 754 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA; THENCE NORTH 00°02'49" EAST ALONG SAID WEST LINE, 1010.82 FEET TO THE NORTH LINE OF SAID PARCEL; THENCE NORTH 47°07'07" EAST ALONG SAID NORTH LINE, 1202.27 FEET TO THE NORTH LINE OF SAID TRACT "D"; THENCE SOUTH 89°57'11" EAST ALONG SAID NORTH LINE, 1015.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT "D"; THENCE SOUTH 00°02'49" WEST ALONG THE EAST LINE OF SAID TRACT "D", 1000.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 89°57'11", AND AN ARC LENGTH OF 39.25 FEET TO THE POINT OF BEGINNING.

CONTAINING 24.69 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

BEARINGS SHOWN HEREON ARE BASED UPON THE FLORIDA STATE PLANE COORDINATE SYSTEM, NAD 83 (1990 ADJUSTMENT), NORTH AMERICAN DATUM OF 1983 (1990 ADJUSTMENT), THE RECORDED PLAT OF WATERWAYS OF FORT MYERS UNIT 2 IS ALSO BASED UPON THE SAME ROTATION.

PARCEL 2:

A PARCEL OF LAND BEING A PORTION OF WATERWAY ESTATES UNIT 2 AS RECORDED IN PLAT BOOK 10, PAGE 82 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA AND LYING IN SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF TRACT "D" LYING EASTERLY OF THE EASTERLY RIGHT-OF-WAY LINE OF HARBOUR LANE AS SHOWN ON SAID PLAT OF WATERWAY ESTATES OF FORT MYERS UNIT 2, AS WELL AS ALL OF TRACT "A" AND A PORTION OF TRACT "B" AS SHOWN ON SAID PLAT OF WATERWAY ESTATES OF FORT MYERS UNIT 2 AS RECORDED IN PLAT BOOK 10 PAGE 82 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF CURVATURE OF CURVE "A" ON THE SOUTH LINE OF TRACT "D" AS SHOWN ON SAID PLAT OF WATERWAY ESTATES OF FORT MYERS UNIT 2 FOR A POINT OF REFERENCE; THENCE SOUTH 89°57'11" EAST ALONG SAID SOUTH LINE OF TRACT "D" 200.94 FEET TO THE POINT OF BEGINNING; THENCE NORTH 47°07'07" EAST ALONG SAID NORTH LINE OF TRACT "D" 1202.27 FEET TO THE NORTH LINE OF SAID TRACT "D"; THENCE SOUTH 89°57'11" EAST ALONG SAID NORTH LINE, 1015.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT "D"; THENCE NORTH 89°57'11" EAST ALONG THE EASTERLY PROLONGATION OF SAID TRACT "D", 1015.00 FEET TO THE SOUTH LINE OF SAID TRACT "A"; THENCE SOUTH 89°57'11" EAST ALONG SAID SOUTH LINE OF TRACT "A", 1015.00 FEET TO THE SOUTHEAST CORNER OF SAID TRACT "A"; THENCE NORTH 00°02'49" EAST ALONG THE EAST LINE OF TRACT "A", 1000.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT "A"; THENCE NORTH 89°57'11" WEST ALONG THE NORTH LINE OF TRACT "A" AND THE NORTH LINE OF TRACT "B", 1015.00 FEET TO THE NORTHWEST CORNER OF SAID TRACT "B"; THENCE SOUTH 00°02'49" WEST ALONG THE WEST LINE OF TRACT "B", 1000.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 6.319 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

BEARINGS SHOWN HEREON ARE BASED UPON THE FLORIDA STATE PLANE COORDINATE SYSTEM, NAD 83 (1990 ADJUSTMENT), NORTH AMERICAN DATUM OF 1983 (1990 ADJUSTMENT), THE RECORDED PLAT OF WATERWAYS OF FORT MYERS UNIT 2 IS ALSO BASED UPON THE SAME ROTATION.

LINE	BEARING (N)	DISTANCE (N)
L1	S47°07'07"W	39.70
L2	S47°07'07"W	102.61
L3	S47°07'07"W	30.00'

LINE	BEARING (D)	DISTANCE (D)
L1	S47°07'07"W	27.68'
L2	S47°07'07"W	142.84'
L3	S47°07'07"W	30.00'

CURVE	DELTA (N)	RADIUS (N)	ARC (N)	CHORD BEARING (N)	CHORD (N)
C1	89°57'11"	25.00'	39.44'	S89°43'48"W	35.50'
C2	8°43'32"	1468.00'	223.61'	N48°29'23"W	223.39'
C3	13°49'34"	1468.00'	354.26'	N37°32'35"W	353.40'
C4	89°57'11"	25.00'	39.25'	N42°54'38"E	35.34'
C5	3°47'05"	1168.00'	77.15'	N88°59'15"E	77.13'
C6	89°57'11"	25.00'	41.72'	S00°02'49"E	37.57'

CURVE	DELTA (D)	RADIUS (D)	ARC (D)	CHORD BEARING (D)	CHORD (D)
C1	89°57'11"	25.00'	39.44'	---	35.50'
C2	8°43'32"	1468.00'	223.61'	---	223.39'
C3	13°49'34"	1468.00'	354.26'	---	353.40'
C4	89°57'11"	25.00'	39.25'	---	35.34'
C5	3°47'05"	1168.00'	77.15'	---	77.13'
C6	89°57'11"	25.00'	41.72'	---	37.57'

REVISED CERTIFICATIONS - DSD - 05/04/05
REVISED CERTIFICATIONS - DSD - 05/11/05
REVISED CERTIFICATIONS - DSD - 01/09/06
REVISED, UPDATED LEGAL DESCRIPTION - DSD - 01/09/06

CERTIFIED TO: THOMAS P. GALLIK, ETC. A FLORIDA LIMITED LIABILITY COMPANY; ATTORNEYS' TITLE INSURANCE FUND, INC.; ATTORNEYS' TITLE INSURANCE FUND, INC., ETC.; ASSOCIATED TITLE, LLC; AND FIRST AMERICAN TITLE INSURANCE COMPANY.

D&W DAGOSTINO & WOOD, INC.
Professional Surveying & Mapping
4231 28th Avenue NE Naples, FL 34120
Phone: (239) 352-6065 Fax: (239) 352-6085

JOB NO. 05084
SHEET NO. 1

THIS ITEM PREPARED BY: [illegible]
CERTIFICATE OF AUTHORIZATION NUMBER LB 6896
NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

Overall
Applicant's Survey Checked
By tgm 1/25/2006

RECEIVED
JAN 25 2006
PERMIT COUNTER
DCI 2005-00095

PH 3.D.3 & 8A

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

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

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

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

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

SECTION A. REQUEST

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

SECTION B. CONDITIONS:

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

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

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

COPY

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

a. Schedule of Uses

Accessory Uses and Structures
Administrative offices
Boat:
- Docks
- Rental
- Repair
- Sales

Boardwalk (See condition 15)
Boat Storage:
- 44 Wet Slips
- 239 Dry Slips

Consumption on Premises (with outdoor seating) (See Conditions 6,7 & 8)
Personal Services, Group II (limited to a fitness center)
Pump-out Facilities
Restaurant, Group III
Recreational Facility; Private, On-site
Parking, accessory
Signs, in accordance with Chapter 30
Essential Services
On-site Fueling

b. Site Development Regulations

Setbacks:	
Street :	25 feet
Waterbody:	25 feet (See Deviations 2 & 5)
Side:	15 feet (See Deviation 6)
Maximum Height:	45 feet (See Deviation 3)
Maximum Lot Coverage:	40 percent
Minimum Open Space:	30 percent

3. Environmental Conditions

a. The Applicant will actively pursue the Clean Marina designation through the Florida Department of Environmental Protection.

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

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

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

(1) Existing mangrove trees and other native plants will be retained;

(2) Trimming of mangrove trees is prohibited, except for limited trimming, approved by Lee County, to accommodate navigation, boat mooring docks and access walkways, if constructed in the future;

(3) Removal of exotic pert plants listed in §10-420(h); and

(4) Maintenance of the area in perpetuity free from exotic pest plants listed in §10-420(h) and trash.

c. No direct canal discharge of bilge water from watercraft being lifted and stored in the dry storage building is allowed. Prior to development order approval, a surface water collection system must be designed into the forklift facility to capture bilge water for appropriate treatment prior to any release into the canal.

d. Prior to development order approval for the project, the Applicant must submit a Marina Hurricane Plan that is approved by the Lee County Department of Public Safety.

4. A 10-foot-wide buffer consisting of a double staggered hedge row and five trees every 100-linear feet must be installed along the northwestern portion of the property between the seawall and parking lot. A 5-foot-wide buffer consisting of a double staggered hedge row must be installed along the northern portion of the property between the seawall and the parking area. All shrubs must be must be a minimum ten-gallon container size; planted in double staggered rows; at least 48 inches in height; and spaced 36 inches on center. They must be at least 60 inches in height within 12 months of time of planting and maintained in perpetuity at a height of no less than 60 inches above grade. All required buffer trees must be no

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

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

5. Prior to issuance of local development order an access easement providing access for Lee County Utilities from Inlet Drive to the wastewater treatment plant must be recorded. Prior to recording the easement must be reviewed and approved by Lee County Utilities and the Lee County Attorney's office.

6. Consumption on Premises is approved only in conjunction with a restaurant pursuant to a 4-COP and/or 4-COP-SRX alcoholic beverage license. The service of alcoholic beverages is contingent on meeting the requirements for the applicable COP license.

7. Hours of operation for Consumption on Premises:

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

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

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

   Outdoor entertainment:

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

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

9. Boat repair and service are limited to the hours of 8:00 a.m. through 5:00 p.m., Monday through Saturday.

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

11. Boat service, repair and storage:

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

The storage and removal of boats or equipment from the boat storage building must be accomplished using the door on the south side of the dry storage building. The existing (travel lift) boat drop located on the northwest portion of the peninsula is limited to use for emergency purposes or for boats which are too heavy to be handled by a fork lift.

12. Approval of this zoning request does not address mitigation of the project's vehicular of pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

13. Approval of this zoning request does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee County Comprehensive Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee County Comprehensive Plan provisions.

14. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.

15. Prior to the issuance of a local development order authorizing construction of a boardwalk along the boundary line of the Lee County Utilities Wastewater Treatment Plant property, the property owner must secure a license from the Lee County Board of County Commissioners authorizing placement of a boardwalk for pedestrian access in that location and an administrative amendment to the zoning approval incorporating the license authorizing the boardwalk into zoning approval. The license must specifically address the property owner's ability to trim mangroves in conjunction with the installation of the boardwalk.

SECTION C. DEVIATIONS:

(1) Deviation (1) seeks relief from the §34-2020 requirement to provide a total of 236 parking spaces, to allow a total of 164 defined parking spaces, with additional parking provided in the boat storage building by valet service. This deviation is APPROVED, SUBJECT TO Condition 10.

(2) Deviation (2) seeks relief from the § 34-2194 requirement to provide a minimum 25-foot waterbody setback for structures, to allow a 5-foot waterbody setback for the proposed restaurant/office/gazebo building. This deviation is APPROVED.

(3) Deviation (3) seeks relief from the §34-936(f) requirement to provide a maximum height of 45 feet above base flood elevation, to allow a maximum height of 55 feet above base flood elevation. This deviation is APPROVED.

(4) Deviation (4) seeks relief from the §10-416(d) requirement to provide a minimum 15-foot-wide Type "B" buffer between a commercial development and an existing industrial development, to allow a 10-foot-wide buffer with the required Type B plantings. This deviation is APPROVED, SUBJECT TO Condition 4.

(5) Deviation (5) seeks relief from the §34-2194 requirement to provide a minimum 25-foot setback for structures, to allow a zero-foot waterbody setback for proposed Fitness Center/Tiki Bar. This deviation is APPROVED.

(6) Deviation (6) seeks relief from the §34-935(b)(1) requirement that all structures be setback a minimum width of any required buffer or 15 feet for properties zoned Commercial Planned Development (CPD), to allow a zero-foot setback for the proposed fuel storage tank, fire suppression tank, and the proposed storage shed. This deviation is APPROVED.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

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

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

SECTION E. FINDINGS AND CONCLUSIONS:

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

2. The rezoning, as approved:

   a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;

   c. is compatible with existing or planned uses in the surrounding area;

   d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and

   e. will not adversely affect environmentally critical areas or natural resources.

3. The rezoning satisfies the following criteria:

   a. the proposed use or mix of uses is appropriate at the subject location;

   b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

   c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

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

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

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

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Robert P. Janes, Chair

Approved as to form by:

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

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2006 DEC 22 AM 9:54

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

Dagostino & Wood, Inc.

Legal for Main Tract
(5.925 acres)

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

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

CONTAINING 5.925 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

RECEIVED
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COMMUNITY DEVELOPMENT

610 16th Avenue NE Naples, FL 34120
Phone-(239)352-6085 Fax-(239)352-6095

DCI 2005-00095

DCI 2005-00095

D&W Dagostino & Wood, Inc.

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

PREPARED BY:

DAVID S. DAGOSTINO, PSM REG. NO. 5762

NOT VAILD WITHOUT SKETCH

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

DCI 2005-00095

RECEIVED
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COMMUNITY DEVELOPMENT

610 16th Avenue NE Naples, FL 34120
Phone-(239)352-6085 Fax-(239)352-6095

EXHIBIT "A"

D&W **Dagostino & Wood, Inc.**

Legal for Tract "D"
(0.316 acres)

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

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

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

CONTAINING 0.316 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

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

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

PREPARED BY:

DAVID S. DAGOSTINO, PSM; REG. NO. 5762

NOT VAILD WITHOUT SKETCH

DCI 2005-00095

RECEIVED
DEC 02 2005
COMMUNITY DEVELOPMENT

610 16TH Avenue NE Naples, FL 34120
Phone-(239)352-6085 Fax-(239)352-6095

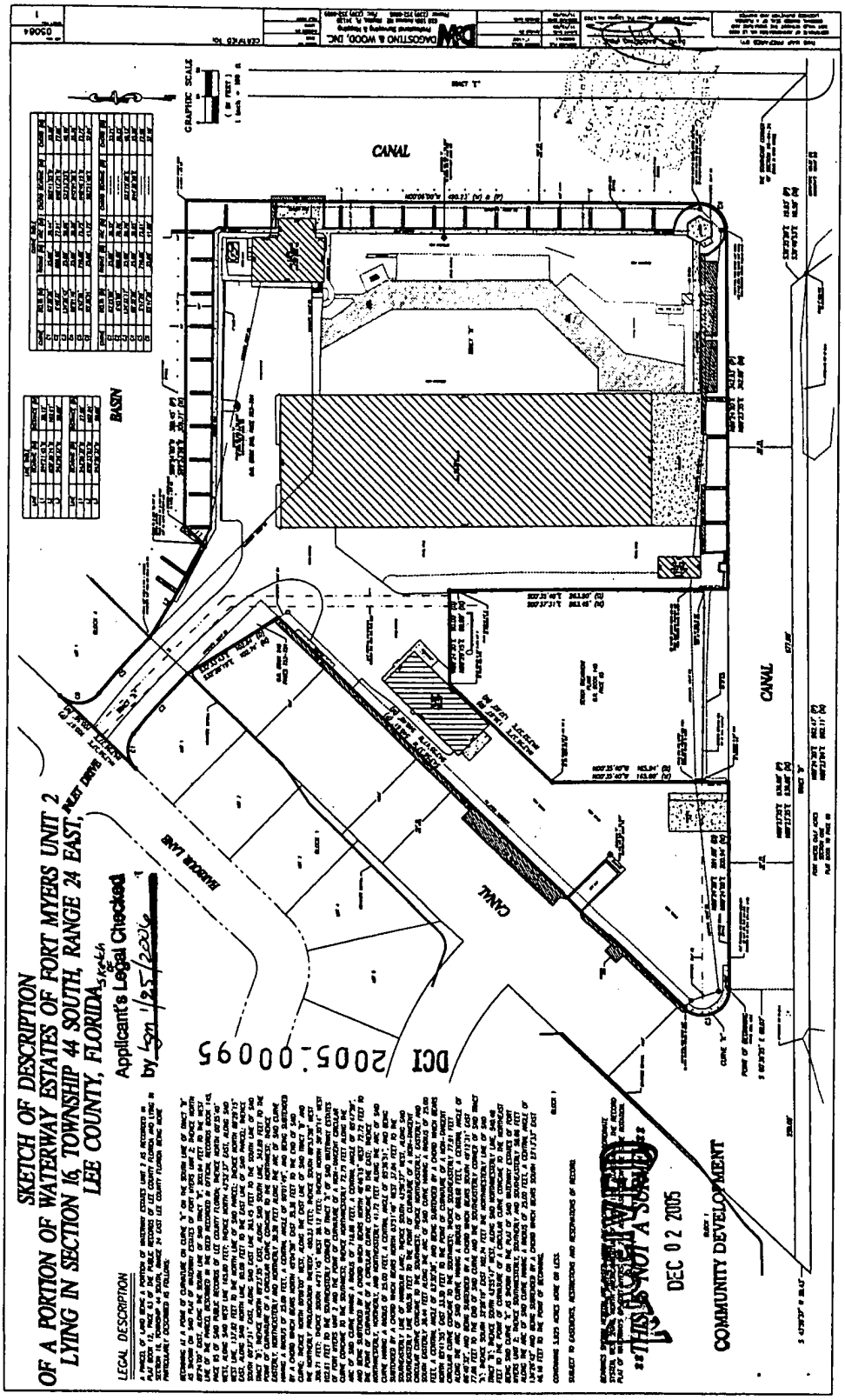


EXHIBIT "A"
(Page 4 of 5)

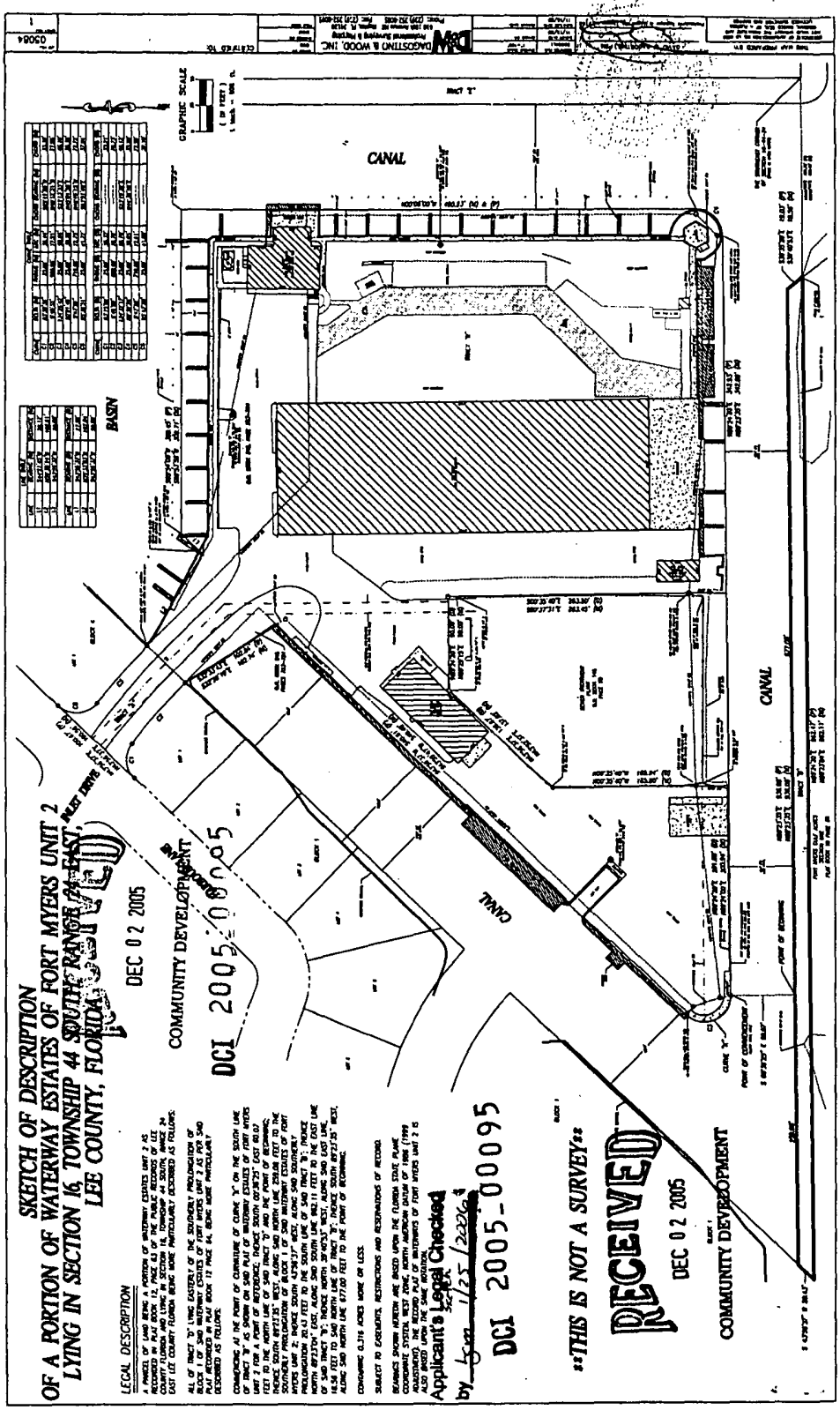
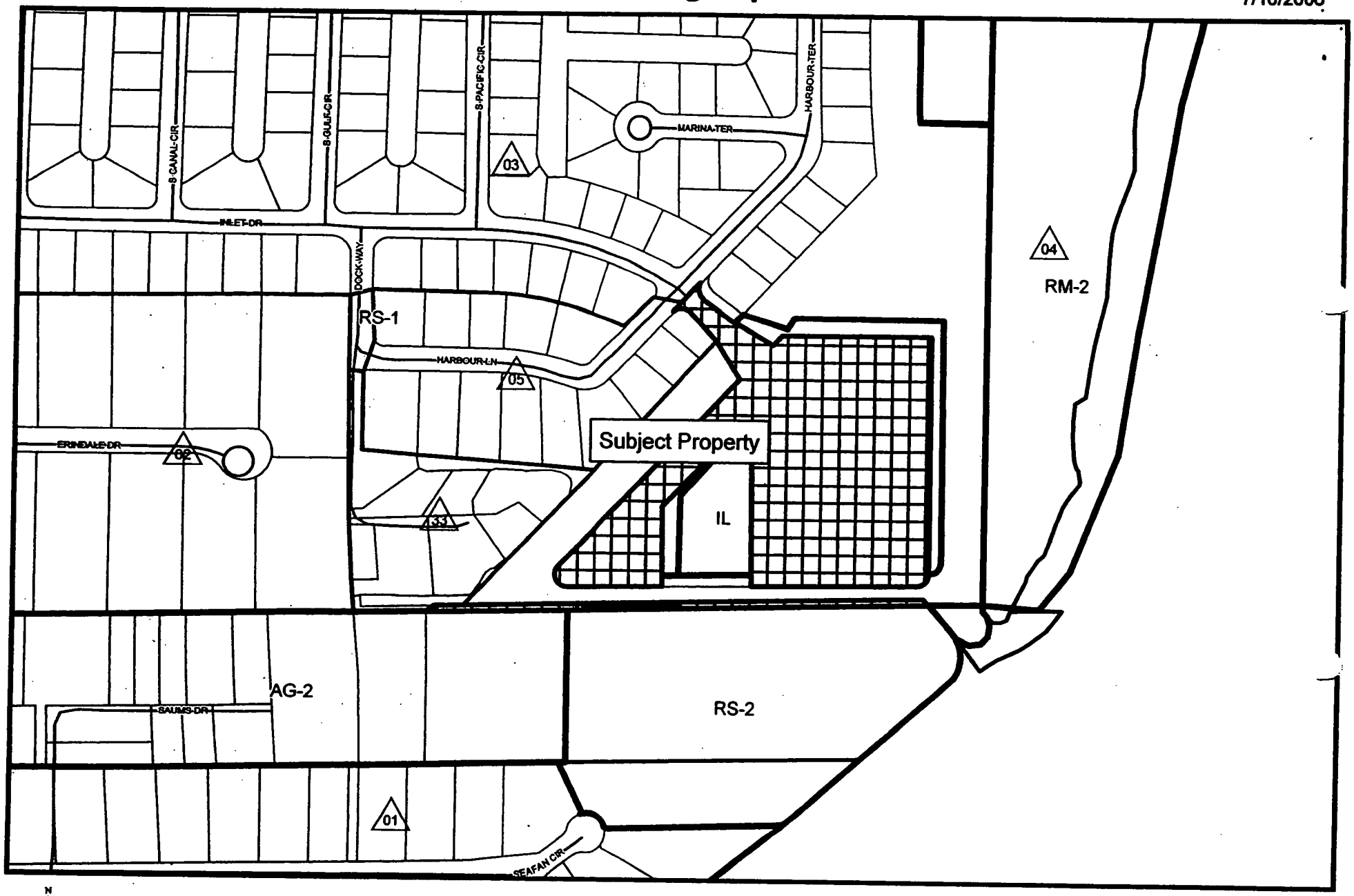


EXHIBIT "A"
(Page 5 of 5)

DCI2005-00095

Zoning Map

7/10/2006



N
W E
S

EXHIBIT "B"
(Zoning Map)

380 190 0 380 760
Feet

EXHIBIT "C"

NO.	DATE	BY	REVISION
1	12-02-05	RDM	REVISED PER CLIENT COMMENTS
2	01-18-06	RDM	REVISED PER CLIENT COMMENTS
3	04-11-06	RDM	REVISED PER CLIENT COMMENTS
4	06-23-06	RDM	REVISED PER CLIENT COMMENTS
5	07-13-06	RDM	REVISED PER CLIENT COMMENTS
6	07-31-06	RDM	REVISED PER CLIENT COMMENTS
7	10-24-06	RDM	REVISED PER CLIENT COMMENTS

NOTE: Site information shown on these plans is subject to change. It is the responsibility of the contractor to verify all information prior to commencement of permitted construction.

SCALE:	AS Shown	
DRAWN:	MAS	11-30-05
CHECKED:	JAW	11-30-05
APPROVED:	RDM	11-30-05

REVISED PER:

Marina Holdings II, LLC
C/O RL Opportunities
10580 London Lane
Bonita Springs, FL 34135

PROJECT LOCATION:
Section 16, Township 44 S, Range 24 E
Lee County, FL

PROJECT & SHEET TITLE:
Caloosa Isle Yacht Club
Concept Plan - EXHIBIT 6-J - DCI2006-00095

Vanasse Daylor
Bob Feurig (Landscape Architect FL)
Debbie Hickam (Environmental Consultant)
Tidie Lapointe (Engineering)
12730 New Brittany Blvd. Suite 900
Fort Myers, FL 33907
(239) 274-0067 FAX 274-0069
www.vanassedaylor.com

PROJECT No. 80899
FILE No. 80899-SP04

Sheet No. 1 of 1

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

RECEIVED
SEP 25 2006
COMMUNITY DEVELOPMENT
REC'D SECOND FLOOR

REZONING: DCI2005-00095
APPLICANT: MARINE HOLDINGS, LLC, in reference to CALOOSA ISLE YACHT CLUB
HEARING DATE: JULY 26, 2006
WRITTEN SUBMISSION: AUGUST 4, 2006

I. APPLICATION:

This matter came before the Lee County Hearing Examiner as an Application for a Rezoning to a Commercial Planned Development (CPD) pursuant to the Lee County Land Development Code (LDC).

Filed by MARINE HOLDINGS, LLC, c/o RACHEL L. BIELERT, 10580 Landau Lane, Bonita Springs, Florida 34135(Applicant); VANASSE & DAYLOR, LLP, c/o ROBIN MEYER, AICP, 12730 New Brittany Boulevard, Suite 600, Fort Myers, Florida 33907; DAGOSTINO & WOOD, c/o DAVID DAGOSTINO, 610 18th Avenue NE, Naples, Florida 34120; HUMPHREY-ROSAL ARCHITECTS, c/o DAVID HUMPHREY, 3200 9th Street North, #300, Naples, Florida 34103 (Agents) MARINE HOLDINGS II, LLC, 961 Iris Drive, Delray Beach, Florida 33483; CALOOSA ISLE YACHT CLUB, INC., 687 Inlet Drive, North Fort Myers, Florida 33903 (Trustees).

Request is to rezone 5.77+/- acres from Commercial Planned Development (CPD) to Commercial Planned Development (CPD) to permit the redevelopment of Caloosa Isle Marina, to allow a total of 334 boat slips (Wet and Dry), a 7,000-square-foot restaurant and approximately 7,500 square feet of ancillary uses. Deviations have been requested from parking, waterbody setbacks, and building perimeter planting requirements. Connections to public utilities will be provided.

The subject property is located at 1687 Inlet Drive (U.S.41 North to Hancock Bridge Rd/Left to Orange Grove/Left to Inlet Drive), in Section 16, Township 44 South, Range 24 East, Lee County, Florida (District #4).

II. STAFF REPORT AND RECOMMENDATION: APPROVAL WITH CONDITIONS

The Department of Community Development Staff Report was prepared by Josh Philpott. The Staff Report is incorporated herein by this reference.

III. RECOMMENDATION OF HEARING EXAMINER:

The undersigned Lee County Hearing Examiner recommends that the Lee County Board of County Commissioners **APPROVE** the Applicant's request for a Commercial Planned Development (CPD) for the real estate described in Section IX. Legal Description WITH THE FOLLOWING CONDITIONS AND DEVIATIONS:

A. CONDITIONS:

1. The development of this project must be consistent with the Master Concept Plan entitled "Caloosa Isle Yacht Club," Sheet 1 of 1, prepared by Vanasse & Daylor, LLP, date stamped "Received August 4, 2006 Community Development," last revised July 31, 2006, attached hereto as **Exhibit B**, except as modified by the conditions below.

This development must comply with all requirements of the Lee County Land Development Code 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

Accessory Uses and Structures
Administrative offices
Boat:
- Docks
- Rental
- Repair
- Sales

Boardwalk (See condition 15)
Boat Storage:
- 44 Wet Slips
- 239 Dry Slips

Consumption on Premises (with outdoor seating) (See conditions 6,7 & 8)
Personal Services, Group II (limited to a fitness center)
Pump-out Facilities
Restaurant, Group III
Recreational Facility; Private, On-site
Parking, accessory
Signs, in accordance with Chapter 30
Essential Services
On-site Fueling

b. Site Development Regulations

Setbacks:	
Street :	25 feet
Waterbody:	25 feet (See Deviation 2 & 5)
Side:	15 feet (See Deviation 6)
Maximum Height:	45 feet (See Deviation 3)
Maximum Lot Coverage:	40 percent
Minimum Open Space:	30 percent

3. Environmental Conditions

a. The Applicant will actively pursue the Clean Marina designation through the Florida Department of Environmental Protection.

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

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

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

(1) Existing mangrove trees and other native plants will be retained;

(2) Trimming of mangrove trees is prohibited, except for limited trimming, approved by Lee County, to accommodate navigation, boat mooring docks and access walkways, if constructed in the future;

(3) Removal of exotic pert plants listed in Lee County Land Development Code Section 10-420(h); and

(4) Maintenance of the area in perpetuity free from exotic pest plants listed in Lee County Land Development Code Section 10-420(h) and trash.

c. No direct canal discharge of bilge water from watercraft being lifted and stored in the dry storage building is allowed. Prior to development order approval, a surface water collection system must be designed into the forklift facility to capture bilge water for appropriate treatment prior to any release into the canal.

d. Prior to development order approval for the project, the Applicant must submit a Marina Hurricane Plan that is approved by the Lee County Department of Public Safety.

4. A 10-foot-wide buffer consisting of a double staggered hedge row and five trees every 100-linear feet must be installed along the northwestern portion of the property between the seawall and parking lot. A 5-foot-wide buffer consisting of a double staggered hedge row must be installed along the northern portion of the property between the seawall and the parking area. All shrubs must be must be a minimum ten-gallon container size; planted in double staggered rows; at least 48 inches in height; and spaced 36 inches on center. They must be at least 60 inches in height within 12 months of time of planting and maintained in perpetuity at a height of no less than 60 inches above grade. All required buffer

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

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

5. Prior to issuance of local Development Order an access easement providing access for Lee County Utilities from Inlet Drive to the wastewater treatment plant must be recorded. Prior to recording the easement must be reviewed and approved by Lee County Utilities and the Lee County Attorneys office.

6. Consumption on Premises is approved only in conjunction with a restaurant pursuant to a 4-COP and/or 4-COP-SRX alcoholic beverage license. The service of alcoholic beverages is contingent on meeting the requirements for the applicable COP license.

7. Hours of operation for Consumption on Premises *in conjunction with indoor seating* are limited to 10:00 a.m. until 12:00 p.m., Monday though Sunday. Hours of operation for Consumption on Premises *in conjunction with outdoor seating* are limited to Sunday through Thursday, 10:00 a.m. until 9:00 p.m., and Friday and Saturday, 10:00 a.m. until 11:00 p.m.

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

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

9. Boat repair and service are limited to the hours of 8:00 a.m. through 5:00 p.m., Monday through Saturday.

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

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

A. The storage and removal of boats or equipment from the boat storage building must be accomplished using the door on the south side of the dry storage building. The existing boat drop located on the southwest portion of the peninsula is limited to use for emergency purposes or for boats which are too heavy to be handled by a fork lift.

12. Approval of this zoning request does not address mitigation of the project's vehicular of pedestrian traffic impacts. Additional conditions consistent with the Lee County Lee County Land Development Code may be required to obtain a local development order.

13. Approval of this zoning request does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee County Comprehensive Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee County Comprehensive Plan provisions.

14. This development must comply with all of the requirements of the Lee County Land Development Code at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.

15. Prior to the issuance of a local development order authorizing construction of a boardwalk along the boundary line of the Lee County Utilities Wastewater Treatment Plant property, the Applicant must secure a license from the Lee County Board of County Commissioners authorizing placement of a boardwalk for pedestrian access in that location and an administrative amendment to the zoning approval incorporating the license authorizing the boardwalk into zoning approval. The license must specifically address the developer's ability to trim mangroves in conjunction with the installation of the boardwalk.

B. <u>DEVIATIONS:</u>

Deviation 1 seeks relief from Section 34-2020 of the Lee County Land Development Code, which requires a total of 236 parking spaces, to allow a total of 164 defined parking spaces, with additional parking provided in the boat storage building by valet service. The Hearing Examiner recommends **APPROVAL** of the requested deviation, subject to Condition 10.

Deviation 2 seeks relief from Section 34-2194 of the Lee County Land Development Code, which requires a minimum 25-foot waterbody setback for structures, to allow a 5-foot waterbody setback for the proposed restaurant/office/gazebo building. The Hearing Examiner recommends **APPROVAL** of the requested deviation.

Deviation 3 seeks relief from Section 34-936(f) of the Lee County Land Development Code, which permits a maximum height of 45 feet above base flood elevation, to allow a maximum height of 55 feet above base flood elevation. The Hearing Examiner recommends **APPROVAL** of the requested deviation.

Deviation 4 seeks relief from Section 10-416(d) of the Lee County Land Development Code, which requires a minimum 15-foot-wide Type "B" buffer between a commercial development and an existing industrial development, to allow a 10-foot-wide buffer with the required Type B plantings. The Hearing Examiner recommends **APPROVAL** of the requested deviation, subject to Condition 4.

Deviation 5 seeks relief from Section 34-2194 of the Lee County Land Development Code, which requires a minimum 25-foot setback for structures, to allow a zero-foot waterbody setback for proposed Fitness Center/Tiki Bar. The Hearing Examiner recommends **APPROVAL** of the requested deviation.

Deviation 6 seeks relief from Section 34-935(b)(1) of the Lee County Land Development Code, which requires that all structures be setback a minimum width of any required buffer or 15 feet for properties zoned Commercial Planned Development (CPD), to allow a zero-foot setback for the proposed fuel storage tank, fire suppression tank, and the proposed storage shed. The Hearing Examiner recommends **APPROVAL** of the requested deviation.

IV. HEARING EXAMINER DISCUSSION:

This is a request to rezone 5.77+/- acres that are currently developed as a marina and restaurant. The property has been operating since the mid 1960's as a marina. The existing marina and restaurant were approved, as part of a Commercial Planned Development, in Lee County Zoning Resolution Z-88-293. The site is surrounded on all sides by a canal system that extends to the Caloosahatchee River. It is located at 1687 Inlet Drive, which is a county maintained local road that extends west to Orange Grove Boulevard. Although the marina is currently operating, Hurricane Charley damaged the restaurant building (formerly known as Shucker's Restaurant) and it has remained unoccupied since. The subject property is located in the Suburban future land use designation, as outlined in Policy 1.1.5 of the Lee County Comprehensive Plan.[1]

The Master Concept Plan is attached hereto as **Exhibit B**. The large new dry storage building, which will house 239 boat slips, is located in the center of the site. Access to this structure will be from the south of the building. This allows for the lifting of boats easily from the water to the storage area. The main launch site for the boats will be on the south side of the dry storage building. The canal, on the south boundary, will serve as temporary mooring for boats, waiting to leave the marina, or be stored in the boat barn. This area will also house the pump-out stations, as well as the fueling stations. The temporary mooring area will also provide mooring for boats, whose passengers are using the restaurant.

The Applicant desires to construct a total of 44 wet slips on the perimeter of the subject property, and 239 dry slips in the dry storage building. One of the slips will be permanently dedicated to use by the Lee County Sheriff's Department. The Master Concept Plan illustrates the general configuration of the docks and wet slips. The final layout will be subject to comments and approval by the Florida Department of Environmental Protection.

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[1] **Lee County Comprehensive Plan Policy 1.1.5:**

The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed.

The Master Concept Plan also proposes a fitness center and recreation area. The recreation area will include a pool and a playground for children. These amenities are for the tenants of the marina, and members of the public who purchase memberships. The Applicant is proposing to provide consumption on premises at the pool area, as well as, part of the restaurant operation. A Tiki bar is proposed to be used for special events, only by, or for, members of the marina and/or fitness center.

This property was originally a portion of the Waterway Estates development. County development permits during that time frame are *not* available for review. Aerial photographs from the time reveal that the property was developed during the 1960's with a marina. Following that, Lee County Zoning Resolution Z-76-123 was approved, and rezoned the property from an industrial zoning category to a commercial zoning category, which included a Special Permit for a Marina.

The Lee County Board of County Commissioners approved another rezoning (Zoning Resolution Z-88-293), to Commercial Planned Development. This permitted a restaurant and marina with 44 wet slips, 239 dry storage slips, and marine repair. The later use includes industrial type activities such as, sandblasting and outdoor storage and repair of boats. In addition, on-site fueling and pump-out stations were permitted. The main outdoor repair areas were allowed along the western portion of the property, closest to the single-family residences. Deviations were approved to reduce parking spaces, reduce buffers, and reduce setbacks.

An Administrative Application for consumption on premises was approved in April of 1992 (Resolution Number COP-92-004). This permitted the consumption of beer and wine (2-COP license type) in conjunction with a standard restaurant, during the hours of 11am and 9pm on weekdays, and 11am and 10pm during the weekends.

Lee County Zoning Resolution Z-99-067 amended the Commercial Planned Development (CPD) and authorized a 15-foot by 45-foot outdoor seating area, for the Shucker's Restaurant. Two deviations were approved. They reduced the waterbody setback to zero feet and eliminated additional parking for the outdoor seating area. An Administrative Approval relocating one of the existing buildings and adding a buffer, with a wall along the west portion of the property, was approved in August 2000 (ADD2000-00112).

The subject property is a peninsular-shaped area surrounded on all sides by canals, which provides water access to the surrounding residential uses. North and west of the subject site are single-family residential uses, in a Residential Single-family (RS-1) zoning district. To the south, is undeveloped land in another Residential Single-family (RS-2) zoning district, and to the east of the subject property is a preserve area.

The requested rezoning will allow for the main functions of the marina to remain, while removing or limiting the more intensive activities.

Currently, the western portion of the subject property has a dirt/shell parking area, which is being used to provide for outdoor storage of boats. It is close to the single-family dwelling units to the west. The Applicant will eliminate all outdoor storage, and provide for storage within the boat barn. The western portion of the subject property will be paved and used as a parking area. A condition is included requiring the installation of native trees and shrubs along the western boundary of the property. This will reduce the visual presence of the parking area (See Condition 4).

The large dry storage building, with a height of 55 feet, will be seen from the adjacent properties. This structure will replace the existing metal dry storage building. A condition requiring mature vegetation, planted along the northern and western portions of the building, will reduce the mass of the building from residential views.

The restaurant building, on the southeast corner of the property, is of concern to Staff and the participating Public, as a result of the potential amount of noise, which may be generated from the outdoor seating. This is the only issue that was not resolved between the Applicant and Staff. It was clearly, the major concern of the public. Generally, this project has been well received by residential neighbors. While a few members of the Public were not supportive, most members appeared to be looking forward to the development. The Applicant had a number of meetings with members of the public and addressed their concerns prior to the submission of the project. The Applicant should be commended for their cooperation with the neighboring residences. The Public appeared more educated or informed with respect to this project, than most others before this Hearing Examiner.

Some concerns were expressed regarding potential traffic impacts, these are addressed later in this recommendation. However, noise was the overriding issue of concern. The current, but not used, restaurant location is in the northeast corner of the subject site. The Master Concept Plan has relocated it to the southeast corner, which is at the furthest point from existing residential areas. The Applicant is requesting consumption on premises, in conjunction with a restaurant, pursuant to a 4-COP and/or 4-COP-SRX alcoholic beverage license.

The Staff and Applicant have requested hours of operation for this consumption on premises, with limitations applied to the outdoor seating areas. It is the outdoor activity which would create the noxious noise. The Staff and Public were interest in limiting, especially during the evening hours and weekdays, the authorized times of the outdoor consumption on premises. The Applicant requested longer, or later, hours of operation.

The Hearing Examiner has not adopted the hours of either party. Rather, the hours of operation for consumption on premises in conjunction with *indoor seating* are limited to 10:00 a.m. until 12:00 p.m., Monday though Sunday. Hours of operation for consumption on premises in conjunction with *outdoor seating* are limited to Sunday through Thursday, 10:00 a.m. until 9:00 p.m., and Friday and Saturday, 10:00 a.m. until 11:00 p.m. The Hearing Examiner finds that this schedule provides for the uses of the Applicant, and still affords the Public its protection from unwarranted noise. The Hearing Examiner is mindful that a reasonable schedule is necessary in order that the Applicant have a successful restaurant, precluding the property from returning to its current dilapidated condition.

A condition is also provided regarding outdoor entertainment. It is limited to piped and /or recorded music (amplified or non-amplified), which will not exceed a "conversational" level of volume, in the outdoor seating area, and cannot be heard by individuals located off the subject property. *No live entertainment is permitted.* Live entertainment was requested by the Applicant. However, the Hearing Examiner finds that live entertainment cannot be as closely controlled as piped or recorded music. The Hearing Examiner is unaware of any prior zoning actions that authorized live entertainment. The hours of operation, for outdoor entertainment, are limited to the hours of operation permitted for consumption on premises in conjunction with outdoor seating as specified above. Speakers and any sound amplification devices must be oriented toward the building, to minimize music from conveying offsite.

Finally, the restaurant may serve alcoholic beverages to members of the marina, in the outdoor pool side area. These hours of operation for the outdoor pool side area are limited to 10:00 a.m. through 8:00 p.m., Monday through Sunday. Conditions 7 and 8 reflect these restrictions. In modifying the request of the Applicant, and move restrictive terms of the Staff, this Hearing Examiner is attempting to diminish any burdens upon neighboring residences, while still allowing for a successful restaurant and marina facility.

Rick Joyce, Director of the Lee County Division of Environmental Sciences has reviewed the proposed rezoning and prepared a report. All of Mr. Joyce's recommendations have been adopted as conditions to this recommendation. See Condition 3 entitled Environmental Conditions. There are no other environmental issues known to the Hearing Examiner.

The property is located on Inlet Drive, a county maintained local road. The nearest collector road is Orange Grove Boulevard. A Traffic Impact Statement was provided by the Applicant. The conclusion contained in that study found that the requested rezoning will create a *reduction* in peak hour trips. The current two commercial businesses and the marina produce more traffic, than the present request for a marina and restaurant. The most recent *Lee County Concurrency Report* reflects that Orange Grove Boulevard currently operates at a Level of Service of "B." Since no additional trips are generated by the project, Orange Grove Boulevard will continue to operate at a Level of Service "B." This is, of course, an acceptable Level of Service.

Connections to a central water and sanitary sewer are being provided by Lee County Utilities. The subject property surrounds the Lee County Wastewater Treatment Plant from Inlet Drive. No access easement, through the subject property, to the treatment plant has been previously recorded. However, as part of the requested rezoning the Applicant will be providing an easement to Lee County to provide for access to the wastewater treatment Plant. The area of this easement is depicted on the Master Concept Plan. Lee County Utilities has reviewed the Applicant and has no objection to its approval.

The Applicant has requested six deviations from the Lee County Land Development Code. The first deviation requests relief from Section 34-2020 of the Lee County Land Development Code. The Applicant is requesting to reduce the total number of required parking spaces to the 164 delineated parking spaces, or eliminate 72 required spaces, of the 236 required spaces.

The Applicant asserts the 164 parking spaces will serve both the marina uses and the restaurant. These uses require most the parking for the property. The peak hours of operation, for these uses, are at different times of the day. The marina attracts the most use during the morning and early afternoon hours, when most people are on the water. The restaurant attracts customers during the evening hours, after the marina uses ceased. The Applicant is proposing to provide a valet service which will utilize the large drive aisle of the dry storage building for parking. This aisle will accommodate approximately 50 additional vehicles. This Hearing Examiner has recommended APPROVAL of that deviation.

The second deviation is a request to reduce the Waterbody setback, as outlined in Section 34-2194(b) of the Lee County Land Development Code. The deviation would allow a 5-foot Waterbody setback (25-feet is required in the ordinance) for the proposed restaurant and office building. The Applicant desires to have the ability at the marina office to view the most operations of the dock and launching of vessels. The Applicant also wants the restaurant to take advantage of the waterfront view. The proposed location of the restaurant will not

interfere with the views of the waterfront, of neighboring residences. This Hearing Examiner has recommended APPROVAL of this deviation.

The third deviation requested is from Section 34-936 of the Lee County Land Development Code, to allow a maximum height of 55-feet above base flood elevations (45-feet is the maximum in the ordinance) for the proposed dry storage building. The increased height which will allow for the entire marina operation to be located indoors. The current marina operation uses an outdoor area for both the storage and repair of boats. That is undesirable for surrounding property owners. The appearance of boats stored outside, and noise created by the machinery, is detrimental to the neighborhood. The increased height, for the structure, increases the number of boats that can be stored inside, and allows for boat repairs inside. This Hearing Examiner has recommended APPROVAL of this deviation.

The fourth deviation is from Section 10-416 of the Lee County Land Development Code. The Applicant is requesting a deviation to allow a 10-foot-wide, Type "B" Buffer to be installed along the property lines adjacent to the Lee County Utilities site. The Applicant intends to reduce the width of the buffer, from the required 15 feet. However, all the required planting material of a Type "B" buffer will be provided. A condition is provided, which will require the Applicant to plant more mature vegetation at the time of development approval (See Condition 4). Therefore, this Hearing Examiner has recommended APPROVAL of that requested deviation.

The fifth deviation requested by the Applicant is a deviation from Section 34-2194 of the Lee County Land Development Code. The Applicant requests a zero-foot Waterbody setback for the proposed Fitness Center building. A 25-foot setback is required in this ordinance section. The Applicant wants to utilize the existing foundation, from the existing restaurant, for the new structure. The requested deviation is an existing condition. Construction of the new restaurant will be required to meet the current building codes. This Hearing Examiner recommends APPROVAL of the requested deviation.

Finally, the Applicant has requested a deviation from Section 34-935(b)(1). The Applicant is requesting a zero-foot setback (15-feet is required in the ordinance) for accessory structures located along the eastern property line, of the existing wastewater treatment facility. The only impact from the requested deviation will to the existing wastewater treatment site. Lee County Utilities has reviewed the requested deviation and has no objections. Therefore, this Hearing Examiner recommends APPROVAL of the requested deviation.

The marina and restaurant were originally approved in 1988, as part of a Commercial Planned Development. Approval of the current redevelopment will reduce the amount of light industrial uses on the property, which will reduce the overall impact to the surrounding residences. The application, therefore, is consistent with Policy 1.1.5 of the Lee County Comprehensive Plan.

Conditions are included that limits the amount of noise and visual impacts, from the site, to the surrounding residential uses. The proposed marina will be compatible with the existing Wastewater Treatment Plant, and adequate public services are available to the parcel. The requested rezoning is consistent with Policy 6.1.4 of the Lee County Comprehensive Plan.[2]

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[2] **Lee County Comprehensive Plan Policy 6.1.4:**

Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with

Conditions are mandated which will increase the size, and amount, of required landscaping on the site. These plantings will provide buffering of the property to the surrounding uses. The newly constructed buildings will be required to meet the required architectural standards as outlined in Chapter 10 of the Lee County Comprehensive Plan. This redevelopment effort is consistent with Policy 6.1.6 of the Lee County Comprehensive Plan.[3]

The property is located within the water dependent overlay zone, as shown on Lee County Comprehensive Plan Map 12 (Page 5 of 12). Redevelopment of the marina and restaurant is consistent with Policy 8.1 of the Lee County Comprehensive Plan.[4]

This project will allow the redevelopment of an existing industrial marina and restaurant use with related ancillary commercial uses. A sufficient road network exists to support these uses. Water and sewer service are currently provided to this project by Lee County Utilities. The project is, therefore, consistent with Policy 2.2.1 of the Lee County Comprehensive Plan.[5]

The redevelopment of the subject property will be an overall improvement to the existing conditions of the property. A significant increase in landscaping, architectural features, and public safety will create a great benefit to the surrounding properties. The requested rezoning, as conditioned, will be compatible with the surrounding uses, and will minimally impact neighboring residences. This Hearing Examiner has, therefore, recommend approval of the Applicant's requested rezoning, subject to the conditions and deviations set forth herein. In compliance with Section 3.1 of Lee County Administrative Code AC-2-6, the undersigned Hearing Examiner conducted a site visit to the subject real property prior to issuing this recommendation.

V. FINDINGS AND CONCLUSIONS:

Based upon the Staff Report, the testimony and exhibits presented in connection with this matter, the undersigned Hearing Examiner makes the following findings and conclusions:

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existing and programmed public services and facilities.

[3] **Lee County Comprehensive Plan 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.

[4] **Lee County Comprehensive Plan 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.

[5] **Lee County Comprehensive Plan Policy 2.2.1:**

Rezonings and development-of-regional-impact proposals shall 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 surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.

A. The Applicant has proved entitlement to the Rezoning by demonstrating compliance with the Lee County Comprehensive Plan, the Land Development Code, and other applicable codes and regulations.

B. The requested zoning, as conditioned:

a) meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;

b) is consistent with the densities, intensities and general uses set forth in the Lee County Comprehensive Plan;

c) is compatible with existing or planned uses in the surrounding area; and

d) will not adversely affect environmentally critical areas or natural resources.

C. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.

D. Urban services, as defined in the Lee County Comprehensive Plan, are, or will be, available and adequate to serve the proposed land use.

E. The proposed use or mix of uses is appropriate at the subject location.

F. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.

G. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

H. The deviations granted, as conditioned:

1) enhanced the planned development; and

2) preserve and promote the general intent of the Lee County Land Development Code to protect the public health, safety and welfare.

VI. LIST OF EXHIBITS:

STAFF'S EXHIBITS

1 Letter from Marcella Perri, dated July 24, 2006 (8.5" x 11")

2 Aerial photograph, dated July 2006 (color)(24" x 36)

3a Memorandum from Josh Philpott, dated August 3, 2006, re: Revised Conditions (post hearing submittal)

3b Revised Master Concept Plan for Caloosa Isle Yacht Club, Sheet 1 of 1, prepared by Vanasse & Daylor, LLP, dated November 30, 2005, last revised July 31, 2006, date stamped "Received August 4, 2006 Community Development" (11" x 17" & 24" x 36") (post hearing submittal)

Résumés of Lee County Staff are on file with the Hearing Examiner's Office and are incorporated herein.

APPLICANT'S EXHIBITS

1 Aerial photograph (24" x 36") (color)

2 Resume for Robin D. Meyer, AICP

3 Master Concept Plan for Caloosa Isle Yacht Club, Sheet 1 of 1, prepared by Vanasse & Daylor, dated November 30, 2005, last revised April 11, 2006 (Mylar)(24" x 36")

4 Letter from Katerine English, dated August 4, 2006, re: Revised Conditions and revised Master Concept Plan for Caloosa Isle Yacht Club, Sheet 1 of 1, prepared by Vanasse & Daylor, LLP, last revised July 31, 2006 (24" x 36" - Mylar reproducible)(post hearing submittal)

5 Letter from Katherine English, dated August 14, 2006, re: Revised Condition 7 (post hearing submittal)

Résumés of Applicant's consultants are on file with the Hearing Examiner's Office and are incorporated herein.

VII. PRESENTATION SUMMARY:

See Official Court Reporter Transcript

VIII. OTHER PARTICIPANTS AND SUBMITTALS:

ADDITIONAL APPLICANT'S REPRESENTATIVES:

1. Kate English, c/o Pavese Law Firm, 1833 Hendry Street, Fort Myers, Florida 33902

2. Alan Hoffacker, c/o W. Dexter Bender & Associates, 2052 Virginia Avenue, Fort Myers, Florida 33901

3. John Musser, c/o Vanasse & Daylor, LLP, 12730 New Brittany Boulevard, Suite 600, Fort Myers, Florida 33907

4. Randy Spradling, c/o Vanasse & Daylor, LLP, 12730 New Brittany Boulevard, Suite 600, Fort Myers, Florida 33907

ADDITIONAL COUNTY STAFF:

1. John Fredyma, Assistant County Attorney, P. O. Box 398, Fort Myers, Florida 33902

2. Rick Joyce, c/o Environmental Sciences, P. O. Box 398, Fort Myers, Florida 33902-0398

PUBLIC PARTICIPATION:

A. THE FOLLOWING PERSONS TESTIFIED OR SUBMITTED EVIDENCE FOR THE RECORD AT THE HEARING (SEE SECTION VII.):

For:

1. Joanne McCormick, 4310 Harbour Lane, N. Ft. Myers, Florida 33903

Against: NONE

General:

1. Tina Lyn Preston, 4298 Harbour Lane, N. Ft. Myers, Florida 33903

2. Richard Yahl, 1744 Dockway, N. Ft. Myers, Florida 33903

B. THE FOLLOWING PERSONS SUBMITTED A LETTER/COMMENT CARD, OR OTHERWISE REQUESTED A COPY OF THE HEARING EXAMINER RECOMMENDATION:

For:

1. Robert McCormick, 4310 Harbour Lane, N. Ft. Myers, Florida 33903

2. Dave Merrill, 1700 Inlet Drive, N. Ft. Myers, Florida 33903

3. Jim Williams, P. O. Box 4459, N. Ft. Myers, Florida 33918

Against: NONE

General:

1. Brian Burk, 1745 Dockway, N. Ft. Myers, Florida 33903

2. Joseph Catelano, 4294 Harbour Lane, North Fort Myers, Florida 33903

3. Marcella Perri, 4300 Harbour Lane, N. Ft. Myers, Florida 33903

4. Tim Vaught, 4414 Lakeside Avenue, N. Ft. Myers, Florida 33903

IX. LEGAL DESCRIPTION:

See Exhibit A (scanned legal description).

X. UNAUTHORIZED COMMUNICATIONS:

Unauthorized communications shall include any direct or indirect communication in any form, whether written, verbal or graphic, with the Hearing Examiner, or the Hearing Examiner's staff, any individual County Commissioner or their executive assistant, by any person outside of a public hearing and not on the record concerning substantive issues in any proposed or pending matter relating to appeals, variances, rezonings, special exceptions, or any other matter assigned by statute, ordinance or administrative code to the Hearing Examiner for decision or recommendation. . . . [Administrative Code AC-2-5]

No person shall knowingly have or attempt to initiate an unauthorized communication with the Hearing Examiner or any county commissioner [or their staff]. . . . [Lee County Land Development Code Section 34-52(a)(1), emphasis added]

Any person who knowingly makes or attempts to initiate an unauthorized communication . . . [may] be subject to civil or criminal penalties which may include: [Section 34-52(b)(1), emphasis added]

Revocation, suspension or amendment of any permit variance, special exception or rezoning granted as a result of the Hearing Examiner action which is the subject of the unauthorized communication. [Lee County Land Development Code Section 34-52(b)(1)b.2.]; OR

A fine not exceeding $500.00 per offense, by imprisonment in the county jail for a term not exceeding 60 days, or by both such fine and imprisonment. [Lee County Land Development Code Section 1-5(c)]

XI. HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS:

A. This recommendation is made this 25TH day of September, 2006. Notice or copies will be forwarded to the offices of the Lee County Board of County Commissioners.

B. The original file and documents used at the hearing will remain in the care and custody of the Department of Community Development. The documents are available for examination and copying by all interested parties during normal business hours.

C. The Board of County Commissioners will hold a hearing at which they will consider the record made before the Hearing Examiner. The Department of Community Development will send written notice to all hearing participants of the date of this hearing before the Board of County Commissioners. Only participants, or their representatives, will be allowed to address the Board. The content of all statements by persons addressing the Board shall be strictly limited to the correctness of Findings of Fact or Conclusions of Law contained in the recommendation, or to allege the discovery of relevant new evidence which was not known by the speaker at the time of the earlier hearing before the Hearing Examiner and not otherwise disclosed in the record.

D. The original file containing the original documents used in the hearing before the Hearing Examiner will be brought by the Staff to the hearing before the Board of County Commissioners. Any or all of the documents in the file are available on request at any time to any County Commissioner.

XII. COPIES OF TESTIMONY AND TRANSCRIPTS:

A verbatim transcript of the testimony presented at the hearing can be purchased from the court reporting service under contract to the Hearing Examiner's Office. The original documents and file in connection with this matter are located at the Lee County Department of Community Development, 1500 Monroe Street, Fort Myers, Florida.

RICHARD A. GESCHEIDT
LEE COUNTY HEARING EXAMINER
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, Florida 33902-0398
Telephone: 239/479-8100
Facsimile: 239/479-8106

D&W **Dagostino & Wood, Inc.**

Legal for Main Tract
(5.925 acres)

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

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

CONTAINING 5.925 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

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610 18th Ave
Phone-(239)35

DCI 2005-00095

EXHIBIT A

DCI 2005-00095

D&W **Dagostino & Wood, Inc.**

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

PREPARED BY:

DAVID S. DAGOSTINO, PSM REG. NO. 5762

NOT VAILD WITHOUT SKETCH

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

DCI 2005-00095

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610 16th Avenue NE Naples, FL 34120
Phone-(239)352-6085 Fax-(239)352-6095

D&W **Dagostino & Wood, Inc.**

Legal for Tract "D"
(0.316 acres)

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

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

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

CONTAINING 0.316 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

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

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

PREPARED BY:

DAVID S. DAGOSTINO, PSM REG. NO. 5762

NOT VAILD WITHOUT SKETCH

DCI 2005-00095

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COMMUNITY DEVELOPMENT

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

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

Sketch of

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

DCI 2005-00095

LEGAL DESCRIPTION

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

BEGINNING AT A POINT OF CURVATURE ON CURVE "A" ON THE SOUTH LINE OF TRACT "B" AS SHOWN ON SAID PLAT OF WATERWAY ESTATES OF FORT MYERS UNIT 2; THENCE NORTH 89°24'00" EAST, ALONG THE SOUTH LINE OF SAID TRACT "B", 200.94 FEET TO THE WEST LINE OF THE PARCEL DESCRIBED IN THE DEED RECORDED IN OFFICIAL RECORDS BOOK 1413, PAGE 95 OF SAID PUBLIC RECORDS OF LEE COUNTY FLORIDA; THENCE NORTH 00°35'40" WEST, ALONG SAID WEST LINE, 163.80 FEET; THENCE NORTH 43°52'37" EAST, ALONG SAID WEST LINE, 137.82 FEET TO THE NORTH LINE OF SAID PARCEL; THENCE NORTH 89°39'15" EAST, ALONG SAID NORTH LINE, 80.00 FEET TO THE EAST LINE OF SAID PARCEL; THENCE SOUTH 00°37'31" EAST, ALONG SAID EAST LINE, 263.45 FEET TO THE SOUTH LINE OF SAID TRACT "B"; THENCE NORTH 89°23'55" EAST, ALONG SAID SOUTH LINE, 342.89 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST; THENCE EASTERLY, NORTHEASTERLY AND NORTHERLY 39.28 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°01'49", AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 45°04'58" EAST 35.36 FEET TO THE END OF SAID CURVE; THENCE NORTH 00°08'00" WEST, ALONG THE EAST LINE OF SAID TRACT "B" AND THE NORTHERLY PROLONGATION THEREOF, 490.23 FEET; THENCE SOUTH 89°53'36" WEST 308.71 FEET; THENCE SOUTH 44°31'45" WEST 28.12 FEET; THENCE NORTH 38°30'14" WEST 102.61 FEET TO THE SOUTHEASTERLY CORNER OF TRACT "A" OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2 AND THE POINT OF CURVATURE OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; THENCE NORTHWESTERLY 72.75 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 718.68 FEET, A CENTRAL ANGLE OF 05°47'59", AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 48°46'15" WEST 72.72 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE EAST; THENCE NORTHWESTERLY, NORTHERLY, AND NORTHEASTERLY 41.72 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 95°36'51", AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 03°51'49" WEST 37.04 FEET TO THE SOUTHEASTERLY LINE OF HARBOUR LANE; THENCE SOUTH 43°56'37" WEST, ALONG SAID SOUTHEASTERLY LINE 100.56 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; THENCE NORTHEASTERLY, EASTERLY AND SOUTH EASTERLY 36.44 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 83°30'36", AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 85°41'55" EAST 33.30 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; THENCE SOUTHEASTERLY 77.91 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 668.68 FEET, A CENTRAL ANGLE OF 06°40'32", AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 49°13'31" EAST 77.86 FEET TO THE END OF SAID CURVE AND THE SOUTHEASTERLY CORNER OF SAID TRACT "A"; THENCE SOUTH 32°28'18" EAST 102.74 FEET THE NORTHWESTERLY LINE OF SAID TRACT "B"; THENCE SOUTH 43°55'47" WEST, ALONG SAID NORTHWESTERLY LINE, 540.48 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST BEING SAID CURVE "A" AS SHOWN ON THE PLAT OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2; THENCE SOUTHWESTERLY, SOUTHERLY AND SOUTHEASTERLY 58.66 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 134°26'43" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 23°13'33" EAST 46.10 FEET TO THE POINT OF BEGINNING.

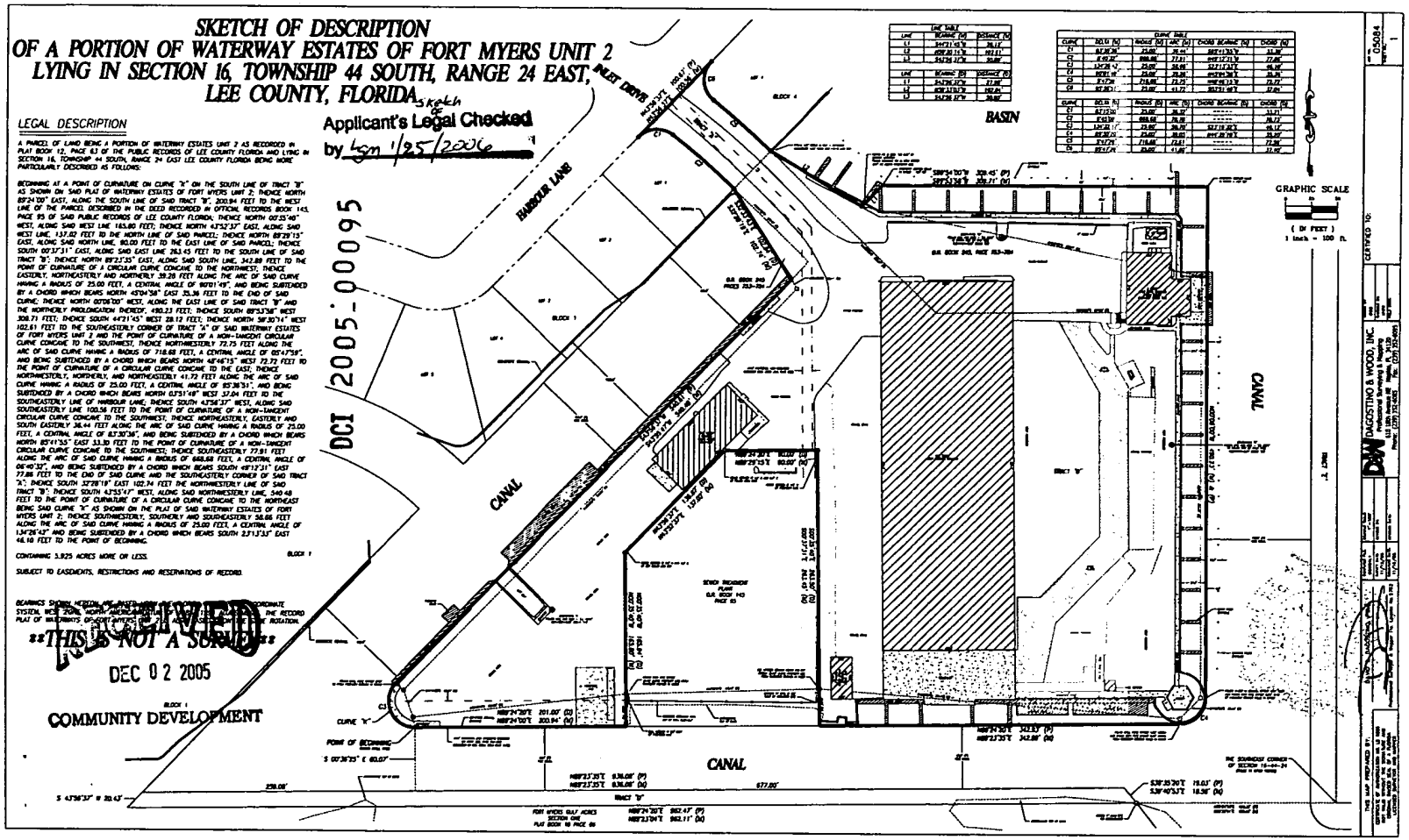
CONTAINING 3.925 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

BEARINGS SHOWN HEREON ARE BASED UPON THE NORTH AMERICAN DATUM OF 1983 (1990 ADJUSTMENT) GEODETIC COORDINATE SYSTEM, WEST ZONE, WITH THE NORTHERLY LINE OF TRACT "B" HAVING A BEARING OF N89°24'00"E AS SHOWN ON THE RECORD PLAT OF WATERWAY ESTATES OF FORT MYERS UNIT 2 AS RECORDED IN PLAT BOOK 12, PAGE 63 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA AS THE BASIS OF BEARINGS. NO ADDITIONAL ROTATION.

THIS IS NOT A SURVEY

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COMMUNITY DEVELOPMENT



CERTIFIED TO:

DAGOSTINO & WOOD, INC.
Professional Surveying & Mapping
LB #3591
Phone: (239) 332-6505 Fax: (239) 332-6506

DRAWN BY:
CHECKED BY:
DATE:
SCALE:
JOB NO.:
SHEET NO.:

THIS MAP PREPARED BY:

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

RECEIVED
DEC 02 2005
COMMUNITY DEVELOPMENT
DCI 2005-00095

LEGAL DESCRIPTION

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

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

COMMENCING AT THE POINT OF CURVATURE OF CURVE "K" ON THE SOUTH LINE OF TRACT "B" AS SHOWN ON SAID PLAT OF WATERWAY ESTATES OF FORT MYERS UNIT 2 FOR A POINT OF REFERENCE; THENCE SOUTH 00°36'25" EAST 60.07 FEET TO THE NORTH LINE OF SAID TRACT "D" AND THE POINT OF BEGINNING; THENCE SOUTH 89°23'35" WEST, ALONG SAID NORTH LINE 259.08 FEET TO THE SOUTHERLY PROLONGATION OF BLOCK 1 OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2; THENCE SOUTH 43°36'37" WEST, ALONG SAID SOUTHERLY PROLONGATION 20.43 FEET TO THE SOUTH LINE OF SAID TRACT "D"; THENCE NORTH 89°23'04" EAST, ALONG SAID SOUTH LINE 862.11 FEET TO THE EAST LINE OF SAID TRACT "D"; THENCE NORTH 39°40'53" WEST, ALONG SAID EAST LINE, 18.56 FEET TO SAID NORTH LINE OF TRACT "B"; THENCE SOUTH 89°23'35" WEST, ALONG SAID NORTH LINE 677.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.316 ACRES MORE OR LESS.

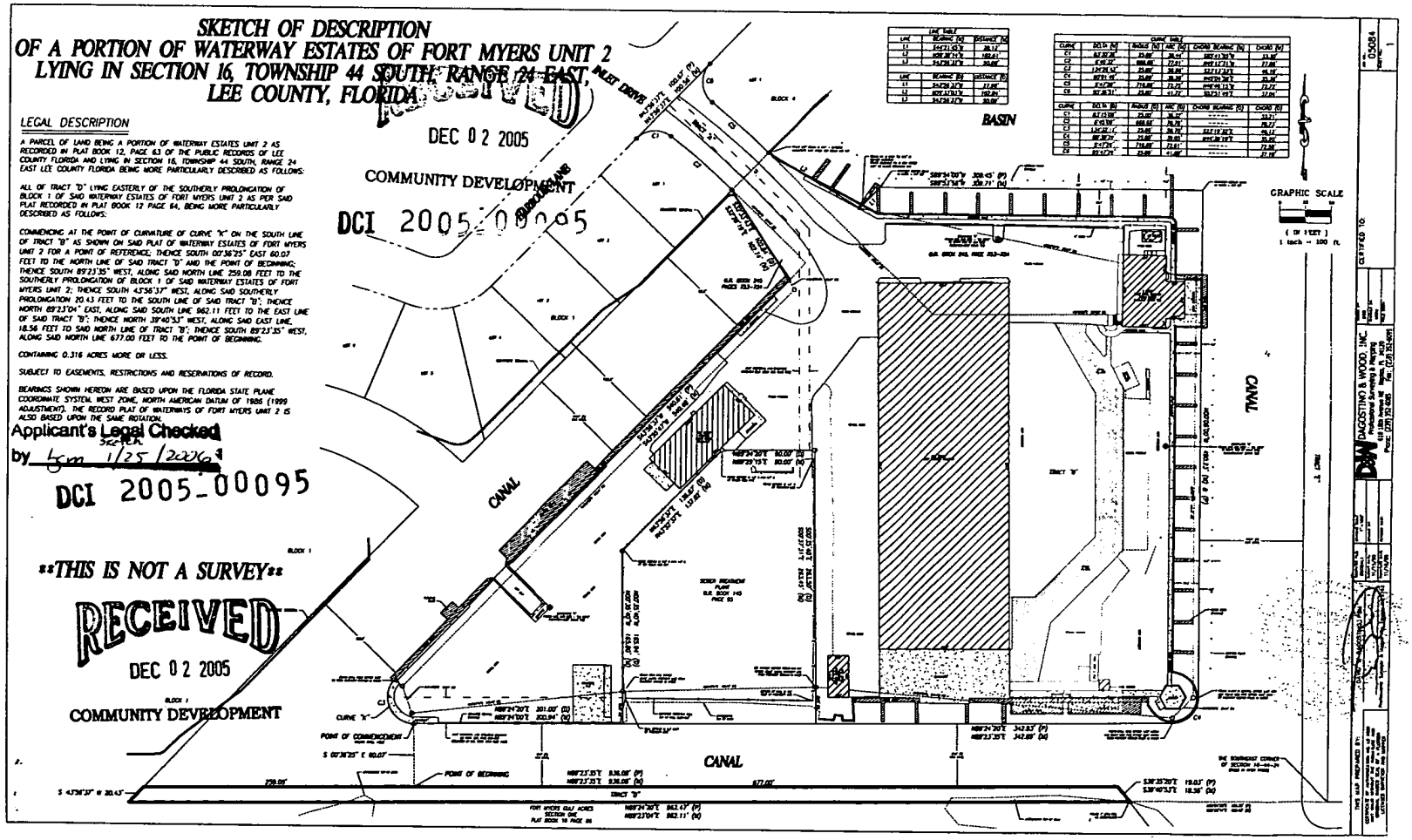
SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

BEARINGS SHOWN HEREON ARE BASED UPON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983 (1999 ADJUSTMENT). THE RECORD PLAT OF WATERWAYS OF FORT MYERS UNIT 2 IS ALSO BASED UPON THE SAME ROTATION.

Applicant's Legal Checked
by Sm 1/25/2006
DCI 2005-00095

THIS IS NOT A SURVEY

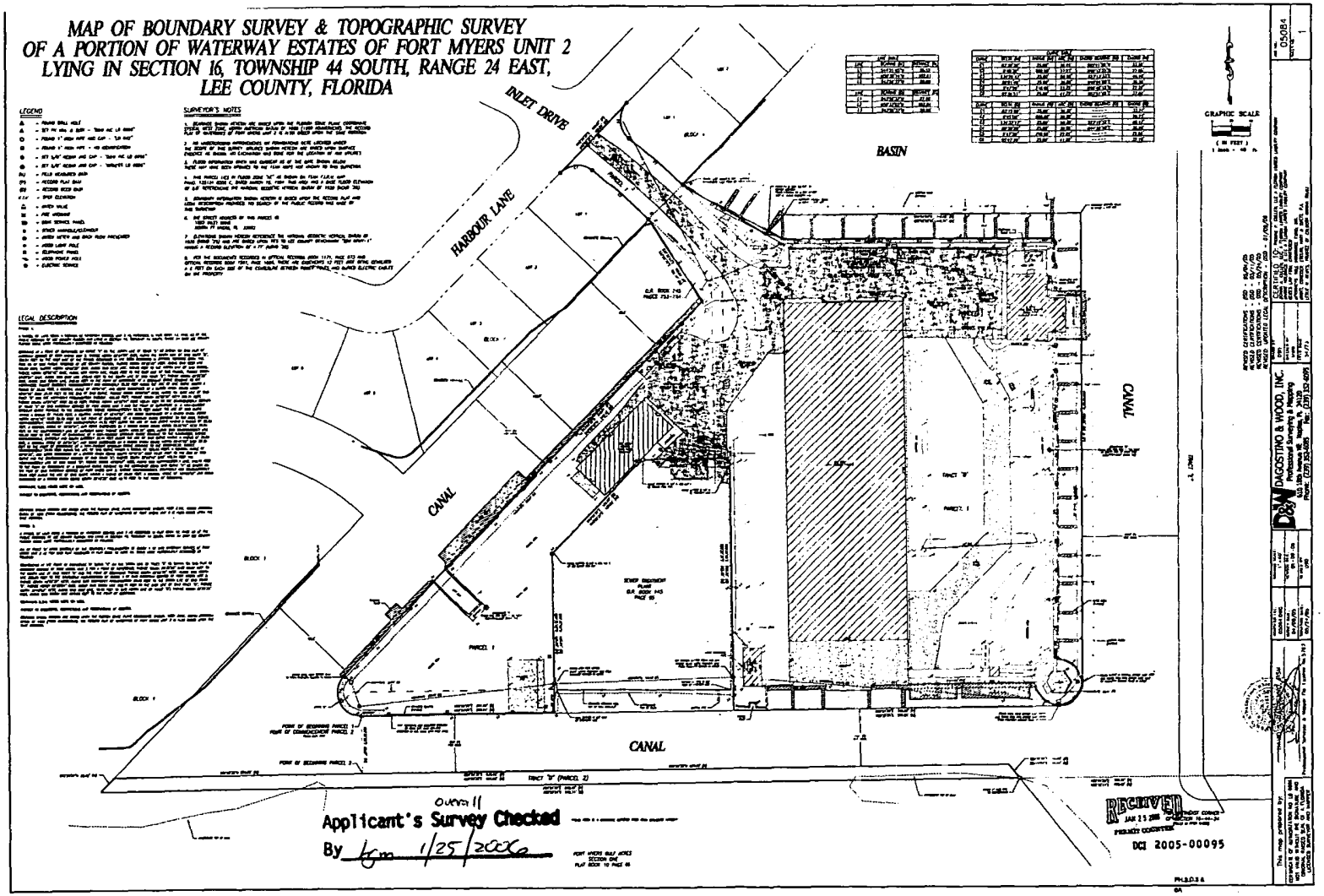
RECEIVED
DEC 02 2005
COMMUNITY DEVELOPMENT



CERTIFIED TO:

DAGOSTINO & WOOD, INC.
Professional Surveying & Mapping
LB #3591
2271 First Street, Suite 201
Fort Myers, Florida 33901
Phone: (239) 332-6555

MAP OF BOUNDARY SURVEY & TOPOGRAPHIC SURVEY OF A PORTION OF WATERWAY ESTATES OF FORT MYERS UNIT 2 LYING IN SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA



PROPOSED SCHEDULE OF DEVIATIONS:

The Master Concept Plan will deviate from the following Lee County standards:

(1) A Deviation from Article VII, Division 26 Parking to allow an alternative parking plan for the marina. Requesting to provide 184 code defined slots. Rather than the 238 required.

(2) Deviation from LDC Section 34-2194 (b) which states buildings and structures may not be placed closer than 25 feet to a canal or to a bay or other water body or the distance required by the provisions of chapter 6, article IV, pertaining to flood hazard reduction, whichever is greater. We are requesting deviations for the Restaurant/Bar buildings to be located within 5 feet of the east water edge and within 5 feet of the south water edge.

(3) Deviation from LDC Section 34-935 (f) Height of buildings (3)a.: to allow the main boat barn building to be 54.875 feet tall at the midpoint between the peak and the eaves line rather than 45 feet midpoint between the peak and eaves as allowed by code. All heights are measured above minimum flood elevation.

(4) Deviation from Section 10-416.d minimum buffer type between a proposed commercial development and existing industrial development of a type "B" buffer (15 foot wide) (TDSD Section C.5.d.(4)), to a 10 foot wide buffer with a type "B" vegetation.

(5) Deviation from LDC Section 34-2194 (b) which states building and structures may not be placed closer than 25 feet to a canal or to a bay or other water body or the distance required by the provisions of chapter 6, article IV, pertaining to flood hazard reduction, whichever is greater. We are requesting deviations from this Section to authorize the location of the Tiki Bar/Fitness Center building to be located on the East property line on the existing foundation of the Shuckers Restaurant building.

(6) Deviation from LDC Section 34-935 (b) (1) which states all buildings and structures must be set back from the development perimeter a distance equal to the greater of: a. The width of any buffer area or landscape strip, required by chapter 10; or b. Fifteen feet, if the subject property is, or will be zoned RPD, MHPD, CFPD, or CPD; or... We are requesting a deviation from this section to allow the Fuel Storage Tank, the proposed shed and the fire suppression tank to be located within 0 feet of the east side property line of the Waste Water Treatment Plant.

LOT COVERAGE SUMMARY:

PARCEL: 3.93 ACRES
BUILDINGS/ENCLOSED SERVICE & REPAIR: 61,380 SQ FT = 1.40 ACRES
PAVEMENTS (PARKING, ETC.): 115,723 S.F. = 2.66 ACRES (incl. STABILIZED SHELL)
WATER OPEN SPACE: 19,902 S.F. = 0.45 ACRE
LAND OPEN SPACE: 61,382 S.F. = 1.41 ACRES

OPEN SPACE SUMMARY:

OPEN SPACE REQUIRED: 3.92 AC x .30% = 1.18 ACRES
OPEN SPACE CREDIT FOR WATER: 1.78 x .25 = 0.45 ACRE
LAND OPEN SPACE 1.41 ACRES
TOTAL OPEN SPACE: 0.45 + 1.41 = 1.86 ACRES

PROPOSED SCHEDULE OF USES

CPD - Marina & Normal Accessory Uses

44 Wet Slips (existing prior to 1973)
239 Dry Slips (approximately 59,138 s.f.)

ACCESSORY USES:
Administrative Offices
Boat:
Docks
Rental
Repair
Sales
Boat Storage:
44 Wet Slips
239 Dry Slips
Boatyards (See Condition 15)
Consumption on Premises (with outdoor seating) (See conditions # 7, & 8)
Personal Services, Group II (limited to a fitness center)
Pump-out Facilities
Restaurant, Group III
Recreational Facility: Private, On-site
Parking, accessory
Signs, in accordance with Chapter 30
Essential Services
On-Site Fueling

Those uses to be removed if other deviations approved:
Carpentry- repairs and replacement*
Sandblasting (wet and dry)
Grinding (hand held power tools)
Aluminum and stainless steel fabrication work (welding of towers, tops & related hardware)
Fiberglass work including repairing blistering and repairing damages
Major hull repairs and collision damages
Marine salvage

(*denotes uses that would be LAST on the list to have removed because of the potential fire instances that this service may be necessary)

EXISTING DEVELOPMENT

EXISTING DRY STORAGE BUILDING:	44,712 S.F.
EXISTING SERVICE AREA (OUTDOOR)	33,143 S.F.
EXISTING STORE #1:	6,158 S.F.
EXISTING STORE #2 (2 STORY):	6,564 S.F.
TOTAL:	90,578 S.F.

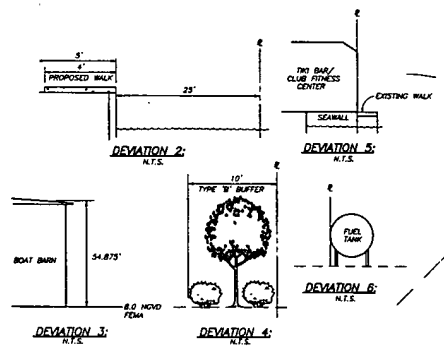
PROPOSED DEVELOPMENT

PROPOSED DRY STORAGE BUILDING:	59,378 S.F.
PROPOSED SITES SHED:	500 S.F.
PROPOSED RESTAURANT/BAR/OFFICE & GAZEBO:	9,500 S.F.
TIKI-BAR/CLUB FITNESS CENTER:	1,700 S.F.
TOTAL:	63,878 S.F.

NOTE: THE LOCATION AND SIZE OF THE WET SLIPS IS CONCEPTUAL AND SUBJECT TO CHANGE BY ADMINISTRATION APPROVAL OF THE DIRECTOR TO THE PERMITS AS APPROVED BY THE REQUIRED JURISDICTIONAL AGENCIES.

DCI 2005-00095

EXHIBIT B



PARKING REQUIREMENTS

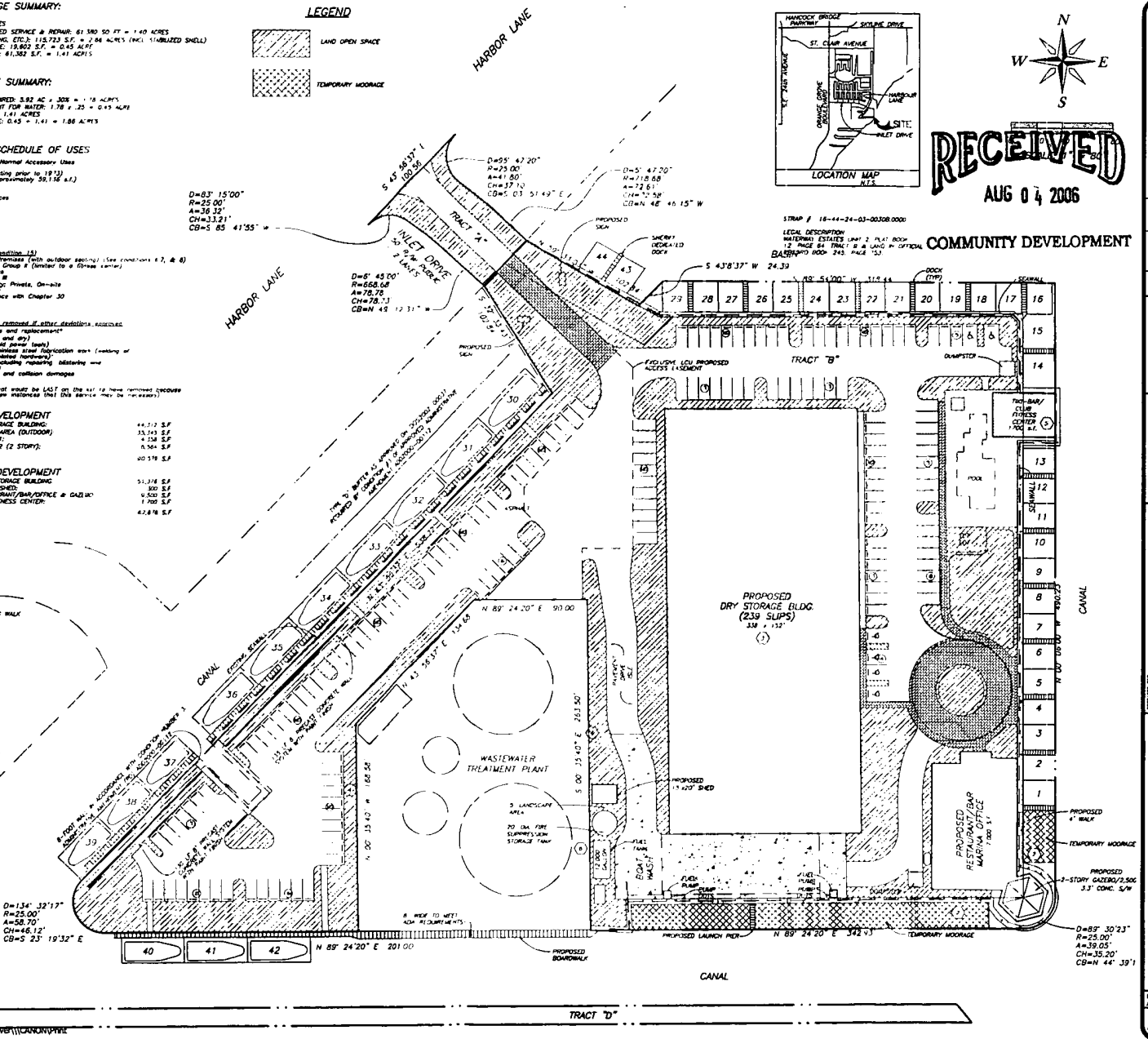
RESTAURANT = 7,000 S.F. @ 14 SPACES PER 1,000 S.F. = 98 STALLS
BAR = 1,000 S.F. @ 7 SPACES PER 1,000 S.F. = 7 STALLS
OUTDOOR SEATING ABVE 1,000 OF GAZEBO = 1,000 S.F. @ 1 PER 50 S.F. = 20 STALLS
WET SLIPS = 44 SLIPS @ 2 STALLS PER 3 SLIPS = 29 STALLS
DRY SLIPS = 239 SLIPS @ 1 STALL PER 4 SLIPS = 60 STALLS
HEALTH CLUB = 1,700 S.F. SUBORDINATE USE = 17 STALLS
OFFICE = 1,500 S.F. SUBORDINATE USE = 5 STALLS

TOTAL STALLS REQUIRED = 236 STALLS
TOTAL STALLS PROVIDED = 184 STALLS

SITE DATA	REQUIRED	PROVIDED
FRONT YARD	25'	60'
SIDE YARD #1	25'	5*
REAR YARD	25'	5*

SITE DATA	REQUIRED	PROVIDED
HEIGHT BOAT BARN	45' ABOVE FEMA	54.875' ABOVE FEMA **
HEIGHT RESTAURANT / OFFICE	45' ABOVE FEMA	45' ABOVE FEMA

* SEE DEVIATION #2
** SEE DEVIATION #3



N
W E
S

RECEIVED
AUG 04 2006
COMMUNITY DEVELOPMENT
BAREFOOT BEACH

STRAP # 18-44-24-03-00308.0000

LEGAL DESCRIPTION
WATERMAN ESTATES UNIT 3, PLAT BOOK 12 PAGE 64, TRACT B & LAND IN OFFICIAL RECORDS BOOK 2145, PAGE 153

NO.	DATE:	BY:	REVISIONS:
1	12-02-05	RDM	REVISED PER CLIENT COMMENTS
2	01-19-06	RDM	REVISED PER CLIENT COMMENTS
3	04-11-06	RDM	REVISED PER CLIENT COMMENTS
4	06-23-06	RDM	REVISED PER CLIENT COMMENTS
5	07-13-06	RDM	REVISED PER CLIENT COMMENTS
6	07-31-06	RDM	REVISED PER CLIENT COMMENTS

NOTE: The information shown on these plans is intended to indicate the general scope of the project and is not to be used for construction purposes. Refer to engineering and/or architectural plans.

SCALE: As Shown
DRAWN: WAS 11-30-05
ISSUED: JAM 11-30-05
APPROVED: RDM 11-30-05

PREPARED FOR:
Marine Holdings II, LLC
C/O RL Opportunities
10560 Landau Lane
Bonita Springs, FL 34135

PROJECT LOCATION:
Section 16, Township 44 S, Range 24 E
Lee County, FL

Traffic Engineering
Environmental Science
FL 344

Urban Planning
Landscape Architecture
Civil Engineering
1739 Hendry Street
Fort Myers, FL 33901
239.334.3448
239.334.3448 FAX
e-mail@vanasse-daylor.com

Vanasse Daylor

PROJECT NO. 80899
ACAD File: 80899-SP04

PROJECT & SHEET TITLE:
Caloosa Isle Yacht Club
Concept Plan - EXHIBIT B-1

DCI 2005-00095

Sheet No. 1 of 1

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Attachment "A"
Zoning Map

DCI2005-00095

7/10/2006



Phil

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

ORDER FOR CONTINUANCE

RECEIVED
OCT 27 2006
COMMUNITY DEVELOPMENT

CASE NUMBER: DCI2006-00013
APPLICANT: LEHIGH COMMERCIAL, LLC, in reference to SUNNILAND TOWN CENTRE
RESPONSE DATE: NOVEMBER 3, 2006

The hearing on the above-styled case began as scheduled on October 25, 2006. At the conclusion of the presentations of Staff and Applicant and, following the comments and presentations of other interested parties present, the matter was continued to the date and time set forth below to allow the Staff and the Applicant to submit additional materials, only as requested by the Hearing Examiner, which are responsive to questions, issues and concerns which arose during the course of the proceedings.

Written submissions shall be in the form of:

1) Staff's and Applicant's, joint or individual submittal, of proposed conditions regarding the timing of sidewalk construction; the placement and timing of traffic calming devices; the timing of possible construction of a bus stop; and the timing of capping and plugging the existing oil well.

This matter is continued to FRIDAY, NOVEMBER 3, 2006 BY 5:00 P.M., THE SUBMISSION OF MATERIALS AS REQUESTED BY THE HEARING EXAMINER. At, or before this time, the requested materials will be submitted to the Hearing Examiner, *and other responding parties,* and the Hearing Examiner will determine if these submissions are sufficient. **NO HEARING WILL BE HELD AND NO TESTIMONY WILL BE HEARD.** If the Hearing Examiner determines that these submissions are insufficient, a subsequent hearing will be set to discuss this matter further and notices will be sent to all parties involved.

Accordingly, written submittals will be delivered to the Office of the Hearing Examiner, 1500 Monroe Street, Suite 218, Fort Myers, Florida, on or before these dates. Copies of this order will be furnished to the Staff, the Applicant, and all hearing participants.

DONE AND ORDERED this 25TH day of OCTOBER, 2006.

RICHARD A. GESCHEIDT
LEE COUNTY HEARING EXAMINER
P. O. Box 398 (1500 Monroe Street, Suite 218)
Fort Myers, Florida 33902-0398
Telephone: 239/479-8100 Fax: 239/479-8106

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the aforesaid Order was sent to all hearing participants, officially established as of the above Order date, either by U.S. Mail, Inter-County Mail, or Facsimile Transfer on the 27TH day of October, 2006.

Maria D. Perez
Administrative Assistant

October 26, 2006

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

ORDER FOR CONTINUANCE

CASE NUMBER: DCI2005-00095
APPLICANT: MARINE HOLDINGS, LLC, in reference to CALOOSA ISLE YACHT CLUB
RESPONSE DATES: AUGUST 4, 2006

The hearing on the above-styled case began as scheduled on July 26, 2006. At the conclusion of the presentations of Staff and Applicant and, following the comments and presentations of other interested parties present, the matter was continued to the date and time set forth below to allow the Staff and the Applicant to submit additional materials, only as requested by the Hearing Examiner, which are responsive to questions, issues and concerns which arose during the course of the proceedings.

Written submissions shall be in the form of:

1) *Applicant* to submit a revised Master Concept Plan; and

2) *Applicant and Staff* to submit revised conditions and/or designate disputed conditions and provide proposed conditions.

This matter is continued to FRIDAY, AUGUST 4, 2006, AT 5:00 P.M., FOR SUBMISSION OF MATERIALS AS REQUESTED BY THE HEARING EXAMINER. At, or before this time, the requested materials will be submitted to the Hearing Examiner, *and other responding parties,* and the Hearing Examiner will determine if these submissions are sufficient. **NO HEARING WILL BE HELD AND NO TESTIMONY WILL BE HEARD.** If the Hearing Examiner determines that these submissions are insufficient, a subsequent hearing will be set to discuss this matter further and notices will be sent to all parties involved.

Accordingly, written submittals will be delivered to the Office of the Hearing Examiner, 1500 Monroe Street, Suite 218, Fort Myers, Florida, on or before these dates. Copies of this order will be furnished to the Staff, the Applicant, and all hearing participants.

DONE AND ORDERED this 26TH day of July, 2006.

RICHARD A. GESCHEIDT
LEE COUNTY HEARING EXAMINER
P. O. Box 398 (1500 Monroe Street, Suite 218)
Fort Myers, Florida 33902-0398
Telephone: 239/479-8100 Fax: 239/479-8106

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the aforesaid Order was sent to all hearing participants, officially established as of the above Order date, either by U.S. Mail, Inter-County Mail, or Facsimile Transfer on the 28th day of July, 2006.

Linda M. Waters

Linda M. Waters
Administrative Assistant

July 27, 2006

MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
ZONING DIVISION

DATE: August 3, 2006

TO: Lee County Hearing Examiner

FROM: Josh Philpott
Senior Planner

RE: CALOOSA ISLE YACHT CLUB
DCI2005-00095

This memo is to inform the Hearing Examiner that Staff and the Applicant have continued to pursue changes to the conditions which were outlined in the original Staff Report. Staff and the Applicant have agreed to the following conditions with the only remaining disagreement being the wording of Condition 7. Condition 7 outlines the permitted hours of operation for consumption on premises and outdoor entertainment. This was discussed in detail during the hearing and the two parties have agreed to disagree on this remaining topic. Staff remains supportive of our previous recommendation with the following comments and revised conditions.

Revised Conditions:

1. A new MCP should be submitted on Friday August 4, 2006. Staff recommends revising Condition 1 to reflect the newly submitted Master Concept Plan and the respective dates referenced in the condition.

2. Condition 2 should include Boardwalk in the Schedule of Uses. This should include "*(See Condition 15)*" following the boardwalk use.

3. b. Prior to development order approval for the project, the applicant must demonstrate compliance with Lee Plan Policies 128.6.8 and 128.6.11 regarding marina environmental design. Environmental enhancements to the adjacent canal system through the creation of in-water habitat must be a part of this environmental design.

   This enhancement can be accomplished through the placement of appropriately sized riprap rock, ~~reefballs, planting shelves or other techniques~~ along the shoreline to increase filtration of canal water and create habitat within the canals. A minimum of ~~20%~~ 260 feet of the project seawall shoreline ~~(378 feet)~~ must include this environmental enhancement. A conservation easement reserving

riparian rights for over Tract "D" must be recorded in the Public Records of Lee County prior to development order approval for the project.

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

(1) Existing mangrove trees and other native plants will be retained;

(2) Trimming of mangrove trees is prohibited, except for limited trimming, approved by Lee County, to accommodate navigation, boat mooring docks and access walkways, if constructed in the future;

(3) Removal of exotic pest plants listed in LDC §10-420(h); and

(4) Maintenance of the area in perpetuity free from exotic pest plants as listed in LDC 10-420(h) and trash.

6. Consumption on Premises is approved only in conjunction with a restaurant pursuant to ~~with~~ a 4-COP and/or 4-COP-SRX alcoholic beverage license. ~~At least 51-percent of sales must come from the sale of food~~ The service of alcoholic beverages is contingent on meeting the requirements for the applicable COP license.

7. Staff finds that the condition outlined in the Staff Report reflects staff's position in respect to Hours of operation for consumption on premises and outdoor entertainment. Due to discussions at the public hearing staff has provided the following conditions relating to outdoor entertainment for consideration:

Outdoor entertainment is limited to piped and/or recorded music that is kept at or below normal conversational level and cannot be heard by individuals located off of the subject property. No live entertainment is permitted. The hours of operation for outdoor entertainment are limited to the hours of operation permitted for consumption on premises in conjunction with outdoor seating.

10. Valet Parking must be provided for the restaurant customers between the hours of 6pm and close of business if needed to accommodate parking within the project. A minimum of 50 valet parking spaces must be provided ~~within the drive aisle of the proposed boat storage area~~ in areas of the project other than those currently designated for parking areas.

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

A. The storage and removal of boats or equipment from the boat storage building must be accomplished using the door on the south side of the dry storage building. The existing boat drop located on the southwest portion of the peninsula is limited to use for emergency purposes or for boats which are too heavy to be handled by a fork lift.

15. Prior to issuance of a local development order authorizing construction of a boardwalk along the boundary line of the Lee County Utilities Wastewater Treatment plant property, the applicant must secure a license from the Lee County Board of County Commissioners authorizing placement of a boardwalk for pedestrian access in that location and an administrative amendment to the zoning approval incorporating the license authorizing the boardwalk into zoning approval. The license must specifically address the developer's ability to trim mangroves in conjunction with the installation of the boardwalk.

The approval and discussion of Deviation 1 needs to be modified to address the change in language relating to the location and requirement of valet parking on-site.

LEE COUNTY, FLORIDA

ZONING DIVISION

STAFF REPORT

TYPE OF CASE: **PLANNED DEVELOPMENT/DCI**

CASE NUMBER: **DCI2005-00095**

HEARING EXAMINER DATE: July 26, 2006

APPLICATION SUMMARY:

Applicant: Marine Holdings, LLC in ref to Caloosa Isle Yacht Club

Request: Rezone 5.77+/- acres from Commercial Planned Development (CPD) to Commercial Planned Development (CPD) to permit the redevelopment of Caloosa Isle Marina to allow a total of 334 boat slips (Wet and Dry), a 7,000 square-foot restaurant and approximately 7,500 square-feet of ancillary uses. Deviations have been requested from parking, waterbody setbacks, and building perimeter planting requirements. Connections to public utilities will be provided.

Location: The subject property is located at 1687 Inlet Drive(US41 North to Hancock Bridge Rd/Left to Orange Grove/Left to Inlet Drive), in S16-T44S-R24E, Lee County, FL. (District #4)

Future Land Use:	Suburban
Current Zoning:	Commercial Planned Development (CPD)
Current Use:	Caloosa Isle Yacht Club
Road Classification:	Inlet Drive - County Maintained Local Road

Surrounding Zoning & Land Use		Future Land Use
North:	Canal then Single-Family residences zoned Residential Single-Family (RS-1)	Suburban
East:	Undeveloped preserve area zoned Residential Multi-Family (RM-2) then Caloosahatchee River	Suburban
South:	Lee County Wastewater Treatment Plant zoned Light Industrial (IL) then Canal then vacant undeveloped land zoned Residential Single-Family (RS-2)	Suburban
West:	Canal then Single-Family Residences zoned Residential Single-Family (RS-1)	Suburban

Size of Property: 5.77± acres

RECOMMENDATION:

Staff recommends of the Applicant's request for rezoning from Commercial Planned Development (CPD) to Commercial Planned Development (CPD) with the following conditions and deviations:

Conditions:

1. The development of this project must be consistent with the 1-page Master Concept Plan entitled "Caloosa Isle Yacht Club," stamped received June 26, 2006, last revised April 11, 2006, 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

   Accessory Uses and Structures
   Administrative offices
   Boat:
   - Docks
   - Rental
   - Repair
   - Sales

   Boat Storage:
   - 44 Wet Slips
   - 239 Dry Slips

   Consumption on Premises (with outdoor seating) (See conditions 6,7 & 8)
   Personal Services, Group II (limited to a fitness center)
   Pump-out Facilities
   Restaurant, Group III
   Recreational Facility; Private, On-site
   Parking, accessory
   Signs, in accordance with Chapter 30
   Essential Services
   On-site Fueling

   b. Site Development Regulations

   Setbacks:

Street :	25-Feet
Waterbody:	25-Feet (See Deviation 2 & 5)
Side:	15-Feet (See Deviation 6)
Maximum Height:	45-Feet (See Deviation 3)
Maximum Lot Coverage:	40-Percent
Minimum Open Space:	30-Percent

3. Environmental Conditions

a. The applicant will actively pursue the Clean Marina designation through the Florida Department of Environmental Protection.

b. Prior to development order approval for the project, the applicant must demonstrate compliance with Lee Plan Policies 128.6.8 and 128.6.11 regarding marina environmental design. Environmental enhancements to the adjacent canal system through the creation of in-water habitat must be a part of this environmental design.

This enhancement can be accomplished through the placement of appropriately sized riprap rock, reefballs, planting shelves or other techniques along the shoreline to increase filtration of canal water and create habitat within the canal. A minimum of 20% of the project seawall shoreline (378 feet) must include this environmental enhancement.

c. No direct canal discharge of bilge water from watercraft being lifted and stored in the dry storage building is allowed. Prior to development order approval, a surface water collection system must be designed into the forklift facility to capture bilge water for appropriate treatment prior to any release into the canal.

d. Prior to development order approval for the project, the applicant must submit a Marina Hurricane Plan that is approved by the Lee County Department of Public Safety.

4. A 10-foot wide buffer consisting of a double staggered hedge row and 5 trees every 100-linear feet must be installed along the northwestern portion of the property between the seawall and parking lot. A 5-foot wide buffer consisting of a double staggered hedge row must be installed along the northern portion of the property between the seawall and the parking area. All shrubs must be must be a minimum ten-gallon container size; planted in double staggered rows; at least 48 inches in height; and spaced 36 inches on center. They must be at least 60 inches in height within 12 months of time of planting and maintained in perpetuity at a height of no less than 60 inches above grade. All required buffer trees must be no less than four (4) inches in diameter at 12 inches above the ground and no less than 16 feet in height at the time of planting.

Half of the required buffer trees along the northwest portion of the property must be Sabal Palms planted in clusters with staggered heights ranging from 12-feet in overall height to a maximum of 20-feet in overall height.

All required landscape planting material must be of native species.

5. Prior to issuance of local Development Order an access easement providing access

for Lee County Utilities from Inlet Drive to the wastewater treatment plant must be recorded. Prior to recording the easement must be reviewed and approved by Lee County Utilities and the Lee County Attorneys office.

6. Consumption on Premises is approved in conjunction with a 4-COP and/or 4-COP-SRX alcoholic beverage license. At least 51-percent of sales must come from the sale of food.

7. Hours of Operation for Consumption on Premises in conjunction with indoor seating are limited to 10am until 12pm Monday though Sunday. Hours of operation for Consumption on Premises in conjunction with outdoor seating are limited to Sunday through Thursday 10am until 8pm and Friday through Saturday 10am until 9pm. No outdoor entertainment is permitted.

8. The restaurant may serve alcoholic beverages to members of the marina in the outdoor poolside area. These hours of operation for the outdoor poolside area are limited to 10am through 8pm Monday through Sunday.

9. Boat repair and service are limited to the hours of 8am through 5pm Monday through Saturday.

10. Valet Parking must be provided for the restaurant customers between the hours of 6pm and close of business. A minimum of 50 valet parking spaces must be provided within the drive aisle of the proposed boat storage area.

11. No outdoor storage of boats or equipment is permitted. All boat service, repair, and maintenance must be done completely within the dry storage building.

12. Approval of this zoning request does not address mitigation of the project's vehicular of pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.

13. Approval of this zoning request does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee 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.

14. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.

Deviations

1. Deviations from Section 34-2020 of the Lee County Land Development code which requires a total of 236 parking spaces to allow a total of 164 defined parking spaces, with additional parking provided in the boat storage building by valet service.

Staff recommends approval of the requested deviation, as conditioned (see Condition 10).

2. Deviation from Section 34-2194 of the Lee County Land Development Code which requires a minimum 25-foot waterbody setback for structures to allow a 5-foot waterbody setback for the proposed restaurant/office/gazebo building.

Staff recommends APPROVAL of the requested deviation.

3. Deviation from Section 34-936(f) of the Lee County Land Development Code which permits a maximum height of 45-feet above base flood elevation to allow a maximum height of 55-feet above base flood elevation.

Staff recommends APPROVAL of the requested deviation.

4. Deviation from Section 10-416(d) of the Lee County Land Development Code which requires a minimum 15-foot wide Type "B" buffer between a commercial development and an existing industrial development to allow a 10-foot wide buffer with the required Type "B" plantings.

Staff recommends APPROVAL of the requested deviation, as conditioned (See Condition 4).

5. Deviation for Section 34-2194 of the Lee County Land Development Code which requires a minimum 25-foot setback for structures to allow a 0-foot waterbody setback for proposed Fitness Center/ Tiki Bar.

Staff recommends APPROVAL of the requested deviation.

6. Deviation from Section 34-935(b)(1) of the Lee County Land Development Code which requires that all structures be setback a minimum width of any required buffer or 15-feet for properties zoned Commercial Planned Development (CPD) to allow a 0-foot setback for the proposed fuel storage tank, fire suppression tank, and the proposed storage shed.

Staff recommends APPROVAL of the requested deviation.

Findings and Conclusions:

Based upon an analysis of the application and the standards for approval of planned development rezonings, staff makes the following findings and conclusions:

1. The applicant has prove entitlement to the Rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.

2. The requested zoning, as conditioned:

   a) meets or exceeds all performance and locational standards set forth for the

potential uses allowed by the request;

b) is consistent with the densities, intensities and general uses set forth in the Lee Plan;

c) is compatible with existing or planned uses in the surrounding area; and

d) will not adversely affect environmentally critical areas or natural resources.

3. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the 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 proposed use or mix of uses is appropriate at the subject location.

6. The recommended conditions to the concept plan and other applicable requlations provide sufficient safeguards to the public interest.

7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

8. The deviations granted, as conditioned:

a) enhanced the of the planned development; and

b) preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

Introduction

The subject property consists of 5.77+/- acres currently developed as a marina and restaurant. The subject property has been operating since the mid 1960's as a marina. The existing marina and restaurant were approved as part of a Commercial Planned Development in Lee County zoning resolution Z-88-293. The subject property is surrounded on all sides by a residential canal system that extends to the Caloosahatchee River to the east. The subject property is accessed by Inlet Drive, a county maintained local road, which extends west to Orange Grove Boulevard. Although the marina is currently operating, Hurricane Charlie damaged the restaurant building(FKA Shucker's Restaurant) and has remained unoccupied since.

The existing marina surrounds the Lee County Utilities Waterway Estates Wastewater Treatment Plant. To the northwest of the subject property is a single-family residential community known as Waterway Estates. To the northwest of the subject property is vacant undeveloped land which is currently a preserve area for the Buttonwood Harbor community. To the west of the subject property is the Caloosahatchee River. To the south of the subject property across the canal is a vacant undeveloped property along Seafan Circle.

The applicant is requesting to rezone the subject property to allow the redevelopment of the marina and restaurant and related commercial uses. The applicant is proposing a total of 44 wet slips and 239 dry slips. The applicant is also proposing to provide a fitness center and recreation area for the users of the marina, as well as, providing memberships to the public. The recreation area will include a pool area and a small playground for children. The applicant is proposing to provide for consumption on premises for the pool area as part of the operation of the restaurant. A Tiki bar is proposed to be used for special events for members of the marina and/or fitness center only .

The applicant originally requested a total 334 boat slips but has since modified the request to a total of 283 boat slips (44 wet and 239 dry slips).

Zoning History

The subject property was a portion of the Waterway Estates development. Although no permits are available for review from that time period, the aerials reveal that the property was developed with a marina in the mid 1960's. Since that time several zoning actions have taken place on the property.

In July 1976 Lee County Zoning Resolution Z-76-123 was approved to rezone the property from an industrial zoning category to a commercial zoning category and also included a Special Permit for a Marina.

In December of 1988 the Lee County Board of County Commissioners approved a rezoning of the subject property, in Zoning Resolution Z-88-293, to Commercial Planned Development. This permitted the property to be developed with a marina with 44-wet slips and 239 dry storage slips and marine repair which included industrial type activities such as, sandblasting and outdoor storage and repair of boats. The rezoning also permitted on-site fueling and pump-out stations for the boats using the marina. The main outdoor repair areas were located along the western portion of the property closest to the single-family residences. Deviations were approved to reduce the number of required parking spaces, reduced buffers, and setbacks.

An administrative application for consumption on premises was approved in April of 1992 in Resolution Number COP-92-004. This approval permitted the consumption of beer and wine (2-COP license type) in conjunction with a standard restaurant during the hours of 11am and 9pm on weekdays and 11am and 10pm during the weekends. Outdoor seating was prohibited as part of this resolution.

Lee County Zoning Resolution Z-99-067 amended the previously approved Commercial Planned Development (CPD) and approved a 15-foot by 45-foot outdoor seating area for the Shucker's Restaurant. Two deviations were approved reducing the waterbody setback to 0-feet and eliminating the need for additional parking for the outdoor seating area.

An administrative approval relocating one of the existing buildings and adding a buffer with a wall along the west portion of the property was approved in August 2000 in case number ADD2000-00112.

Master Concept Plan

The master concept plan illustrates the proposed development for the marina and related commercial uses. The large structure located in the center of the subject property is the dry storage building which will house 239 boat slips. Access to this building will be located to the south of the building, allowing for the boat lift to easily transport boats from storage area to the water. The main launch site for the boats will be to the south of the dry storage building. This area will serve as temporary mooring as boats are waiting to leave the marina or be stored in the boat barn. This area will also house the pump-out stations for boats with on-board sewage storage capabilities, as well as the fueling stations. The temporary mooring area will also provide a mooring area for boats for boaters visiting the restaurant.

The wet boat slips are distributed around the remaining perimeter of the subject property. A total of 44 wet slips are proposed with one of the docks being permanently dedicated to the Lee County Sheriff's Office. The Master concept Plan illustrates the general configuration of the proposed docks and wet slips, however, the final layout is subject to comments and approval by the Florida Department of Environmental Protection.

In the southwest corner of the subject property is a smaller building which will be used as a restaurant and marina office. The proposed structure will be comprised of two floors with an attached gazebo. One floor of the gazebo will allow for an outdoor seating area for the restaurant.

To the north of the restaurant is the fitness center and pool area which will be open to the users of the marina. The applicant also intends to sell memberships to the surrounding residents to allow for the use of the fitness center and pool area as well. A small tot-lot playground area is provided adjacent to the pool.

The applicant has proposed to provide an access easement to Lee County Utilities to provide access through the subject property to the Wastewater treatment Plant. Although the facility has existed for many years no formal access easement has been recorded. The proposed easement is shown on the Master Concept Plan with a dashed line, extending form Inlet Drive to the utility facility.

Deviation Discussion

The applicant has requested several deviations from the Lee County Land Development Code as part of the requested rezoning.

The first deviation requests relief from Section 34-2020 of the Lee County Land Development Code which outlines the required parking for the proposed development. The proposed development as outlined on the attached Master Concept Plan requires a total of 236 parking spaces. The applicant is requesting a deviation to reduce the total number of required parking spaces by 72 to the 164 delineated parking spaces.

The applicant has provided several reasons to permit the reduction in the required parking spaces. The provided parking will serve both the marina uses and the restaurant located

on the subject property. These two uses require the most amount of parking for the subject property, however, the peak hours of operation for these uses are during different times of the day. The marina attracts the most business during the morning and early afternoon day hours when most people are on the water. The restaurant attracts the majority of the customers during the evening hours after the marina uses have shut down. Also the applicant is proposing to provide for a valet service which will utilize the large drive aisle of the boat barn for parking of vehicles. This will accommodate approximately 80 additional vehicles with the valet parking. Staff has reviewed the requested deviation and has recommended APPROVAL.

The second deviation is a request to reduce the waterbody setback from the required 25-foot setback as outlined in Section 34-2194(b) of the Lee County Land Development Code to allow a 5-foot waterbody setback for the proposed restaurant and office building. The applicant has requested the variance to allow for the ability to have the marina office located in area which will allow the most visibility for operations of the dock space and launching of vessels. The applicant is also attempting to locate the restaurant in a location which will take the most advantage of the waterfront view from the subject property. The proposed location of the restaurant will not interfere with the views of the waterfront from adjacent properties due to the locations of the existing structures and wastewater treatment plant. The proposed building will be constructed in accordance with all applicable building code requirements. Staff recommend has recommended APPROVAL of the requested deviation.

The third deviation requested is a deviation from Section 34-936 of the Lee County Land Development Code which permits a maximum height of structures of 45-feet to allow a maximum height of 55-feet above base flood elevations for the proposed dry storage building. The applicant has requested a deviation to permit the increased height which will allow for the entire marina operation to be located indoors. The current marina operation uses an outdoor area for both the storage and repair of boats. This generates a large impact on the surrounding property owners due to the appearance of boats stored outside as well as the noised created by the machinery required to repair the boats. By allowing the increased height for the proposed structure more boats can be stored inside and the boat repairs may also be done inside. This will reduce the impact on the surrounding property owners. Staff has recommended APPROVAL of the requested deviation.

The fourth deviation is from Section 10-416 of the Lee County Land Development Code which requires a 15-foot wide Type "B" buffer to be located between any commercial development and an adjacent industrial development. The applicant is requesting a deviation to allow a 10-foot wide buffer to be installed along the property lines adjacent to the Lee County Utilities site. Although the applicant intends to reduce the width of the buffer, the required planting material of a Type "B" buffer will be provided. Staff has included a condition which will require the applicant to plant more mature vegetation at the time of development approval (See Condition 4). Therefore, staff has recommended APPROVAL of the requested deviation.

The fifth deviation requested by the applicant is a deviation from Section34-2194 of the Lee County Land Development Code which requires a minimum 25-foot waterbody setback for structures to allow a 0-foot waterbody setback for the proposed Fitness Center building. The applicant is proposing to utilize the existing foundation from the restaurant for the new

structure. The requested deviation is an existing condition which will improved to meet the current building code requirements. Staff recommends APPROVAL of the requested deviation.

The sixth deviation the applicant has requested is a deviation from Section 34-935(b)(1) which requires a 15-perimeter setback for all structures located within a Commercial Planned Development zoning category. The applicant is requesting a 0-foot setback for accessory structures to be located along the eastern property line of the existing wastewater treatment facility. The main impact from the requested deviation will to the existing wastewater treatment site. Lee County Utilities has reviewed the requested deviation and has no objections. Therefore, staff recommends APPROVAL of the requested deviation.

Lee Plan Considerations

The subject property is located in Suburban Future Land Use Designation as outlined in Policy 1.1.5 of the Lee County Comprehensive Plan.

POLICY 1.1.5: The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed.

The existing marina was approved in 1988 as part of a Commercial Planned Development. The proposed redevelopment of the marina will reduce the amount of light industrial uses on the subject property. Staff and the applicant have worked to provide a Master Concept Plan which will reduce the overall impact to the surrounding residential properties. Staff finds that the requested rezoning, as conditioned, is consistent with Policy 1.1.5 of the Lee County Comprehensive Plan.

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.

Staff has included conditions limiting the amount of noise and visual impacts from the subject property to the surrounding residential uses. The proposed marina will be compatible with the existing Wastewater Treatment Plant. Adequate public service are available to the subject property. The requested rezoning to Commercial Planned Development, as conditioned, is consistent with Policy 6.1.4 of the Lee County Comprehensive Plan.

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.

Staff has included conditions which will increase the size and amount of required landscaping on the subject property. These plantings will allow for the additional buffering of the property to the surrounding uses. The newly constructed facility will be required to meet the required architectural standards as outlined in Chapter 10 of the Lee County Comprehensive Plan. The redevelopment of the subject property is consistent with Policy 6.1.6 of the Lee County Comprehensive Plan.

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.

The subject property is located within the water dependent overlay zone as shown on Map 12 (Page 5 of 12) of the Lee Plan. By allowing for the redevelopment of the existing marina and restaurant the requested rezoning is consistent with Policy 8.1 of the Lee County Comprehensive Plan.

POLICY 2.2.1: Rezonings and development-of-regional-impact proposals shall 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 surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.

The proposed rezoning is to allow for the redevelopment of an existing industrial marina and restaurant use to allow for a commercial marina and restaurant with related ancillary commercial uses. Sufficient road network is provided to the subject property to service the proposed use. Water and sewer service are available to this project via Lee County Utilities. This project is, therefore, consistent with the above Lee Plan Goals, Objectives, and Policies that require new growth to be located where adequate public facilities exist.

Neighborhood Compatibility

The subject property is a peninsular shaped area surrounded on all sides by a residential canal system which provides water access to the surrounding residential uses. Northwest of the subject, development is primarily with single-family residential uses. To the south is undeveloped land zoned for single-family residences and to the east of the subject property is an preserve area. In the middle of the peninsular shaped area is the Lee County Wastewater Treatment Facility which is surrounded on three side by the subject property. The south side of the facility is adjacent to a canal.

The applicant is requesting to rezone the property to allow for the redevelopment of the site as a marina and a restaurant with related commercial uses. The marina on the subject property has been in existence since the late 1980's. It has provided commercial storage of boats in both wet and dry slips as well as offering a range of repairs. These repairs range from minor equipment repair to light industrial marine fabrication work. The requested

rezoning will allow for the main functions of the marina to remain while limiting the heavier activities which currently occur.

Noise and the visual appearance of the property are the two main impacts which may occur to the surrounding properties as a function of the redevelopment. Staff has attempted to work with the applicant to limit these impacts on the surrounding properties.

The western portion of the subject property is currently developed with a dirt/shell parking area which is being used to provide for outdoor storage of boats. This is the area closest to the single-family dwelling units to the west. With the proposed rezoning the applicant intends to eliminate all outdoor storage and provide for storage of all the boats within the boat barn. This will also eliminate the outdoor repair of boats. The western portion of the subject property will be paved with asphalt and will be used as a parking area. Staff has included conditions which will require the applicant to install native trees and shrubs along the western portion of the property to reduce the visual presence of the parking area (See Condition 4).

Due to the height and size of the proposed dry storage building it will be seen from the adjacent properties. This proposed structure will replace the existing metal dry storage building with a structure which will meet the commercial building standards outlined in Chapter 10 of the Lee County Land Development Code. Staff has also included a condition requiring mature vegetation be planted along the northern and western portions of the building to help reduce the mass of the structure from residential views. This will be a great improvement from the existing facility with minimal vegetation.

The restaurant building on the southeast corner of the property is of concern to staff due to the potential amount of noise which may be created due to the outdoor seating. To the south of the subject property, across the canal, is vacant land intended for single-family residences. Staff has included conditioned intended to limit the noise generated from this area due to future compatibility issues with the nearby residences. Condition 7 states that no outdoor entertainment may be provided. Staff has also limited the hours of operation for consumption on premises to limit the amount of noise generated in the outdoor seating area.

The redevelopment of the subject property will be an overall improvement to the existing conditions of the property. A significant increase in landscaping, architectural features, and public safety will create a great benefit to the surrounding properties. Staff has reviewed the requested rezoning and finds that the proposed rezoning, as conditioned, will be compatible with the surrounding uses.

Environmental Issues

Lee County Environmental Sciences has reviewed the proposed rezoning and prepared a staff report (See attachment C)

Transportation

Access to the subject property is from Inlet Drive, a county maintained local road. The nearest collector road is Orange grove Boulevard.

Based on the Traffic Impact statement provided by the applicant the requested rezoning will create a reduction in peak hour trips. This is due in part to the reduction in intensity from the two commercial businesses and the marina to the marina and restaurant being the primary uses. Based on the most recent Lee County Concurrency Report Orange Grove Boulevard currently operates at a Level of Service"B". With no additional trips generated by the project, Orange Grove Boulevard will continue to operate at a Level of Service "B". According to the Lee County Concurrency Report this is an acceptable Level of Service.

Utilities

Connections to central water and sanitary sewer will be provided by Lee County Utilities.

The subject property completely surrounds the Lee County Wastewater Treatment Plant from Inlet Drive. No access easement through the subject property to the wastewater treatment plant has been previously recorded. However, as part of the requested rezoning the applicant will be providing an easement to Lee County to provide for access to the wastewater treatment Plant.

Lee County Utilities has reviewed the proposed development and has no objections. An email from Lee County Utilities has been attached as Attachment "D".

ATTACHMENTS:

A. Map of surrounding zoning
B. Master Concept Plan
C. Staff Report prepared by Lee County Environmental Sciences
D. Email from Lee County Utilities

EXHIBITS:

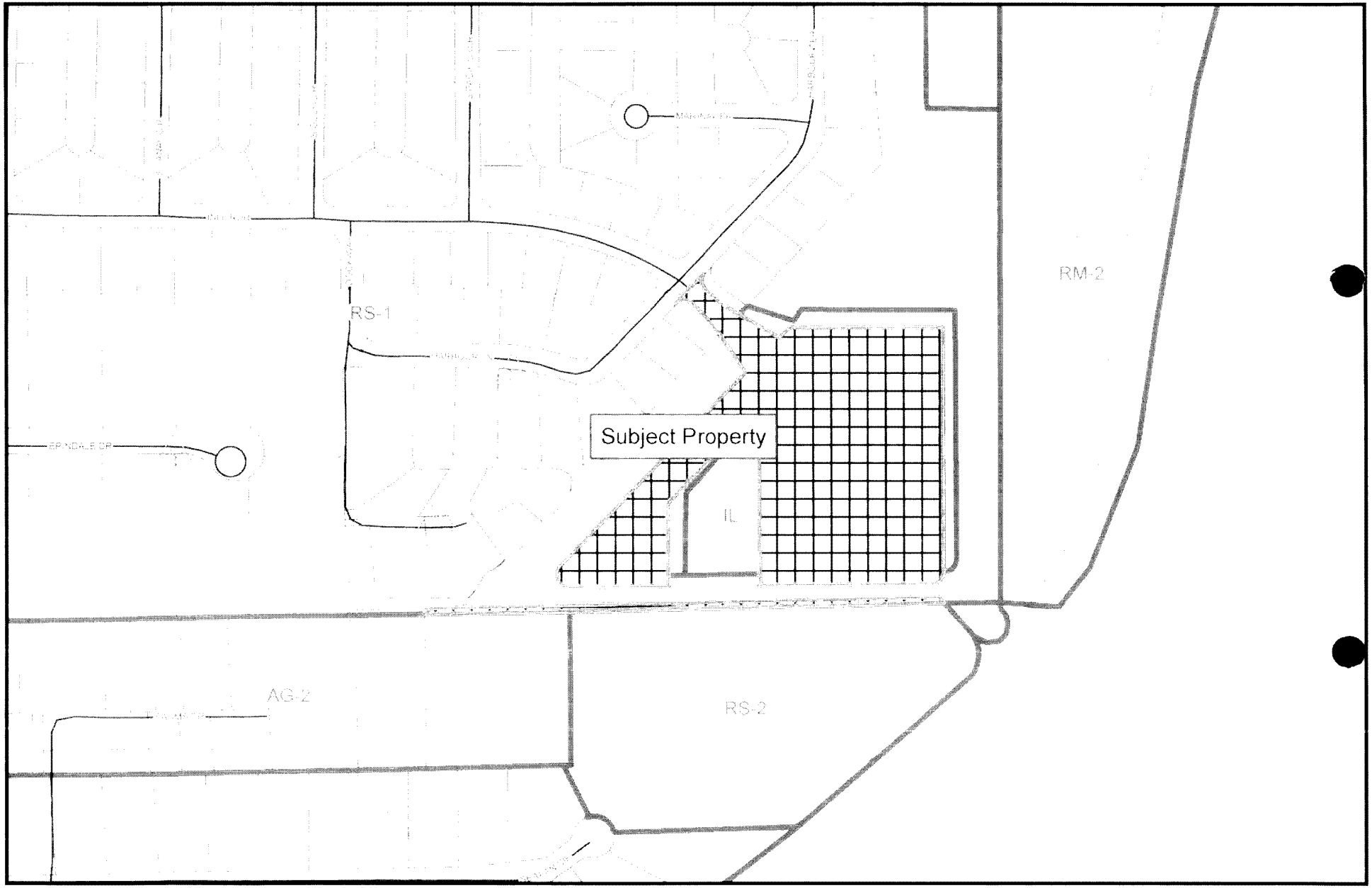
A. Legal Description

cc: Applicant
County Attorney
Zoning/DCI File

Attachment "A"
Zoning Map

DCI2005-00095

7/10/2006



ATTACHMENT C

STAFF REPORT
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES

Date: **July 10, 2006**

To: **Josh Philpott, Senior Planner**
From: **Rick Joyce, Director**
Phone: (239) 479-8182
E-mail: joycerk@leegov.com

Project: **Caloosa Isles Yacht Club**
Case: **DCI 2005-00095**

The Division of Environmental Sciences (ES) staff has reviewed the proposed Caloosa Isle Yacht Club Planned Development Zoning Amendment. In this staff report, we provide a site overview, analysis and recommendation.

Site Conditions:
The site is a developed marina with sparse ornamental landspacing that was part of the Waterway Estates subdivision. The site is located on a peninsula of upland surrounding by navigable canals. The Lee County Utilities (formerly Florida Cities) wastewater treatment plant is located within the southwest portion of the peninsula. The site has approximately 1,891 feet of seawalled (not including the shared entrance way) shoreline within the canal system.

Protection Species:
A protected species survey for Lee County listed species was not required. Manatee related issues have been reviewed by the Lee County Division of Natural Resources staff as part of this marina redevelopment.

Open Space:
As a commercial project, 30% open space is required. For the total 5.92 acre site, 1.78 acre of open space is required and proposed.

Discussion and Analysis:
This site contains an existing marina and is being redeveloped as a marina. The new site plan will add landscape buffers and open "green" space. The marina project currently has approvals for 44 wet and 239 dry watercraft slips. The applicant is now proposing to retain that total number of approved watercraft slips with a reconfigured site layout and new building. The new site design relocates watercraft launching, fueling and maintenance uses away from the adjacent residential uses.

Caloosa Isles Yacht Club ES Staff Report
Zoning Case #DCI 2005-00095
July 10, 2006

The applicant has worked with Lee County Division of Natural Resources staff to insure the proposed changes to the marina meet the requirements of the Lee County Manatee Protection Plan. Through the evolution of the marina design, that compliance has been accomplished.

The commitment of the applicant to participate in the Florida Department of Environmental Protection "Clean Marina" program is commendable. The Clean Marina program is voluntary and is designed to reduce impacts of marinas on the environment by the use of best management practices for all aspect of marina operations.

There are a number Lee Plan policies that address marina siting and design. The policies for siting and location are found under Objective 128.5 and the policies for design, construction and operation are found under Objective 128.6. Overall, ES staff believes that this redesigned marina with the recommended ES staff conditions will be in compliance with those marina related Lee Plan objectives and policies.

Overall, ES staff believes the marina site will be substantially improved from the proposed redevelopment efforts. The elimination of heavy marine repairs and additional landscape buffering with help address previous compatibility issues with the neighboring residents. The applicant and consultants have evolved an excellent design effort to address many issues on a very tight site.

Deviations:
Deviation #1 - Parking No ES issues.

Deviation #2 - Waterbody setback
This request is to regarding 25 feet building setback to canal. The applicant has proposed to encroach into the required setback in two specific locations. One location is the proposed health club building next to the proposed pool. This location is within the footprint of the existing Shuckers Restaurant. The other location is the proposed gazebo associated with the restaurant location at the Southeast corner of the site. The applicant proposes a five-foot waterbody setback at these two specific locations on the site. ES staff does not object to this relatively small area of setback encroachment.

Deviation #3 - Building Height No ES issues.

Caloosa Isles Yacht Club ES Staff Report
Zoning Case #DCI 2005-00095
July 10, 2006

Deviation #4 - Buffer Width
This deviation is to reduce the width from fifteen to ten feet, but not the number of plants, in specific areas of the required landscape buffer adjacent to Lee County Utilities wastewater plant. Working with the existing configuration of the wastewater plant within the marina site, the applicant has been able to accomplish a substantially improved buffer to the wastewater plant to what is existing. ES staff supports this proposed deviation due to the existing tight conditions of the site and strong effort the applicant has made for landscaping and buffering in general.

Recommendation:
ES staff recommends APPROVAL of the proposed Planned Development Zoning amendment with the following conditions:

1. The applicant will actively pursue the Clean Marina designation through the Florida Department of Environmental Protection.

2. Prior to development order approval for the project, the applicant must demonstrate compliance with Lee Plan Policies 128.6.8 and 128.6.11 regarding marina environmental design. Environmental enhancements to the adjacent canal system through the creation of in-water habitat must be a part of this environmental design. This enhancement can be accomplished through the placement of appropriately sized riprap rock, reefballs, planting shelves or other techniques along the shoreline to increase filtration of canal water and create habitat within the canal. A minimum of 20% of the project seawall shoreline (378 feet) must include this environmental enhancement.

3. No direct canal discharge of bilge water from watercraft being lifted and stored in the dry storage building is allowed. Prior to development order approval, a surface water collection system must be designed into the forklift facility to capture bilge water for appropriate treatment prior to any release into the canal.

4. Prior to development order approval for the project, the applicant must submit a Marina Hurricane Plan that is approved by the Lee County Department of Public Safety.

Philpott, Joshua O.

From: Wegis, Howard S.
Sent: Tuesday, July 11, 2006 3:35 PM
To: Philpott, Joshua O.
Cc: Velez, Sergio I.
Subject: Caloosa Isle Yacht Club

Utilities is satisfied with the modifications to the site plan submitted and forwarded to us for our review by you on 6/26/06. We therefore have no comments to provide.

Howard S. Wegis
Staff Engineer
Lee County Utilities
P.O. Box 398
Fort Myers, FL 33901
Phone#: (239) 479-8163
Fax#: (239) 479-8176

EXHIBIT A

Dagostino & Wood, Inc.

Legal for Main Tract
(5.925 acres)

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

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

CONTAINING 5.925 ACRES MORE OR LESS

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

RECEIVED
DEC 02 2005
COMMUNITY DEVELOPMENT

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

DCI 2005-00095

DCI 2005-00095

D&W **Dagostino & Wood, Inc.**

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

PREPARED BY:

DAVID S. DAGOSTINO, PSM REG. NO. 5762

NOT VAILD WITHOUT SKETCH

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

DCI 2005-00095

RECEIVED
DEC 02 2005
COMMUNITY DEVELOPMENT

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

Dagostino & Wood, Inc.

Legal for Tract "D"
(0.316 acres)

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

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

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

CONTAINING 0.316 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

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

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

PREPARED BY:

DAVID S. DAGOSTINO, PSM REG. NO. 5762

NOT VAILD WITHOUT SKETCH

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PAVESE LAW FIRM

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July 25, 2006

Office of the Hearing Examiner
1500 Monroe St.
Ft. Myers, Fl 33901

RE: Marine Holdings, L.L.C., in ref. to Caloosa Isle Yacht Club
(DCI-2005-00095)

Dear Madam or Mister Hearing Examiner:

This firm represents Marine Holdings, L.L.C., in regard to the above referenced application. The hearing is scheduled for July 26, 2006, at 1:00 pm. In accordance with Ms. Parker's memorandum of May 17, 2002, we are providing notice of the following unresolved issues in the staff report for the above referenced application and providing alternative language for the conditions in dispute at least 24 hours before the hearing.

The applicant suggests the following modifications to the conditions set forth in the staff report:

1. Condition 1 should be amended to show a revised submittal date for the Master Concept Plan which shows the proposed boardwalk on the MCP and lists a "boardwalk" on the schedule of uses.

2. Condition 2 should be amended to include a "boardwalk" on the Schedule of Uses.

Items 1 and 2 are related to the applicant's original request for a boardwalk along the southern boundary of the Lee County Utilities Wastewater Treatment Plant property to facilitate access to the waterfront and provide a safe accessway between the parking areas and the restaurant and gazebo. During the course of the application review

process, the applicant met with representatives of Lee County Utilities, the Zoning Department and the Lee County Attorney's Office. The applicant recognizes that the boardwalk will require that the applicant enter into a license agreement authorizing the boardwalk subject to the approval of Lee County Utilities and the Lee County Board of County Commissioners. The applicant further recognizes that obtaining such a license is not guaranteed by the zoning process.

The applicant's purpose in seeking the inclusion of the boardwalk on the MCP and the Schedule of Uses, subject to the appropriate condition, is to allow the applicant to move forward with the process of obtaining the additional approvals without returning to the public hearing process. A single zoning hearing on this matter is the most efficient use of both the staff's and the applicant's time.

3. Condition 3.b should be revised to provide alternatives to the environmental enhancement required for the canal system provided that Lee County Environmental Sciences approves the proposed enhancement.

Alternative Condition:

> Prior to development order approval for the project, the applicant must demonstrate compliance with Lee Plan Policies 128.6.8 and 128.6.11 regarding marina environmental design. Environmental enhancements to the adjacent canal system through the creation of in-water habitat must be part of this environmental design.
>
> This enhancement ~~can~~ may be accomplished through the placement of appropriately sized riprap rock~~, reefballs, planting shelves or other techniques~~ along the shoreline of the main entry drive seawall to increase filtration of canal water and create habitat within the canal~~. A minimum of 20% of the project seawall shoreline (378 feet) must include this environmental enhancement.~~ or an alternative design acceptable to Lee County Environmental Sciences staff.

4. Condition 6 should be revised to state that the service of alcoholic beverages is contingent on meeting the requirements for the applicable consumption on premises license.

> Consumption on Premises is approved in conjunction with a 4-COP and/or 4-COP-SRX alcoholic beverage license. ~~At least 51 percent of sales must come from the sale of food.~~ The service of alcoholic beverages is contingent on applicant's meeting the requirements of the applicable COP license.

5. Condition 7 should be revised to provide for extended hours of operation. Specifically, the applicant would like the option of providing breakfast or brunch with appropriate alcoholic beverage service and an extension of evening hours to provide a late dining option.

> Hours of Operation for Consumption on Premises in conjunction with indoor seating are limited to ~~10am~~ 8am until 12~~pm~~ midnight Monday through Sunday. Hours of Operation for Consumption on Premises in conjunction with outdoor seating are limited to Sunday through Thursday ~~10am~~ 8am until ~~8pm~~ 11pm and Friday through Saturday ~~10 am~~ 8 am until ~~9pm~~ 12 midnight. ~~No o~~Outdoor entertainment is permitted but restricted to the hours of operation of the outdoor seating.

6. Condition 10 should be revised to allow the applicant to provide valet parking on an as needed basis and in locations appropriate to parking within the development. The applicant has provided a parking study showing that adequate parking exists within the development without providing valet parking. However, the applicant recognizes that providing valet parking may be appropriate under some circumstances and is willing to provide it elsewhere on the development.

> Valet Parking must be provided for the restaurant customers between the hours of 6pm and close of business ~~within the drive aisle of the proposed boat storage area.~~ if needed to accommodate parking within the project. A minimum of 50 valet parking spaces must be provided ~~within the drive aisle of the proposed boat storage area.~~ in areas of the project other than those currently providing parking.

7. Add Condition 15

> Prior to the issuance of a local Development Order authorizing construction of a boardwalk along the boundary line of the Lee County Utilities Wastewater Treatment plant property, the applicant must secure a license authorizing placement of the boardwalk for pedestrian access in that location from the Lee County Board of County Commissioners and an Administrative Amendment to the zoning approval based on the license authorizing for the boardwalk.

This statement is being provided to staff in accordance with the requirements of the memorandum. The applicant is unaware of any attorney or consultant representing the public in regard to this application.

Very Truly Yours,

Katherine R. English

KRE/ss

cc: Josh Philpott
John Fredyma, Esq.
Rick Joyce
Client
Robin Myer

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LEE COUNTY, FLORIDA

ZONING DIVISION

STAFF REPORT

TYPE OF CASE: **PLANNED DEVELOPMENT/DCI**

CASE NUMBER: **DCI2005-00095**

HEARING EXAMINER DATE:

APPLICATION SUMMARY:

Applicant: Marine Holdings, LLC in ref to Caloosa Isle Yacht Club

Request: Rezone 5.77+/- acres from Commercial Planned Development (CPD) to Commercial Planned Development (CPD) to permit the redevelopment of Caloosa Isle Marina to allow a total of 334 boat slips (Wet and Dry), a 7,000 square-foot restaurant and approximately 7,500 square-feet of ancillary uses. Deviations have been requested from parking, waterbody setbacks, and building perimeter planting requirements. Connections to public utilities will be provided.

Location: The subject property is located at 1687 Inlet Drive(US41 North to Hancock Bridge Rd/Left to Orange Grove/Left to Inlet Drive), in S16-T44S-R24E, Lee County, FL. (District #4)

Future Land Use:	Suburban
Current Zoning:	Commercial Planned Development (CPD)
Current Use:	Caloosa Isle Yacht Club
Road Classification:	Inlet Drive - County Maintained Local Road

Surrounding Zoning & Land Use	Future Land Use
North: Canal then Single-Family residences zoned Residential Single-Family (RS-1)	Suburban
East: Undeveloped preserve area zoned Residential Multi-Family (RM-2) then Caloosahatchee River	Suburban
South: Lee County Wastewater Treatment Plant zoned Light Industrial (IL) then Canal then vacant undeveloped land zoned Residential Single-Family (RS-2)	Suburban
West: Canal then Single-Family Residences zoned Residential Single-Family (RS-1)	Suburban

Size of Property: 5.77± acres

RECOMMENDATION:

Staff recommends of the Applicant's request for rezoning from Commercial Planned Development (CPD) to Commercial Planned Development (CPD) with the following conditions and deviations:

Conditions:

1. The development of this project must be consistent with the 1-page Master Concept Plan entitled "Caloosa Isle Yacht Club," stamped received ~~June 26~~July 25, 2006, last revised ~~April 11~~July 25, 2006, 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

   Accessory Uses and Structures
   Administrative offices
   Boat:
      Docks
      Rental
      Repair
      Sales
   Boat Storage:
      44 Wet Slips
      239 Dry Slips
   Boardwalk
   Consumption on Premises (with outdoor seating) (See conditions 6,7 & 8)
   Personal Services, Group II (limited to a fitness center)
   Pump-out Facilities
   Restaurant, Group III
   Recreational Facility; Private, On-site
   Parking, accessory
   Signs, in accordance with Chapter 30
   Essential Services
   On-site Fueling

   b. Site Development Regulations

   Setbacks:

Street :	25-Feet
Waterbody:	25-Feet (See Deviation 2 & 5)
Side:	15-Feet (See Deviation 6)

Maximum Height:	45-Feet (See Deviation 3)
Maximum Lot Coverage:	40-Percent
Minimum Open Space:	30-Percent

3. Environmental Conditions

   a. The applicant will actively pursue the Clean Marina designation through the Florida Department of Environmental Protection.

   b. Prior to development order approval for the project, the applicant must demonstrate compliance with Lee Plan Policies 128.6.8 and 128.6.11 regarding marina environmental design. Environmental enhancements to the adjacent canal system through the creation of in-water habitat must be a part of this environmental design.

      This enhancement ~~can~~ may be accomplished through the placement of appropriately sized riprap ~~rock, reefballs, planting shelves or other techniques~~ along the shoreline of the main entry drive seawall to increase filtration of canal water and create habitat within the canal. ~~A minimum of 20% of the project seawall shoreline (378 feet) must include this environmental enhancement~~ or an alternative design acceptable to Lee County Environmental Sciences staff.

   c. No direct canal discharge of bilge water from watercraft being lifted and stored in the dry storage building is allowed. Prior to development order approval, a surface water collection system must be designed into the forklift facility to capture bilge water for appropriate treatment prior to any release into the canal.

   d. Prior to development order approval for the project, the applicant must submit a Marina Hurricane Plan that is approved by the Lee County Department of Public Safety.

4. A 10-foot wide buffer consisting of a double staggered hedge row and 5 trees every 100-linear feet must be installed along the northwestern portion of the property between the seawall and parking lot. A 5-foot wide buffer consisting of a double staggered hedge row must be installed along the northern portion of the property between the seawall and the parking area. All shrubs must be must be a minimum ten-gallon container size; planted in double staggered rows; at least 48 inches in height; and spaced 36 inches on center. They must be at least 60 inches in height within 12 months of time of planting and maintained in perpetuity at a height of no less than 60 inches above grade. All required buffer trees must be no less than four (4) inches in diameter at 12 inches above the ground and no less than 16 feet in height at the time of planting.

Half of the required buffer trees along the northwest portion of the property must be Sabal Palms planted in clusters with staggered heights ranging from 12-feet in overall height to a maximum of 20-feet in overall height.

All required landscape planting material must be of native species.

5. Prior to issuance of local Development Order an access easement providing access for Lee County Utilities from Inlet Drive to the wastewater treatment plant must be recorded. Prior to recording the easement must be reviewed and approved by Lee County Utilities and the Lee County Attorneys office.

6. Consumption on Premises is approved in conjunction with a 4-COP and/or 4-COP-SRX alcoholic beverage license. ~~At least 51-percent of sales must come from the sale of food~~ The service of alcoholic beverages is contingent on meeting the requirements for the applicable COP license.

7. Hours of Operation for Consumption on Premises in conjunction with indoor seating are limited to ~~10am~~8am until 12~~pm~~ midnight Monday though Sunday. Hours of operation for Consumption on Premises in conjunction with outdoor seating are limited to Sunday through Thursday ~~10am~~8am until ~~8pm~~11pm and Friday through Saturday ~~10am~~8am until ~~9pm~~ 12midnight. ~~No outdoor~~Outdoor entertainment is permitted but restricted to the hours of operation of the outdoor seating.

8. The restaurant may serve alcoholic beverages to members of the marina in the outdoor poolside area. These hours of operation for the outdoor poolside area are limited to 10am through 8pm Monday through Sunday.

9. Boat repair and service are limited to the hours of 8am through 5pm Monday through Saturday.

10. Valet Parking must be provided for the restaurant customers between the hours of 6pm and close of business if needed to accomodate parking within the project. A minimum of 50 valet parking spaces must be provided ~~within the drive aisle of the proposed boat storage area~~ in areas of the project other than those currently providng parking.

11. No outdoor storage of boats or equipment is permitted. All boat service, repair, and maintenance must be done completely within the dry storage building.

12. Approval of this zoning request does not address mitigation of the project's vehicular of pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.

13. Approval of this zoning request does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee 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.

14. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.

15. Prior to the issuance of a local Development Order authorizing construction of a boardwalk along the boundary line of the Lee County Utilities Wastewater Treatment plant property, the applicant must secure a license authorizing placement of the boardwalk for pedestrian access in that location from the Lee County Board of County Commissioners and an Administrative Amendment to the zoning approval incorporating the license authorizing for the boardwalk in the zoning approval.

Deviations

1. Deviations from Section 34-2020 of the Lee County Land Development code which requires a total of 236 parking spaces to allow a total of 164 defined parking spaces, with additional parking provided in the boat storage building by valet service.

Staff recommends approval of the requested deviation, as conditioned (see Condition 10).

2. Deviation from Section 34-2194 of the Lee County Land Development Code which requires a minimum 25-foot waterbody setback for structures to allow a 5-foot waterbody setback for the proposed restaurant/office/gazebo building.

Staff recommends APPROVAL of the requested deviation.

3. Deviation from Section 34-936(f) of the Lee County Land Development Code which permits a maximum height of 45-feet above base flood elevation to allow a maximum height of 55-feet above base flood elevation.

Staff recommends APPROVAL of the requested deviation.

4. Deviation from Section 10-416(d) of the Lee County Land Development Code which requires a minimum 15-foot wide Type "B" buffer between a commercial development and an existing industrial development to allow a 10-foot wide buffer with the required Type "B" plantings.

Staff recommends APPROVAL of the requested deviation, as conditioned (See Condition 4).

5. Deviation for Section 34-2194 of the Lee County Land Development Code which requires a minimum 25-foot setback for structures to allow a 0-foot waterbody setback for proposed Fitness Center/ Tiki Bar.

Staff recommends APPROVAL of the requested deviation.

6. Deviation from Section 34-935(b)(1) of the Lee County Land Development Code which requires that all structures be setback a minimum width of any required buffer or 15-feet for properties zoned Commercial Planned Development (CPD) to allow a 0-foot setback for the proposed fuel storage tank, fire suppression tank, and the proposed storage shed.

Staff recommends APPROVAL of the requested deviation.

Findings and Conclusions:

Based upon an analysis of the application and the standards for approval of planned development rezonings, staff makes the following findings and conclusions:

1. The applicant has prove entitlement to the Rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.

2. The requested zoning, as conditioned:

   a) meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;

   b) is consistent with the densities, intensities and general uses set forth in the Lee Plan;

   c) is compatible with existing or planned uses in the surrounding area; and

   d) will not adversely affect environmentally critical areas or natural resources.

3. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the 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 proposed use or mix of uses is appropriate at the subject location.

6. The recommended conditions to the concept plan and other applicable requlations provide sufficient safeguards to the public interest.

7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

8. The deviations granted, as conditioned:

   a) enhanced the of the planned development; and

b) preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

Introduction

The subject property consists of 5.77+/- acres currently developed as a marina and restaurant. The subject property has been operating since the mid 1960's as a marina. The existing marina and restaurant were approved as part of a Commercial Planned Development in Lee County zoning resolution Z-88-293. The subject property is surrounded on all sides by a residential canal system that extends to the Caloosahatchee River to the east. The subject property is accessed by Inlet Drive, a county maintained local road, which extends west to Orange Grove Boulevard. Although the marina is currently operating, Hurricane Charlie damaged the restaurant building(FKA Shucker's Restaurant) and has remained unoccupied since.

The existing marina surrounds the Lee County Utilities Waterway Estates Wastewater Treatment Plant. To the northwest of the subject property is a single-family residential community known as Waterway Estates. To the northwest of the subject property is vacant undeveloped land which is currently a preserve area for the Buttonwood Harbor community. To the west of the subject property is the Caloosahatchee River. To the south of the subject property across the canal is a vacant undeveloped property along Seafan Circle.

The applicant is requesting to rezone the subject property to allow the redevelopment of the marina and restaurant and related commercial uses. The applicant is proposing a total of 44 wet slips and 239 dry slips. The applicant is also proposing to provide a fitness center and recreation area for the users of the marina, as well as, providing memberships to the public. The recreation area will include a pool area and a small playground for children. The applicant is proposing to provide for consumption on premises for the pool area as part of the operation of the restaurant. A Tiki bar is proposed to be used for special events for members of the marina and/or fitness center only .

The applicant originally requested a total 334 boat slips but has since modified the request to a total of 283 boat slips (44 wet and 239 dry slips).

Zoning History

The subject property was a portion of the Waterway Estates development. Although no permits are available for review from that time period, the aerials reveal that the property was developed with a marina in the mid 1960's. Since that time several zoning actions have taken place on the property.

In July 1976 Lee County Zoning Resolution Z-76-123 was approved to rezone the property from an industrial zoning category to a commercial zoning category and also included a Special Permit for a Marina.

In December of 1988 the Lee County Board of County Commissioners approved a rezoning of the subject property, in Zoning Resolution Z-88-293, to Commercial Planned

Development. This permitted the property to be developed with a marina with 44-wet slips and 239 dry storage slips and marine repair which included industrial type activities such as, sandblasting and outdoor storage and repair of boats. The rezoning also permitted on-site fueling and pump-out stations for the boats using the marina. The main outdoor repair areas were located along the western portion of the property closest to the single-family residences. Deviations were approved to reduce the number of required parking spaces, reduced buffers, and setbacks.

An administrative application for consumption on premises was approved in April of 1992 in Resolution Number COP-92-004. This approval permitted the consumption of beer and wine (2-COP license type) in conjunction with a standard restaurant during the hours of 11am and 9pm on weekdays and 11am and 10pm during the weekends. Outdoor seating was prohibited as part of this resolution.

Lee County Zoning Resolution Z-99-067 amended the previously approved Commercial Planned Development (CPD) and approved a 15-foot by 45-foot outdoor seating area for the Shucker's Restaurant. Two deviations were approved reducing the waterbody setback to 0-feet and eliminating the need for additional parking for the outdoor seating area.

An administrative approval relocating one of the existing buildings and adding a buffer with a wall along the west portion of the property was approved in August 2000 in case number ADD2000-00112.

Master Concept Plan

The master concept plan illustrates the proposed development for the marina and related commercial uses. The large structure located in the center of the subject property is the dry storage building which will house 239 boat slips. Access to this building will be located to the south of the building, allowing for the boat lift to easily transport boats from storage area to the water. The main launch site for the boats will be to the south of the dry storage building. This area will serve as temporary mooring as boats are waiting to leave the marina or be stored in the boat barn. This area will also house the pump-out stations for boats with on-board sewage storage capabilities, as well as the fueling stations. The temporary mooring area will also provide a mooring area for boats for boaters visiting the restaurant.

The wet boat slips are distributed around the remaining perimeter of the subject property. A total of 44 wet slips are proposed with one of the docks being permanently dedicated to the Lee County Sheriff's Office. The Master concept Plan illustrates the general configuration of the proposed docks and wet slips, however, the final layout is subject to comments and approval by the Florida Department of Environmental Protection.

In the southwest corner of the subject property is a smaller building which will be used as a restaurant and marina office. The proposed structure will be comprised of two floors with an attached gazebo. One floor of the gazebo will allow for an outdoor seating area for the restaurant.

To the north of the restaurant is the fitness center and pool area which will be open to the users of the marina. The applicant also intends to sell memberships to the surrounding residents to allow for the use of the fitness center and pool area as well. A small tot-lot playground area is provided adjacent to the pool.

The applicant has proposed to provide an access easement to Lee County Utilities to provide access through the subject property to the Wastewater treatment Plant. Although the facility has existed for many years no formal access easement has been recorded. The proposed easement is shown on the Master Concept Plan with a dashed line, extending form Inlet Drive to the utility facility.

Deviation Discussion

The applicant has requested several deviations from the Lee County Land Development Code as part of the requested rezoning.

The first deviation requests relief from Section 34-2020 of the Lee County Land Development Code which outlines the required parking for the proposed development. The proposed development as outlined on the attached Master Concept Plan requires a total of 236 parking spaces. The applicant is requesting a deviation to reduce the total number of required parking spaces by 72 to the 164 delineated parking spaces.

The applicant has provided several reasons to permit the reduction in the required parking spaces. The provided parking will serve both the marina uses and the restaurant located on the subject property. These two uses require the most amount of parking for the subject property, however, the peak hours of operation for these uses are during different times of the day. The marina attracts the most business during the morning and early afternoon day hours when most people are on the water. The restaurant attracts the majority of the customers during the evening hours after the marina uses have shut down. Also the applicant is proposing to provide for a valet service which will utilize the large drive aisle of the boat barn for parking of vehicles. This will accommodate approximately 80 additional vehicles with the valet parking. Staff has reviewed the requested deviation and has recommended APPROVAL.

The second deviation is a request to reduce the waterbody setback from the required 25-foot setback as outlined in Section 34-2194(b) of the Lee County Land Development Code to allow a 5-foot waterbody setback for the proposed restaurant and office building. The applicant has requested the variance to allow for the ability to have the marina office located in area which will allow the most visibility for operations of the dock space and launching of vessels. The applicant is also attempting to locate the restaurant in a location which will take the most advantage of the waterfront view from the subject property. The proposed location of the restaurant will not interfere with the views of the waterfront from adjacent properties due to the locations of the existing structures and wastewater treatment plant. The proposed building will be constructed in accordance with all applicable building code requirements. Staff recommend has recommended APPROVAL of the requested deviation.

The third deviation requested is a deviation from Section 34-936 of the Lee County Land Development Code which permits a maximum height of structures of 45-feet to allow a maximum height of 55-feet above base flood elevations for the proposed dry storage building. The applicant has requested a deviation to permit the increased height which will allow for the entire marina operation to be located indoors. The current marina operation uses an outdoor area for both the storage and repair of boats. This generates a large impact on the surrounding property owners due to the appearance of boats stored outside as well as the noised created by the machinery required to repair the boats. By allowing the increased height for the proposed structure more boats can be stored inside and the boat repairs may also be done inside. This will reduce the impact on the surrounding property owners. Staff has recommended APPROVAL of the requested deviation.

The fourth deviation is from Section 10-416 of the Lee County Land Development Code which requires a 15-foot wide Type "B" buffer to be located between any commercial development and an adjacent industrial development. The applicant is requesting a deviation to allow a 10-foot wide buffer to be installed along the property lines adjacent to the Lee County Utilities site. Although the applicant intends to reduce the width of the buffer, the required planting material of a Type "B" buffer will be provided. Staff has included a condition which will require the applicant to plant more mature vegetation at the time of development approval (See Condition 4). Therefore, staff has recommended APPROVAL of the requested deviation.

The fifth deviation requested by the applicant is a deviation from Section34-2194 of the Lee County Land Development Code which requires a minimum 25-foot waterbody setback for structures to allow a 0-foot waterbody setback for the proposed Fitness Center building. The applicant is proposing to utilize the existing foundation from the restaurant for the new structure. The requested deviation is an existing condition which will improved to meet the current building code requirements. Staff recommends APPROVAL of the requested deviation.

The sixth deviation the applicant has requested is a deviation from Section 34-935(b)(1) which requires a 15-perimeter setback for all structures located within a Commercial Planned Development zoning category. The applicant is requesting a 0-foot setback for accessory structures to be located along the eastern property line of the existing wastewater treatment facility. The main impact from the requested deviation will to the existing wastewater treatment site. Lee County Utilities has reviewed the requested deviation and has no objections. Therefore, staff recommends APPROVAL of the requested deviation.

Lee Plan Considerations

The subject property is located in Suburban Future Land Use Designation as outlined in Policy 1.1.5 of the Lee County Comprehensive Plan.

POLICY 1.1.5: The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide

housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed.

The existing marina was approved in 1988 as part of a Commercial Planned Development. The proposed redevelopment of the marina will reduce the amount of light industrial uses on the subject property. Staff and the applicant have worked to provide a Master Concept Plan which will reduce the overall impact to the surrounding residential properties. Staff finds that the requested rezoning, as conditioned, is consistent with Policy 1.1.5 of the Lee County Comprehensive Plan.

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.

Staff has included conditions limiting the amount of noise and visual impacts from the subject property to the surrounding residential uses. The proposed marina will be compatible with the existing Wastewater Treatment Plant. Adequate public service are available to the subject property. The requested rezoning to Commercial Planned Development, as conditioned, is consistent with Policy 6.1.4 of the Lee County Comprehensive Plan.

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.

Staff has included conditions which will increase the size and amount of required landscaping on the subject property. These plantings will allow for the additional buffering of the property to the surrounding uses. The newly constructed facility will be required to meet the required architectural standards as outlined in Chapter 10 of the Lee County Comprehensive Plan. The redevelopment of the subject property is consistent with Policy 6.1.6 of the Lee County Comprehensive Plan.

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.

The subject property is located within the water dependent overlay zone as shown on Map 12 (Page 5 of 12) of the Lee Plan. By allowing for the redevelopment of the existing marina and restaurant the requested rezoning is consistent with Policy 8.1 of the Lee County Comprehensive Plan.

POLICY 2.2.1: Rezonings and development-of-regional-impact proposals shall 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 surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.

The proposed rezoning is to allow for the redevelopment of an existing industrial marina and restaurant use to allow for a commercial marina and restaurant with related ancillary commercial uses. Sufficient road network is provided to the subject property to service the proposed use. Water and sewer service are available to this project via Lee County Utilities. This project is, therefore, consistent with the above Lee Plan Goals, Objectives, and Policies that require new growth to be located where adequate public facilities exist.

Neighborhood Compatibility

The subject property is a peninsular shaped area surrounded on all sides by a residential canal system which provides water access to the surrounding residential uses. Northwest of the subject, development is primarily with single-family residential uses. To the south is undeveloped land zoned for single-family residences and to the east of the subject property is an preserve area. In the middle of the peninsular shaped area is the Lee County Wastewater Treatment Facility which is surrounded on three side by the subject property. The south side of the facility is adjacent to a canal.

The applicant is requesting to rezone the property to allow for the redevelopment of the site as a marina and a restaurant with related commercial uses. The marina on the subject property has been in existence since the late 1980's. It has provided commercial storage of boats in both wet and dry slips as well as offering a range of repairs. These repairs range from minor equipment repair to light industrial marine fabrication work. The requested rezoning will allow for the main functions of the marina to remain while limiting the heavier activities which currently occur.

Noise and the visual appearance of the property are the two main impacts which may occur to the surrounding properties as a function of the redevelopment. Staff has attempted to work with the applicant to limit these impacts on the surrounding properties.

The western portion of the subject property is currently developed with a dirt/shell parking area which is being used to provide for outdoor storage of boats. This is the area closest to the single-family dwelling units to the west. With the proposed rezoning the applicant intends to eliminate all outdoor storage and provide for storage of all the boats within the boat barn. This will also eliminate the outdoor repair of boats. The western portion of the subject property will be paved with asphalt and will be used as a parking area. Staff has included conditions which will require the applicant to install native trees and shrubs along the western portion of the property to reduce the visual presence of the parking area (See Condition 4).

Due to the height and size of the proposed dry storage building it will be seen from the adjacent properties. This proposed structure will replace the existing metal dry storage building with a structure which will meet the commercial building standards outlined in

Chapter 10 of the Lee County Land Development Code. Staff has also included a condition requiring mature vegetation be planted along the northern and western portions of the building to help reduce the mass of the structure from residential views. This will be a great improvement from the existing facility with minimal vegetation.

The restaurant building on the southeast corner of the property is of concern to staff due to the potential amount of noise which may be created due to the outdoor seating. To the south of the subject property, across the canal, is vacant land intended for single-family residences. Staff has included conditioned intended to limit the noise generated from this area due to future compatibility issues with the nearby residences. Condition 7 states that no outdoor entertainment may be provided. Staff has also limited the hours of operation for consumption on premises to limit the amount of noise generated in the outdoor seating area.

The redevelopment of the subject property will be an overall improvement to the existing conditions of the property. A significant increase in landscaping, architectural features, and public safety will create a great benefit to the surrounding properties. Staff has reviewed the requested rezoning and finds that the proposed rezoning, as conditioned, will be compatible with the surrounding uses.

Environmental Issues

Lee County Environmental Sciences has reviewed the proposed rezoning and prepared a staff report (See attachment C)

Transportation

Access to the subject property is from Inlet Drive, a county maintained local road. The nearest collector road is Orange grove Boulevard.

Based on the Traffic Impact statement provided by the applicant the requested rezoning will create a reduction in peak hour trips. This is due in part to the reduction in intensity from the two commercial businesses and the marina to the marina and restaurant being the primary uses. Based on the most recent Lee County Concurrency Report Orange Grove Boulevard currently operates at a Level of Service"B". With no additional trips generated by the project, Orange Grove Boulevard will continue to operate at a Level of Service "B". According to the Lee County Concurrency Report this is an acceptable Level of Service.

Utilities

Connections to central water and sanitary sewer will be provided by Lee County Utilities.

The subject property completely surrounds the Lee County Wastewater Treatment Plant from Inlet Drive. No access easement through the subject property to the wastewater treatment plant has been previously recorded. However, as part of the requested rezoning the applicant will be providing an easement to Lee County to provide for access to the

wastewater treatment Plant.

Lee County Utilities has reviewed the proposed development and has no objections. An email from Lee County Utilities has been attached as Attachment "D".

ATTACHMENTS:

A. Map of surrounding zoning
B. Master Concept Plan
C. Staff Report prepared by Lee County Environmental Sciences
D. Email from Lee County Utilities

EXHIBITS:

A. Legal Description

cc: Applicant
County Attorney
Zoning/DCI File

Vanasse Daylor

Urban Planning
Landscape Architecture
Civil Engineering
Traffic Engineering
Environmental Science
FL 366

RECEIVED
JUL 12 2006
COMMUNITY DEVELOPMENT

TRANSMITTAL MEMORANDUM

To: Josh Philpott
Senior Planner
Lee County DCD
1500 Monroe St
Ft Myers, FL 33901

From: Robin Meyer
Director Landscape & Design
rmeyer@vanday.com

Cc: Rachel Bielert, RL Opportunities,
Kate English, Pavese Law Firm

Date: July 11, 2006

Re: Caloosa Isle Yacht Club - DCI2005-00095

We are sending you via By Hand the following:

Copies	Date	Description
1		Affidavit of Posting Notice for Zoning Signs

RECEIVED
JUL 12 2006
COMMUNITY DEVELOPMENT

DCI2005-00095

INSTRUCTIONS
(Section C.1.c., Lee County Administrative Code AC 2-8)

A zoning sign must be posted on the parcel subject to any zoning application for a minimum of fifteen CALENDAR (15) days in advance of the Hearing Examiner's Public Hearing and maintained through the Board of County Commissioners Hearing, if any. This sign will be provided by the Zoning Division in the following manner:

a. Signs for case #DCI2005-00095 must be posted by **Tuesday, July 11, 2006**.
b. The sign must be erected in full view of the public, not more than five (5) feet from the nearest street right-of-way or easement.
c. The sign must be securely affixed by nails, staples or other means to a wood frame or to a wood panel and then fastened securely to a post, or other structure. The sign may not be affixed to a tree or other foliage.
d. The applicant must make a good faith effort to maintain the sign in place, and readable condition until the requested action has been heard and a final decision rendered.
e. If the sign is destroyed, lost, or rendered unreadable, the applicant must report the condition to the Zoning Division, and obtain duplicate copies of the sign from the Zoning Division.

The Division may require the applicant to erect additional signs where large parcels are involved with street frontages extending over considerable distances. If required, such additional signs must be placed not more than three hundred (300) feet apart.

When a parcel abuts more than one (1) street, the applicant must post signs along each street. When a subject parcel does not front a public road, the applicant must post the sign at a point on a public road which leads to the property, and the sign must include a notation which generally indicates the distance and direction to the parcel boundaries and the dimensions of the parcel.

NOTE: AFTER THE SIGN HAS BEEN POSTED, THE AFFIDAVIT OF POSTING NOTICE, BELOW, SHOULD BE RETURNED NO LATER THAN THREE (3) WORKING DAYS BEFORE THE INITIAL HEARING DATE TO LEE COUNTY ZONING DIVISION, 1500 MONROE ST., FT. MYERS, FL 33901.

(Return the completed Affidavit below to the Zoning Division as indicated in previous paragraph.)

AFFIDAVIT OF POSTING NOTICE

STATE OF FLORIDA
COUNTY OF LEE

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED ROBIN MEYER
WHO ON OATH SAYS THAT HE/SHE HAS POSTED PROPER NOTICE AS REQUIRED BY SECTION 34-236(b) OF THE LEE COUNTY LAND DEVELOPMENT CODE ON THE PARCEL COVERED IN THE ZONING APPLICATION REFERENCED BELOW:

Robin D. Meyer
SIGNATURE OF APPLICANT OR AGENT

ROBIN MEYER, VANASSE & DAYLOR, LLP
NAME (TYPED OR PRINTED)

12730 NEW BRITTANY BLVD #600
ST. OR PO BOX

FORT MYERS FL 33907
CITY, STATE & ZIP

#DCI2005-00095/CALOOSA ISLE YACHT CLUB/07/26/2006/JLP

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to and subscribed before me this 11 day of JULY, 2006 by ROBIN MEYER, personally known to me or who produced _____ as identification and who did/did not take an oath.

M. JAYNE BRADBURY
MY COMMISSION # DD297600
EXPIRES: March 08, 2008
Fl. Notary Discount Assoc. Co.
1-800-3-NOTARY

M Jayne Bradbury
Signature of Notary Public

M JAYNE BRADBURY
Printed Name of Notary Public

My Commission Expires:
(Stamp with serial number)

RECEIVED
JUL 12 2006
COMMUNITY DEVELOPMENT

DCI 2005-00095

LEE COUNTY
SOUTHWEST FLORIDA

SEP 15 2005
PERMIT COUNTER

APPLICATION FOR PUBLIC HEARING FOR UNINCORPORATED AREAS ONLY

Applicant's Name: Marine Holdings, LLC c/o Rachel L Bielert d/b/a RL Opportunities (RLO)

Project Name: Caloosa Isle Yacht Club

STRAP Number(s): 16-44-24-03-0030B.0000 + 16-44-24-03-0003A.0000 16-44-24-03-0003D.0000

TYPE OF APPLICATION

Special Exception **(attach Supplement A)**

____ Variance **(attach Supplement B)**

____ Conventional Zoning **(attach Supplement C)**

____ Planned Development (not PRFPD) **(attach Supplement D)**

X Amendment to built Planned Development **(Supplement D may be required)**

____ Private Recreational Facilities Planned Development **(attach Supplement D)**

____ DRI - with rezoning **(attach Supplement D and completed DRI Application)**

____ DRI - without rezoning **(attach copy of ADA)**

____

Is this project located in the Estero or Captiva Planning Community or in the Caloosahatchee Shores Community Plan?

☐ Yes* X☐ No *If yes, please provide the meeting summary document and label accordingly.

****

STAFF USE ONLY

Case Number: DCI 2005-00095 Commission District: 4

Current Zoning: CPD Fee Amount: $5000.00

Land Use Classification: Suburban Intake by: mkw

Planning Community: Ft. Myers

****

LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (239) 479-8585

DCI 2005-00095

PART 1
APPLICANT\AGENT INFORMATION

A. Name of applicant: Marine Holdings, LLC c/o Rachel L Bielert d/b/a RL Opportunities (RLO)

Address: Street: **10580 Landau Lane**

City: **Bonita Springs** State: **FL** Zip: **34135**

Phone: Area Code: **239** Number: **390-7614** Ext:

Fax: Area Code: **239** Number: **390-7615**

E-mail address: Rbielert@comcast.net

B. Relationship of Applicant to owner (check one):

Applicant (individual or husband & wife) is the sole owner of the property. [34-201(a)(1)a.1.]

X **Applicant has been authorized by the owner(s) to represent them for this action.**

X **Notarized Affidavit of Authorization form** is attached as **Exhibit PH-1.B.2.** [34-202(b)(1)c.]

Applicant is a contract purchaser/vendee. [34-202(b)(1)d.]

Notarized Affidavit of Authorization form is attached as **Exhibit PH-1.B.2.** [34-202(b)(1)c.]

Application is County initiated. BOCC authorization is attached as **Exhibit PH-1.B.3**

C. Authorized Agent: Name of the person who is to receive all county-initiated correspondence regarding this application. [34-202(b)(1)c.]

C.1. Company Name: **Vanasse & Daylor, LLP**

Contact Person: **Robin Meyer, AICP**

Address: **Street :** **12730 New Brittany Blvd, Suite 600**

City: **Ft Myers** **State:** **FL** **Zip:** **33907**

Phone: Area Code: **239** **Number:** **437-4601** **Ext:**

Fax: Area Code: **239** **Number:** **437-4636**

E-mail address: rmeyer@vanday.com

C.2. X **Additional Agent(s): The names of other agents that the county may contact concerning this application are attached as Exhibit PH-1.C.2.** [34-202(b)(1)c.]

PART 2
PROPERTY OWNERSHIP

A. **Property Ownership: Single owner** (individual or husband & wife only) [34-201(a)(1)a.1.]

A.1. **Name:** _____

Mailing Address: Street: _____

City: _____ State: _____ Zip: _____

Phone: Area Code: _____ Number: _____ Ext: _____

Fax: Area Code: _____ Number: _____

E-mail: _____

B. **Property Ownership: Multiple owners** (Corporation, partnership, trust, association) [34-201(a)(1)].

B.1. X **Disclosure Form** is attached as **Exhibit PH-2.B.1.** [34-201(b)2]

C. **Multiple parcels**

C.1. _____ **Property owners list** is attached as **Exhibit PH-2.C.1.** [34-202(a)(5)]

C.2. _____ **Property owners map** is attached as **Exhibit PH-2.C.2.** [34-202(a)(5)]

D. **Date property was acquired by present owner(s):** **May 16, 2005**

PART 3
PROPERTY INFORMATION

A. **STRAP Number(s):** **16-44-24-03-0030B.0000**

16-44-24-03-0030A.0000

16-44-24-03-003D.0000

B. **Street Address of Property:** **1687 Inlet Dr, North Ft Myers, FL 33903**

C. **Legal Description**

X **Legal description** (on 8 1/2" by 11" paper) is attached as **Exhibit PH-3.C.1.** [34-202(a)(1)]

X **Electronic version of the legal description** is attached as **Exhibit PH-3.C.2.**

D. **Boundary Survey or certified sketch of description:** (check appropriate response)

_____ The property consists of one or more undivided platted lots in a subdivision recorded in the Official County Plat Books. A copy of the applicable plat book page is attached as **Exhibit PH-3.D.1.** [34-202(a)(2)]

_X_ The request is for a conventional rezoning, special exception, or variance on a parcel less than ten acres in area. Attached is a (check one) _____ Certified sketch of description attached as **Exhibit PH-3.D.2.** or a

_X_ Boundary survey attached as **Exhibit PH-3.D.2** [34-202(a)(2)]

_____ The request is for a Planned Development or consists of ten or more acres. A Boundary survey, tied to the state plane coordinate system, is attached as **Exhibit PH-3.D.3.** [34-202(a)(2)]

E. **Planning Community: North Fort Myers**

F. **General Location of Property:**

F.1. X **Area location map** is attached as **Exhibit PH-3.F. [34-202(a)(4)]**

F.2. **Directions to property:** **US 41 North to Hancock Bridge Rd/Left to Orange Grove/ Left to Inlet Dr.**

G. **Surrounding property owners:**

G.1. X **List of surrounding property owners** is attached as **Exhibit PH.3.G.1.** [34-202(a)(6)]

G.2. X **Map of surrounding property owners** is attached as **Exhibit PH.3.G.2.** [34-202(a)(7)]

G.3 X **2 sets of mailing labels** are attached as **Exhibit PH.3.G.3.** [34-202(a)(6)]

H. **Current Zoning of Property:** **CPD**

I. **Current use of property:**

X **Current Non-agricultural uses of the property are:**

The site is currently occupied by a full service marina, containing 44 wet slips and 192 dry slips and has approval for an additional 47 dry slips. The marina provides boat repair, sales and service. There is also a restaurant/bar located on the site, that was severely damaged by Hurricane Charley, and has not been yet repaired. The site has also been approved for a ships store and a parking exemption to provide a maximum of 50 parking stall.
See attached Resolution Z-88-293

Current Agricultural uses on the property are shown in **Exhibit PH-3.I.** [34-202(b)(7)]

J. **Land Use Classification:**

Suburban	**5.77**	Acres	**100**	**% of total**
		Acres		**% of total**
		Acres		**% of total**
		Acres		**% of total**

K. **Flood Hazard** (write NA if not applicable) [34-202(a)(8)]

The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s.

X The minimum elevation required for the first habitable floor is **8.0** NGVD (MSL)

L. Deed Restrictions

L.1. X There are no deed restrictions or other covenants on this property that affect this request.

L.2. ____ Deed restrictions\ covenants that may affect this request are attached as **Exhibit PH-3.L .2.**

L.3. ____ A narrative explanation as to how the deed restrictions or covenants may affect this request. is attached as **Exhibit PH-3.L.3** [34-202(b)(2)]

M. Property Dimensions [34-202(a)(8)]

1.	Width (average if irregular parcel):		Feet		
2.	Depth (average if irregular parcel):		Feet		
3.	Total area:	**5.77**	Acres or square feet		
4.	Frontage on road or street:	**50**	Feet on	**Inlet Drive**	Street
	2nd Frontage on road or street:		Feet on		Street

PART 4
ACTION REQUESTED

A. Action Requested: [check applicable action(s)]

____ **Special Exception** for _____ **Attached is Supplement A**
____ **Variance** for _____ **Attached is Supplement B**
____ **Conventional Rezoning from:** _____ **to** _____ **Attached is Sup. C**
____ **Planned Development rezoning** from _____ **to** _____
_____ DCI - Major: **Attached is Supplement D**
_____ DCI - Minor: **Attached is Supplement D**
Request is for PRFPD zoning in the Private Recreational Facilities Overlay Area.
_____ **Attached is Supplement D**

X **Planned Development Amendment. Attached is the Supplement D**
____ **Public Hearing for DRI**
_____ No rezoning is required.
_____ Rezoning is required. **Attached is the Supplement D**

B. Excavations:

X No blasting will be used in the excavation of lakes or other site elements.
A map indicating the general location of the proposed blasting locations is attached as **Exhibit PH-4.B** ____ [34-202(b)(6)]

C. Bonus Density (put NA if not applicable)

NA Bonus density will be used. Attached is **Exhibit PH-4.C** showing calculations. [34-202(b)(5)]

D. Hazardous materials (put NA if not applicable)

NA A Hazardous materials emergency plan is attached as **Exhibit PH-4.D** [34-202(b)(4)]

E. **Mobile Home Park** (put NA if not applicable)

NA Request includes rezoning of a Mobile Home Park. **Attached is Exhibit PH-4.E** [34-203(d)]

F. **Aviation Hazard** (put NA if not applicable)

NA Property is subject to Airport Hazard District regulations. **Attached is Exhibit PH-4.F** [34-1001 et seq]

NA A tall structures permit will be required.

NA Property is located within Noise zone: _____

G. **Estero Planning Community** (put NA if not applicable)

NA A summary of public informational session. **Attached is Exhibit PH-4.G** [34-373(a)(10)]

H. **Captiva Planning Community** (put NA if not applicable)

NA A summary of public informational session. **Attached is Exhibit PH-4.H** [Lee Plan Policy 13.1.7]

I. **Caloosahatchee Shores Community Plan** (put NA if not applicable)

NA A summary of public informational session. **Attached is Exhibit PH-4.I** [Lee Plan Policy 21.6.3]

J. **Waivers from Application Submission Requirements**: The following waivers have been approved by the Director of Zoning Services and are attached as **Exhibit PH-4.I** [Section 34-202(a)]

Section Number	Name of item
NA	

PART 6
SUBMITTAL REQUIREMENTS

THE NUMBER OF COPIES REQUIRED FOR EACH EXHIBIT IS BASED ON THE ACTION REQUESTED AS INDICATED BELOW. TO BE SUBMITTED FOR EACH OF THE FOLLOWING EXHIBITS IS AS FOLLOWS:

			Exhibits	SUBMITTAL ITEMS
Var.	Conv. Rez. or Spe. Exc.	PDs & DRIs		
1	1	~~12~~ 13		Completed application for Public Hearing [34-201(b)]
1	1	1 ✓		Filing Fee - [34-202(a)(9)]
				SUPPLEMENTAL FORMS (select applicable form)
0	1	0	SUP A	Special Exception supplement
1	0	0	SUP B	Variance supplement
0	1	0	SUP C	Conventional rezoning
0	0	~~12~~	SUP D	Planned Development Rezoning or DRI with PD Rezoning requested
0	0	3 12 ✓	SUP-D	Planned Development Amendment
0	0	12	SUP D	PRFPD in in Overlay Area Rezoning supplement
0	0	12	ADA	DRI no rezoning requested
				EXHIBITS
1	1	3 ✓	PH-1.B.2	Notarized Affidavit of Authorization Form [34-202(b)(1)c]
1	1	NA 1	PH-1.B.3	BOCC authorization (if applicable)
1	1	12 ✓	PH-1.C.2	Additional agents
1	1	3 ✓	PH-2.B.1.	Disclosure Form [34-201(b)(2)a]
1	1	~~3~~ A	PH-2.C.1	Subject property owners list (if applicable) [34-202(a)(5)]
1	1	~~3~~ A	PH-2.C.2	Subject Property Owners map (if applicable) [34-202(a)(5)]
2	2	5 ✓	PH-3.C.1	Legal Description [34-202(a)(1)]
1	1	1 ✓	PH-3.C.2	Electronic version of legal description (if available)
1	1	5	PH-3.D.1	Copy of Plat Book Page (if applicable) [34-202(a)(1)]
1	1	5	PH-3.D.2	Certified sketch of description (less than ten acres) [34-202(a)(2)]
1	1	5 ✓	PH-3.D.3	Boundary survey (all PDs and anything ten acres or more) [34-202(a)(2) & [34-373(a)(4)a.]
1	1	0 ✓	PH-3.F	Area Location Map on 8 by 11 paper pursuant to sec. 34-202(a)(4). (Non Planned Developments)
0	0	0		Area Location Map for Planned Developments - see Supplement D
1	1	3 ✓	PH-3.G.1	List of Surrounding Property Owners [34-202(a)(6)]
1	1	3 ✓	PH-3.G.2	Map of Surrounding Property Owners [34-202(a)(7)]
2	2	2 ✓	PH-3.G.3	Mailing labels [34-202(a)(6)]
0	1	12	PH-3.I	Agricultural uses at time of zoning application. [34-202(b)(7)]
1	1	3 A	PH-3.L.2	Deed Restrictions\Covenants [34-202(b)(2)]

1	1	3	PH-3.L.3	Narrative addressing effect of Deed Restrictions [34-202(b)(2)]
1	1	12	PH-4.B	Location of proposed blasting (if applicable). [34-202(b)(6)]
0	0	4	PH-4.C	Bonus Density units (if applicable) [34-202(b)(5)]
1	1	4	PH-4.D	Hazardous materials emergency plan (if applicable) [34-202(b)(4)]
0	1	4	PH-4.E	Mobile Home Park Information (if applicable) [34-203(d)]
1	1	4	PH-4.F	Aviation Hazard (if applicable) [34-1001 et seq.]
1	1	4	PH-4.G	Developments located within Estero Planning District [34-373-(a)(10]
1	1	4	PH-4.H	Developments located within Captiva Planning District [Lee Plan Policy 21.7)
1	1	12	PH-4.I	Approved Waivers [34-202(a)]
				ADDITIONAL REQUIREMENTS FOR DRIs NOT INVOLVING A REZONING
0	0	12		Notice of proposed change Substantial Deviations Form RPM-BSP-Proposed Change - 1 pursuant to Section 380.06(19) F.S.
0	0	12		DRI, AMDA, FQD Form RPM-BSP-ADA - 1. Application for Development Approval pursuant to Section 380.06 F.S.
0	0	12		Abandonment Form RPM-BSP-Abandonment-DRI-1. Application for abandonment of a DRI.

EXHIBIT PH-1.C.2
ADDITIONAL AGENTS

RECEIVED
SEP 19 2005
PERMIT COUNTER

Company Name: **Pavese Law Firm**
Contact Person: **Katherine English**

Address: Street: **1833 Hendry St**
City: **Ft Myers** State: **FL** Zip: **33901**
Phone: Area Code: **239** Number: **336-6249** Ext:
Fax: Area Code: **239** Number: **332-2243**
E-mail address: katherineenglish@paveselaw.com

Company Name: **Dagostino & Wood**
Contact Person: **David Dagostino**

Address: **Street: 610 18th Ave NE**
City: Naples **State: FL** **Zip: 34120**
Phone: Area Code: 239 **Number: 352-6085** **Ext:**
Fax: Area Code: 239 **Number: 352-6095**
E-mail address: dagostino_wood@yahoo.com

Company Name: **Humphrey-Rosal Architects**
Contact Person: **David Humphrey**

Address: Street: **3200 9th Street North, # 300**
City: **Naples** State: **FL** Zip: **34103**
Phone: Area Code: **239** Number: **263-4201** Ext:
Fax: Area Code: **239** Number: **263-4451**
E-mail address: **dmharch@aol.com**

Company Name:
Contact Person:

Address: Street:
City: State: Zip:
Phone: Area Code: Number: Ext:
Fax: Area Code: Number:
E-mail address:

RECEIVED
SEP 19 2005
PERMIT COUNTER

EXHIBIT PH-2.B.1
DISCLOSURE OF INTEREST FORM FOR:

STRAP NO. 16-44-24-03-0030B.0000 **CASE NO.** _____

1. If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address	Percentage of Ownership

2. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name and Address	Percentage of Stock

3. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address	Percentage of Interest
Marine Holdings II, LLC **961 Iris Dr** **Delray Beach FL 33483**	**25%**
Caloosa Isle Yacht Club, Inc **687 Inlet Dr** **N Ft Myers, FL 33903**	**75%**

4. If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address	Percentage of Ownership

DCI 2005-00095

5. If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name and Address	Percentage of Stock

Date of Contract: _____

6. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name and Address	

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Rachel L Bielert
Applicant

RACHEL L. BIELERT
Printed or typed name of applicant

STATE OF FLORIDA
COUNTY OF LEE

The Forgoing instrument was ~~acknowledged before me~~ this 12th day of SEPT 2005 by RACHEL L. BIELERT who is personally known to me ~~or has produced~~ _____ as identification.

Terri A. Melna
Signature of Notary Public

TERRI A. MELNA
Printed name of Notary Public

(seal)

TERRI A. MELNA
MY COMMISSION # DD297623
EXPIRES: March 08, 2008
1-800-3-NOTARY Fl. Notary Discount Assoc. Co.

EXHIBIT PH-2.B.1 DCI 2005-00095
DISCLOSURE OF INTEREST FORM FOR:

STRAP NO. 16-44-24-03-0030B.0000 (A/D) CASE NO. DCI 2005-00095

1. If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address	Percentage of Ownership

2. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name and Address	Percentage of Stock

3. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address	Percentage of Interest
Caloosa Isle Yacht Club, Inc., a FL not-for-profit corporation 275 North Swinton Avenue Delray Beach, FL 33444	**100%**
The corporation has no shareholders. Its sole director is Brian McKown, 5238 SW 27th Ave., Cape Coral FL 33914	

4. If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address	Percentage of Ownership

RECEIVED
DEC 02 2005
COMMUNITY DEVELOPMENT

5. If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name and Address	Percentage of Stock
All membership interests in Caloosa Isle Yacht Club, Inc. are currently owned by Marine Holdings II, LLC, 275 North Swinton Avenue, Delray Beach, FL 33444.	
Marine Holdings II, LLC, is a Florida LLC with offices at the same address. It is managed by Harold P. Lee of the same address. Its sole member is Marine Holdings Group, Inc. of the same address, which corporation is owned 95% by Guenther Moeckesch, its president and sole director, and Sharon Baker, its secretary and treasurer who holds a 5% interest, both residing at 961 Iris Drive, Delray Beach, FL 33483	

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COMMUNITY DEVELOPMENT

Date of Contract: 6/1/05

6. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name and Address	
	DCI 2005-00095

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Applicant — Trustee

Leslie N. Reizes, Trustee
Printed or typed name of applicant

COMMONWEALTH OF PENNSYLVANIA
~~STATE~~ OF FLORIDA
COUNTY OF ~~PALM BEACH~~ ALLEGHENY

The Forgoing instrument was acknowledged before me this 28th day of November, 2005, by Leslie N. Reizes who is personally known to me.

Signature of Notary Public

(seal)

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Suzanne M. Lewis, Notary Public
Findlay Twp., Allegheny County
My Commission Expires May 17, 2007
Member, Pennsylvania Association Of Notaries

LETTER OF AUTHORIZATION

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as **Caloosa Isle Yacht Club (aka Caloosa Marina Trust)** *and legally described in exhibit A attached hereto.*

The property described herein is the subject of an application for zoning or development. We hereby designate **Rachel L. Bielert** *as a legal representative of the property and as such, this entity is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain an entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.*

Owner* (signature) Trustee

Leslie Reizes, Trustee
Printed Name

COMMONWEALTH OF PENNA
~~STATE OF FLORIDA~~
COUNTY OF ~~PALM BEACH~~ ALLEGHENY

Sworn to (or affirmed) and subscribed before me this 28th day of November, 2005, by Leslie N. Reizes who is personally known to me.

(SEAL)

Notary Public

COMMONWEALTH OF PENNSYLVANIA
(Name typed, printed ~~or stamped~~)
Suzanne M. Lewis, Notary Public
Findlay Twp., Allegheny County
My Commission Expires May 17, 2007
Member, Pennsylvania Association Of Notaries

DCI 2005-00095

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DEC 02 2005
COMMUNITY DEVELOPMENT

LEE COUNTY
SOUTHWEST FLORIDA

RECEIVED
SEP 14 2005
PERMIT COUNTER

SUPPLEMENT D

ADDITIONAL REQUIRED INFORMATION FOR A PLANNED DEVELOPMENT APPLICATION UNINCORPORATED LEE COUNTY

Case Number:

Project Name: Caloosa Isle Yacht Club

Authorized agent: Vanasse & Daylor, LLP

STRAP Number(s): 16-44-24-03-0030B.0000

Select one only

	DRI (rezoning required)		DCI-Minor - Amend. to approved master concept plan [2]
X	DCI-Major		Amend. to built planned development meeting DCI threshold. [3]
	DCI-Minor		
	DCI-Minor - Existing Dev. [1]	___	PRFPD in Private Recreational Facilities Overlay Area [(34-341(a)(2)]

Notes:

(1) Existing development. A development that has already been developed but does not conform to the regulations for a conventional district and is requesting a rezoning to a planned development classification. It will be reviewed in the same manner as a minor planned development except that a traffic impact statement will not be required. [34-341(b)(2)d.1.]

(2) Amendments to application. Application to amend an approved major or minor master concept plan or its attendant documentation, or for the extension of a vacated master concept plan originally approved prior to December 2, 1991. It will be treated procedurally as minor planned developments. These applications will require only as much information, as deemed necessary by the director, needed to describe the changes requested, to specify the incremental change in impacts expected from the amendment, and to detail the changes in development, environment and background (surrounding land use, traffic volumes, water, wastewater and other service availability, etc.), that have occurred since the original application. [34-341(b)(2)d.2.]

(3) Amendments to built planned developments (PD). An application for a variance or other approval covered by this chapter wherein the subject property is the only part of the original planned development for which the approval is sought. Application meets the threshold for a development of county impact and will be reviewed in accordance with the provisions for reviewing developments of county impact. Applicant must be the owner of the subject property and the consent of the owners of the remainder of the original planned development will be unnecessary. However, these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property.

For purposes of this subsection, the term "built" means that all of the roads, utilities, buffering, open space, surface water management features and structures, common space, common amenities, common landscaping, gatehouses, entrance signs, entrance ways and other similar items identified as part of the final approved master concept plan have been constructed and acknowledged by the county as complete. In the case of residential planned developments or mixed developments which include residential structures, the term "built" does not mean that all residential structures must have been constructed on individual platted lots.

DCI 2005-00095

PART 1
GENERAL INFORMATION

A. Comprehensive Plan Amendments (check one):

X There are **NO** Lee Plan Amendments pending that could affect the future use of this property.

The following Lee Plan Amendments **ARE** pending and could affect the future use of this property. (List uses and brief explanation of their effect on this application):

B. Archaeological/Historical (check one):

X There are **NO** known or recorded historical or archaeological sites on the property and no part of the property is located within a level 1 or level 2 zone of archaeological sensitivity pursuant to chapter 22. **[34-373(a)(4)f.]**

_____ There are known or recorded historical or archaeological sites on the property or part of the property is located within a level 1 or level 2 zone of archaeological sensitivity pursuant to chapter 22. Attached as **Exhibit 1-B** is a map indicating the nature and location of known or recorded historical or archaeological or areas of the property located within level 1 or level 2 zones of archaeological sensitivity including the outline of historic buildings and approximate extent of archaeological sites. **[34-373(a)(4)f.]**

C. Public Transit (check one):

_____ Property is **NOT** within the Lee Tran public transit service area.

X Property is within the Lee Tran public transit service area. **Exhibit 1-C** shows the property in relation to existing and proposed public transit routes,

D. Density

X There are no residential dwelling units proposed for this development.

_____ The property is located within one or more Future Land Use categories. Density has been calculated in **Part 3** of this application and is summarized below:

Intensive Development	_____	*Proposed dwelling units*
Central Urban	_____	Proposed dwelling units
Urban Community	_____	Proposed dwelling units
Suburban	_____	Proposed dwelling units
Outlying Suburban	_____	Proposed dwelling units
TOTAL	_____	Proposed dwelling units

PART 2
TYPES OF LAND AREA ON PROPERTY

A.	**Gross Acres (total area within described parcel)**			**5.77**	**Acres**
	1.	Submerged land subject to tidal influence:	**1.36** Acres		
	2.	Other non-freshwater Wetlands:	_____ Acres		
	3.	R-O-W providing access to non-residential uses:	_____ Acres		
	4.	Non-residential use areas (1)	_____ Acres		
B.	**Total area not eligible as gross residential acreage. Items A.1. + A.2 + A.3. + A.4.**			**NA**	**Acres**
C.	**Gross residential acres. (A minus B)** (2)				**Acres**
D.	**Gross residential acres by Land Use Category**				
	1.	a. Intensive development - Upland	_____ Acres		
		b. Intensive development - freshwater wetland	_____ Acres		
	2.	a. Central Urban - Upland	_____ Acres		
		b. Central Urban - freshwater wetland	_____ Acres		
	3.	a. Urban Community or Suburban - Upland	_____ Acres		
		b. Urban Community or Suburban freshwater wetland	_____ Acres		
	4.	a. Outlying Suburban - Upland	_____ Acres		
		b. Outlying Suburban - freshwater wetland	_____ Acres		
	5.	a. Rural, Outer Island, Rural Community Preserve - Upland	_____ Acres		
		b. Rural, Outer Island, Rural Community Preserve - freshwater wetland	_____ Acres		
	6.	a. Open Lands - Upland	_____ Acres		
		b. Open Lands - freshwater wetland	_____ Acres		
	7.	a. DR/GR - Upland	_____ Acres		
		b. DR/GR - freshwater wetland	_____ Acres		
	8.	a. Wetlands - freshwater	_____ Acres		
		b. Wetlands - not - freshwater	_____ Acres		
	9.	a. New Community - Upland	_____ Acres		
		b. New Community - freshwater wetland	_____ Acres		
	10.	a. University Community - Upland	_____ Acres		
		b. University Community - freshwater wetland	_____ Acres		
	11.	**TOTAL** (should equal AC@ above)	_____ Acres		

NOTES:

(1) Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included.

(2) Lands to be used for residential uses including land within the development proposed to be used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-

made waterbodies.

PART 3
RESIDENTIAL DEVELOPMENTS
PRELIMINARY DENSITY CALCULATIONS*

* Notes: 1. Complete only if living units are proposed in a Future Land Use Category.
2. If more than one classification, calculations for each classification must be submitted.
3. If wetlands are located on the property, density calculations are considered preliminary pending a wetlands jurisdictional determination.

A. Intensive Development Category

1.	**Preliminary Standard Units**		**Maximum standard density**	**Units**
	a.	Total upland Acres (from Part 2, D.1.a.)	times 14 equals	
	b.	Total freshwater wetland Acres (from Part 2, D.1.b.)	times 14 equals	
	c	Preliminary Total Standard units (a. plus b.) (1)		
2.	**Maximum Permitted Units**		**Maximum permitted**	**Units**
	a.	Total upland Acres (from Part 2, D.1.a.)	times 18 equals	
3.	**Total allowed standard units (A.1.c. or A.2.a., whichever is less)**			
4.	**Bonus Units** (2)			
	a.	Low-moderate housing density:		
	b.	TDR units:		
	c.	Sub-total (A.4.a. plus A.4.b.)		
5.	**Total Permitted Units (A.3. plus A.4.c.):** (1)			

B. Central Urban Category

1.	**Preliminary Standard Units**		**Maximum standard density**	**Units**
	a.	Total upland Acres (from Part 2, D.2.a.)	times 10 equals	
	b.	Total freshwater wetland Acres (from Part 2, D.2.b.)	times 10 equals	
	c.	Preliminary Total Standard units (a. plus b.) (1)		
2.	**Maximum Permitted Units**		**Maximum permitted**	**Units**
	a.	Total upland Acres (from Part 2, D.2.a.)	times 12.5 equals	
3.	**Total allowed standard units (B.1.c. or B.2.a., whichever is less)**			
4.	**Bonus Units** (2)			
	a.	Low-moderate housing density:		
	b.	TDR units:		
	c.	Sub-total (B.4.a. plus B.4.b.)		
5.	**Total Permitted Units (B.3. plus B.4.c.):** (1)			

Notes:
(1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.
(2) If low-moderate housing density credits or Transfer of Development Rights (TDRs) credits are included, attach the calculations and approvals hereto.

C. Urban Community Category

1.	**Preliminary Standard Units**	**Maximum standard density**	**Units**
	a. Total upland Acres (from Part 2, D.3.a.)	_____ times 6 equals	_____
	b. Total freshwater wetland Acres (from Part 2, D.3.b.)	_____ times 6 equals	
	c. Preliminary Total Standard units (a. plus b.) (1)		
2.	**Maximum Permitted Units**	**Maximum permitted**	**Units**
	a. Total upland Acres (from Part 2, D.3.a.)	times 8 equals	_____
3.	**Total allowed standard units (C.1.c. or C.2.a, whichever is less)**		
4.	**Bonus Units** (2)		
	a. Low-moderate housing density:		_____
	b. TDR units:		_____
	c. Sub-total (D.4.a. plus D.4.b.)		
5.	**Total Permitted Units (C.3. plus C.4.c.):** (1)		_____

Notes:
(1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.
(2) If Low-moderate housing density credits or Transfer of Development Rights (TDRs) credits are included, attach the *calculations and approvals hereto.*

D. Suburban Category

1.	**Preliminary Standard Units**	**Maximum standard density**	**Units**
	a. Total upland Acres (from Part 2, D.3.a.)	_____ times 6 equals	_____
	b. Total freshwater wetland Acres (from Part 2, D.3.b.)	_____ times 6 equals	
	c. Preliminary Total Standard units (a. plus b.) (1)		
2.	**Maximum Permitted Units**	**Maximum permitted**	**Units**
	a. Total upland Acres (from Part 2, D.3.a.)	times 8 equals	_____
3.	**Total allowed standard units (D.1.c. or D.2.a., whichever is less)**		_____

E. Outlying Suburban Category

1.	**Preliminary Standard Units**	**Maximum standard density**	**Units**
	a. Total upland Acres (from Part 2, D.4.a.)	_____ *times 3 equals*	_____
	b. Total freshwater wetland Acres (from Part 2, D.4.b.)	_____ times 3 equals	
	c. Preliminary Total Standard units (a. plus b.) (1)		
2.	**Maximum Permitted Units**	**Maximum permitted**	**Units**
	a. Total upland Acres (from Part 2, D.4.a.)	*times 4 equals* (1)	_____
3.	**Total allowed standard units (E.1.c. or E.2.a., whichever is less)**		_____

Notes:
(1) Outlying suburban land located north of the Caloosahatchee River and east of Interstate-75, north of Pondella Road and south of Pine Island Road (SR 78), and in the Buckingham area (see Goal 19 of the Lee Plan), the maximum upland density is two (2) units per acre plus one (1) for a total of three (3) units per acre.

PART 3A
COMMERCIAL, INDUSTRIAL, MINING, ASSISTED LIVING FACILITIES, HOTELS & MOTELS
PRELIMINARY DENSITY CALCULATIONS

A.	**Commercial**	**Habitable Stories**	**Height**	**Total Floor Area**	
A.1.	Medical				Sq. Ft.
A.2.	General Office	**2nd story**		**1500**	Sq. Ft.
A.3.	Retail				Sq. Ft.
A.4.	Other				Sq. Ft.
A.5.	**TOTAL FLOOR AREA**				Sq. Ft.

B.	**Industrial**	**Habitable Stories**	**Height**	**Total Floor Area**	
B.1.	Under Roof				Sq. Ft.
B.2.	Not under Roof	NA			Sq. Ft.
B.3.	**TOTAL FLOOR AREA**				Sq. Ft.

C.	**Mining**		**Depth**	**Total Acres**	
C1.	Area to be excavated	NA			Acres

D.	**Assisted Living Facilities**	**Habitable Stories**	**Height**	**Total Number of Beds/Units**	
D.1.	Dependent Living Units				Beds/Units
D.2.	Independent Living Units				Beds/Units
D.3.	**TOTAL BEDS/UNITS**				Beds/Units

E.	**Hotels/Motels** **Room Size**	**Habitable Stories**	**Height**	**Number of Rental Units**	
E.1.	< 425 sq. ft.				Units
E.2.	426-725 sq. ft.				Units
E.3.	725 < sq. ft.				Units
E.4.	**TOTAL UNITS**				Units

PART 4

ENVIRONMENTAL ISSUES

A. **Topography:** Describe the range of surface elevations of the property:

The subject property is essentially flat and surrounded by a seawall that raises the eleveation of the site from 3+ feet to 5+ feet above sea level.

B. **Sensitive Lands:** Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the Lee Plan), flowways, creek beds, sand dunes, other unique land forms [see Lee Plan Policy 77.1.1 (2)] or listed species occupied habitat (see Sec. 10-4730 of the Land Development Code.

The uplands area of this property does not have any environmentally sensitive lands, however, the ownership goes 25 feet beyond the seawall into the abutting canals. The owners have established rights to 44 wet slips with DEP on this site. The site is surrounded on all sides by canals having direct access to the Caloosahatchee River

C. **Preservation/Conservation of Natural Features**: Describe how the lands listed in B. above will be protected by the completed project:

This water area will not be impacted any more than it has been in the past. We are not requesting any additional wet slips.

D. **Shoreline Stabilization:** If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:

The entire site is surrounded by an existing sea wall that will be maintained

PART 5
SANITARY SEWER FACILITIES (34-415)

A. **Special Effluent**: If special effluent is anticipated, please specify what it is and what strategies will be used to deal with its' special characteristics:

NA

B. **Private On-site Facilities:** If a private on-site wastewater treatment and disposal facility is proposed, please provide a detailed description of the system including:

1. Method and degree of treatment:

NA

2. Quality of the effluent:

3. Expected life of the facility:

4. Who will operate and maintain the internal collection and treatment facilities:

5. Receiving bodies or other means of effluent disposal:

C. **Spray Irrigation:** If spray irrigation will be used, specify:

1. The location and approximate area of the spray fields:

All landscaped areas will be irrigated as per the Lee County Land Development Code

2. Current water table conditions:

3. Proposed rate of application:

4. Back-up system capacity:

PART 6 - SUBMITTAL REQUIREMENTS

Copies*		Exhibits	Item
Sub.	Req.		
	13		Public Hearing Application form **[34-373(a)(1)]**
	1		Application Fee **[34-373(a)(2)]**
			DESCRIPTION OF EXISTING CONDITIONS
	4	**1-B**	**Historical or Archaeological sites:** The nature and location of any known or recorded historical or archaeological sites as listed on the Florida Master Site File or the Lee County Historical Site Survey, and the location of any part of the property that is located within level 1 or level 2 zones of archaeological sensitivity pursuant to chapter 22. The plan must show the outline of historic buildings and approximate extent of archaeological sites. A description of proposed improvements that may impact archaeological or historical resources must also be provided. **[34-373(a)(4)h.]**
	13	**1-C**	**Public Transit.** A map or other depiction of the property in relation to existing and proposed public transit routes, as well as to bus stops, if located within the Lee Tran public transit service area. **[34-373(a)(4)g.]**
	5	**6-A**	**A Boundary Survey,** prepared by a professional surveyor, that meets the minimum technical standards as set out in chapter 61G17-6, F.A.C., and which survey has been signed and sealed within one year of the application date, and which shows existing conditions on the property to full survey accuracy. **[34-373(a)(4)a.]**
	13	**6-B**	**Area Location Map** on 8.5" by 11" paper. A map marked to show the location of the property to be developed in relation to arterial and collector streets as well as the location of existing easements and rights-of-way on or abutting the property. **[34-373(a)(4)b.]**
	13	**6-C**	**Existing zoning and current land uses** A map or other depiction of the existing zoning and current land uses (i.e. single family residence, multiple-family building, retail commercial, office building, etc.) surrounding the tract or parcel to a distance of 500 feet. **[34-373(a)(4)c.]**
	13	**6-D**	**Aerial photograph** with the site clearly delineated. **[34-373(a)(4)d.]** **Originals only - photocopies not acceptable.**
	4	**6-E**	**Soils, vegetation, rare & unique uplands, topography.** Maps drawn at the same scale as the master concept plan marked or overprinted to show the information required by section 34-373(a)(4)e.] **[34-373(a)(4)e.]**
	4	**6-F**	**FLUCCS Map.** A Florida Land Use, Cover and Classification System (FLUCCS) map at the same scale as the Master Concept Plan, prepared by an environmental consultant. The FLUCCS map must clearly delineate any federal and state jurisdictional wetlands and other surface waters, including the total acreage of federal and state wetlands. **[34-373(a)(4)f.]**
			NARRATIVE COMPLIANCE STATEMENTS
	13	**6-G**	**Lee Plan Compliance.** A narrative explanation as to how the proposed development complies with the Lee Plan. **[34-373(a)(5)]**
	3	**6-H**	**Design Standards Compliance.** A narrative explanation as to how the proposed development complies with the Design Standards set forth in Section 34-411. **[34-373(a)(5)]**
	3	**6-I**	**Decision-making compliance.** A narrative explanation as to how the proposed development complies with the guidelines for decision-making embodied in sections 34-145(c)(2)a and e. and 34-145(d)(3). **[34-373(a)(5)]**
			MASTER CONCEPT PLAN

Copies*	Exhibits	Item
13	6-J	**Master Concept Plan, Non-PRFPD** . A graphic illustration (master concept plan) of the proposed development, showing and identifying the information required by Section 34-373(a)(6). *Copies of the master concept plan must be provided in two sizes, 24 inches by 36 inches, and 11 inches by 17 inches in size and must clearly legible and drawn at a scale sufficient to adequately show and identify the required information.* **[34-373(a)(6)]**
13	6-K	**Master Concept Plan, PRFPD :** A clearly legible drawing, no less than 24 inches by 36 inches in size and drawn at a scale sufficient to adequately show and identify the information required by Section 34-941(g). **[34-941(g)]**
5	6-L	**Traffic Impact Statement.** A traffic impact statement in a format and to the degree of detail required by the county and in conformance with the adopted county administrative code. **[34-373(a)(7)]** TIS is not required for an existing development. **[34-341(b)(2)d.1.]**
13	6-M	**Schedule of Uses.** A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property including the information required by section 34-373(a)(8)]. **[34-373(a)(8)]**
13	6-N	**Schedule of deviations and a written justification.** A schedule of deviations and a written justification for each deviation requested as part of the master concept plan. The location of each requested deviation must be located on the master concept plan. **[34-373(a)(9)]**
		ADDITIONAL REQUIREMENTS FOR MAJOR PDs
4	6-O	**Surface water management plan** A written description of the surface water management plan as required by Section 34-373(b)(1). **[34-373(b)(1)]**
13	6-P	**Phasing program.** If the development is to be constructed in phases or if the traffic impact statement utilized phasing, then a description of the phasing program must be submitted. **[34-373(b)(3)]**
		ADDITIONAL REQUIREMENTS FOR LARGE PROJECTS
4	6-Q	**Protected species survey.** Required for large developments (defined in Chapter 10-1), a protected species survey as required by section 10-473. **[34-373(b)(2)]**
		AMENDMENTS TO BUILT PLANNED DEVELOPMENTS
4	6-R	**Proof of notice to other property owners.** Although the consent of the owners of the remainder of the original planned development is not required, the owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property. **[34-373(c)]**
		REQUIREMENTS FOR DRIs
13	6-S	**Binding letter of interpretation from DCA or a complete and sufficient ADA. [34-373(d)(2)]**
		ADDITIONAL EXHIBITS - PRFPDs
4	6-T	*Conceptual surface water management* **[34-941(d)(3)b.i.1)]**
13	6-U	If within an area identified as an anticipated draw down area, demonstration of compliance with section 34-941(d)(3)d. **[34-941(d)(3)d.]**
13	6-V	Preliminary indigenous restoration plan (if applicable). **[34-941(e)(5)f]**
13	6-W	Environmental Assessment **[34-941(g)(2)]**
13	6-X	Demonstration of compatibility **[34-941(g)(4)]**

*** includes 1 original**

PART V AFFIDAVIT A2

AFFIDAVIT

APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, **Rachel L. Bielert** as **Owner Agent/Authorized Representative** of **The Caloosa Marina Trust**, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I am hereby authorizing 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 thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

The Caloosa Marina Trust:

Signature

Rachel L. Bielert
(Typed or Printed name)

Owner Agent
(Title of signatory)

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 9-12-05 (date) by RACHEL L. BIELERT (name of person providing oath or affirmation), who is personally known to me or ~~who has produced~~ _____ (type of identification) as identification.

Terri A. Melna
Signature of person taking oath or affirmation

TERRI A. MELNA
Name typed, printed, or stamped

TERRI A. MELNA
MY COMMISSION # DD297632
EXPIRES: March 03, 2008
1-800-3-NOTARY Fl. Notary Discount Assn. Co.

Title or Rank

Serial number, if any

**Notes:*

- *If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.*
- *If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.)., then the documents should typically be signed by the Company's "Managing Member".*
- *If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.*
- *If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.*
- *If the applicant is a trustee, then the they must include their title of "trustee".*
- *In each instance, first determine the applicant=s status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.*

DCI 2005-00095

LETTER OF AUTHORIZATION

The undersigned does hereby swear or affirm that he is the fee simple title holder, as Trustee, and owner of record of property commonly known as **Caloosa Isle Yacht Club (aka Caloosa Marina Trust)** *and legally described in exhibit A attached hereto.*

The property described herein is the subject of an application for zoning or development. I hereby designate **Rachel L. Bielert** *as a legal representative of the property and as such, this entity is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain an entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.*

Owner (signature)*

Leslie N. Reizes
Printed Name

RECEIVED
SEP 19 2005
PERMIT COUNTER

STATE OF FLORIDA
COUNTY OF PALM BEACH

Sworn to (or affirmed) and subscribed before me this 29th day of August, 2005, by

Leslie N. Reizes, who is personally known to me.

Notary Public

(SEAL)

Rossella Muzich
(Name typed, printed or stamped)

ROSSELLA MUZICH
Notary Public, State of Florida
My Comm. Exp. March 27, 2009
No. DD 405089

DCI 2005-00095

Exhibit 6-G

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Caloosa Isle Yacht Club
Lee Plan Compliance

September 2005

The subject property is located in Section 16, Township 44S, Range 24 E, and has Suburban Future Land Use Map designation. The Suburban land use category will be predominately a residential development with a standard density range from four dwelling units per acre (4du/ac) to ten dwelling units per acre (10du/ac), with a maximum density of up to fifteen dwelling units per acre (15du/ac). Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted.

The marina currently has approvals for 44 wet slips; 239 dry slips; a 3,600 sq. ft. restaurant and full service bar, permitted through a 4-COP permit to allow the sale of beer, wine and liquor on premises granted by the County; 14,000 sq. ft. dedicated to major boat repair; 4,358 sq. ft. for boat maintenance; 1,500 sq. ft. retail and 2,500 sq. ft. of office use. A deviation was also approved for this site, to reduce required parking to a maximum of 50 stalls for all of the aforementioned uses. The applicant is requesting to change the mix of marina uses to 299 dry slips, 35 wet slips, 7,000 sq. ft. of restaurant/full service bar that will utilize the existing 4-COP permit to sell beer, wine and liquor on the site, 3,000 sq. ft. of indoor boat maintenance area, 1,500 sq. ft. of office use and a 3,000 sq. ft. health club. There will also be a Tiki Bar next to the proposed health club along with a pool and Tot lot/play area for children south of the club. Membership to the Yacht Club will consist of owners of the 35 wet slips and 299 dry slips along with 200 social members that will have use of the health club, pool/ Tiki bar, and the play area. The proposed restaurant and full service bar will be open to all members and to the general public. The purpose of these changes is to alter the overall character of this marina from an industrial working facility, predominated by boat yard and maintenance work, to a family oriented facility devoted to recreational uses. We are also requesting to have Condition of Approval #11 of the 1988 Resolution (Resolution Number Z-88-293) removed. This Condition requires a ration of one sailboat to every three, power boats. The owners have found that due to the shallow waters surrounding the marina, sailboats cannot use the moorage making the condition unreasonable. For this reason they would like to have the Condition removed.

The applicant currently has 176 dry slips built in the existing boat barn and it is their intent to build the additional 63 slips they have approval for in a 45-foot by 320-foot addition on the east side of that structure. They are requesting as part of this petition to add an additional 60 dry slips that will be housed in a new 43-foot by 120-foot building to be located on the east property line. The result of all of the proposed changes is that all boat launching, cleaning and maintenance will be moved away from the abutting residential uses. This will dramatically reduce noise, dirt, fumes and other nuisances from the marina. Finally, the applicant is converting 9 wet slips to dry slips, which will support

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efforts to clean up the river by reducing contamination potential from bilge discharge, cleaning liquids used in showers and kitchens, boat washing and bottom paint. This represents a nearly 20% reduction in wet slips and therefore a 20 % reduction in impacts on the estuaries and Bay by this facility.

The owners of the Marina also own the parcel to the south across the canal, Tract D, and they are working with the State to turn this parcel into a permanent open space parcel in return for approval of 30 additional dry slips on the principal site.

Similarly, the development proposal specifically addresses the following Lee County Comprehensive Plan requirements:

- ***Policy 1.1.5: Suburban***

The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas, or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed. (Amended by Ordinance No. 94-30).

The proposal implements the intent of Goal 98 of the Lee Plan, to encourage the maintenance and development of water-dependent shoreline uses and to avoid their displacement by non-water-dependent uses. To achieve this Goal the applicant is requesting to modify an existing marina from an industrial working marina into a predominately recreational marina. These uses are permitted within the Suburban land use category, and the projects proposed intensity is well within the Lee Plan limitations.

- ***GOAL 98: Shoreline Management:*** **To encourage the maintenance and development of water-dependent shoreline uses and to avoid their displacement by non-water dependent uses.**

The purpose of this request is to maintain and improve the existing marina on this site. The marina, in its past mode of operation, has generated conflicts between its use as a major boat repair facility and the single-family homes on the other side of the canal. The new owners are proposing to eliminate the14,000 sq. ft. of boat repair, and convert 9 of their wet slips to dry slips, in order to be able to add 60 dry slips, a use that will have virtually no impact on the abutting residences. It is the applicant's position, that these changes will encourage and promote the maintenance of this marina.

- **Objective 98.1:** ***Commercial Water Dependent Uses.***

The expansion and enhancement of this existing marina, as proposed, would be consistent with this objective.

- **Policy 98.1.1:**

Approval of the requested zoning change, to allow the expansion of the boat storage activities, will allow the owner to upgrade this facility, which in turn will help protect and continue this use as a marina in this location for the foreseeable future. In addition the proposed changes will make the marina more compatible with the surrounding residential uses which will also help continue this water related use.

- **Policy 98.1.3:**

This application is pursuing the maximum number of dry slips on the site as a trade off for eliminating a large boat repair business, that due to it's negative impacts on the surrounding residential area, could be seen as reason for eliminating the marina. The applicant is also converting 9 wet slips on the site, which will result in the improvement in water quality (by reducing contamination potential from bilge discharge, cleaning liquids used in showers and kitchens, boat washing and bottom paint) and a reduction of in-water boat traffic potential, in order to minimize impacts on the water.

- ***Policy 2.1: Development Location***

This proposed development is located on the edge of an area that is predominantly residential. The marina sits on a peninsula that it shares with a sewage treatment plant and is linked to the residential area by a 50-foot road access. The marina is further separated from the residential area by a 100-foot wide canal. All of the proposed uses for the marina *are to* be located on the east side of the property and will be buffered from the existing residential development by the dry storage building and landscaping. The proposed development is in an area where services are already available, and would effectively use the public investment of infrastructure in this area.

- ***Policy 4.1.1: Requires developments to be well integrated, properly oriented and functionally related.***

The Master Concept Plan demonstrates that the development areas have been sensitively located to the eastern portion of the subject property away from all existing residential uses to minimize impacts on the single-family homes that are to the northwest of the property. An 8-foot concrete decorative wall and landscape buffer previously required to buffer the boat repair business from the single-family homes across the canal is being built along the southwestern property line, this will help further minimize the impact to the existing single-family homes located to the northwest of subject property and will help shield headlights from the residences across the canal.

- **GOAL 6:** ***Commercial Land Uses. To permit orderly and well-planned commercial development at appropriate locations within the County.***

This is an existing marina that is proposing to change it's character from a more industrial character, allowing major boat repair, to a recreational marina providing minimal boat maintenance and expanded on-site recreational uses for members. All of the active uses that are being proposed are to be located to the east side of the property buffered from surrounding uses by the boat barn and landscaping to minimize impacts on the abutting uses.

- ***GOAL 11: Water, Sewer, Traffic and Environmental Review Standards***

The proposed development is proven to be consistent with Goal 11, as it is located within an area with existing water and sewer availability. In addition, a Traffic Impact Study has been completed showing that the change in uses will actually reduce overall traffic.

- ***GOAL 52: Park Development Requirements***

The proposed development will meet or exceed all open space requirements. The proposed developer also owns a parcel across the canal, just south of the marina, which is predominately mangroves, which they propose to convert to permanent open space.

- ***GOAL 75: Development in Coastal High Hazard Areas***

The subject property is located within the High Hazard Zone and no residential use is requested as part of this proposal. All new construction will meet current hurricane codes.

- ***GOAL 77: Resource Protection***

The proposed development has demonstrated compliance with this Goal through the reduction of wet slips, the exchange of boat repair activities for dry slips, and the upgrading of the marina's facilities to a "clean marina" status. The reduction in wet slips is important, because it also includes the reorientation of the wet slips to be laid out parallel to the existing sea wall, rather than the previous perpendicular orientation. This change will limit the area shaded by boats and will provide more boat maneuvering area in the surrounding canals. The reduction of 9 wet slips will also result in the improvement in water quality (boat hull copper paints) and a reduction of in-water boat traffic potential. Removing the boat repair business from the site will help improve noise, air, and water quality. Upgrading the marina to a "clean marina" will help water quality on site and in the surrounding canals.

The subject property is not located within any historical or archaeological zones of sensitivity. In addition, proposed development also owns a parcel south of the marina across the canal that is predominately mangroves that they are proposing to convert to permanent open space.

In review of these policies, the proposed development of the site results in a minimal impact, protects the existing environment, and preserves water quality. Therefore, the subject request is in compliance with these policies.

Exhibit "A"

Paracel I

PART WATERWAY ESTATES OF FORT MYERS UNIT 2
SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND LYING IN WATERWAY ESTATES OF FORT MYERS UNIT 2 IN THE SOUTHEAST QUARTER (SE-1/4) OF THE SOUTHEAST QUARTER (SE-1/4) OF SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS SHOWN ON SHEET 2 OF PLAT RECORDED IN PLAT BOOK 12 BEGINNING AT PAGE 63, LEE COUNTY RECORDS, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF CURVATURE ON CURVE "K" ON THE SOUTH LINE OF TRACT "B", AS SHOWN ON SAID PLAT OF WATERWAY ESTATES OF FORT MYERS UNIT 2, RUN N 89°24' 20" E ALONG SAID SOUTH LINE FOR 201.00 FEET TO THE WEST LINE OF THE PARCEL DESCRIBED IN DEED RECORDED IN OFFICIAL RECORD BOOK 145 AT PAGE 95, LEE COUNTY RECORDS; THENCE RUN N 00°35' 40" W ALONG SAID WEST LINE FOR 165.94 FEET TO THE NORTHWESTERLY LINE OF SAID PARCEL; THENCE RUN N 43°56' 37" E ALONG SAID NORTHWESTERLY LINE FOR 136.87 FEET TO AN INTERSECTION WITH THE NORTHERLY LINE OF SAID PARCEL; THENCE RUN N 89° 24' 20" E ALONG SAID NORTH LINE FOR 90.00 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID PARCEL; THENCE RUN S 00°35' 40" E ALONG SAID EAST LINE FOR 263.50 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID TRACT "B"; THENCE RUN N 89°24' 20" E ALONG SAID SOUTH LINE FOR 342.93 FEET TO A POINT OF CURVATURE; THENCE RUN EASTERLY, NORTHEASTERLY AND NORTHERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 25.00 FEET (DELTA 89°30' 20") (CHORD BEARING N 44°39' 10" E) (CHORD 35.20 FEET) FOR 39.05 FEET TO A POINT OF TANGENCY ON THE EAST LINE OF SAID TRACT "B"; THENCE RUN N 00°06' 00" W ALONG SAID EAST LINE AND A NORTHERLY PROLONGATION THEREOF ON THE EAST LINE OF THE FIRST PARCEL DESCRIBED IN RESOLUTION RECORDED IN OFFICIAL RECORD BOOK 245 BEGINNING AT PAGE 753 OF SAID PUBLIC RECORDS FOR 490.23 FEET TO THE NORTH LINE OF SAID PARCEL; THENCE RUN S 89°54' 00" W ALONG SAID NORTH LINE FOR 309.45 FEET TO AN INTERSECTION WITH THE NORTHWESTERLY LINE OF SAID PARCEL; THENCE RUN S 43°56' 37" W ALONG SAID NORTHWESTERLY LINE FOR 27.98 FEET TO A NORTHEASTERLY LINE OF SAID PARCEL; THENCE RUN N 59°33' 03" W ALONG SAID NORTHEASTERLY LINE FOR 102.84 FEET TO THE NORTHERLYMOST CORNER OF SAID TRACT "B"; THENCE RUN S 43°56' 37" W ALONG THE SOUTHEASTERLY LINE OF TRACT "A" OF SAID WATERWAY ESTATES FOR 50.00 FEET TO THE SOUTHERLYMOST CORNER OF SAID TRACT "A"; THENCE RUN S 32°33' 43" E ALONG THE SOUTHWESTERLY LINE OF THE SECOND PARCEL DESCRIBED IN SAID RESOLUTION RECORDED IN OFFICIAL RECORD BOOK 245 AT PAGE 753, LEE COUNTY RECORDS, FOR 102.84 FEET TO AN INTERSECTION WITH THE NORTHWESTERLY LINE OF SAID TRACT "B"; THENCE RUN S 43°56' 37" W ALONG SAID NORTHWESTERLY LINE FOR 540.61 FEET TO A POINT OF CURVATURE ON SAID CURVE "K"; THENCE RUN SOUTHWESTERLY, SOUTHERLY AND SOUTHEASTERLY ALONG AN ARC OF A CURVE TO THE LEFT OF RADIUS 25.00 FEET (DELTA 134°32' 17") (CHORD BEARING S 23°19' 32" E) (CHORD 46.12 FEET) FOR 58.70 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

CONTAINING 5.80 ACRES, MORE OR LESS.

BEARINGS HEREINABOVE MENTIONED ARE BASED ON SAID RECORD PLAT OF WATERWAY ESTATES OF FORT MYERS UNIT 2.

Exhibit "A"

Parcel D

Tract D of that certain subdivision known as WATERWAY ESTATES OF FORT MYERS UNIT TWO, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 12, Page 64.

and

Tract A of that certain subdivision known as WATERWAY ESTATES OF FORT MYERS UNIT 2, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 12, Page 63.

Together with the rights of the Grantors to the continued use of the pilings, docks, captain walk and other appurtenances extending beyond the premises described in this deed and the Warranty Deed of even date, between the Grantors and Grantee.

CALOOSA ISLE YACHT CLUB, INC.

1687 Inlet Drive
North Fort Myers, Florida 33903-5006
Ph: (239) 656-1700 Fax: (239) 656-5761

Tax ID:	20-2852935	Date of Formation:	May 17, 2005
State #:	N05000005091	Resale Certificate#:	46-8013337714-5
D-U-N-S #:		SIC: *4493* NAICS:	

Banking:
Bank of America
Operating Account (Primary Account) Opened 5/ /05
Savings Account (Interest Maximizer) Opened 5/ /05
Signatories: Richard E. Fonte or Harold P. Lee

Board of Directors:
Richard E. Fonte **rfonte@bellsouth.net**
6711 North Ocean Boulevard #6
Ocean Ridge, FL 33435
Ph: (561) 742-0374 Cel: (561) 704-8212 Fax: (561) 272-7120
DOB: 05/04/43 SSN: 356-34-4599 Driver License: F530-745-43-164-0 (FL)

Harold P. Lee **hpl@att.net**
95 Pelican Pointe Drive # 201
Delray Beach, FL 33483
Ph: (561) 665-0120 Fax: (561) 243-2560
DOB: 06/22/44 SSN: 098-36-0426 Driver License: L000-355-44-222-0 (FL)

Henry Huntress **C_HUNTRESS@msn.com**
1900 Sunset Harbour Drive, Apt 1201
Miami Beach, FL 33139
Cel: (305) 519-2775
DOB: 10/23/46 SSN: 265-76-2982 Driver License: H536-383-46-383-0 (FL)

Registered Agent:
Leslie N. Reizes
1177 George Bush Boulevard
Suite 308
Delray Beach, FL 33484
Ph: (561) 276-2600
Fax: (561) 276-7300

Staff:
Henry "Clay" Huntress - Director Marina Operations **C_HUNTRESS@msn.com**
1900 Sunset Harbour Drive – Apt 1201, Miami Beach, FL 33139
Cel: (305) 519-2775 Start Date: 5/16/05 DOB: 10/23/46 SSN: 265-76-2982
Driver License: H536-383-46-383-0 (FL)

Catherine Wolf - Marina Administrator **thrinwolf@aol.com**
1900 Sunset Harbour Drive – Apt 1201, Miami Beach, FL 33139
Cel: (305) 519-2773 Start Date: 5/16/05 DOB: 11/12/61 SSN: 273-46-6511
Driver License: W410-133-61-912-0 (FL)

CALOOSA ISLE TRUST

Tax ID: 20-6542264

Date of Formation: May 16, 2005

PART OF WATERWAY ESTATES OF FORT MYERS UNIT 2 SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA.

A TRACT OR PARCEL OF LAND LYING IN WATERWAY ESTATES OF FORT MYERS UNIT 2 IN THE SOUTHEAST QUARTER (SE-1/4) OF THE SOUTHEAST QUARTER (SE-1/4) OF SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY FLORIDA, AS SHOWN ON SHEET 2 OF THE PLAT RECORDED IN PLAT BOOK 12 BEGINNING AT PAGE 63, LEE COUNTY RECORDS, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

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SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

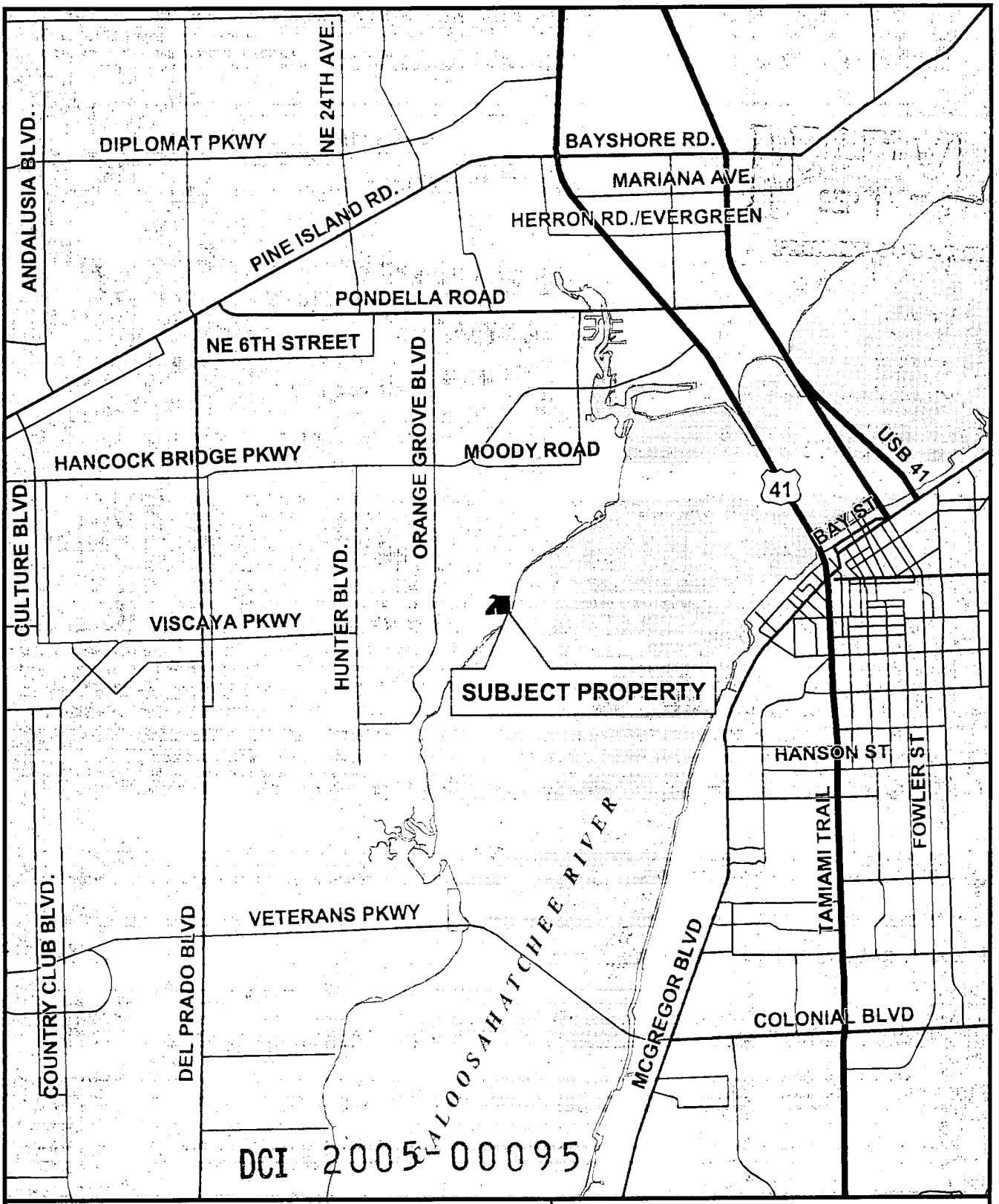
RECEIVED
SEP 19 2005
PERMIT COUNTER

CONTAINING 5.80 ACRES MORE OR LESS.

BEARINGS HEREINABOVE MENTIONED ARE BASED ON SAID PLAT OF WATERWAY ESTATES UNIT 2.

TOGETHER WITH ALL OF TRACT "A" OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2 AS PER SAID PLAT RECORDED IN PLAT BOOK 12 PAGE 64.

TOGETHER WITH ALL OF TRACT "D" LYING EASTERLY OF THE SOUTHERLY PROLONGATION OF BLOCK 1 OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2 AS PER SAID PLAT RECORDED IN PLAT BOOK 12 PAGE 64.



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Caloosa Isle Yacht Club

Exhibit 6-B

Location Map

PH–3.F

N W E S

5,000 0 5,000 Feet

Date: 07-14-05

Marine Holdings, LLC
c/o RL Opportunities

10580 Landau Lane
Bonita Springs, FL 34135

Vanasse Daylor

Urban Planning
Landscape Architecture
Civil Engineering
Traffic Engineering
Environmental Science
FL 366

Sources: Lee County Property Appraiser
It is the end user's responsibility to verify the data contained hereon.

Project Number: 80899
FILE: \\vanday_server\gis\Projects\800\808\80899\Planning\80899-Locmap-a.mxd

Exhibit 6-H & 6-I

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PERMIT COUNTER

CALOOSA ISLE YACHT CLUB CPD

Design Standards & Decision Making Compliance:
September 2005

A. Introduction:

The subject property measures approximately 5.77 acres. The applicant, Marine Holdings II, LLC, intends to amend the zoning on the subject property from a CPD that currently has approvals for 44 wet slips, 239 dry slips, a 3,600 sq. ft. restaurant and bar, with a 4-COP permit to allow them to serve beer, wine and liquor, 14,000 sq. ft. dedicated to major boat repair, 4,358 sq. ft. for boat maintenance, 1,500 sq. ft. retail and 2,500 sq. ft. of office use. A Deviation was also approved for this site to only be required to provide a maximum of 50 parking stalls for all of the aforementioned uses. The applicant is requesting to modify the existing project to provide: 299 dry slips, 35 wet slips, 7,000 sq. ft. of restaurant/bar using the existing 4-COP permit, 3,000 sq. ft. of indoor boat maintenance area, 1,500 sq. ft. of office use and a 3,000 sq. ft. health club.

B. Location:

The subject site is located at the end of Inlet Drive. The address for the subject property is 1687 Inlet Drive, Fort Myers. Access to the property is from Inlet Drive.

C. Adjacent Uses:

The project site has been developed as a marina since the early 1960's and is located in an area of the County that has residential development on the landward sides of the project The property located north and west of the project site is part of the Waterway Estates neighborhood and is developed as single family homes. The areas east of the project site are the access channel, mangroves and the Caloosahatchee River. The areas south of the project site have a mangrove fringe, water ward of property zoned for residential purposes. The island on which the project site is located also includes an existing wastewater treatment plant owned by Lee County Utilities.

D. Proposed Uses:

Caloosa Isle Yacht Club's Master Development Plan proposes 299 dry slips, 35 wet slips, and 7,000 sq. ft. of restaurant/bar, 3,000 sq. ft. of indoor boat maintenance area, 1,500 sq. ft. of office use and a 3,000 sq. ft. health club. There will also be a Tiki Bar next to the proposed health club along with a pool and Tot lot/play area for children located south of the club. Membership to the Yacht Club will consist of equity members, each of whom will have an ownership interest in one or more of the 35 wet slips and 299 dry slips and 200 social members who will have use of the health club, pool/ Tiki bar, and the play area. The proposed restaurant will be open to members and to the general public.

E. Zoning Justification:

As required by LDC 34-145(c)(2) a and e and 34-145(d)(3) of the LDC, the proposed development complies with all applicable Lee Plan, Land Development Code and other codes or regulations. A brief description of how the proposed development satisfies these

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criteria is presented below. A more comprehensive analysis of how the project complies with the Lee Plan is presented in Exhibit 6-G.

1. This project has been designed and located to ensure that it meets or exceeds all level of service standards for public infrastructure.

   a. Water and Sewer:
   Lee County Utilities currently provides water and sewer service to the existing uses. Continued service to the proposed uses is anticipated.

   b. Transportation:
   The transportation study indicated that the project would not have an impact on the level of services to the surrounding street network at the given density and intensities for the subject property.

   c. Education:
   This proposal will not have any impact on educational resources.

   d. Recreation:
   The site is a private recreational marina that will serve members only.

   e. Fire Service:
   The site is located within the North Fort Myers Fire District.

2. In addition to providing adequate public services, the proposed development is consistent with the Lee Plan. Below is a brief description of how the densities and intensities are consistent with the Lee Plan. For a more comprehensive analysis of Lee Plan consistency, refer to Exhibit 6-G.

   Lee Plan Densities and Intensities:
   The subject site is located in the Suburban land use category. The Suburban land use category is predominately residential development with a standard density range from four dwelling units per acre (4du/ac) to ten dwelling units per acre (10du/ac), with a maximum density of up to fifteen dwelling units per acre (15du/ac). Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Through innovative design methods, the Applicant intends to group the proposed development to the eastern portion of the site, hence minimize impacts to the existing residential development located to the north and west of the subject property. The owners of the Marina also own the parcel to the south across the canal, Tract D, and they are working with the State to turn this parcel into a permanent open space parcel in return for approval of 30 additional dry slips on the principal site.

   As detailed above, the subject site is, or will be, provided with complete public services at or above urban levels of service. Given the availability of urban

infrastructure, and the fact that the site is an existing Marina, the land use is consistent with the Suburban land use designation.

3. This proposed development meets or exceeds all of the requirements of the LDC. The specific Land Development Code policies addressed by this application are submitted below:

- Section 10-415 (open space)
- Section 10-416 (buffer requirements)
- Section 10-414 (submittal requirements)
- Section 34-2020 (parking)
- Section 34-935(b) (perimeter setbacks)
- The proposed uses are all consistent with the uses permitted in a Commercial Planned Development.
- All necessary utilities are currently available to the subject site, and have the capacity to serve the proposed development. This satisfies the requirements of Division 4 of Chapter 10 (utilities).
- The proposed development meets or exceeds all setback, height, and lot coverage requirements of Chapter 34.
- The planning efforts we have taken on this property adequately address the issues identified in Sec. 34-411 of the LDC.
- The requested density is specifically designed to meet the requirements of Sec. 34-413 of the LDC.
- Signage is limited by Chapter 30 of the LDC.

Please also note that a list of justifications and deviations from the above-stated LDC Sections, where applicable, has been submitted with this application.

4. In addition to complying with the specific requirements listed above, the proposed development also meets or exceeds several performance categories contained in the LDC. As detailed below, the project Master Plan sufficiently addresses compatibility with adjacent uses, impacts to natural resources, and the minimization of hazards or nuisances.

a. Compatibility with Surrounding Uses:
The subject site is currently developed as a working marina that provides for boat maintenance activities including noxious industrial uses. The proposed changes will reduce the intensity of the uses at the marina and improve the marina's compatibility with the adjacent residential uses while continuing to provide an important social focal point for the neighborhood.

b. Impacts to Natural Resources:
The subject property is not located within any area of archaeological or historical sensitivity. (Please refer to the attached Historical/Archeological Site Exhibit Map labeled as Exhibit 1-B.) Existing vegetation has been

preserved to the south of subject property, which would also provide a transitional buffer from residential uses abutting that property on the south.

c. Damage, Hazard or Nuisance:

The project is planned will be lower-intensity than the current facility, and the resulting marina uses will be more compatible with adjacent residential uses, have no additional environmental impact, and provide for open space, perimeter buffering, and limited traffic. The property will comply with the prevailing Land Development Code Regulations and the Lee Plan and no damage, hazards or nuisances should be expected to adjacent uses.

F. Summary:

As detailed in Section 34-145(d)(3) of the Land Development Code, the attached application demonstrates the following:

1. The applicant is entitled to the rezoning because it is consistent with the Lee Plan, Land Development Code, and other applicable codes or regulations. A list of deviations and justification from the relevant sections, where applicable has been submitted with this application;
2. The request will meet or exceed all performance and locational standards;
3. The request is consistent with the densities, intensities and general uses set forth in the Lee Plan;
4. The request is compatible with the existing or planned uses in the surrounding areas;
5. Adequate infrastructure exists to accommodate this development; and
6. The request will not adversely affect environmentally critical areas and natural resources

Based on compliance with these, and other regulations, the applicant contends that the rezoning of this land will not place an undue burden upon existing transportation or planned infrastructure facilities. Additionally, the urban facilities are available and adequate to serve the proposed land use at the proposed densities and intensities. Similarly, the proposed uses are appropriate at the subject location. Finally, the proposed project is compatible with existing or planned uses in the surrounding area. For these reasons, the requested CPD Amendment should be approved.

EXHIBIT 6L

Vanasse Daylor

ZONING TRAFFIC IMPACT STATEMENT CALOOSA ISLE YACHT CLUB REDEVELOPMENT

September 1, 2005

Lee County, Florida

Prepared for:
Marine Holdings LLC
c/o RL Opportunities
10580 Landau Lane
Bonita Springs, FL 34135

Prepared By:
Vanasse Daylor, LLP
12730 New Brittany Boulevard, Suite 600
Fort Myers, Florida 33907
(239) 437-4601

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Project #80899.16

DCI 2005-00095



PROJECT NO: 80899
ACAD NO: 80899-aer02
DRAWN BY: JN

Vanasse Daylor

Urban Planning · Traffic Engineering
Landscape Architecture · Environmental Science
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PREPARED FOR:
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c/o RL Opportunities
10580 Landau Lane
Bonita Springs, FL 34135
SCALE: 1"=500' DATE: 09-01-05

PAGE TITLE:
Caloosa Isle Yacht Club
Aerial Photograph - December 2004

EXHIBIT 1

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INTRODUCTION

The Caloosa Isle Yacht Club is located on the end of Inlet Drive, off of Orange Grove Boulevard in North Fort Myers, Lee County, Florida (see **Exhibit 1**). This project proposes to redevelop an existing marina and change it from an industrially oriented marina with a major boat repair facility to a recreational marina that will only do minor repair and maintenance.

The site currently has 283 boat berths (239 dry slips and 44 wet slips), a 3,600 sq. ft. restaurant/bar, 20,858 sq. ft. of boat maintenance/repair/office uses, and 1,500 sq. ft. of retail uses. The proposed redevelopment will have 334 berths (299 dry slips and 35 wet slips), a 6,000 sq. ft. restaurant/bar, 4,500 sq. ft. of boat maintenance/office uses, and a 3,000 sq. ft. health club for members. The project is anticipated to be completed in year 2007.

Vanasse & Daylor, LLP was asked to evaluate whether the proposed uses will generate enough trips to warrant additional traffic analysis.

CONCLUSIONS and RECOMMENDATIONS

The site-generated trips from the proposed redevelopment are anticipated to be lower than those estimated for the existing development, and are not projected to significantly or adversely impact the adjacent roadway infrastructure.

No traffic mitigation should be required from this project other than payment of appropriate road impact fees and turn lanes if needed.

STUDY SCOPE

The scope of study was found using the guidelines presented in Lee County Administrative Code AC 13-17 "Lee County Traffic Study Guidelines for Planned Development Rezoning." According to these guidelines, the study must provide at a minimum, trip generation data, a graphic depiction of the project access points and the locations of all nearby neighboring driveways within prescribed distances based on the roadway functional classification, existing and projected background traffic at the time of project buildout, and the entering/exiting site-generated traffic volume splits.

SITE-GENERATED TRAFFIC

Consistent with the current Lee County policy, permitted and proposed trip generation estimates for this project were based on ITE Trip Generation (7th Edition) and contemporary trip generation methodologies. For purposes of this evaluation, only the total site-generated trips for the permitted and proposed uses were compared. No internal capture trips reductions were estimated. The following trip generation equations were used for this analysis:

Boat Repair/Maintenance/Office Uses
General Office Building (LU 710):
- ADT: T = 11.01 (X)
- AM Peak Hour: T = 1.56 (X)
- PM Peak Hour: T = 1.49 (X)

Quality Restaurant (LU 831):
- ADT: T = 89.95 (X)
- AM Peak Hour: T = 0.81 (X)
- PM Peak Hour: T = 7.49 (X)

Health/Fitness Club (LU 492):
- ADT: T = 32.93(X)
- AM Peak Hour: T = 1.21(X)
- PM Peak Hour: T = 4.05(X)

Shopping Center (LU 820):
- ADT: Ln(T) = 0.65 Ln(X) + 5.83
- AM Peak Hour: Ln(T) = 0.60 Ln(X) + 2.29
- PM Peak Hour: Ln(T) = 0.66 Ln(X) + 3.40

Marina (Wet or Dry) (LU 420):
- ADT: T = 2.96 (X)
- AM Peak Hour: T = 0.08 (X)
- PM Peak Hour: T= 0.19 (X)

The trip generation calculations for this development are summarized in **Table 1**. As is clearly shown, the estimated site-generated trips are lower for the proposed uses than those estimated for the existing uses.

Table 1

Site-generated Trip Estimates

Existing Uses

Land Use	Size	Unit	WKDY Daily	AM Peak Total	AM Peak Entering	AM Peak Exiting	PM Peak Total	PM Peak Entering	PM Peak Exiting
Marina (LU 420)	283	Berths	838	23	8	15	54	32	22
General Office (LU 710)	20,858	SF	230	32	28	4	31	5	26
Shopping Center (LU 820)	1,500	SF	443	13	8	5	39	19	20
Quality Restaurant (LU 931)	3,600	SF	324	3	2	1	27	18	9
Totals			**1,835**	**71**	**46**	**25**	**151**	**74**	**77**

Proposed Uses

Land Use	Size	Unit	WKDY Daily	AM Peak Total	AM Peak Entering	AM Peak Exiting	PM Peak Total	PM Peak Entering	PM Peak Exiting
Marina (LU 420)	334	Berths	989	27	9	18	63	38	25
Health/Fitness Club (LU 492)	3,000	SF	99	4	2	2	12	6	6
General Office (LU 710)	4,500	SF	50	7	6	1	7	1	6
Shopping Center (LU 820)	0	SF	0	0	0	0	0	0	0
Quality Restaurant (LU 931)	6,000	SF	540	5	4	1	45	30	15
Totals			**1,678**	**43**	**21**	**22**	**127**	**75**	**52**
Net Difference between Existing and Proposed			**(157)**	**(28)**	**(25)**	**(3)**	**(24)**	**1**	**(25)**

The foregoing narrative and table shows that the revised land use mix will result in a net reduction of weekday daily and peak hour trip ends that are anticipated to be generated by the combined development.

Based on this comparative evaluation, revising the land development mix to the proposed uses will generate fewer total trips than would be generated by the cumulative permitted uses. The existing access on Inlet Drive will continue to be used. It is our professional opinion that no further study is needed.

The entering and exiting directional volumes are also presented in Table 1.

Background Traffic

According to the Lee County Traffic Counts 2004, Orange Grove Boulevard south of Hancock Bridge Parkway has a recorded volume of 9,700 AADT. According to the Lee County Concurrency Management Inventory and Projections Report 2003/2004 – 2004/2005 (dated September 2004), the directional peak hour volume was estimated for 2004 at 507 vph between Hancock Bridge Parkway and Lockmoor Country Club. It is reasonable to presume that the existing Caloosa Isle Yacht Club traffic is part of these volumes.

No counts were available on Inlet Drive. According to a rooftop count taken from the 2004 aerial photograph used for Exhibit 1, there are approximately 310 single-family dwelling units that use Inlet Drive to reach Orange Grove Boulevard. This would result in an estimated 300 vph being generated in the PM Peak Hour, with 200 entering and 100 exiting trips, assuming full occupancy.

APPENDIX

- *Traffic Data*

PERIODIC COUNT STATION DATA

STREET	LOCATION	Station #	Map	Daily Traffic Volume (AADT) 1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	NOTE	PERM-ANENT STATION
OMNI BLVD	N OF COLONIAL BLVD	629	E						1000	1000	1100	1500	2300		18
ORANGE GROVE BLVD	S OF HANCOCK BR. PKWY	351	C	9200	9900	9500	8900	8600	7600	8700	11600	9300	9700		34
	S OF PONDELLA RD	350	C	7500	8900	8400	8100	8600	7700	9400	9800	10500	10700		34
ORANGE RIVER BLVD	S OF PALM BEACH BLVD	353	D	7200	7500	7400	7100	7200	6900	7000	7800	7800	7400		5
	E OF STALEY RD	352	D	4600	4500	4800	4900	5000	4500	4400	5600	5800	5900		5
ORIOLE RD	S OF ALICO RD	462	H			1800	3000	3000	2500	2900	2600	2600	2300		10
ORTIZ AVE	N OF COLONIAL BLVD	354	E	9500	10900	11000	10400	11700	9900	12800	13500	13700	18100		18
	N OF M.L.K. BLVD (SR 82)	355	A	9400	11400	11700	11800	12100	11700	13300	13700	U/C	15100		18
	N OF BALLARD RD		A	11900											
	N OF TICE ST	356	A	7200	7300	7500	8300	8900	8400	8800	9200	8400	9200		18
PALM BEACH BLVD	W OF ORTIZ BLVD		A	18600											
(SR 80)	W OF TICE STREET	452	A		23100	24800	25500	26300	26400	27100	28700	28700	27800		5
	E OF ORTIZ BLVD	359	A	22300	24500	24300	26700	26700	27000	25800	27400	29200	27000		5
	W OF SR 31	5	D	22200	22100	22700	23800	24500	24900	25300	25000	22800	25800		
	E OF SR 31	360	D	24100	22200	24700	24700	26000	25200	27000	27900	27900	29400		5
	E OF BUCKINGHAM RD	362	D	13400	12600	13700	14200	15400	14900	15800	16800	18100	18900		5
	W OF HENDRY CO LINE	358	D	8700	8500	9200	9700	10500	9300	9000	11200	12100		U/C	5
PALOMINO RD	N OF DANIELS	501	E			600	800	600	700	700	2100				31
PAUL J DOHERTY PKWY	S OF DANIELS PKWY	51	E								1600	1700	1400		51
PARK MEADOWS DR	W OF US 41	363	B	4400	4300	4500	4300	4200	4200	4700	3900	3400	3900		9
PENNSYLVANIA AVE.	W OF OLD 41	494	H			3900	2700	4000	3700	3400	4100	4100	4000		42

U/C - Area under construction
NEW - New count this year

ROAD LINK VOLUMES Peak Direction of Flow													
ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		2003 100th HIGHEST HOUR		EST 2004 100th HIGHEST HOUR		FORECAST FUTURE VOL		NOTES*	LINK NO.
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME		
NORTH RIVER RD.	FRANKLIN LOCK RD.	BROADWAY	2LN	E	940	B	77	B	88	B	131		18300
NORTH RIVER RD.	BROADWAY	HENDRY COUNTY LINE	2LN	E	940	B	108	B	111	B	111		18400
OLD 41	COLLIER COUNTY LINE	BONITA BEACH RD. (C.R. 865)	2LN	E	1,020	C	716	D	760	D	960		18500
OLD 41	BONITA BEACH RD. (C.R. 865)	WEST TERRY STREET	2LN	E	1,150	C	876	C	893	C	904	Constrained v/c=0.76	18600
OLD 41	WEST TERRY STREET	ROSEMARY STREET	4LD	E	2,000	C	1,168	C	1,232	C	1,259		18700
OLD 41	ROSEMARY STREET	U.S. 41	2LN	E	1,230	C	690	D	884	D	1,034	4 Lane Funded by City in 04/05	18800
OLGA RD.	S.R. 80 W.	S.R. 80 E.	2LU	E	880	C	220	C	220	C	220		18900
ORANGE GROVE BLVD.	LOCKMOOR COUNTRY CLUB	HANCOCK BRIDGE PKWY.	4LD	E	1,290	C	506	C	507	C	517		19100
ORANGE GROVE BLVD.	HANCOCK BRIDGE PKWY.	PONDELLA RD. (C.R. 78A)	4LD	E	1,290	C	572	C	582	C	585		19200
ORANGE RIVER BLVD.	PALM BEACH BLVD. (S.R. 80)	STALEY ROAD	2LU	E	940	C	427	C	427	C	427		19300
ORANGE RIVER BLVD.	STALEY ROAD	BUCKINGHAM ROAD	2LU	E	940	C	324	C	329	C	329		19400
ORIOLE RD.	SAN CARLOS BLVD.	ALICO RD.	2LU	E	880	C	140	C	150	C	150		19500
ORTIZ AVE.	COLONIAL BLVD. (S.R. 884)	DR. M.L. KING, JR. BLVD. (S.R. 82)	2LN	E	920	C	724	C	724	C	724	4 Lane Funded in 05/06	19600
ORTIZ AVE.	DR. M.L. KING, JR. BLVD. (S.R. 82)	TICE STREET	2LN	E	920	C	724	C	727	C	751	Prelim Eng underway. 4L to Luckett Rd prop. for 08/09	19700
ORTIZ AVE.	TICE STREET	PALM BEACH BLVD. (S.R. 80)	2LN	E	920	C	444	C	444	C	444	Prelim Eng underway	19800
PALM BEACH BLVD. (S.R. 80)	PROSPECT AVE.	ORTIZ AVE. (S.R. 80B)	4LD	E	2,030	C	1,492	C	1,493	C	1,493		19900

Spatial District Query Report

STRAP Number: 16-44-24-03-0030B.0000

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District Name	District Value(s)		Pct of Parcel in District (if fractional)	Notes
Airport Noise Zone			NOT FOUND	
Airspace Notification	Notification Height	75' - 100' AMSL	98.9%	
	Facility	Multiple		
	Notification Height	50' - 75' AMSL	1.1%	1
	Facility	Caloosa Downtown Seaplane Base		
Census Tract	Tract ID	103.05	99.92%	
	Tract ID	207	0.08%	1
Coastal Building Zone			NOT FOUND	
Coastal High Hazard Area	Coastal High Hazard Zone	High hazard		
Fire District	Fire District	North Fort Myers		
	Taxing Authority	063		
Flood Insurance Zone	Flood Zone	AE-EL8		
FIRM Floodway			NOT FOUND	
Flood Insurance Panel	Community	125124		
	Panel	0200		
	Version	C		
	Date	031594		
DNR Flood Zones			NOT FOUND	
Flood Insurance Coastal Barrier			NOT FOUND	
Lighting District	Lighting District	Waterway Estates		
	Taxing Authority	096		
Planning Community	ID	19		
	Plan Community	North Fort Myers		
Planning Land Use 2010	Landuse	Suburban		
Sanibel/County Agreement			NOT FOUND	
School Board District	District	4		
	School Board Member	Steven Teuber		
School Choice Zone	Choice Zones	West Zone	> 99.99%	
	Choice Zones	West Zone 2	> 99.99%	
Solid Waste District	District Area	Area 5		
Storm Surge	Category	1		
Subdivisions	Subdivision No.	16442403		
	Subdivision Name	WATERWAY ESTATES UNIT 2		
	Book Page 1			
	Book Page 2			
	Book Page 3			
Traffic Analysis Zone	TAZ	296	99.92%	
	TAZ	450	0.08%	1
Archaeological Sensitivity			NOT FOUND	
Sea Turtle Lighting Zone			NOT FOUND	
Watersheds	Shed ID	Lochmoor County Club		

DCI 2005-00095

FLUCCS1995	Code Landuse	184 Marinas and fish camps	84.91%	
	Code Landuse	816 Canals and locks	15.09%	
Vegetation Permit Required			NOT FOUND	
Soil	Map Symbol Soil Name	7 MATLACHA-URBAN LAND COMPLEX	85.45%	
	Map Symbol Soil Name	99 WATER	14.55%	
Panther Habitat			NOT FOUND	
Eagle Nesting Site buffer			NOT FOUND	
Commissioner District	District Commissioner	4 Tammy Hall		
Unincorporated Lee County Zoning	Zoning Designation	CPD	85.45%	Zoning Notes
	Zoning Designation	RS-1	10.42%	
	Zoning Designation	IL	4.12%	1
Development Orders	Development Order Status Wet Season Water Table	89-04-013-00D	85.45%	
	Development Order Status Wet Season Water Table	DOS2002-00037	85.45%	
	Development Order Status Wet Season Water Table	89-02-006-00D	4.13%	1
Fort Myers Beach Interim Zoning			NOT FOUND	
Road Impact Fee Districts	District Tidemark ID Name	52 52 NORTH		
Water Franchise	Franchise Name	Lee County Utilities	98.65%	

[Modify] Report Settings

Note	Details
1	Small percentages can result from slight variations in the way lines are drawn or imported into our system. Such values may not accurately reflect an overlap with the subject parcel.

Our goal is to provide the most accurate data available, however no warranties, expressed or implied, are provided with this data, its use, or interpretation.
All information subject to change without notice.

EXHIBIT 6-N

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Deviations Caloosa Isle Yacht Club

Deviations and Justifications

#1. **A Deviation from Article VII, Division 26 Parking to allow an alternative parking plan for the marina.** Requesting to provide 116 code defined stalls, and the remainder of code required parking through valet parking using the entire site. The owner is proposing to use 116 parking stalls provided on site, a 65-foot by 370-foot maneuvering area inside the boat barn, the 65-foot by 380-foot maneuvering area on the east side of the boat barn and other drive aisles as necessary to provide additional required parking

Justification: The owners of this facility fully intend to provide adequate parking on this site, but due to the high number of stalls required because of the two principal uses on the site, the marina and the restaurant, more parking is being required than can be physically provided. The two uses generating the bulk of the parking demand are classic daytime (the Marina which requires 104 parking stalls) and nighttime (the Restaurant/bar which requires 84 parking stalls) uses. These uses generate demands for parking which peak at totally different times. When the marina is operating at it's greatest demand, which is generally between 7 AM to 6 PM the restaurant will have lower demand related to some lunch business at most. Once the marina is closed, the restaurant use will enter its peak hours of parking demand. Consequently, adequate parking can be provided on the site by using existing spaces in ways that compliment the uses. The applicant will assure that the existing spaces will be used appropriately by using valet services to park the cars during peak use hours for the restaurant. In this manner, the applicant can provide reasonable assurances that there will always be adequate parking available on the site even with a deviation from the LDC parking requirements.

The applicant plans to use the marina parking area in the evening for the restaurant use. In addition, the 65' X 370' center aisle in the boat barn and the 65' X 380' boat loading/unloading area (located between the addition onto the main dry storage area and the proposed future dry storage on the east property line) will be used for parking for the restaurant via valet parking, which enables parking for well over 100 additional vehicles. Requiring the Marina and Restaurant to provide the full number 208 parking stalls in an area dedicated solely to parking would be create an undue hardship and require unnecessary additional paving, and treatment for the associated storm water runoff and reduce the amount of landscaping. None of these changes benefit the site or Lee County. Further, a parking utilization study is attached herewith that further supports the waiving of the 92 parking stalls in a dedicated parking area. The proposed deviation allows the property to be used in a way, which meets the spirit if not the letter of the LDC and encourages the appropriate use of the property. The use of valet parking, rather than self serve parking, provides reasonable assurances that the parking provided will be used appropriately without adversely impacting the operations of the marina or the restaurant.

In the event that the applicant finds that the joint parking arrangement does not work as proposed in the off-peak hours, the applicant agrees to incorporate a valet parking system on an as needed basis to assure that parking is adequate for the site. This commitment includes utilizing the center isle of the boat barn and the loading area for the boat storage addition for parking in ways that do not interfere with the marina operations.

#2 **Deviation from LDC Section 34-2194 (b) which states buildings and structures may not be placed closer than 25 feet to a canal or to a bay or other water body or the distance required by the provisions of chapter 6, article IV, pertaining to flood hazard reduction, whichever is greater.** We are requesting deviations from this Section to authorize the location of three buildings within 5 feet of the east seawall and within 5 feet of portions of the north and south seawalls.

Building #1 is the office/exercise facility to be located on the northeast corner of the property. It will be a two story building which requires a 25 foot setback from the east and north seawalls. We are therefore requesting a deviation to allow Building #1 to be located within 5 feet of the east seawall and within 5 feet of the first 40 feet of the north seawall, rather than the 25 feet required by the LDC.

Building #2 is the Restaurant/Bar located on the southeast corner of the property. It will be a two-story building that is required to meet a 25-foot setback from the east and south seawalls. We are therefore requesting a deviation to allow Building #2 to be located within 5 feet of the east seawall and the first 40 feet of the south seawall rather than the 25 feet required by the LDC.

Building #3 is a future dry storage facility 43' X 120' for 60 dry slips to be located within 5 feet from the east seawall between buildings #1 and #2. We are therefore requesting a deviation to allow Building #3 to be located within 5 feet of the east seawall.

Justification: The east seawall is located 25 feet in from the actual property line of this site, this seawall is also located away from all surrounding development, the only thing across from this frontage are mangroves dedicated as the Buttonwood Estates' open space and beyond that is the Caloosahatchee River. The canal in front serves only the homes on the north side of this development. The existing building on the northeast corner was constructed with a previously granted setback deviation. The applicant's purpose for demolishing the existing building at the location of building #1 and constructing a new building on the footprint within the 25' of the north and east seawall in lieu of renovating, is to bring the floor level to the currently accepted flood plane elevation because the existing building is approximately 1.5' below the required 8.0 NGVD. One of the primary reasons for requiring a setback from water is to protect property from flooding as required by FEMA and to protect views for abutting properties. In this instance there are no properties that will have their views impacted nor is there any habitable space in any of the buildings, which is the primary function of FEMA regulations, therefore

the primary purposes for requiring the 25-foot setback is not necessary in this instance.

#3 **Deviation from Section 10-416(b) Building Perimeter Plantings Requires plantings equal to 10 % of the building gross floor area to be planted around the perimeter of the building. Planting areas must be a minimum of 5 feet wide.** A request to deviate from the building perimeter landscaping requirement for the three buildings abutting the east property line to not provide the required 5-foot landscaped foundation planting required by code on their east side façade and for the first 40 feet of the south property line where it abuts the east property line and for the first 40 feet of the south property line where it abuts the east property line.

Justification: In order to minimize impacts on the surrounding uses, utilize the site in the most efficient manner and take advantage of the unique location of the property, we are proposing to construct the new structures on the site to the east property line and to 40-foot portions of the abutting north and south property lines. The applicant proposes to place these structures and their uses the maximum distance away from existing residential uses to alleviate noise issues that have been brought to the County's Code Enforcement department over the years by the residents of Waterway Estates when the primary uses were along the western side of the property. The applicant met with the neighboring community members multiple times and has planned this relocation of uses based on the community's feedback. The existing building in the location of building #1 was built along the edge of the seawall and is adjacent to the canal, which is part of the applicant's property for 25'. While plantings were not feasible to the east of the existing building, the natural environment of the canal and the mangroves/dedicated open space of Buttonwood Estates across the canal utilizes the natural native species and waterway for environmental appreciation in a way that negates the importance of new plantings. In order to provide these benefits, the applicant requests a deviation (Deviation #2) from the required 25-foot setbacks along these boundaries. As part of the request to locate the buildings on the east property line we are also requesting a deviation from the requirement to provide perimeter landscaping on the same east boundary for all three buildings and the first 40 feet along the north property line and the first 40 feet along the south property line. As discussed in the previous deviation request, the properties across the canals to the east and to the south are, or are in process of becoming, dedicated open space. The property to the east across the canal is the Buttonwood Estates' dedicated open space and therefore does not have a conflict with the abutting commercial uses that the applicant is proposing. The property to the south is also owned by the applicant and they are working with the state to dedicate that 15' wide X approx. 1,000' long section of property that is covered in mangroves to open space. Behind that 15' wide mangrove covered, open space is a residentially zoned property, which will be buffered by the 15' of mangroves and the 60' of canal, eliminating the need for an additional 5' of new plantings along the southern perimeter of the seawall.

EXHIBIT 6-N

In order to accommodate a safe means of pedestrian traffic, fire safety and proper building and marina maintenance, it is the applicant's intent to use the remaining 5 feet between these proposed buildings and the dock along the seawall to provide a pedestrian path around the entire site. The natural environment of this marina surrounds the users with native species and Florida waterways that cannot be enhanced by planting 5' wide landscape areas between the proposed buildings. Lee County, the public and members of the yacht club will benefit by having pedestrian access between the buildings to access the views of the marina's natural environment.

EXHIBIT 6-M

CALOOSA ISLE YACHT CLUB

SCHEDULE OF USES

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CPD - Marina Class I and Class II (existing)

35 Wet Slips
299 Dry Slips

ACCESSORY USES:

Administrative Office
Health Club
Bait and Tackle Shop
Boat Parts Store including installation in proposed maintenance area
Boat painting, sanding, varnishing and staining
Docking or mooring facilities
Dry Boat Storage
Wet slips – existing prior to 1973
Self service Laundromat – members/staff only
Sales of fuel and lubricants – fuel pumps on south side of property
Sales, service, repair and rental of boats, motors and accessories, and showrooms
Mechanical (outboard, inboard, inboard/outboard)
Refitting, rigging and canvas work
Polishing and waxing
Installation and service of marine electronics
Replacement of any new and or used parts relating to boats
New and used sales of boats, trailers and motors
Travel lift and forklift uses
Blocking of boats
Water pressure spraying of boats
All other boat and motor related services required to maintain power and sailboats up to a length of 60 feet unless specifically excluded.
Towing service for distressed boats or mechanically disabled boats
Sanitary facilities, (restrooms and showers) Building #1
Service, repair and replacement of generators
Pump out facilities for onboard sanitation, wastewater holding pretreatment or treatment at south side of property
Private Club
Essential Services
Essential Services, Group I
Food and Beverage Service, Limited

DCI 2005-00095

Recreation Facilities (private)
Restaurant, Groups I, II and III (Building #2)
Consumption on Premises – Including on the deck or patio at the restaurant, which is open to the public and the Tiki bar next to the pool, which is for members only
Parking

Those uses to be removed if other deviations approved:

Carpentry – repairs and replacement*
Sandblasting (wet and dry)
Grinding (hand held power tools)
Aluminum and stainless steel fabrication work (welding of towers, tops and related hardware)*
Fiberglass work including repairing, blistering and repairing damages
Major hull repairs and collision damages
Marine Salvage
(* denotes uses that would be LAST on the list to have removed because of the potential few instances that this service may be necessary)

EXHIBIT 6-0

RECEIVED
SEP 1 3 2005
PERMIT COUNTER

SURFACE WATER MANAGEMENT PLAN

CALOOSA ISLE YACHT CLUB

Existing Conditions:

The existing site consists of one existing marina located on the west side of the Caloosahatchee River at 1678 Inlet Drive in North Fort Myers. An existing sewage treatment plant that is owned and operated by Lee County Utilities is located adjacent to the property.

Proposed Water Management Plan:

The proposed project is a reconstruction and expansion of the marina to provide expanded dry boat storage, new parking and other new marina facilities. The surface water management system will comply with the South Florida Water Management District requirements, and will consist of a series of inlets and drainage pipes connected to swales and dry detention areas on the site. A South Florida Water Management District permit modification will be obtained as part of the design and permitting phase of the project.

DCI 2005-00095

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS

OF LEE COUNTY, FLORIDA

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

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

(1) Minimum required number of off-street parking spaces for this development of 122 spaces (202.13.J), to 50 spaces;

(2) Minimum setback from a structure to a water body of 25 feet (202.15.B.4.b.), to 0 (zero) feet for the existing store #2 as shown on the Master Concept Plan;

(3) Minimum setback between structures in a Commercial Planned Development which is adjacent to land which is developed in a manner and for uses not compatible with the uses proposed in the CPD of 25 feet (461.C.2.a.2.), to 10 feet for the proposed dry-storage structure, to 0 (zero) feet for the existing store #2 as shown on the Master Concept Plan, and to 3 feet for the existing store #1 as shown on the Master Concept Plan; and

(4) Minimum buffer type between a proposed commercial development and existing industrial development of a type "B" buffer (15 foot wide) [DSO Section C.5.d.(4)], to a 10 foot wide buffer with a type "B" vegetation.

(5) Request to be allowed to provide a maximum of 30% of the parking spaces to be designed for small cars in a low turn-over parking space (9 feet by 18 feet) (Sections 202.13.k.1. and 202.13.F.1.c.); and

RECEIVED
SEP 16 2005
PERMIT COUNTER

DCI 2005-00095

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

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

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

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

SUBJECT TO easements, restrictions and reservations of record.

Containing 5.80 acres more or less.

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

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

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

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

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

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

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

WHEREAS, in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Planning and Zoning Commission, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE with conditions a rezoning from C-1A to Commercial Planned Development, to permit the expansion of an existing marina with buildings not to exceed 45 feet above average grade, on 5.8± total acres of land. The proposed development will also include dry storage, retail stores, fuel sales, boat repair services, and pump out facilities.

Approval is subject to the following conditions:

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

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

1) The total allowable number of boat slips within this marina shall be 44 wet slips and 239 dry slips. These totals assume that a favorable vesting letter is received from the Department of Community Affairs for the 44 wet slips. If a favorable determination is not received, the number shall be adjusted downward accordingly. Approval for additional wet or dry slips shall require an amendment to this approval and a Binding Letter of Development of Regional Impact status.

2) Those uses that cannot be relocated, such as structures, to the easterly side of the property can remain. Those items that can be moved, such as the dry sand blasting area, shall be enclosed in an at least 45-foot by 25-foot, two walled room with drop curtains and a waterfall booth to prevent the sand from bothering the neighbors contiguous to the site. An opaque 8-foot screen (fencing and vegetation) shall be provided along that side of the development contiguous to the existing residential area.

3) The schedule of uses as noted on the MCP are hereby amended, deleting marine salvage as a permitted use.

4) On-site trash receptacles shall be placed upon the property to assist patrons of the site in the proper disposal of the trash.

2. If part of the permitting process, the applicants shall submit a spill containment plan and flushing study to the Lee County Departments of Community Development and Public Safety, to the Department of Environmental Regulation, and to the Department of Natural Resources. No final development order shall be approved until a letter from each of these agencies is received showing that they have reviewed and approved this plan.

3. Prior to the issuance of a final development order, provisions shall be made to provide on-site storm water retention in accordance with South Florida Water Management District requirements.

4. The hours of operation for all maintenance and repair operations allowed in this CPD zoning shall be from 8:00 a.m. to 5:00 p.m. Monday through Saturday.

5.a. Prior to final plan approval, the marina management shall prepare and submit a written emergency plan to the Department of Public Safety which shall be followed in the event of a hurricane emergency. This plan shall be updated on an annual basis. All owners of boats within this facility shall be advised of the requirements of this plan and any annual changes. A letter from the Department shall be submitted as part of the final plan approval request indicating acceptance of the procedures, to constitute compliance with this condition.

b. At the completion of development construction or each phase thereof, a development representative shall contact Lee County Emergency Medical Service to discuss: 1) the designation of emergency helicopter landing zones; and 2) the accessibility of the EMS unit.

6. The applicants, prior to the issuance of a final development order, shall coordinate with the Lee County department granted the authority to oversee the posting of "Idle Speed" and "Caution, Manatee Awareness" signs extending from the marina site, out to the Caloosahatchee River main channel. The marina shall be required to maintain these signs in good condition.

7. The applicant shall reserve one dry boat storage slip for County or State agencies to be rented out at the going rate when the dry storage opens, in perpetuity.

8. All lighting provided for this project shall be limited to low-intensity, low-level types and shielded away from the adjacent residential areas. The roofs and upper levels of the existing or proposed buildings shall not be illuminated.

9. A 20-foot-wide area on at least three sides of the dry storage building shall be kept open (no parking, storage, etc.) to allow for emergency vehicle access to this building. This building shall conform with the required fire codes.

10. The proposed "private club" shall be limited to the owners of the marina, owners of boats stored in the marina, and their guests.

11. A ratio of one sailboat to three powerboats shall be established and maintained for the wet slips in this marina.

12. A gazebo shall be provided as a public amenity, as part of the open space requirement for this development. This gazebo shall be located at the southeastern point of the island overlooking the entrance to the river.

13. Deviation #1 is hereby APPROVED with the condition that if Code Enforcement should find at any time that parking demand exceeds the provided on-site parking within this development, resulting in vehicles parking along the nearby residential streets, additional on-site parking shall be provided or this planned development shall be rescheduled by County staff before the Board of County Commissioners to evaluate the need for additional parking or reduction of development intensity to reduce the adverse impacts on the nearby residential areas. Deviation (2) is hereby APPROVED only for the existing structure shown as Store #2 on the Master Concept Plan. Deviation (3) is hereby APPROVED. Deviation (4) is hereby DENIED. Deviation (5) is hereby APPROVED solely for assigned parking spaces only and shall be clearly marked as such in accordance with the Zoning Ordinance.

14. The owner(s) will participate, on an equitable basis in any MSBU that is created toward providing sidewalks and street repaving, to or along Inlet Drive.

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

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

a. The proposed uses, as conditioned, are appropriate at the subject location;

b. Sufficient safeguards to the public interest are provided by the recommended conditions to the Master Concept Plan and by applicable regulations;

c. All recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the development; and

d. Each deviation recommended for approval will enhance the achievement of the objective of the development and the general intent of the zoning regulations to preserve and promote the protection of the public health, safety, and welfare.

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

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

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

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

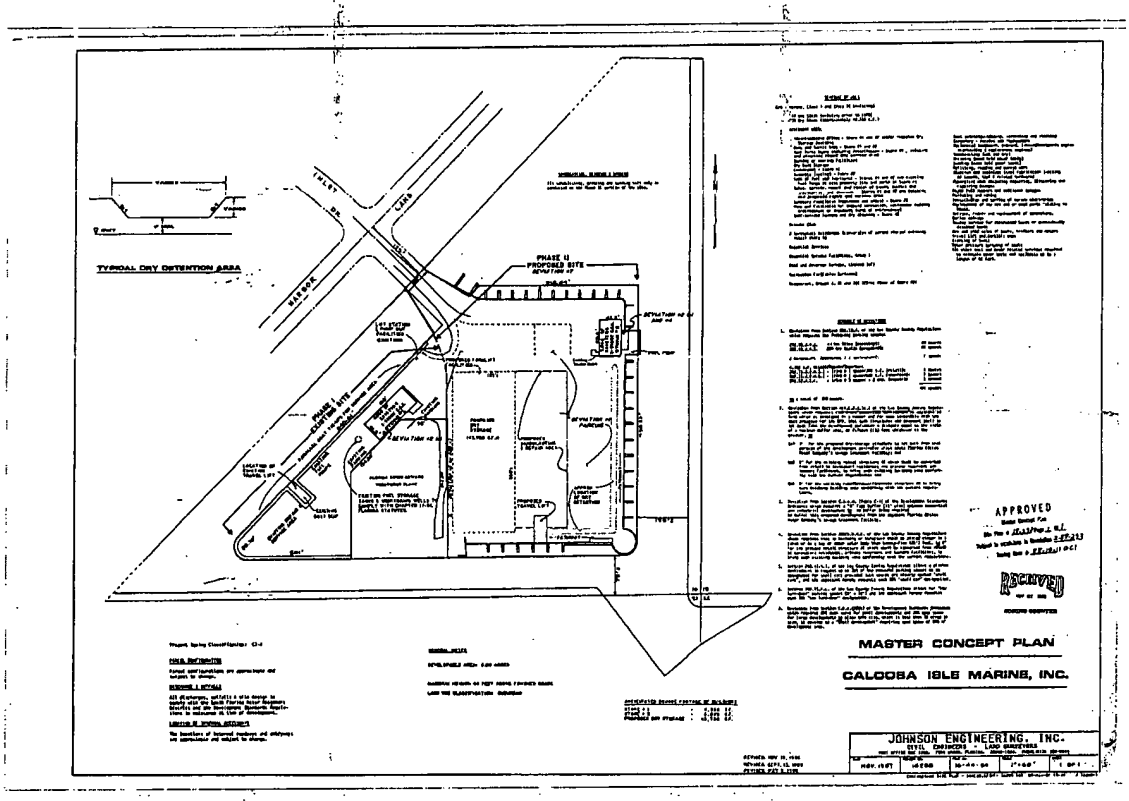
BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

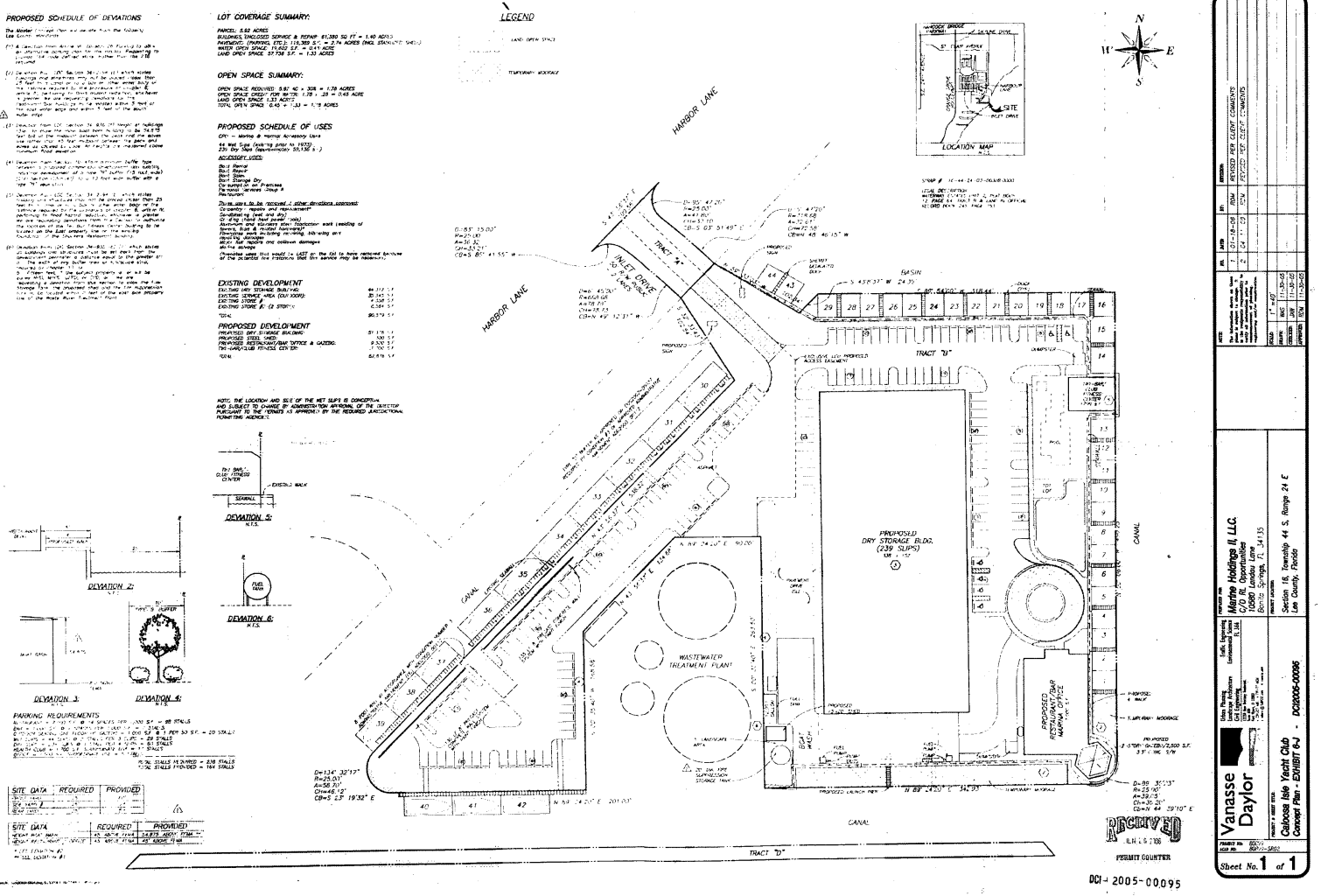
Approved as to form by:

_____
County Attorney's Office

FILED
APR 11 90
CLERK CIRCUIT COURT
BY _____ D.C.


TYPICAL DRY DETENTION AREA
PHASE II
PROPOSED SITE
PHASE I
EXISTING SITE
APPROVED
RECEIVED
MASTER CONCEPT PLAN
CALOOSA ISLE MARINE, INC.
JOHNSON ENGINEERING, INC.
CIVIL ENGINEERS · LAND SURVEYORS

ATTACHMENT B



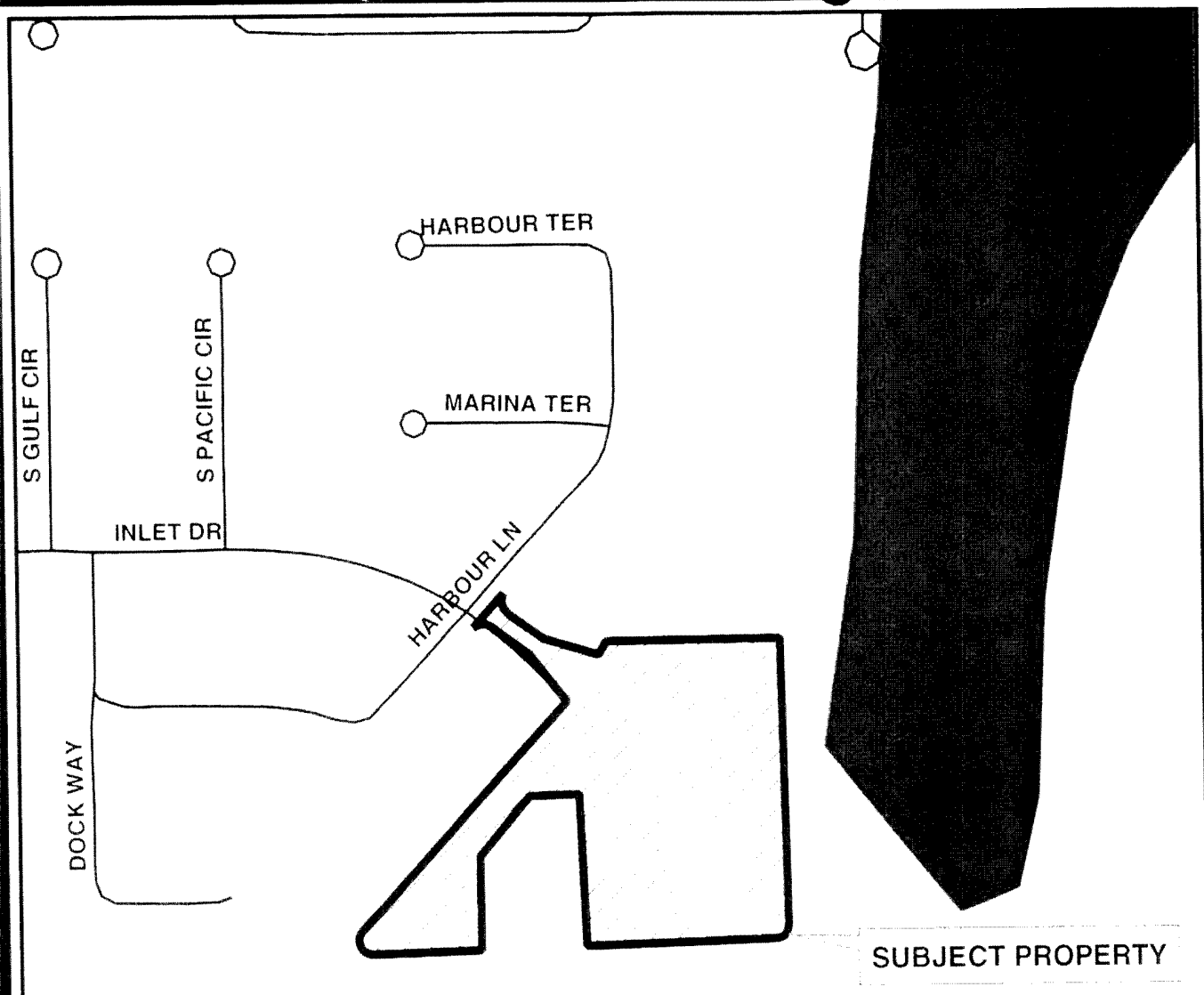
Vanasse Daylor

Marina Holdings II, LLC.
C/O Ft. Opportunities
10060 Landau Lane
Bonita Springs, FL 34135

Section 18, Township 44 S, Range 24 E
Lee County, Florida

Caloosa Isle Yacht Club
Concept Plan - Exhibit 6-J - DCI2005-00095

Sheet No. 1 of 1



Legend

HistoricDistricts

Archaeological Sensitive Areas

Sensitivity

1

2

Surveyed

CALOOSAHATCHEE RIVER

DCI 2005-00095

Caloosa Isle Yacht Club

Exhibit 1-B

Historic and Archaeological Sites

N W E S

300 0 300 Feet

Date: 07-14-05

Marine Holdings, LLC
c/o RL Opportunities

10580 Landau Lane
Bonita Springs, FL 34135

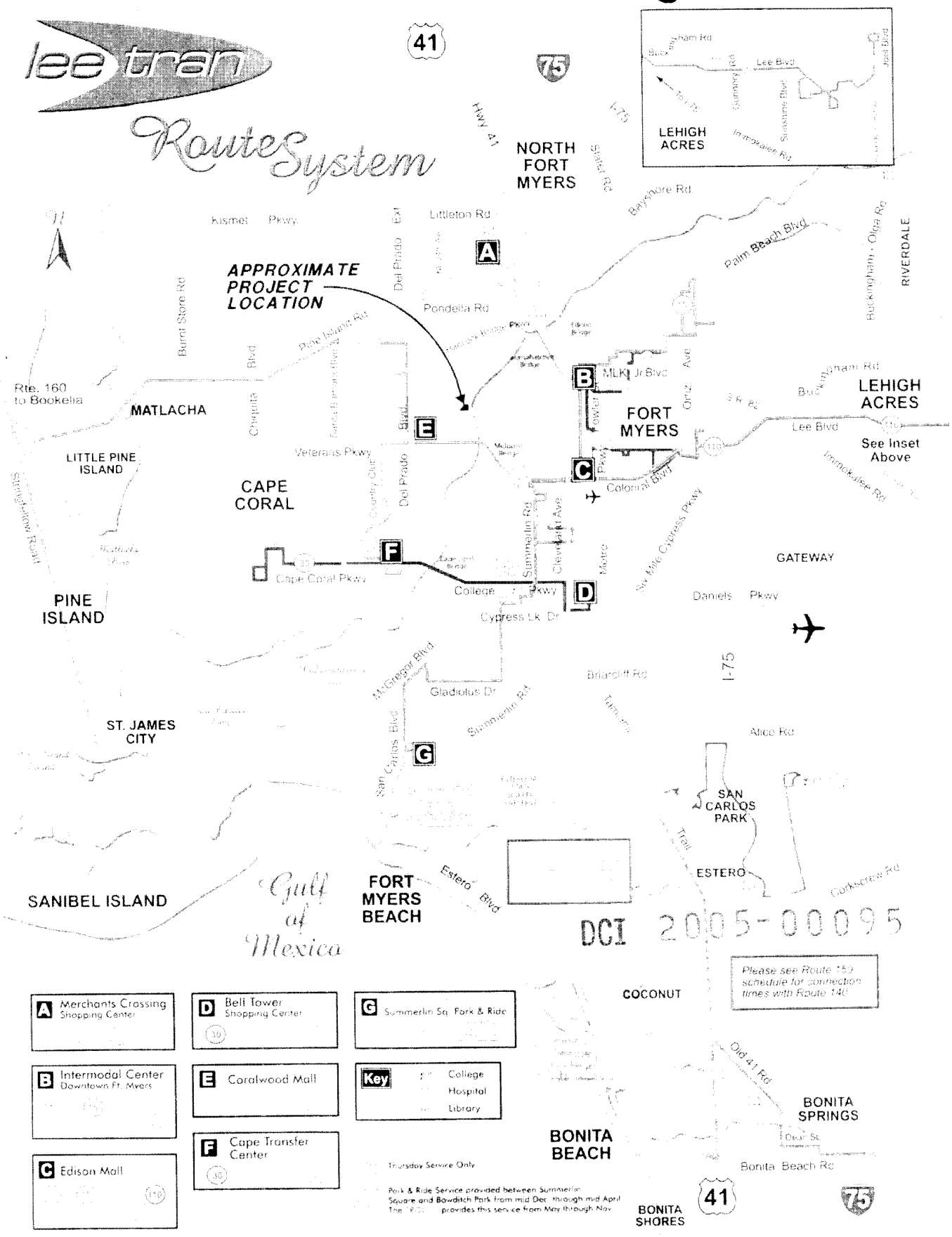
Vanasse Daylor

Urban Planning
Landscape Architecture
Civil Engineering
Traffic Engineering
Environmental Science
FL 366

Sources: Lee County Property Appraiser
It is the end user's responsibility to verify the data contained hereon.

Project Number: 80899

FILE: \\vandav_server\gis\Projects\800\809\80899\Planning\80899-Hist_Arch-a.mxd



Vanasse Daylor

Urban Planning
Landscape Architecture
Civil Engineering
Traffic Engineering
Environmental Science
FL 366

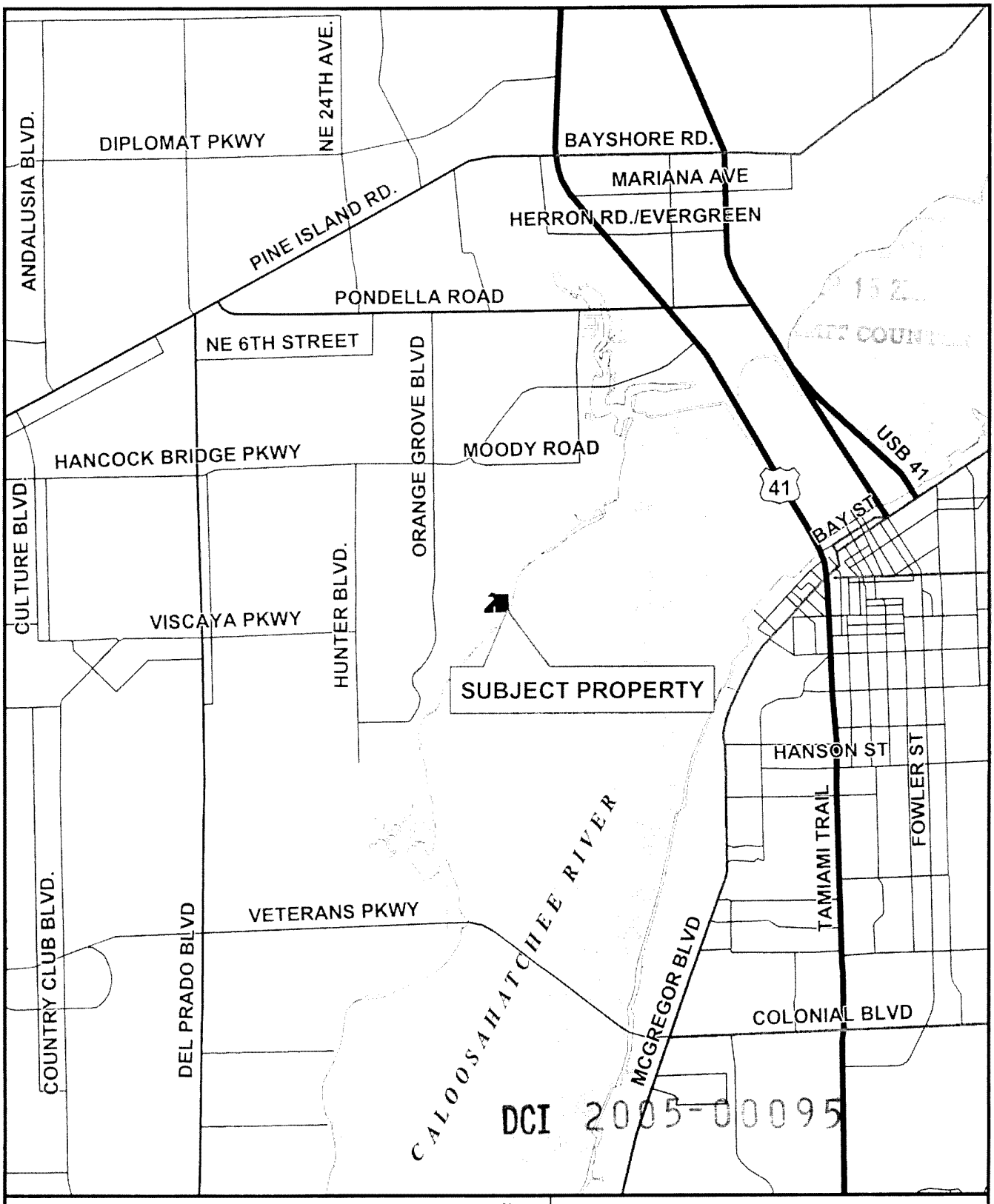
12730 New Brittany Boulevard, Suite 600
Fort Myers, FL 33907
t 239.437.4601 f 239.437.4636
w vanday.com

PREPARED FOR:
Marine Holdings, LLC.

PROJECT TITLE:
Caloosa Isle Yacht Club
Lee Transit Map

EXHIBIT 1-C

G:\projects\808\80899\Planning\80899-TRAN.dwg 07/14/2005 11:04:55 AM



Caloosa Isle Yacht Club

Exhibit 6-B

Location Map

5,000 0 5,000 Feet

Date: 07-14-05

Marine Holdings, LLC
c/o RL Opportunities

10580 Landau Lane
Bonita Springs, FL 34135

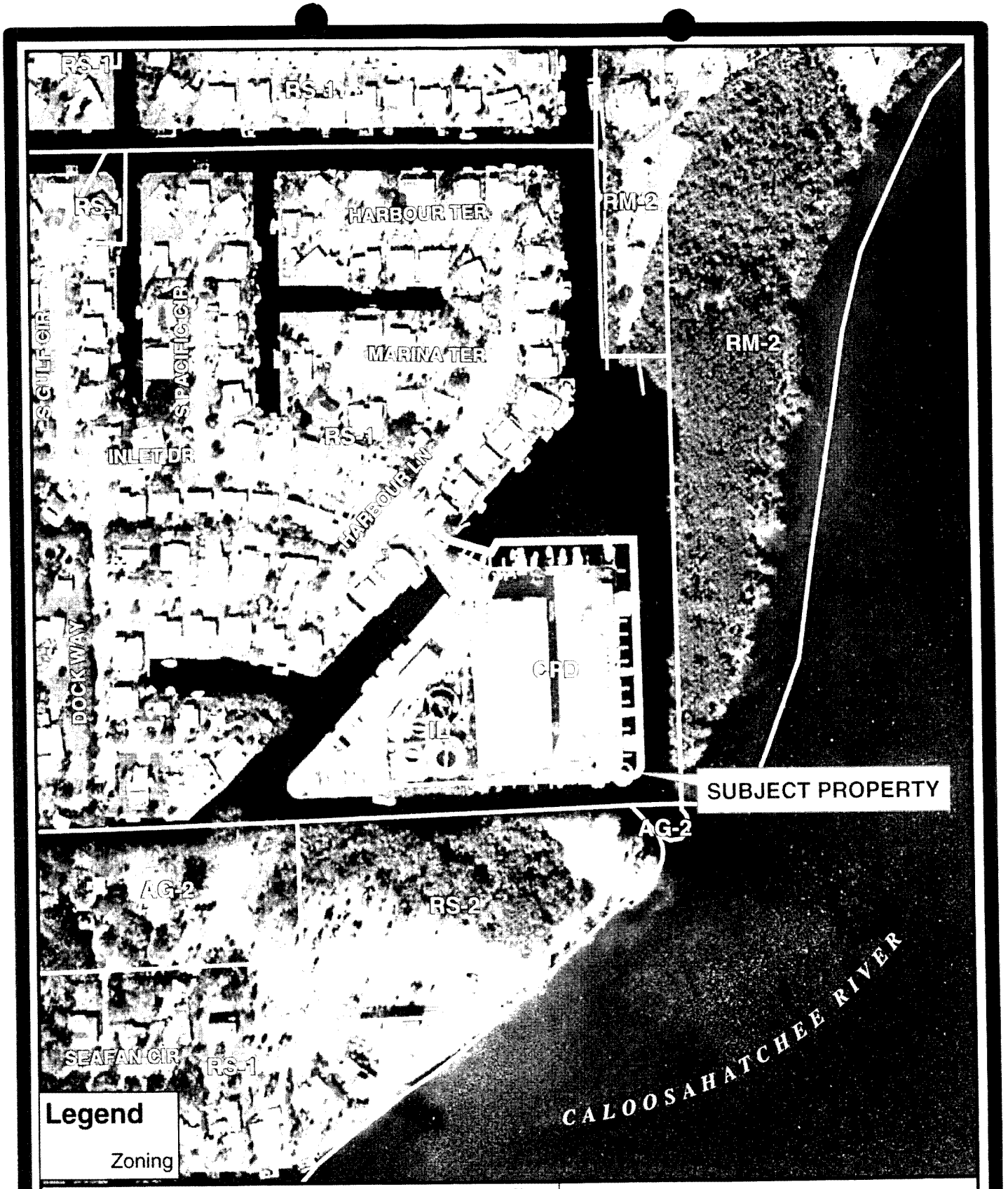
Vanasse Daylor

Urban Planning
Landscape Architecture
Civil Engineering
Traffic Engineering
Environmental Science
FL 366

Sources: Lee County Property Appraiser
It is the end user's responsibility to verify the data contained hereon.

Project Number 80899

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Caloosa Isle Yacht Club

Exhibit 6-C DCI 2005-00095

Zoning and Exist. Land Use Map

N

W E

S

300 0 300

Feet

Date: 07-14-05

Manne Holdings, LLC
c/o RL Opportunities

10580 Landau Lane
Bonita Springs, FL 34135

Vanasse Daylor

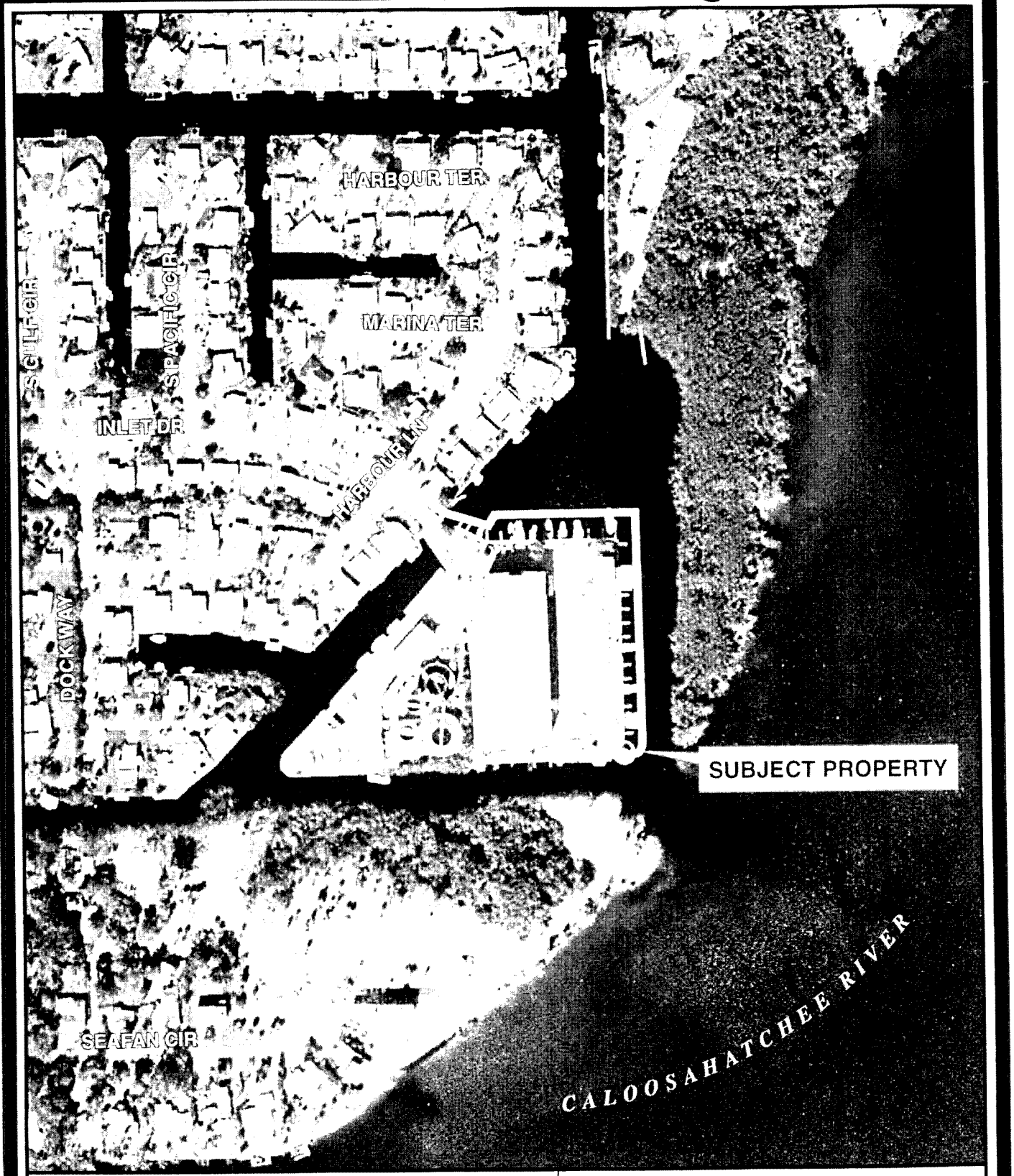
Urban Planning
Landscape Architecture
Civil Engineering
Traffic Engineering
Environmental Science
FL 366

Sources: Lee County Property Appraiser & Aerials Express, Inc
It is the end user's responsibility to verify the data contained hereon.

Aerial Photograph Date: Dec., 2004

Project Number: 80899

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Caloosa Isle Yacht Club

Exhibit 6-D DCI 2005-00095

Aerial Photograph Date: Dec. 2004

N
W E
S

300 0 300

Feet

Date: 07-14-05

Manne Holdings, LLC
c/o RL Opportunities

10580 Landau Lane
Bonita Springs, FL 34135

Vanasse Daylor

Urban Planning
Landscape Architecture
Civil Engineering
Traffic Engineering
Environmental Science
FL 366

Sources: Lee County Property Appraiser & Aerials Express, Inc.
It is the end user's responsibility to verify the data contained hereon.

Project Number 80899

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Vanasse Daylor

Urban Planning
Landscape Architecture
Civil Engineering
Traffic Engineering
Environmental Science
FL 366

VD Project 80899.09
September 15, 2005

RECEIVED
SEP 15 2005
PERMIT COUNTER

Pam Houck
Director – Zoning
Lee County Community Development
P.O. Box 398
Fort Myers, FL 33902-0398

Subject: Application for Public Hearing – Caloosa Isle Yacht Club CPD

Dear Ms. Houck:

Please find enclosed an Application for Public Hearing, which includes the following documents pursuant to your submittal requirements.

1. Application for Public Hearing
2. Filing Fee Check in the amount of $5,000.00
   - Exhibit: PH-1.B.2 Notarized Affidavit of Authorization Form
   - Exhibit: PH-1.C.2 Additional agents
   - Exhibit: PH-2.B.1 Disclosure Form
   - Exhibit: PH-3.C.1 Legal Description
   - Exhibit: PH-3.C.2 Electronic version of legal description (1 diskette)
   - Exhibit: PH-3.D.3 Boundary survey
   - Exhibit: PH-3.F Area Location Map
   - Exhibit: PH-3.G.1 List of Surrounding Property Owners
   - Exhibit: PH-3.G.2 Map of Surrounding Property Owners
   - Exhibit: PH-3.G.3 Mailing labels (2 sets)
   - Resolution Z-88-293
3. Supplement D
   - Exhibit: 1-B Historical/Archaeological sites
   - Exhibit: 1-C Public Transit
   - Exhibit: 6-A Boundary Survey
   - Exhibit: 6-B Area Location Map
   - Exhibit: 6-C Existing Zoning & Current land uses
   - Exhibit: 6-D Aerial photograph
   - Exhibit: 6-E Soils Map
   - Exhibit: 6-F FLUCCS Map
   - Exhibit: 6-G Lee Plan Compliance
   - Exhibit: 6-H & 6-I Design Standards & Decision Making Compliance

DCI 2005-00095

12730 New Brittany Boulevard, Suite 600, Fort Myers, Florida 33907 T 239.437.4601 F 239.437.4636 W vanday.com

Exhibit: 6-J Master Concept Plan
Exhibit: 6-L Traffic Impact Statement
Exhibit: 6-M Schedule of Uses
Exhibit: 6-N Schedule of deviations and a written justification
Exhibit: 6-O Surface water management plan

We hope you will find our submission adequate to initiate the sufficiency determination process.

Very truly yours,
Vanasse & Daylor, LLP

Robin Meyer, AICP
Director Planning & Design

cc: Rachel Bielert, RL Opportunities
Kate English, Pavese Law Firm
David Humphrey, Humphrey-Rosal Architects

W. Dexter Bender & Associates, Inc.

Environmental & Marine Consultants

dexbender@dexbender.com

2052 Virginia Avenue
Fort Myers, Florida 33901
(239) 334-3680 Phone
(239) 334-8714 Fax

20101 Peachland Blvd., #207
Port Charlotte, Florida 33954
(941) 255-1462 Phone
(941) 625-4532 Fax

RECEIVED
NOV 14 2005
COMMUNITY DEVELOPMENT

November 9, 2005

Mr. Josh Philpott
Senior Planner
Lee County
Department of Community Development
P.O. Box 398
Fort Myers, FL 33902-0398

RE: Sufficiency Response - Caloosa Isle Yacht Club - DCI2005-00095

Dear Mr. ~~Philpott~~ Josh and Lee County Staff:

This letter is to clarify the issues with the following comment from the sufficiency review as referenced above.

10) Dock & Shoreline Structures. Location and dimensions of proposed structure(s) must be shown on the Master Concept Plan. How will protected species, the natural waterway buffer, and adjacent waterways be affected? [10-474; 10-41-416(d)(9); Chapter 26]

Lee County Natural Resources staff have reviewed the proposed addition of slips to the existing marina and have found the proposal inconsistent with the Manatee Protection Plan. The proposal must be revised to reduce the requested number of slips by 51, or provide information to Lee County Natural Resources staff regarding transferring of slips from other properties. Natural Resources staff does acknowledge this is a good site to receive transferred slips.

As you know, the Manatee Protection Plan allocates a dock to shoreline ratio of three (3) docks per 100 feet of shoreline. The applicant, in an effort to comply with the Plan, is reducing the number of requested additional docks to thirty (30) by allocating their property, Tract "D", as shown on the plan and in the survey, to permanent open space. The property is approximately 968 lineal feet, which allocates thirty (30) docks and maintains compliance.

Dedicating this piece of property enables permanent protection of the natural waterway buffer and the mangroves, a protected species, that grow there.

The increase in dry storage spaces will minimally impact the adjacent waterways since the boats will not be stored in the water. As Lee County Natural Resources staff commented, this is a good site to receive transferred slips and I recommend the increase in slips for a total of 269 dry docks, as well as maintenance of the existing 44 vested slips.

Sincerely,

V. Allen Hoffacker
President

cc: Ms. Rachell Bielert

W:\MARH-2\Lee County Philpott Ltr.wpd

Vanasse Daylor

Urban Planning
Landscape Architecture
Civil Engineering
Traffic Engineering
Environmental Science
FL 366

Project #80899.12
January 25, 2006

RECEIVED
JAN 25 2006
10:38am
PERMIT COUNTER

Josh Philpott
Senior Planner
Lee County Department of Community Development
P.O. Box 398
Fort Myers, Florida 33902-0398

RE: 2nd Sufficiency Response – CALOOSA ISLE YACHT CLUB
DCI #2005-00095 PDA Application (PD Amendment)

Dear Mr. Philpott:

DCI 2005-00095

In response to your letter dated December 30, 2005 concerning Caloosa Isle Yacht Club, I am pleased to submit the following information. For your convenience, I have copied and accented the staff's comments and then provided the applicant's response in the regular font. You will find one minor change to this site plan. The existing steel shed located to the southwest of the new proposed boat barn, that houses the fire pump, has been reduced in size from 20 feet by 40 feet, to 15 feet by 20 feet on the site plan and replaced with a 20 foot diameter water storage tank. The fire pump housed in the steel building needs to be replaced and the owners have opted for a storage system using the proposed tank rather than pumping water from the canal. The proposed tank will be 20 feet in diameter and approximately 20 feet tall in order to provide the 50,000-gallon capacity deemed necessary to provide adequate fire protection. Because the footprint of the proposed tank and the proposed building are smaller than the building they will replace, the owners will be able to add more open space and landscaping to the site.

Enclosed please find the following items for your review:

1. Thirteen (13) copies Memo from Katherine English, Pavese Law Firm
2. Thirteen (13) copies revised Concept Plan
3. Thirteen (13) copies revised Boundary Survey

Environmental Sciences Planned Development Sufficiency Checklist

10) Dock & Shoreline Structures. Location and dimensions of proposed structure(s) must be shown on the Master Concept Plan. How will protected species, the natural waterway buffer, and adjacent waterways be affected? [10-474; 10-416(d)(9); Chapter 26]

Based on the information provided by the applicant in the referenced case, it appears that the proposal for 269 dry slips plus 44 wet slips is still inconsistent with the Manatee Protection Plan (MPP). Slips credits can be transferred in accordance with the MPP, however, the proposal to credit 30 slips based on the conservation area "Tract D" is not acceptable.

Docks are accessory structures to an approved upland use. It does not appear, based on the boundary and topographic survey submitted by the applicant that "Tract D" has any usable uplands or could support a use that would allow for construction of accessory docks. In fact, it appears as though nearly all of "Tract D" is in fact open water.

The information as provided is sufficient for review. However, based on this information, the proposed project is still inconsistent with the MPP and we would recommend that the applicant be limited to a combined total maximum (wet and dry) of 283 slips.

Please review the attached Memo from Katherine English, the applicants attorney with Pavese Law Firm. The memo addresses the County's issues regarding the 30 boat slips as discussed and mutually agreed to with Mr. Joyce of the Lee County Staff.

12e2) Height. The maximum height, in feet and number of habitable stories, of any proposed buildings or structures. If parking under the buildings is proposed, the number of stories proposed for parking must be indicated and included in the total maximum height of the buildings. [34-373(a)(6)d.ii.]

The maximum height reference needs to be measured to the median roof height. Please revise the height measurement accordingly.

The drawing has been modified to reflect the ¼ and 12 roof pitch of the proposed boat barn structure, this will result in the building height midpoint between the peak and eave of 54.875 feet. Deviation 3 has been modified to allow the building to be 54.875 feet tall at the midpoint between the peak and eave, rather than the 54 feet at the eave previously requested. All changes are reflected on the modified Master Concept Plan.

21) Miscellaneous Items.

You are requesting to transfer 30 boat slips from the Tract D parcel located south of the subject property however; at this point staff has reservations from accepting dock transfers from this parcel. Staff does not believe that the subject property could be developed with 30 dock slips due to the lack of upland to support the docks. According to the Land Development Code, docks are considered accessory structures and must be accompanied by a principal use. With the existing submerged land a principal use cannot be established. Staff acknowledges the fact that this land limits the property owner to the south from constructing docks along the canal, but it does not restrict the owner from constructing docks along the shore of the Caloosahatchee River. Staff also understands that the applicant could transfer this property to the property owner south of Tract D, which would allow him to place docks in the canal. However, given the existing conditions of the property to the south being developed with 5 single-family residential units that would limit the property owner to 10 slips, not the thirty you have requested to be transferred. The Manatee Protection Plan permits docks based on the amount of developable shoreline available for construction of docks. You have requested the transfer of 30 docks based on 300 feet of shoreline available. However, it appears that most of the area discussed to permit the transfer is submerged and does not have adequate shoreline, as required by the MPP for transfer. Please provide an accurate measurement of existing shoreline for transfer of slips.

Before accepting this parcel as a transfer site, staff would like information provided that shows that the Tract D would support 30 boat slips.

DCI 2005-00095
RECEIVED
JAN 25 2006
PERMIT COUNTER

Please review the attached Memo from Katherine English, the applicants attorney with Pavese Law Firm. The memo addresses the County's issues regarding the 30 boat slips as discussed and mutually agreed to with Mr. Joyce of the Lee County Staff.

Legal Requirements Sufficiency Checklist

6c) Boundary Survey. A boundary survey meeting the minimum technical standards for land surveying in the state, as set out in chapter 61G 17-6, FAC, is required for property encompassing 10 or more acres and for all Planned Development applications. [34-202(a)(2)]

Please update the boundary survey document to include the metes & bounds legal description for the main tract and the canal on the south. Currently, the inserted legal on the survey document is outdated and not matching the property as described on the recently submitted legal/sketch sets.

The legal description has been added as requested and new site plans are included with this response package.

7) Miscellaneous Items.

Note: "Sufficiency or non-applicability of Legal Requirements subject to change upon review of subsequent resubmittals.

Based on the information contained in this sufficiency response, we trust that you will find this application sufficient to proceed with staff review. If you have any questions, please do not hesitate to contact me.

Sincerely,
Vanasse & Daylor, LLP

Robin D. Meyer, AICP
Director of Planning & Design

C: Rachel Bielert, Marine Holdings
Kate English, Pavese Law Firm
David Humphrey, Humphrey-Rosal Architects

RECEIVED
JAN 25 2006
PERMIT COUNTER

DCI 2005-00095

Mr. Robin D. Meyer, AICP

21560 Widgeon Terrace
Fort Myers Beach, Florida 33931
(239) 213-2958(W) (239) 248-4612 (H)
E-mail Address: Dreamisland@MSN.com

Professional Experience

Vanasse Daylor

Fort Myers, Florida

Director of Planning and Design, May 2005 to Present.

Responsible for all planning and design activities for VanasseDaylor, a Urban Planning, Landscape Architecture, Civil Engineering and Traffic Engineering firm of 35 employees.

Collier County, Department of Zoning and Land Development Review, Community Development and Environmental Services Division.

Collier County, Florida

Principal Planner, Department of Zoning and Land Development Review. April 2003 to May 2005.

Responsible for processing all types of land use permits for Collier County, also the review of major site plans for zoning compliance. Other duties include the development of amendments to the County's zoning regulations.

City of Tacoma, Economic Development Department, Growth Management Division, Planning and Neighborhoods

Tacoma, Washington

Supervisor, Neighborhood and Transportation Planning; September 1998 to March 2003;

1) *Supervise all Comprehensive Plan updates and modifications, including a multiyear major rewrite/re formatting of the City's Comprehensive Plan and all of it's elements.*

2) *Supervise the rewrite of the City's Zoning Code, this was a 20 month effort to redraft the entire Land Use Regulatory Code (Zoning) along with the Shoreline Regulations and Critical Areas Ordinance.*

APPLICANT'S EXHIBIT # 2
9/26/06

3) *Supervise all Neighborhood Planning, including citizen generated Comprehensive Plan changes and the development of Action Strategies, that identified citizen driven changes and improvements to the eight identified neighborhoods.*

4) *Supervision of Transportation Planning and Programming for the City.*

5) *Supervise general staff work load and operation.*

6) *Development of Division Budget.*

City of Tacoma, Planning and Development Services Department, Planning and Neighborhoods Division

Tacoma, Washington

Project Coordinator, Sound Transit Planning; April 1996 to September 1998;

Project Lead in the integration of the City of Tacoma's Plans and Programs with all of the Puget Sound Regional Transit Authority projects that were developed within the City of Tacoma. This effort involved the expenditure of over 200 million dollars over 5 years, to develop a regional transit hub, siting and construction of a light rail facility including 6 stations and the development of a commuter rail line and stations.

City of Tacoma, Planning and Development Services, Urban Strategies and Technology Div.

Tacoma, Washington

Urban Planner II: January 1994 to April 1996.

City lead for the development of all Zoning Code Changes for the City of Tacoma.

City of Tacoma, Planning and Development Services Department, Growth Management Division.

Tacoma, Washington

Urban Planner Transportation; June 1991 to January 1994.

1) *Project lead for the development of the regulations and the rezones that implemented the City of Tacoma's Comprehensive plan as required under the State Growth Management Act (GMA)*

2) *Project lead on the development of the City of Tacoma's Transportation Plan and Program as part of the City's Comprehensive Plan as required by GMA.*

3) *Project lead/Staff to the Downtown Tacoma Parking Commission.*

4) *Project lead on the development of the Downtown Tacoma Master Parking Plan.*

Robin D. Meyer, AICP

Additional Experience

City of Tacoma, Planning Department, Land Use Administration Division, February 1979 to June 1991.

City of Tacoma, Planning Department, Land Use Planning Division, February 1975 to February 1979.

Memberships

American Institute of Certified Planners

Education

Western Washington University

Bellingham, Washington, 1969 to 1974, Bachelor of Arts Degree/Urban and Regional Planning

University of Puget Sound

Tacoma, Washington, 1976, Completed various graduate level classes and conference course in Advanced Planning Techniques, Personnel Management through the International City Managers Association classes for Urban Planners.

Tacoma Community College

Tacoma, Washington, 1976 to present, Completed numerous courses in many areas specifically Staff Supervision and Personnel Management.

Skills: 31+ years of direct Planning, Community and Economic Development experience demonstrating:

1) Extensive experience with staff supervision as a project lead and as a section supervisor, this includes budget development and monitoring. The supervision of individuals on day to day tasks and through the completion of long term projects.
2) Extensive institutional knowledge of the City of Tacoma, staff and how the City functions.
3) Proven ability to take on new and varied tasks and complete them on schedule.
4) Proven willingness to try new ideas and approaches to day to day operations as well as major projects and issues.
5) Drafting Zoning Code changes, from the updating of existing sections of the Code to the development of whole new sections necessary to implement the City's Comprehensive Plan to the current effort to totally rewrite the Code.
6) Extensive experience making clear and concise presentations to community groups, organizations and elected governmental officials.
7) Extensive experience organizing and running community planning processes and meetings, with an emphasis on identifying the needs of the community and finding solutions to problems. This also includes the ability to deal with angry and hostile citizens in a courteous and professional manner, and the mediation of disputes through conflict resolution.
8) Proven ability to develop creative solutions.
9) A strong leader and accomplished manager dedicated to providing quality customer service.

10) A strategic thinker capable of integrating multiple tasks and timelines into a coherent and manageable work program.
11) Results oriented with strong analytical skills.
12) Committed to participatory management, skilled in facilitation and consensus building.
13) Proven ability to develop effective working relationships, and the ability to attain results based on logic, collaboration and sensitivity to others.

PAVESE LAW FIRM

KATHERINE R. ENGLISH
(239) 336-6249
E-mail: KatherineEnglish@paveselaw.com

1833 HENDRY STREET, FORT MYERS, FLORIDA 33901 | P.O. DRAWER 1507, FORT MYERS, FLORIDA 33902-1507 | (239) 334-2195 | FAX (239) 332-2243

August 4, 2006

Richard A. Gescheidt, Esq.
Lee County Deputy Hearing Examiner
1500 Monroe Street, Room 218
Ft. Myers, FL 33901

VIA HAND DELIVERY

LEE COUNTY
HEARING EXAMINER
06 AUG -4 PM 4:11

RE: Caloosa Isle Yacht Club
DCI2005-00095

Dear Hearing Examiner Gescheidt:

Thank you for the opportunity to work with staff to develop mutually acceptable language to address applicant's proposed revisions to the staff report's conditions and deviations in regard to the above referenced rezoning application. We have reviewed a draft of staff's memorandum to the Hearing Examiner, dated August 3, 2006, and believe that, with the exception of the language proposed for Condition 7, the proposed revisions to the conditions and the deviations set forth in staff's memorandum accurately and completely reflect the language negotiated and agreed to between staff and the applicant. Also, we have arranged for the formal submittal of the revised Master Concept Plan for the record. We are also including a copy of the revised MCP for your use and reference in reviewing this matter herewith.

In regard to Condition 7, while we recognize that staff has concerns regarding the hours of operation and outdoor entertainment on the site, the applicant believes that its proposed language for Condition 7 regarding expanded hours of operation and authorizing outdoor entertainment provide sufficient protection for the interests of the residents of Waterway Estates. The applicant's proposed language was developed using conditions actually approved in previous applications, specifically, Condition 3 from the Hearing Examiner Decision in regard to Application SEZ2005-00028, heard on December 18, 2005, and Condition 4 of City of Bonita Springs Zoning Ordinance No. 04-06, issued May 24, 2004.

The applicant proposes the following alternative language authorizing extended hours of operation and outdoor entertainment subject to the following restrictions:

APPLICANT'S EXHIBIT # 4
Written Sub.

7. ~~Hours of Operation for Consumption on Premises in conjunction with indoor seating are limited to 10am until 12pm Monday though Sunday. Hours of operation for Consumption on Premises in conjunction with outdoor seating are limited to Sunday through Thursday 10am until 8pm and Friday through Saturday 10am until 9pm. No outdoor entertainment is permitted.~~

Hours of Operation for Consumption on Premises and Outdoor Entertainment.

A. Hours of Operation for Consumption on Premises in conjunction with:

1. Indoor seating are limited to 8am until 12 midnight Monday though Sunday.

2. Outdoor seating are limited to 8am until 11pm Sunday through Thursday and 10am until 12 midnight Friday through Saturday.

B. Outdoor entertainment is permitted provided piped-in music, outdoor music, live music or entertainment (amplified or non-amplified) does not exceed a volume which permits "normal" conversation in the outdoor seating area and is authorized only during the hours of operation for the outdoor seating area specified herein. Speakers and any sound amplification devices must be oriented towards the building to minimize music from conveying offsite.

Again, thank you for the opportunity to confer with staff and reach consensus on the all of the conditions and deviations except as set forth herein. We look forward to receiving your recommendation in regard to this application.

Very truly yours,

Katherine R. English

KRE:llg
Enclosure

cc: Rachel Bielert
Robin Myers

PAVESE LAW FIRM

KATHERINE R. ENGLISH
(239) 336-6249
E-mail: KatherineEnglish@paveselaw.com

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August 14, 2006

Richard A. Gescheidt, Esq.
Lee County Deputy Hearing Examiner
1500 Monroe Street, Room 218,
Ft. Myers, FL 33901

LEE COUNTY
HEARING EXAMINER
06 AUG 15 PM 1:15

RE: Caloosa Isle Yacht Club
DCI2005-00095
Notice of Scrivener's Error

Dear Hearing Examiner Gescheidt:

The proposed language previously forwarded to you in my letter of August 4, 2006 contained a scrivener's error in regard to the Hours of Operation in the language proposed for Condition 7. Specifically, the error is the beginning hour of operation for Friday through Sunday in paragraph 7.A.2. We have corrected the proposed alternative language authorizing extended hours of operation and outdoor entertainment subject to the following restrictions, as follows:

7. ~~Hours of Operation for Consumption on Premises in conjunction with indoor seating are limited to 10am until 12pm Monday though Sunday. Hours of operation for Consumption on Premises in conjunction with outdoor seating are limited to Sunday through Thursday 10am until 8pm and Friday through Saturday 10am until 9pm. No outdoor entertainment is permitted.~~

Hours of Operation for Consumption on Premises and Outdoor Entertainment.

A. Hours of Operation for Consumption on Premises in conjunction with:

1. Indoor seating are limited to 8am until 12 midnight Monday though Sunday.

APPLICANT'S EXHIBIT
#5
DCI2005-00095
Post hrg. submittal

4635 S. DEL PRADO BLVD.
CAPE CORAL, FLORIDA 33910
(239) 542-3148

4524 GUN CLUB ROAD
WEST PALM BEACH, FLORIDA 33415
(561) 471-1366

461 S. MAIN STREET
LABELLE, FLORIDA 33975
(863) 675-5800

2. Outdoor seating are limited to 8am until 11pm Sunday through Thursday and **8am** until 12 midnight Friday through Saturday.

The remainder of the letter submitted on August 4, 2006 stands as drafted.

Again, thank you for your attention to this matter. We look forward to receiving your recommendation in regard to this application.

Very Truly Yours,

Katherine R. English

KRE/ss

cc: Rachel Bielert
Robin Myers

F:\WPDATA\KRE\clients\bielert.rachel\Hearing Revisions\hex.scrivener'serror.ltr.wpd

EXHIBITS

DC12005-00095

APPLICANT

#1 Aerial Photo

#2 Resume of Robin Meyer

#3 Master Concept Plan 4/11/06

#4 letter Katherine English

#5 letter K. English

#6

#7

#8

#9

#10

STAFF

#1 Aerial Photo

#2 Marcella Perri letter 7/24/06

#3 a memo Josh Philpott 3b. Jrw. MCP

#4

#5

#6

#7

#8

#9

#10

OTHER EXHIBITS

NAME

#1

#2

#3

#4

#5

NAME

#1

#2

#3

#4

#5

Marcella Perri
4300 Harbour Lane
N. Ft. Myers, FL 33903
239-410-7074
July 24, 2006

Josh Philpott, Senior Planner
Department of Community Development
1500 Monroe St.
Ft. Myers, FL 33901
Phone: 239-479-8365 Fax: 239-479-8313

RE: Caloosa Isle Yacht Club,
Issues Critical to the Examiner's Hearing, July 26, 2006
Case No.: DCI2005/00095

Issue No. 1: Traffic safety from the Yacht Club property through the juncture of Inlet Dr. and Harbor Lane must be reinforced with a four-way stop sign at that intersection.

The Inlet/Harbour intersection is at present only a two-way stop zone. Currently with only minimal traffic this cross-road is dangerous. The road leading from the parking lot to the intersection has become an acceleration zone, with many vehicles speeding through the intersection. If a four-way stop is not implemented, the intersection will no doubt become hazardous with a potential for serious and possibly disastrous traffic related accidents.

Issue No. 2: Dredging projects should be obligated to include specific insurances to all owners of properties that will be effected by the dredging.

Residents of the current waterways around the Yacht Club have first-hand experience with the damage dredging can do to adjacent sea walls, water depths adjacent to the dredging, and nearby dock pilings. Evidence of piling displacement due to dredging are clearly visible on the canal system north of the Yacht Club island. Before dredging begins, it is requested that technicians, engineers, and owners' representatives specifically prepare information and response plans to give assurances to homeowners in the event their properties are negatively impacted and require repairs as a result of the dredging.

Issue No. 3: Outdoor music should NOT be permitted.

The community of homes surrounding the Yacht Club property is primarily year-round residential housing. The majority of homeowners are permanent residents of N. Ft. Myers. To permit outdoor music anywhere within the Yacht Club premises would degrade the quality of life in the neighborhood and negatively effect property values. The musical sounds as well as audience responses to the music will clearly resonate across the waterways, creating an invasive disturbance to the lifestyles and well-being of the area residents.

Thank you very much for giving consideration to these issues.

Sincerely,
Marcella B Perri

POSTED

STAFF'S EXHIBIT
1
DCI2005-00095

MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
ZONING DIVISION

LEE COUNTY
HEARING EXAMINER
06 AUG -4 PM 1:58

DATE: August 3, 2006

TO: Lee County Hearing Examiner

FROM: Josh Philpott
Senior Planner

RE: CALOOSA ISLE YACHT CLUB
DCI2005-00095

This memo is to inform the Hearing Examiner that Staff and the Applicant have continued to pursue changes to the conditions which were outlined in the original Staff Report. Staff and the Applicant have agreed to the following conditions with the only remaining disagreement being the wording of Condition 7. Condition 7 outlines the permitted hours of operation for consumption on premises and outdoor entertainment. This was discussed in detail during the hearing and the two parties have agreed to disagree on this remaining topic. Staff remains supportive of our previous recommendation with the following comments and revised conditions.

Revised Conditions:

1. A new MCP should be submitted on Friday August 4, 2006. Staff recommends revising Condition 1 to reflect the newly submitted Master Concept Plan and the respective dates referenced in the condition.

2. Condition 2 should include Boardwalk in the Schedule of Uses. This should include "*(See Condition 15)*" following the boardwalk use.

3. b. Prior to development order approval for the project, the applicant must demonstrate compliance with Lee Plan Policies 128.6.8 and 128.6.11 regarding marina environmental design. Environmental enhancements to the adjacent canal system through the creation of in-water habitat must be a part of this environmental design.

   This enhancement can be accomplished through the placement of appropriately sized riprap rock, ~~reefballs, planting shelves or other techniques~~ along the shoreline to increase filtration of canal water and create habitat within the canals. A minimum of ~~20%~~ 260 feet of the project seawall shoreline ~~(378 feet)~~ must include this environmental enhancement. A conservation easement reserving

STAFF'S EXHIBIT # 3.2.
Written Submission

riparian rights for over Tract "D" must be recorded in the Public Records of Lee County prior to development order approval for the project.

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

(1) Existing mangrove trees and other native plants will be retained;

(2) Trimming of mangrove trees is prohibited, except for limited trimming, approved by Lee County, to accommodate navigation, boat mooring docks and access walkways, if constructed in the future;

(3) Removal of exotic pest plants listed in LDC §10-420(h); and

(4) Maintenance of the area in perpetuity free from exotic pest plants as listed in LDC 10-420(h) and trash.

6. Consumption on Premises is approved only in conjunction with a restaurant pursuant to ~~with~~ a 4-COP and/or 4-COP-SRX alcoholic beverage license. ~~At least 51-percent of sales must come from the sale of food~~ The service of alcoholic beverages is contingent on meeting the requirements for the applicable COP license.

7. Staff finds that the condition outlined in the Staff Report reflects staff's position in respect to Hours of operation for consumption on premises and outdoor entertainment. Due to discussions at the public hearing staff has provided the following conditions relating to outdoor entertainment for consideration:

Outdoor entertainment is limited to piped and/or recorded music that is kept at or below normal conversational level and cannot be heard by individuals located off of the subject property. No live entertainment is permitted. The hours of operation for outdoor entertainment are limited to the hours of operation permitted for consumption on premises in conjunction with outdoor seating.

10. Valet Parking must be provided for the restaurant customers between the hours of 6pm and close of business if needed to accommodate parking within the project. A minimum of 50 valet parking spaces must be provided ~~within the drive aisle of the proposed boat storage area~~ in areas of the project other than those currently designated for parking areas.

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

A. The storage and removal of boats or equipment from the boat storage building must be accomplished using the door on the south side of the dry storage building. The existing boat drop located on the southwest portion of the peninsula is limited to use for emergency purposes or for boats which are too heavy to be handled by a fork lift.

15. Prior to issuance of a local development order authorizing construction of a boardwalk along the boundary line of the Lee County Utilities Wastewater Treatment plant property, the applicant must secure a license from the Lee County Board of County Commissioners authorizing placement of a boardwalk for pedestrian access in that location and an administrative amendment to the zoning approval incorporating the license authorizing the boardwalk into zoning approval. The license must specifically address the developer's ability to trim mangroves in conjunction with the installation of the boardwalk.

The approval and discussion of Deviation 1 needs to be modified to address the change in language relating to the location and requirement of valet parking on-site.

PAVESE
LAW FIRM

KATHERINE R. ENGLISH
(239) 336-6249
E-mail: KatherineEnglish@paveselaw.com

1833 HENDRY STREET, FORT MYERS, FLORIDA 33901 | P.O. DRAWER 1507, FORT MYERS, FLORIDA 33902-1507 | (239) 334-2195 | FAX (239) 332-2243

MEMORANDUM OF LAW

RECEIVED
JAN 25 2006
PERMIT COUNTER

TO: Rick Joyce

FROM: Katherine R. English

DATE: January 24, 2006

RE: Caloosa Isle Yacht Club, Tract "D"

Staff's sufficiency response raised the question whether our client, as owner of Tract "D", and the applicant in the above referenced rezoning application, could use Tract "D" as part of its slip calculation pursuant to the Lee County Manatee Protection Plan (MPP) if the adjacent upland owners could also obtain permits for docks across Tract "D" based on claims of riparian rights. Based on our discussions, the concern is that the County cannot use Tract "D" shoreline as part of the slip calculation for our client under the MPP if upland landowners landward of Tract "D", now owned by Caloosa Isle Yacht Club, also have riparian rights to the canal waterward of Tract "D" which would entitle those landowners to dock permits, resulting in more docks in the space than would be permissible under the MPP. In response, we have researched the matter and determined that the adjacent upland owners do not have rights to obtain a dock permit that crosses Tract "D" and accesses the adjacent canal because those land owners have neither: (1) riparian rights to the canal since the canal was excavated from uplands and no sovereign submerged lands exist within the canal bottom; nor (2) any implied easement right to the canal as a benefitted parcel because the property landward of Tract "D" was not part of the original plat Waterway Estates of Fort Myers plat and was not intended to be benefitted by the canal.

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PERMIT COUNTER

BACKGROUND

On December 9, 1959, Joseph F. Pulte recorded the plat for Waterway Estates of Fort Myers in Lee County Plat Book 12, Pages 63 through 67. A copy of Unit Two of this plat is atttached herewith for your reference as Exhibit "A". This plat shows the location of canals and the subject property owned by the applicant, specifically Tract "B" and Tract "D". Tract "B" is currently developed as a marina and Tract "D" includes 1000 feet of shoreline along the upland cut canal which would provide shoreline sufficient for 30 additional docks for the proposed project in accorance with the MPP. Because the canal located between Tract "B" and Tract "D" was cut from uplands, the owner of the property south of Tract "D" does not currently have any riparian rights to the canal because no sovereign lands are adjacent to the property, and therefore, that property does not have a claim to a dock permit within the canal located between the Tracts. If the property south of Tract "D" has no rights to docks associated with the canal, including Tract "D" in the Applicant's shoreline calculations is appropriate and will not result in a violation of the limitations in the MPP.

Sovereign Submerged Lands

The canal between Tract "B" and Tract "D" is an upland cut canal, in other words, it was excavated from uplands in the late 1950's or early 1960's and the bottom is not sovereign submerged lands owned by the State of Florida. Based on a review of the dated aerial attached hereto as Exhibit "B", the canal did not exist prior to January 18th, 1958, and the property on which the canal is now located was uplands. Because the canal bed is not sovereign submerged lands, adjacent land owners do not have riparian rights to the canal as they would to a waterbody which is underlain by sovereign submerged lands. Sovereign submerged lands are defined as those lands found beneath navigable waters in the State of Florida; navigable waters are those

DCI 2005-00095

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JAN 25 2006
PERMIT COUNTER

water bodies that were "navigable in fact" on the date of Florida's statehood, March 3rd, 1845. *Utah v. United States*, 403 U.S. 9 1971. Because the canal was uplands at the time of statehood and was excavated over a century later, the subject canal is not navigable waters and does not lie over sovereign submerged lands.

Riparian Rights

Florida case law establishes that riparian rights do not attach to a property adjacent to an artificial waterbody solely because the property is adjacent to that waterbody. *Publix Super Markets, Inc. v. Pearson*, 315 So. 2d 98 (Fla. 2d DCA 1975) and *Picciolo v. Jones*, 534 So.2d (Fla. 3rd DCA 1988). Specifically, the Florida Supreme Court has held that owners of property lying adjacent to or beneath a man-made, non-navigable water body are not entitled to the beneficial use of the surface waters by sole virtue of the fact that he or she owns contiguous lands. *Anderson v. Bell*, 433 So.2d 1202 (Fla. 1983). Since the subject canal is a man-made, non-navigable water body (because it was created after Florida's statehood and does not meet the definition of navigability as set forth above), the property south of Tract "D" has no riparian rights to the canal, even if it was immediately adjacent to the canal. Further, Tract "D" is located between the canal and the property to the south so that property is not adjacent to the canal. Riparian rights only exist for riparian owners. *Crutchfield v. F.A. Sebring Realty*, 69 So.2d 328 (Fla. 1954). Riparian rights arise out of ownership of riparian upland and are appurtenant to and inseperable from the riparian land. Where land is separated from the water by fee simple ownership the owner has no riparian rights. *Marshall v. Hartman*, 104 Fla. 143, 139 So.2d 441 (1932). Consequently, the southern property owner would not have riparian rights of access to the canal, even if it was sovereign submerged lands, because it is separated by fee simple ownership.

The survey of Tract "D" shows that it contains both the shoreline of the canal, the canal bed and uplands. Tract "D" and the artificial canal were part of the original plat for

DCI 2005-00095

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JAN 25 2006
PERMIT COUNTER

Waterway Estates. The owner of Tract "D" is entitled to the right to use the amenities shown on the plat; in other words, the owner of Tract "D" has an implied easement for the use of the amenities. Thus, since the canal was platted as part of Waterway Estates, the applicant has the right of use, access, recreation, enjoyment, swimming, boating, docking, and similar rights to the canal. The property to the south of Tract "D" was not part of the Waterway Estates Unit Two plat or any amendment to that plat, and therefore has no implied easement or other rights to the use the canal in the above described manner.

Shoreline Calculations

Based on the foregoing, the Applicant has established its property rights to use the canal located between Tract "B" and Tract "D " for dockage and navigation and explained why the property located south of Tract "D" does not have any rights to the use of that canal. Accordingly, the Applicant has complied with the requirements of the MPP and based its dock calculation on the amount of shoreline on the Applicant's property, not the amount of uplands associated with that shoreline. Shoreline is defined in Section 34-2 of the Lee County Land Development Code ("LDC") as:

> a straight or smoothly curved line which, on tidal waters, follows the general configuration of the mean high-water line, and which on nontidal waters is determined by the annual average waterline. Boat slips and other manmade or minor indentations shall be construed as lying landward of the shoreline and are considered upland when computing the lot area of waterfront property.

As defined by the LDC, Tract "D" has the adequate amount of shoreline to entitle the Applicant to 30 additional docks. The MPP does not define an amount of uplands that a property must consist of to have a dock; it requires a specific amount of shoreline, regardless of the associated uplands. For example, if a shoreline was lined with mangroves and realistically only one dock could be constructed, the property still could

DCI 2005-00095

be entitled to 30 docks due to the amount of shoreline under the MPP. The same can be applied here, even though the docks are not actually going to be constructed on Tract "D", it still has enough shoreline under the MPP to entitle it to 30 docks that can be transferred and constructed elsewhere.

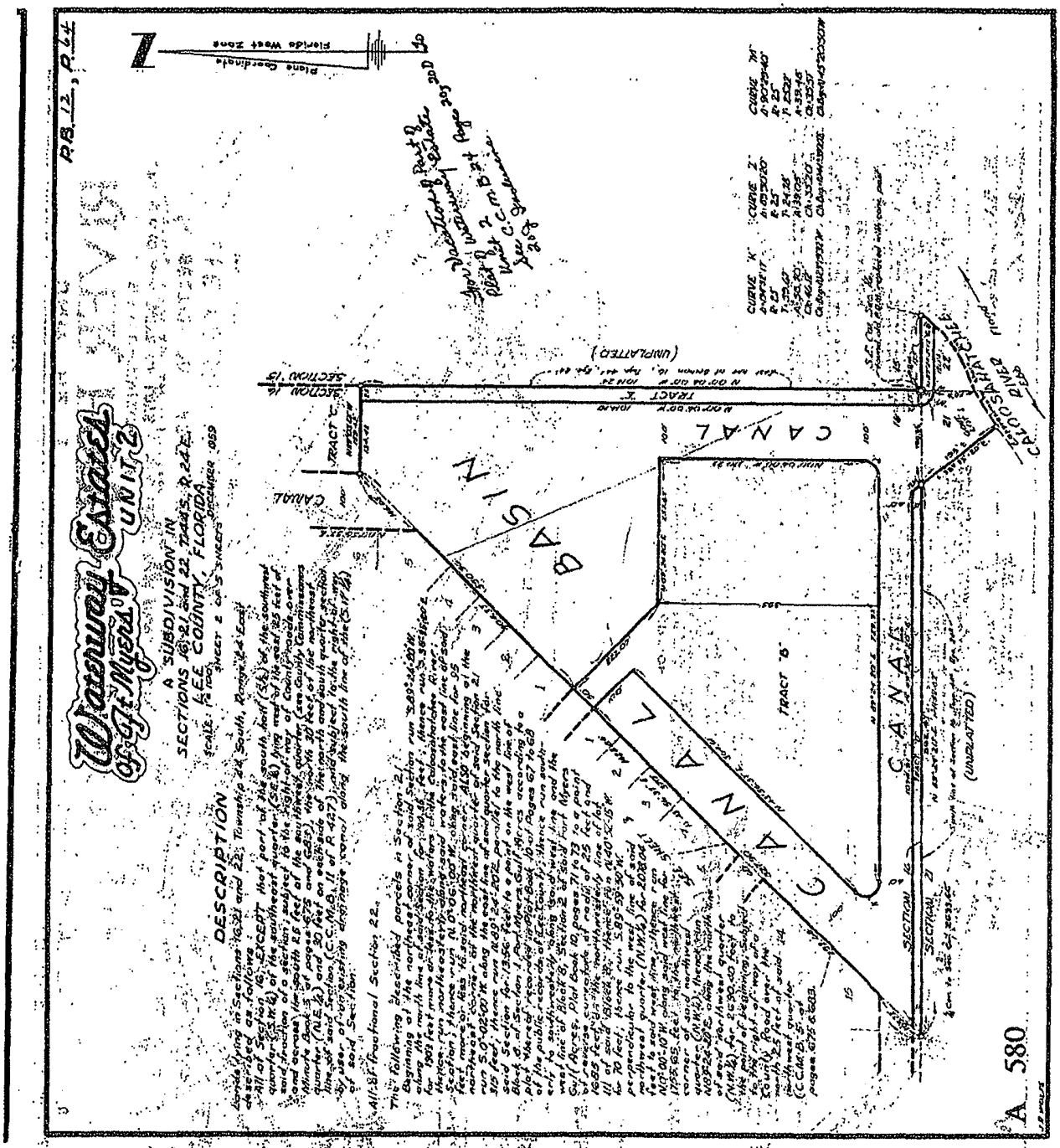
Finally, the Applicant will encumber Tract "D" with a conservation easement as part of its permitting process to assure that the property is not used for additional docks by subsequent landowners. As explained above, the property owners south of Tract "D" have no rights to the canal under either a riparian theory or an implied easement theory, but the conservation easement will likewise restrict their ability to impact Tract "D". The conservation easement is the final element needed to provide assurances to the County that the requirements of the MPP will be met.

In conclusion, the applicant owns Tract "B" and Tract "D" which have implied easements to the use of the canal and Tract "D" provides sufficient shoreline for the applicant to obtain 30 additional docks under the MPP. The property located to the south of Tract "D" has neither riparian rights nor implied easement rights to the canal and would not be able to place docks along the canal for the reasons set forth above. Staff's concerns that Tract "D" may be overburdened by competing requests for docks from the Applicant and the owner(s) of the property south of Tract "D" have been addressed. Finally the Applicant agrees to encumber Tract "D" with a conservation easement when permitting for the project is complete. Based on the foregoing, we hereby request that Lee County apply the MPP to Tract "D" and authorize 30 additional slips for the project as part of the pending zoning application.

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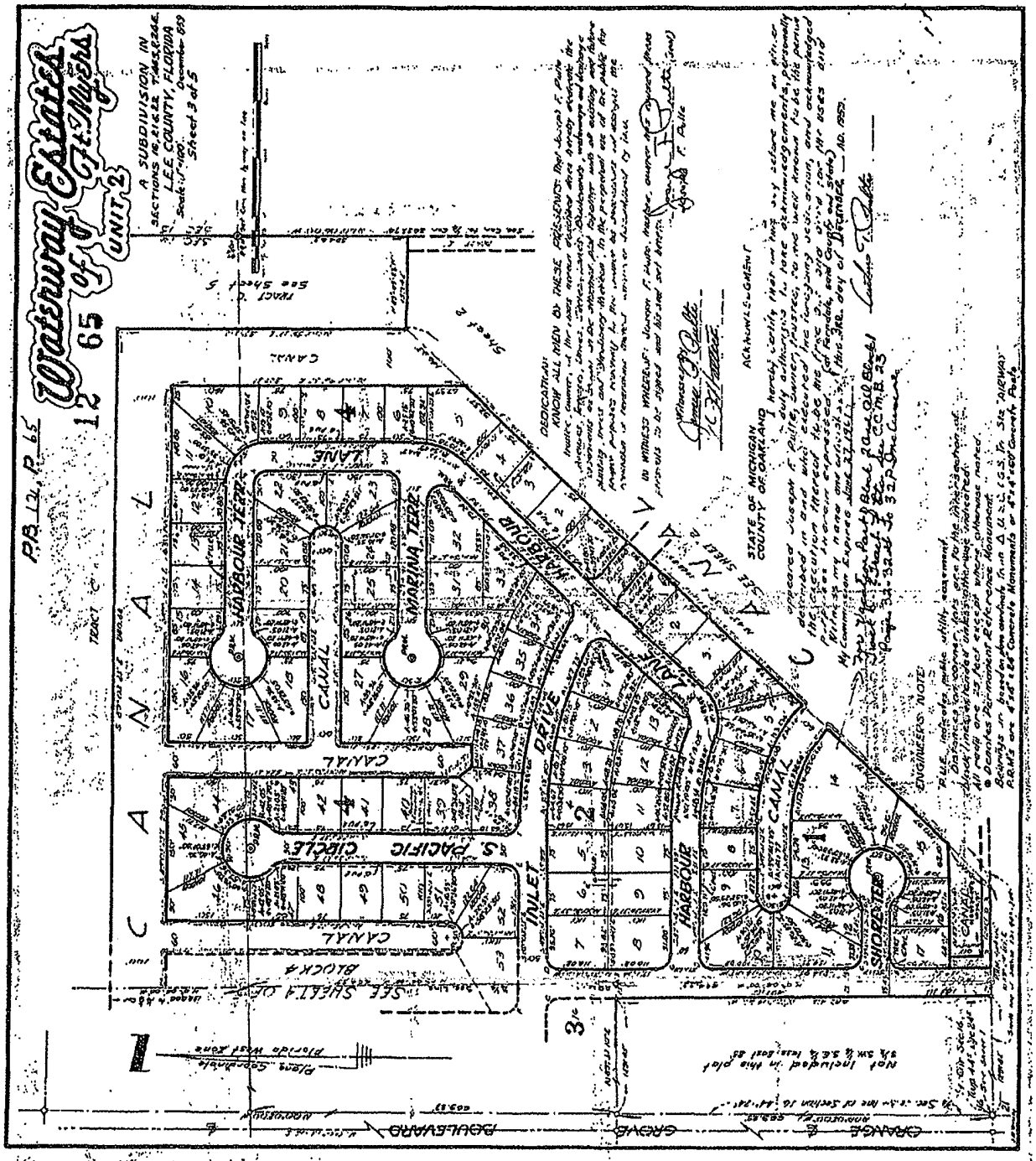


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EXHIBIT "A"

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EXHIBIT "B"

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EXHIBIT 5

The initial response from Lee County for the Caloosa Isle Yacht Club zoning application requested that the buffer wall along the west canal be extended the entire length of the canal to buffer the residential use from the commercial use. The wall would be the same eight (8) foot tall, solid, concrete wall that is currently being constructed along the southwestern portion of the west canal. The owners prefer to install and maintain a landscape buffer in lieu of a wall. Please help the Owners of the Caloosa Isle Yacht Club and the Lee County Zoning by showing your feelings about extending the wall. Please write your name, street address and circle "EXTEND WALL" OR "DO NOT EXTEND WALL"

Name	Street Address	EXTEND WALL / DO NOT EXTEND WALL
LE Mark Jr	1749 Dockway	EXTEND WALL / DO NOT EXTEND WALL
Sally B Marten	1749 Dockway	EXTEND WALL / DO NOT EXTEND WALL
Tim Sheehy	Seafan Cir	EXTEND WALL / DO NOT EXTEND WALL
Judy Sheehy	Seafan Cir	EXTEND WALL / DO NOT EXTEND WALL
Yale Vaughn	1714 Inlet Dr.	EXTEND WALL / DO NOT EXTEND WALL
David Scheschowitz	1735 Inlet Dr	EXTEND WALL / DO NOT EXTEND WALL
Trudy Senn	1735 Inlet	EXTEND WALL / DO NOT EXTEND WALL
Chris Yard	1744 Dockway	EXTEND WALL / DO NOT EXTEND WALL
Rick Yard	1744 Dockway	EXTEND WALL / DO NOT EXTEND WALL
Dave Merrill	1700 Inlet Dr	EXTEND WALL / DO NOT EXTEND WALL
Marcella Perri	4200 Harbour Ln.	EXTEND WALL / DO NOT EXTEND WALL

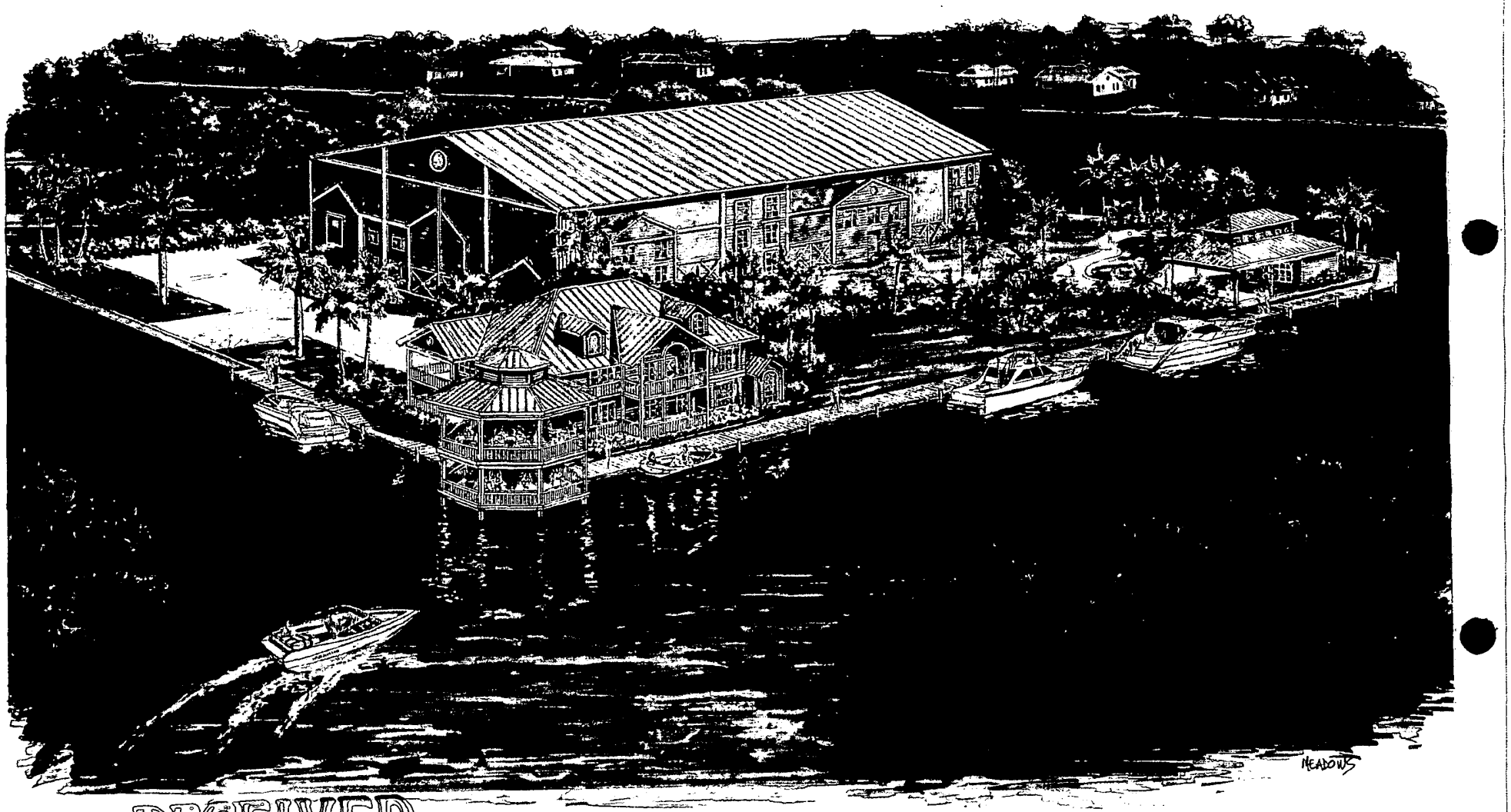
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NAME	ADDRESS	
Boyd Carley	4290 Harbour Ln	EXTEND WALL / DO NOT EXTEND WALL
Joe Catalano	4294 Harbour Ln	EXTEND WALL / DO NOT EXTEND WALL
TINA & DAVE PRESTON	4298 Harbour Lane	EXTEND WALL / DO NOT EXTEND WALL
Robert J Mc Lemore	4310 Harbour Ln	EXTEND WALL / DO NOT EXTEND WALL
Jane McCormick	4310 Harbour Lane	EXTEND WALL / DO NOT EXTEND WALL
David & Verdena Schwerg	1703 Marina Terrace	EXTEND WALL / DO NOT EXTEND WALL
		EXTEND WALL / DO NOT EXTEND WALL
		EXTEND WALL / DO NOT EXTEND WALL
		EXTEND WALL / DO NOT EXTEND WALL
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PROPOSED

EXHIBIT 6

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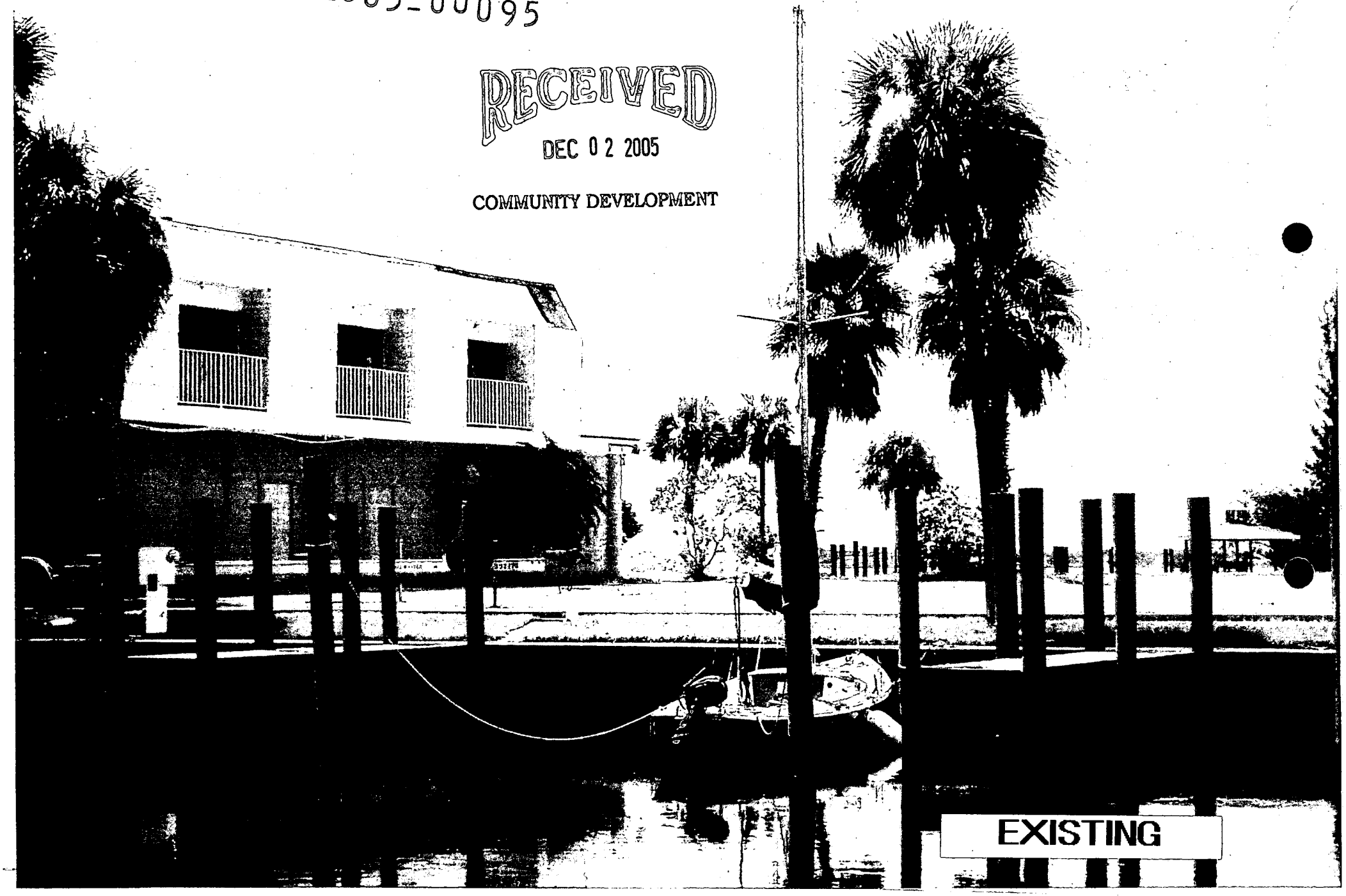


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COMMUNITY DEVELOPMENT



DEVIATIONS APPROVED:

RESOLUTION NUMBER Z-88-293
RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA

The Master Concept Plan will deviate from the following Lee County standards:

(1) Minimum required number of off-street parking spaces for this development of 122 spaces (202.13.J.), to 50 spaces;

(2) Minimum setback from a structure to a water body of 25 feet (202.15.B.4.b.), to 0 (zero) feet for the existing store #3 as shown on the Master Concept Plan;

(3) Minimum setback between structures in a Commercial Planned Development which is adjacent to land which is developed in a manner and for uses not compatible with the uses proposed in the CPD of 25 feet (451.C.2.a.2.), to 10 feet for the proposed dry-storage structure, to 0 (zero) feet for the existing store #2 as shown on the Master Concept Plan, and to 3 feet for the existing store #1 as shown on the Master Concept Plan; and

(4) Minimum buffer type between a proposed commercial development and existing industrial development of a type "B" buffer (15 foot wide) [DSO Section C.5.d(4)], to a 10 foot wide buffer with a type "B" vegetation.

(5) Request to be allowed to provide a maximum of 309'0 of the parking spaces to be designed for small cars in a low turnover parking space (9 feet by 18 feet) (Sections 202.13.A.1. and 202.13.F.1.c.);

(6) To Reduce Minimum setback from a structure to a water body of 25 feet (202.15.B.4.b.), to 5 (FIVE) feet for the proposed service and repair enclosure as shown on the Master Concept Plan.

PROPOSED SCHEDULE OF DEVIATIONS:

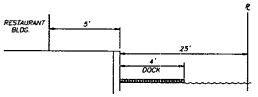
The Master Concept Plan will deviate from the following Lee County standards:

(1) A Deviation from Article VII, Division 26 Parking to allow an alternative parking plan for the marina. Requesting to provide 136 code defined stalls. Rather than the 215 required.

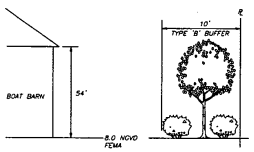
(2) Deviation from LDC Section 34-2194 (b) which states buildings and structures may not be placed closer than 25 feet to a canal or to a bay or other water body or the distance required by the provisions of chapter 6, article IV, pertaining to flood hazard reduction, whichever is greater. We are requesting deviations for the Restaurant/Bar buildings to be located within 5 feet of the east water edge and within 3 feet of the south water edge.

(3) Deviation from LDC Section 34-936 (1) Height of buildings (3)a.; to allow the main boat barn building to be 54 feet tall at the ridge line rather than 45 feet midpoint between the peak and eaves as allowed by code. All heights are measured above minimum flood elevation.

(4) Deviation from Section 10-416.d minimum buffer type between a proposed commercial development and existing industrial development of a type "B" buffer (15 foot wide) [DSO Section C.5.d(4)], to a 10 foot wide buffer with a type "B" vegetation.



DEVIATION 2:
N.T.S.



DEVIATION 3:
N.T.S.

DEVIATION 4:
N.T.S.

PARKING REQUIREMENTS

RESTAURANT = 6,550 S.F. @ 14 SPACES PER 1,000 S.F. = 92 STALLS
BAR = 1,000 S.F. @ 7 SPACES PER 1,000 S.F. = 7 STALLS
OUTDOOR SEATING ONE FLOOR OF GAZEBO = 1,000 S.F. @ 1 PER 50 S.F. = 20 STALLS
WET SLIPS = 44 SLIPS @ 2 STALLS PER 3 SLIPS = 29 STALLS
DRY SLIPS = 269 SLIPS @ 1 STALL PER 4 SLIPS = 67 STALLS
HEALTH CLUB = 3,000 S.F. ACCESSORY USE NO STALLS PROVIDED
OFFICE = 1,500 S.F. ACCESSORY USE NO STALLS PROVIDED

TOTAL STALLS REQUIRED = 215 STALLS
TOTAL STALLS PROVIDED = 136 STALLS

SITE DATA	REQUIRED	PROVIDED
FRONT YARD	25'	60'
SIDE YARD #1	25'	5'*
REAR YARD	25'	5'*

SITE DATA	REQUIRED	PROVIDED
HEIGHT BOAT BARN	45' ABOVE FEMA	54' ABOVE FEMA **
HEIGHT RESTAURANT / OFFICE	45' ABOVE FEMA	45' ABOVE FEMA

* SEE DEVIATION #2
** SEE DEVIATION #3

LOT COVERAGE SUMMARY:

PARCEL: 5.925 ACRES
BUILDINGS/ENCLOSED SERVICE & REPAIR: 74,451 SQ FT = 1.71 ACRES
PAVEMENTS (PARKING, ETC.): 83,635 S.F. = 1.92 ACRES (INCL STABILIZED SHELL)
WATER OPEN SPACE: 19,602 S.F. = 0.45 ACRE
LAND OPEN SPACE: 67,082 S.F. = 1.54 ACRES

OPEN SPACE SUMMARY:

OPEN SPACE REQUIRED: 5.925 AC x 30% = 1.78 ACRES
OPEN SPACE CREDIT FOR WATER: 1.78 x .25 = 0.45 ACRE
LAND OPEN SPACE 1.54 ACRES
TOTAL OPEN SPACE: 0.45 + 1.54 = 1.99 ACRES

PROPOSED SCHEDULE OF USES

CPD - Marina & Normal Accessory Uses

44 Wet Slips (existing prior to 1973)
269 Dry Slips (approximately 65,388 s.f.)

ACCESSORY USES:

Boat Rental
Boat Repair
Boat Sales
Boat Storage Dry
Consumption on Premises
Personal Services Group II
Restaurant

Those uses to be removed if other deviations approved:

Carpentry- repairs and replacement*
Sandblasting (wet and dry)
Grinding (hand held power tools)
Aluminum and stainless steel fabrication work (welding of towers, tops & relocal hardware)*
Fiberglass work including repairing, blistering and repairing damages
Major hull repairs and collision damages
Marine salvage

(*denotes uses that would be LAST on the list to have removed because of the potential few instances that this service may be necessary)

EXISTING DEVELOPMENT

EXISTING DRY STORAGE BUILDING:	44,312 S.F.
EXISTING SERVICE AREA (OUTDOOR):	35,345 S.F.
EXISTING STORE #1:	4,358 S.F.
EXISTING STORE #2 (2 STORY):	6,564 S.F.
EXISTING STEEL SHED	813 S.F.
TOTAL:	91,392 S.F.

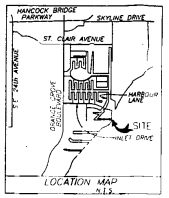
PROPOSED DEVELOPMENT

PROPOSED DRY STORAGE BUILDING:	65,388 S.F.
EXISTING STEEL SHED	813 S.F.
PROPOSED RESTAURANT/HEALTH CLUB/OFFICE & GAZEBO:	13,400 S.F.
TIKI-BAR/RESTROOMS:	1,700 S.F.
TOTAL:	81,301 S.F.

LEGEND

LAND OPEN SPACE

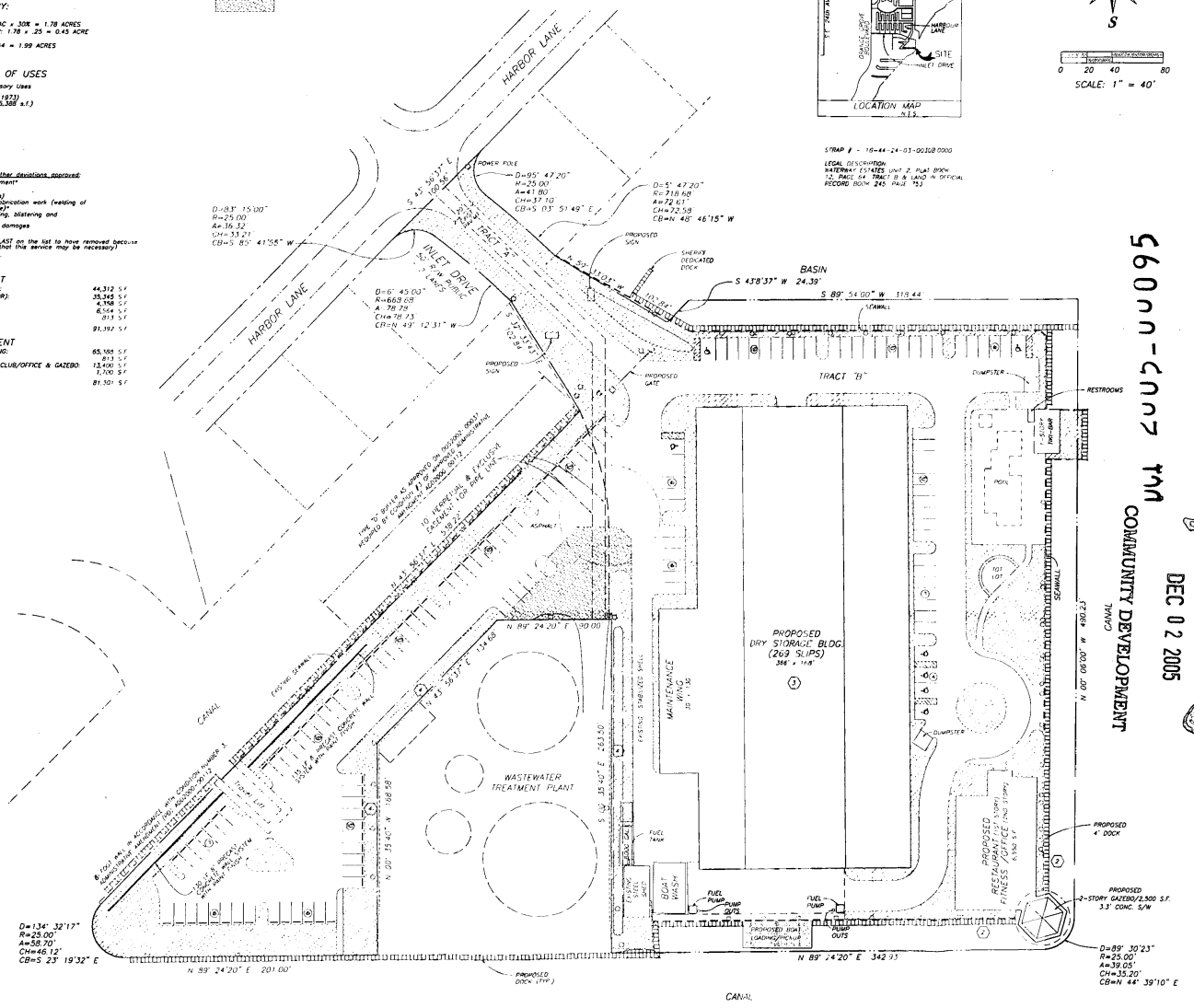
TURF BLOCK



STRAP # - 16-44-24-03-00108.0000

LEGAL DESCRIPTION
WATERWAY ESTATES UNIT 2, PLAT BOOK 15, PAGE 64, TRACT B & LAND IN OFFICIAL RECORD BOOK 245 PAGE 153





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NO.	DATE:	BY:	REVISIONS:

NOTE: Contractor shall verify all plans & analysis for errors, omissions & conflicts before starting any construction. Contractor shall report any errors, omissions & conflicts to engineer immediately upon discovery. Contractor is responsible for all construction means, methods, techniques, sequences & procedures & for coordinating all portions of the work. Engineer is not responsible for any safety precautions or programs in connection with the work & will not be responsible for the contractor's failure to perform the work in accordance with the contract documents.

SCALE:	1"=40'
DESIGN:	WAS 11-30-05
CHECKED:	JAW 11-30-05
APPROVED:	ROM 11-30-05

Vanasse Daylor
Urban Planning, Landscape Architecture, Civil Engineering, Traffic Engineering, Environmental Sciences
PROJECT MGR: Mark Vanasse, AICP, FL 1166
DESIGNED BY: Mark Vanasse, AICP, FL 1166
DRAWN BY: Mark Vanasse, AICP, FL 1166
CHECKED BY: Mark Vanasse, AICP, FL 1166
10481 Six Mile Cypress Parkway, Suite 101, Fort Myers, FL 33966-4913 (239) 768-0500 www.vanasse-daylor.com

PROJECT OWNER: Marina Holdings, LLC
c/o Mr. Joseph Lane
10580 Corkscrew Lane
Bonita Springs, FL 34135

PROJECT LOCATION: Section 16, Township 44 S, Range 24 E
Lee County, Florida

PROJECT & SHEET TITLE: Caloosa Isle Yacht Club
Concept Plan - EXHIBIT 6-J - DCI2005-00095

PROJECT NO: 80899
ACAD NO: 80899-SR01

Sheet No. 1 of 1

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EXHIBIT 4

DCI2005-00095

PAVESE
LAW FIRM

1833 Hendry Street, P.O. Drawer 1507
Fort Myers, Florida 33902-1507
(239) 336-6249
(239) 332-2243

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TRANSMITTAL MEMORANDUM

To: Robin Meyer, Vanesse Daylor
From: Katherine R. English
Date: September 9, 2005
Re: Caloosa Yacht Club
Existing Authorizations

As we discussed, the Caloosa Yacht Club property has several zoning authorizations that need to be referenced in the pending zoning application so it is clear to staff, the hearing examiner, and Board of County Commissioners, that the use we are requesting is already authorized for the site, we are simply reorganizing them. I have, for your reference, included the following:

1. Administrative Approval COP-92-004. This is an Administrative Approval for consumption on premises, which is limited to beer and wine. This authorization did not allow outdoor seating and was restricted on hours to 11:00 a.m. to 9:00 p.m., Monday through Thursday, and 11:00 a.m. to 10:00 p.m. on Friday and Saturday. This approval was rendered NULL AND VOID by Case 94-10-13-SP-02.

2. Case 94-10-13-SP-02 is an authorization for consumption on premises with outdoor seating, providing also for consumption of beer, wine and liquor in the restaurant and providing for consumption in the outdoor seating area. The outdoor seating area being a 15 x 45 foot deck. This authorization also included hour restrictions referenced in the preceding COP (Item 1, above) and restricted the outdoor deck for no live music, entertainment or sound systems.

3. Resolution Z-99-067 authorized the enclosure of the 15 x 45 foot deck on the restaurant. This application was in response to a code enforcement violation and clarified that there was 0 setback and that the deck could be used as additional seating for the restaurant. There was no increase in parking required for this although they arguably added additional need for parking.

I have also included, for reference, the staff report for the 99 Zoning Application since it included some interesting discussion in regard to neighborhood concerns about the project. You may find the discussion regarding parking helpful.

Once you have taken a look at these, please give me a call so we can discuss how to incorporate them into the zoning application. I look forward to discussing this with you further.

Enclosures
cc: Rachel Bierlert

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Shuckers

RESOLUTION NUMBER Z-99-067

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

WHEREAS, Shuckers & Company Crabhouse, Inc. filed an application on behalf of the owners of the property, Caloosa Isle Marine, Inc., to amend a Commercial Planned Development (CPD), in reference to Shuckers & Company Crabhouse, Inc.; and

WHEREAS, a public hearing was advertised and held on September 29, 1999 before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #99-05-228.02Z 01.01; and

WHEREAS, a second public hearing was advertised and held on November 15, 1999 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 applicants filed a request to allow enclosure of a 15-foot by 45 foot open deck located adjacent to Store #2 to be used as seating area for the restaurant. The property is located in the Suburban Land Use Category and 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-page Master Concept Plan (MCP) entitled "Caloosa Isle Marine, Inc." stamped received November 21, 1988 (adopted in Resolution Z-88-293) and also stamped received again on May 24, 1999, except as modified by the deviations and conditions below. This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

2. All terms, conditions and deviations of the original zoning resolution (Z-88-293), as amended, and Special Permit Case 94-10-13-SP-02, remain in full force and effect, except

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2. The amendment, as conditioned:

   a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;

   c. is compatible with existing or planned uses in the surrounding area;

   d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and

   e. will not adversely affect environmentally critical areas or natural resources.

3. The proposed amendment satisfies the following criteria:

   a. the proposed use or mix of uses is appropriate at the subject location;

   b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

   c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Andrew Coy, seconded by Commissioner John E. Albion and, upon being put to a vote, the result was as follows:

Ray Judah	Aye
John E. Albion	Aye
John E. Manning	Absent
Douglas R. St. Cerny	Aye
Andrew Coy	Aye

DULY PASSED AND ADOPTED this 15th day of November, 1999.

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EXHIBIT "A"
LEGAL DESCRIPTION

A tract or parcel of land lying in WATERWAY ESTATES of Fort Myers, Unit 2, in the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 16, Township 44 South, Range 24 East, Lee County, Florida, as shown on Sheet 2 of plat recorded in Plat Book 12 beginning at page 63, Lee County Records, which tract or parcel is described as follows:

Beginning at a Point of curvature on Curve "K" on the South line of Tract "B" as shown on said plat of WATERWAY ESTATES of Fort Myers, Unit 2, run N89°24'20"E along said South line for 201.00 feet to the West line of the parcel described in deed recorded in Official Records Book 145 at page 95, Lee County Records;

THENCE run N00°35'40"W along said West line for 165.94 feet to the Northwesterly line of said parcel;

THENCE run N43°56'37"E along said Northwesterly line for 136.87 feet to an intersection with the Northerly line of said parcel;

THENCE run N89°24'20"E along said North line for 90.00 feet to an intersection with the East line of said parcel;

THENCE run S00°35'40"E along said East line for 263.50 feet to an intersection with the South line of said Tract "B";

THENCE run N89°24'20"E along said South line for 342.93 feet to a Point of Curvature;

THENCE run Easterly, Northeasterly and Northerly along the arc of a curve to the left of radius 25.00 feet (delta 89°30'20") (chord bearing N44°39'10") (chord 35.20 feet) for 39.05 feet to a Point of Tangency on the East line of said Tract "B";

THENCE run N00°06'00"W along said East line and a Northerly prolongation thereof on the East line of the first parcel described in Resolution recorded in Official Record Book 245 beginning at page 753 said public records for 490.23 feet to the North line of said parcel;

THENCE run S89°54'00"W along said North line for 309.45 feet to an intersection with the Northwesterly line of said parcel;

THENCE run S43°56'37"W along said Northwesterly line for 27.98 feet to a Northeasterly line of said parcel;

THENCE run N59°33'03"W along said Northeasterly line for 102.84 feet to the Northerly most corner of said Tract "B";

THENCE run S43°56'37"W along the Southeasterly line of Tract "A" said WATERWAY ESTATES for 50.00 feet to the Southerly most corner of said Tract "A";

THENCE run S32°33'43"E along the Southwesterly line of the second parcel described in said Resolution recorded in Official Record Book 245 at page 753, Lee County Records, for the 102.84 feet to an intersection with the Northwesterly line of said Tract "B";

THENCE run S43°56'37"W along said Northwesterly line for 540.61 feet to a Point of Curvature on said curve "K";

THENCE run Southwesterly, Southerly and Southeasterly along an arc of a curve to the left of radius 25.00 feet (delta 134°32'17") (chord bearing S23°19'32"E) (chord 46.12 feet) for 58.70 feet to the POINT OF BEGINNING.

SUBJECT TO easements, restrictions and reservations of record.

CONTAINING 5.60 acres, more or less.

CASE NO: 99-05-228.02Z 01.01

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EXHIBIT "IV-E"

CARROLL # 16295

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Utilities Water Company
ce Box 6459MM
t, Florida 33911-6459
-0247

ELEVISION
Road
Florida 33962
-6145

SPOSAL SERVICE
lle Road
t Myers, Florida 33903

F ELECTRIC COOPERATIVE, INC.
ore Road
t Myers, Florida 33903
-2121

T MYERS FIRE DEPARTMENT
ett Road
t Myers, Florida 33903
5002

WATERWAY ESTATES

EXISTING TRAVEL LIFT

CANAL

CANAL

LEGEND

- EDGE OF EXISTING PAVING
- EXISTING PAVING
- PROPOSED PAVING
- 5.0 EXISTING GRADE ELEVATION
- 5.0 PROPOSED GRADE ELEVATION
- PHASE LINE
- DIRECTION OF SURFACE FLOW
- PAVEMENT TO BE REMOVED AND REPLACED

VEGETATION PERMIT REQUIRED PRIOR TO ANY SITE WORK

FINAL DEVELOPMENT W/ STIPS
ORDER # 4-13-89
APPROVED ON 8/30/89
IMPACT FEE paid

OWNERS/DEVELOPERS

WILBURN POWELL, JAMES POWELL, JAMES PAUL CARROLL and JAMES TODD CORROLL
4819 Cherry Lane
Fort Myers, Florida 33908

DEPT. OF COMMUNITY DEVELOPMENT

STRAP NUMBER: 16-44-24-03-00308.0000

PROJECT ADDRESS 1647 Inlet Drive
North Fort Myers, Florida 33903

ZONING CLASSIFICATION: CPD (Case #88-10-11 DCI)
Zoning Resolution No. 2-89-293

PLEASE NOTE:
...l Development Order does not ...t other than ...

RECEIVED DEVELOPMENT REVIEW

...LL BE ...VED ...TO THE ...IN CHANNEL ...AND

6.10.1989
Y 12, 1989
RCH 31, 1989
31, 1989

TOTAL AREA OF SITE : 174,319 S.F./ 4.0 ACRES

TOTAL IMPERVIOUS AREA = 121,585 SF 69.74% OF A...

(EXISTING STRUCTURES, PROPOSED STRUCTURES, PAVEMENT, WALKS AND SHELL)

174,319 - 121,585 = 52,734 SF (30.26%) OPEN SPACE ...
30% OPEN SPACE REQU...

PARKING REQUIRED PER ZONING CASE Z-88-293 IS 60 SPACES PER ZONING DEVIATION #1.
PARKING SPACES GIVEN ON THIS PROPOSED SITE IS 60

...BY
WE

ENGINEER
19555

PAVING, GRADING, AND DRAINAGE PLAN

CALOOSA ISLE MARINE, INC.

SEC. 16, T. 44 S., R. 24 E.

LEE COUNTY, FLORIDA

JOHNSON ENGINEERING, INC.
CIVIL ENGINEERS - LAND SURVEYORS
POST OFFICE BOX 1550, FORT MYERS, FLORIDA, 33902-1550, PHONE (813) 334-0046

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
JAN. 1989	17477	16-44-24	1" = 80'	2 of 8

NULL & VOID
94-10-13-SF-02

ADMINISTRATIVE APPROVAL
CONSUMPTION ON PREMISES
LEE COUNTY, FLORIDA

WHEREAS, Caloosa Isle Marine, Inc., has filed an application for administrative approval for Consumption on Premises for a 2-COP alcoholic beverage license on a project known as Captain's Galley; and

WHEREAS, the subject property is located at 1687 Inlet Drive, North Fort Myers, described more particularly as:

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

A tract or parcel of land lying in WATERWAY ESTATES of Fort Myers, Unit 2, in the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of Section 16, Township 44 South, Range 24 East, Lee County, Florida, as shown on Sheet 2 of plat recorded in Plat Book 12 beginning at page 63, Lee County Records, which tract or parcel is described as follows:

Beginning at a Point of curvature on Curve "K" on the South line of Tract "B" as shown on said plat of WATERWAY ESTATES of Fort Myers, Unit 2, run N89°24'20"E along said South line for 201.00 feet to the West line of the parcel described in deed recorded in Official Record Book 145 at page 95, Lee County Records;
THENCE run N00°35'40"W along said West line for 165.94 feet to the Northwesterly line of said parcel;
THENCE run N43°56'37"E along said Northwesterly line for 136.87 feet to an intersection with the Northerly line of said parcel;
THENCE run N89°24'20"E along said North line for 90.00 feet to an intersection with the East line of said parcel;
THENCE run S00°35'40"E along said East line for 263.50 feet to an intersection with the South line of said Tract "B";
THENCE run N89°24'20"E along said South line for 342.93 feet to a Point of Curvature;
THENCE run Easterly, Northeasterly and Northerly along the arc of a curve to the left of radius 25.00 feet (delta 89°30'20") (chord bearing N44°39'10"E) (chord 35.20 feet) for 39.05 feet to a Point of Tangency on the East line of said Tract "B";
THENCE run N00°06'00"W along said East line and a Northerly prolongation thereof on the East line of the first parcel described in Resolution recorded in Official Record Book 245 beginning at page 753 said public records for 490.23 feet to the North line of said parcel;
THENCE run S89°54'00"W along said North line for 309.45 feet to an intersection with the Northwesterly line of said parcel;
THENCE run S43°56'37"W along said Northwesterly line for 27.98 feet to a Northeasterly line of said parcel;
THENCE run N59°33'03"W along said Northeasterly line for 102.84 feet to the Northerly most corner of said Tract "B";
THENCE run S43°56'37"W along the Southeasterly line of Tract "A" said WATERWAY ESTATES for 50.00 feet to the Southerly most corner of said Tract "A";
THENCE run S32°33'43"E along the Southwesterly line of the second parcel described in said Resolution recorded in Official Record Book 245 at page 753, Lee County Records, for 102.84 feet to an intersection with the Northwesterly line of said Tract "B";

(continued ...)

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THENCE run S43°56'37"W along said Northwesterly line for 540.61 feet to a Point of Curvature on said curve "K";
THENCE run Southwesterly, Southerly and Southeasterly along an arc of a curve to the left of radius 25.00 feet (delta 134°32'17") (chord bearing S23°19'32"E) (chord 46.12 feet) for 58.70 feet to the POINT OF BEGINNING.

SUBJECT TO easements, restrictions and reservations of record.

CONTAINING 5.80 acres, more or less.

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

WHEREAS, proper authorization has been given to Mary Kinsey Finger, by Caloosa Isle Marine, Inc., the owner of the subject parcel, to act as agent to pursue this application; and

WHEREAS, the Lee County Zoning Ordinance 86-17, as amended, provides for certain administrative approvals for Consumption on Premises; and

WHEREAS, the subject application and plans have been revieved by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for Consumption on Premises is APPROVED.

Approval is subject to the following conditions:

1. Consumption on Premises (2-COP) is in conjunction with a Standard Restaurant, Group III;
2. The hours of operation are from 11:00 a.m. to 9:00 p.m., Sunday through Thursday, and 11:00 a.m. to 10:00 p.m., Friday and Saturday;
3. There shall be no outdoor seating; and
4. The restaurant is restricted to store #2 in accordance with Resolution Z-88-293.

DULY SIGNED this 23rd day of April, A.D., 1992.

BY: Bryan J. Kelner
Bryan J. Kelner, Principal Planner
Zoning Division
Department of Community Development

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OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER DECISION

SPECIAL PERMIT: CASE 94-10-13-SP-02
APPLICANT: CALOOSA ISLE MARINE, INC., represented by CARL STAMBOULY, in reference to SHUCKERS & COMPANY CRABHOUSE, INC.
HEARING DATE: OCTOBER 13, 1994

I. APPLICATION:

Filed by SHUCKERS & COMPANY CRABHOUSE, INC., 1687 Inlet Dr., N. Ft. Myers, FL 33903 (Applicant); CALOOSA ISLE MARINE, INC., ATTN: KEN STEAD, 1687 Inlet Dr., N. Ft. Myers, FL 33903 (Owner).

Request is for special permit in the Commercial Planned Development district for Consumption on Premises with outdoor seating (Land Development Code, Section 34-1264). The Applicant intends to increase their existing consumption on premises approval for beer an wine to include liquor and expand the service of the alcoholic beverages to an outdoor seating area.

The subject property is located at 1687 Inlet Drive, Waterway Estates, North Fort Myers (U.S. 41 to Hancock Bridge Parkway, west to Orange Grove Boulevard, south to Inlet Drive and proceed east to Caloosahatchee River), in Section 16, T44S, R24E, Lee County, FL. (District #4)

The Strap # as furnished by the Applicant is: 16-44-24-03-0030B.0000

II. STAFF RECOMMENDATION: APPROVE WITH CONDITIONS

The Department of Community Development Staff Report was prepared by Pam Houck. The Staff Report is incorporated herein by this reference.

III. HEARING EXAMINER DECISION:

The undersigned Lee County Hearing Examiner APPROVES the Applicant's request and grants a Special Permit in the Commercial Planned Development district for Consumption on Premises with outdoor seating (Land Development Code, Section 34-1264) for the real estate described in Section VIII. Legal Description WITH THE FOLLOWING CONDITIONS:

1. Consumption on premises shall be limited to beer, wine and liquor in conjunction with the restaurant located in Store #2 and the existing 15-foot by 45-foot deck located on the east side of Store #2 as reflected on the Applicant's site plan attached as Exhibit D to the Staff Report; as per Exhibit A at hearing

2. No live music or entertainment, and no sound system or speakers shall be allowed in the outdoor seating area in conjunction with the approval of this Special Permit;

3. All lighting provided for this project shall be limited to low-intensity, low-level types, and shall be shielded away from the adjacent residential area. The roof and upper level of Store #2 shall not be illuminated;

4. Use of the outside seating area shall be limited to the following hours: 11:00 a.m. to 9:00 p.m., Sunday thru Thursday, and 11:00 a.m. to 10 p.m., Friday and Saturday;

5. Resolution AA #COP-92-004 shall become null and void upon approval of this Special Permit;

6. No bar, permanent or temporary, shall be set up on the outside seating area; and

7. No horn or other noise/sound device shall be utilized for signaling boaters or advertising the location of the restaurant.

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IV. HEARING EXAMINER DISCUSSION:

Applicant is the lessee of the small Group III restaurant located within the Caloosa Isle Marina CPD in Waterway Estates, North Fort Myers. The subject property is located on a small (5± acre) island at the end of Inlet Drive in Waterway Estates, and is bordered by Caloosahatchee River on the east and separated from residential uses/zoning on three sides by canals. It is zoned CPD and designated Suburban in the Lee Plan.

The Marina CPD was approved in 1988, and the Group III restaurant was one of the uses approved in the Master Concept Plan (MCP). Consumption on premises (COP) was not a use included on the MCP's Schedule of Uses. In 1992, a previous lessee obtained Administrative Approval for the sale and consumption of beer and wine (2-COP) on the premises provided the beverage was sold/consumed only inside the restaurant during certain specified hours.

Applicant desires to expand that consumption use to include liquor (4-COP), and to allow the sale/service of beer, wine and liquor, in conjunction with food, on the deck area outside the restaurant building. Applicant had to apply for a Special Permit because the location of the outdoor seating area is within 500 feet of several homes in Waterway Estates. Applicant indicated he had no intention of changing the restaurant into a bar, or putting a bar or entertainment on the deck; he merely wanted to be able to serve meals with an array of alcoholic beverages for his clients. He had no objections to the COP use being restricted in conjunction with the restaurant, as he never intended to separate the uses. He also had no objection with the limited hours of operation set out in the 1992 Administrative Approval, but argued that Staff's recommended 8:00 p.m. deadline was too early, especially in the spring and summer.

The record contained numerous letters from Waterway Estates' residents, and several of these residents appeared at the hearing, objecting to the COP request. They pointed out that Inlet Drive does not have sidewalks, and that many of the residents, adult and children, walk around the neighborhood on the roadway. They expressed concern that expanding the COP use would attract additional customers to the restaurant which would increase the number of trucks and cars using Inlet Drive, thereby endangering the people who walk on the street.

The majority of the residents also expressed their dissatisfaction with the past rezonings which allowed the development of a sewage treatment facility and a commercial marina. They were particularly unhappy with the increased amount of large truck traffic that uses Inlet Drive to get to the island, and most of their objections related to the issues reviewed and approved in those previous rezonings, i.e., parking, truck and other commercial traffic. The balance of their concerns related to the operation of the marina, over which Applicant has no control, or to events happening with the restaurant before Applicant took over the lease in 1993. Their most pertinent objection to this case was to Applicant's continuous use of a horn to signal boaters. After being advised of their feelings, Applicant agreed to remove the horn immediately.

Staff recommended approval, with conditions, of Applicant's request, finding that the request was consistent with the intent and provisions of the Lee Plan, and with the intent and provisions of the Land Development Code. They stated that the conditions of approval would ensure the compatibility of the restaurant/COP use and the adjacent residential uses, and the requested uses would not be injurious to the persons or property in the neighborhood. They also found that the request met the criteria for approval set out in Section 34-145, Land Development Code.

The undersigned Hearing Examiner concurs with Staff's analysis, findings and recommendation of approval, with conditions, of the Special Permit. The Hearing Examiner finds that the request meets the criteria for approval established in Section 34-145, Land Development Code, and that the use, as conditioned, will be compatible with the adjacent residential

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uses. The Hearing Examiner also finds that the requested use is not contrary to the public interest, or the health, safety, comfort, convenience or welfare of the citizens of Lee County.

Obviously, with his recent introduction onto the site, Applicant is in no way responsible for the lack of sidewalks or the truck traffic related to the commercial marina or the sewage treatment plant operations, and should not be penalized for factors beyond his control. The Hearing Examiner finds that allowing Applicant the use of the deck for the service of food and alcohol will not create a need for additional parking, nor result in a significant increase in traffic utilizing Inlet Drive.

Recognizing that sound travels easily over water, and that the surrounding neighborhood is residential in character, the Hearing Examiner added several conditions limiting the use of the deck, prohibiting the establishment of a bar, permanent or temporary, on the deck, and prohibiting Applicant from utilizing a horn or other noise/sound device for signaling boaters or for other advertising purposes.

V. FINDINGS AND CONCLUSIONS:

Based upon the Staff Report, the testimony and exhibits presented in connection with this matter, the undersigned Hearing Examiner makes the following findings and conclusions:

A. That the requested use is not contrary to the public interest, or the health, safety, comfort, convenience or welfare of the citizens of Lee County.

B. That the use of the deck for the service of food and alcohol will not create a need for additional parking, nor result in a significant increase in traffic utilizing Inlet Drive.

C. That there are no changed or changing conditions which make approval of the Special Permit, as conditioned, inappropriate.

D. That the Special Permit, as conditioned, will not have an adverse impact on Chapter 34, Land Development COde.

E. That the Special Permit, as conditioned, is consistent with the goals, objectives, policies and intent of the Lee Plan, and with the densities, intensities and general uses set forth in the Lee Plan.

F. That the Special Permit, as conditioned, meets or exceeds all performance and locational standards set forth for the proposed use.

G. That the Special Permit will have no adverse effect on the water bodies surrounding the island.

H. That the Special Permit, as conditioned, will be compatible with the existing or planned uses, and will not cause damage, hazard, nuisance or other detriment to persons or property.

I. That the Special Permit, as conditioned, will comply with all applicable general zoning provisions and supplemental regulations pertaining to the use set forth in Chapter 34, Land Development Code.

VI. PRESENTATION SUMMARY:

The Hearing Examiner announced the case and placed all witnesses under oath. Pam Houck, Division of Zoning and Development Services, presented the Staff Report on this request for a Special Permit in the Commercial Planned Development (CPD) district for Consumption on Premises (COP) with outdoor seating. The specific COP desired in this case is a 4-COP liquor license which allows beer, wine, and liquor sales/service. The subject property is located at 1687 Inlet Drive in Waterway Estates, North Fort Myers. The site of the Special Permit is a 1.8-acre portion of the 5.8-acre parcel developed as the Caloosa Isle Marina.

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Mrs. Houck referred to the aerial photograph and pointed out the marina property and the subject property. The Master Concept Plan, that was reviewed during the rezoning of the property to CPD, showed the building that the restaurant is located in, the five conditions recommended by Staff and the schedule of uses. She noted that this was the only location on the property for the restaurant. The small deck attached to the east side of the restaurant is the location of the proposed outdoor seating.

Because the location of the outdoor seating area is within 500 feet of several single-family residences to the northwest across a canal in Waterway Estates, a Special Permit has been requested. An administrative approval for beer and wine was granted in 1992 (Resolution AA #COP-92-004) with several conditions which limited the sale of beer and wine to the location of the restaurant with no outdoor seating. The restaurant was limited to hours of operation from 11:00 a.m. to 9:00 p.m. except for Friday and Saturday on which it could be open until 10:00 p.m.

Staff reviewed the request and felt that, with the conditions of approval listed in the Staff Report, it would be in compliance with the Lee County standards for approval for a Special Permit. Condition 1 limited the COP to beer, wine and liquor in conjunction with the restaurant use located in Store #2 and the existing 15-foot by 45-foot deck located on the east side of Store #2 as reflected on the Applicant's site plan. They noted that Applicant was, by right, already serving food on the outdoor seating area.

Condition 2 stated that no live music or entertainment shall be allowed on the deck. Condition 3, which was also a condition of the Applicant's CPD, stated that all lighting provided for this project shall be limited to low-intensity, low-level types, and shielded or directed away from the adjacent residential area.

Condition 4 limited the hours of operation to 11:00 a.m. to 8:00 p.m., daily, the hours that the Applicant had placed in a letter with his application. During his presentation, Applicant will request that the hours be amended to the hours of approval granted in the administrative approval. Staff did not have a problem with those hours for the indoor seating, but they were concerned about the outdoor seating area being open until 10:00 p.m. on weekends. Mrs. Houck felt that 9:00 p.m. was a reasonable time, as 10:00 p.m. could cause a nuisance for the nearby residences. Staff recommended the more restrictive hours as, upon approval of this Special Permit, the administrative approval will become null and void.

It should be noted that the parking was addressed during the review of the CPD, in which the Applicant was granted a deviation. However, there was a condition placed on the deviation that, should the parking become a nuisance, it would be referred to the Division of Code Enforcement and, if necessary, to the Board of County Commissioners (BOCC) for further review. This condition gave Staff an extra "comfort level" as a mechanism to address the parking should it become excessive.

The Hearing Examiner asked Mrs. Houck if she had visited the site and if she had noticed any particular parking problems. Mrs. Houck stated that she visited the site around noon during the week and there was no parking problem at all. In response to a question whether the existing parking included parking for the marina as well as the restaurant, Mrs. Houck replied yes. The parking was for the entire site. The Hearing Examiner also asked if there was a boat ramp on-site, to which Charles Stambouly, a representative for Shuckers & Company, replied no.

The Hearing Examiner stated that one of Staff's conditions was that there be no loud music on the outside deck. She asked if speakers would be allowed outside, to which Mrs. Houck replied yes. She asked if there were speakers outside at this time, to which Mr. Stambouly replied no.

Mr. Stambouly stated that he has operated the restaurant for approximately 15 months. He believed the restaurant was an asset to the community; many of the residents in Waterway Estates use it, and have requested that the restaurant obtain a liquor license. In the 15 months that he has run the

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restaurant he has never had to call the police, not received any complaints from residents and there has never been a parking problem.

Since the deck was being used at this time, the granting of this Special Permit would not change anything. In response to the Hearing Examiner's questions, he stated that he had no plans to expand the deck which held only about seven tables. He added that there has never been music on the deck and he had no intention of installing speakers out there, so there should not be a problem with the noise level. One of the neighbors plays a mouth organ sometimes outside on the deck; however, to his knowledge, it has never been a problem; no one has ever complained about it. She asked if special parties are ever held on the deck, to which he replied no. They have special parties inside the building, but if somebody wants to sit outside, they are allowed to do so.

The Hearing Examiner stated that Staff believed that the Applicant did not want to have the hours of operation limited. Mr. Stambouly stated that was correct. The original letter that he sent stated that the current hours of operation were 11:00 a.m. to 8:00 p.m., seven days a week; however, that was incorrect The restaurant is presently open Monday through Thursday from 11:00 a.m. to 8:00 p.m. and Friday and Saturday from 11:00 a.m. to 9:00 p.m. The Applicant would like to be able to go by the originally approved hours of 11:00 a.m. to 9:00 p.m. during the week and 11:00 a.m. to 10:00 p.m. on the weekend, which would give them the option of staying open a little later. This did not mean that the restaurant would be open until 10:00 p.m., it would merely give the people who come in late time to finish their dinners and time for the restaurant to be cleaned up. In order to close at 10:00 p.m., the kitchen has to shut down at 8:45 or 9:00 p.m.

Mr. Stambouly felt that the people in the community had somewhat overreacted to the request. He stated that the Special Permit would not have any impact at all on the neighborhood. Nothing that they have been doing in the last 15 months would change.

The Hearing Examiner referred to his statement of there never being a parking problem on the site, and asked if this was true on weekends as well as weekdays. Mr. Stambouly reiterated that they have never had a problem with parking. She asked if a lot of their trade came from the nearby residents who walk to the site, to which he replied yes, adding that they also come by boat. She asked if there were places where boats could be docked, to which he replied yes. Mrs. Houck pointed out the docks on the site plan.

Mr. Stambouly noted that the restaurant was not very big; it only had 66 seats. The Hearing Examiner asked if that included interior and exterior seating, to which he replied it was interior only. With the deck tables and chairs, there will be approximately 80 seats total, which is still a very small amount. The Hearing Examiner noted that the total seats would be 94 if the tables outside seated four people, in which Mr. Stambouly stated that it was very seldom they reached full capacity. She asked if they were open to the public, to which he replied yes.

The Hearing Examiner asked if she decided to approve the request whether the Applicant would object to an additional condition prohibiting a bar, temporary or otherwise, on the deck to which Mr. Stambouly replied no. She stated that, if she approved it, she was inclined to limit the hours of operation for the deck to 11:00 a.m. to 8:00 p.m. daily. However, she would allow the Applicant to have whatever hours they could have whatever hours they wanted on the interior. Mr. Stambouly stated that such limited hours for the deck would be a hardship. He reiterated that there has never been a problem on the deck nor excessive noise on the deck.

The Hearing Examiner stated that it has been her experience that when you're not "partying" you notice the noise a lot more than someone who is part of the group having a good time. Mr. Stambouly responded that 8:00 p.m. was really early in the summertime, since it did not even get dark until 9:00 p.m. The Hearing Examiner stated she was concerned about

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children in the area, who go to bed early, that would be affected by the noise. Mr. Stambouly reiterated that they had not had any problem with noise or noise complaints.

Ken Stead, general manager of Caloosa Isle Marina, stated that he lives directly above the restaurant and has never heard any noise from the deck. Mr. Stambouly argued that to make them close the deck at 8:00 p.m. would present a problem. The Hearing Examiner stated that she consider his request to keep the hours that were already approved in the administrative approval. She asked when the busiest time of week was, to which Mr. Stambouly replied Saturday night. She stated that she would visit the site during that time to determine if noise was an issue/factor.

Mr. Stead stated that he is the general manager of Caloosa Isle Marina as well as a resident at the property. He concurred with all of Mr. Stambouly's remarks and stated that they have always tried to be a good neighbor. He considered the neighborhood "his" neighborhood and always tries to be accommodating to the residents. They have a gazebo at the lower corner of the property that is available for public access. No one is denied access to the property, which is also a popular dog walking area for a lot of the neighborhood residents.

The only time parking had ever been a problem on the site was during December when the annual "Holiday Benefit Bash" is held. It is a free event to the public where toys are collected for needy children. Other than that event, there has never been a parking problem on the site.

Dave C. Brown, an adjacent property owner, was asked to speak on behalf of a group of people who live in Waterway Estates. He stated that the residents who have children and grandchildren in the area were very concerned about this request.

He noted that for the 22 years that he has lived in the area they have been treated like second class citizens. They moved in with the expectation that the tennis courts, pool, basketball courts, shuffleboard courts, and boat launching ramp would be maintained. However, those things "went down the tubes." Then there was a sewer treatment plant constructed, and then plans were made to build a condominium. The condominium did not go through and a lot of people lost their money there.

There are no public sidewalks along Inlet Drive. He pointed out where the bus stops to pick up the children for school, and noted that Inlet Drive was two lanes for six blocks. There are 155 residents currently living in Waterway Estates and the traffic is horrendous not only with the incoming residents, which have two cars a piece, but also with the tractor-trailers that come down the street before 7:00 a.m. It is a noisy, dangerous situation.

He felt it would be a real catastrophe if alcohol was allowed at this restaurant. He noted that there is a beer tap located behind the gazebo at this time. He submitted a photograph of a sign located on the gazebo that states "... sandwiches - notions." The Hearing Examiner asked if the sign faced the parking lot or the water, to which Mr. Brown replied that it faced north, towards the restaurant.

Mr. Stead noted that the sign Mr. Brown was referring to was constructed by the former operator of the restaurant. The boat launching area is in the vicinity of the gazebo and the purpose of that sign was to direct both water traffic and marina customers to the back of the property toward the restaurant. He thought the sign had already been removed; but noted that it can be removed easily enough, if necessary.

Mr. Brown asked Mr. Stead if it was true or false that they have not sold alcoholic beverages, food, or beer in the gazebo within the last 15 months, to which he replied true. A fair number of patrons who come in the restaurant, purchase a beer, stroll down past the boats, and sit in the gazebo; nobody is denied access to the gazebo. Mr. Brown asked if they have ever sold beer down there, to which Mr. Stambouly stated that

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since they took over the restaurant in July 1993 they have never sold anything in the gazebo. Mr. Brown asserted that he questioned the veracity of the petitioners.

He averred that, in 1988 when the schedule of deviations was agreed to, it was stipulated that one of the deals was that there would be a total of 106 parking spaces. He noted that only 92 spaces could be counted at this time, some of which had boats parked in them.

The Hearing Examiner asked Mr. Stambouly if he owned the entire marina or just the restaurant, to which he replied he was a tenant. He leased the restaurant and parking space from the marina, and noted that the marina constantly moved boats around.

The Hearing Examiner asked if the Assistant County Attorney had any comment, to which Donna Marie Collins, stated that she felt as though any question regarding available parking would be a code enforcement matter and not properly before the Hearing Examiner during this hearing. She did not believe that Mr. Brown's comments related to the fact that if hard liquor was served, more people would be coming to the restaurant and, therefore, there would not be enough parking. His comments were being directed to the parking currently available and the situation on site now. There has already been a mechanism established through the Code Enforcement arena to address those issues that are interfering with the neighborhood. She encouraged Mr. Brown to pursue that.

Mr. Brown stated that he was not an attorney and he apologized for digressing. However, his point was that not only is parking a problem at this time, but that it would increase with the additional service of liquor. Recently at a North Fort Myers Chamber of Commerce meeting held at the restaurant, the traffic was backed up all the way from Inlet Drive to Harbour Lane.

He was also concerned about noise levels as there have been problems in the past. He asked if it was true or false that the horn located on top of the restaurant went off 24 hours a day inviting boaters to come in for a drink, which Mr. Stambouly confirmed. Mr. Brown noted that the horn makes an echo chamber up and down the canals. He also noted that there are manatees in the canals that would be affected by additional boat traffic. He felt it was time the citizens of Lee County stop getting pushed around.

Mr. Stambouly referred to the horn and stated that if they had ever received just one complaint from a neighbor, they would have stopped using it. The Hearing Examiner pointed out that Mr. Brown has said something about it now, to which Mr. Stambouly stated that they would take the horn down. He reiterated that he did not feel that the service of liquor would change anything, in that beer and wine is being served now. The service of alcohol would not affect the parking in any way.

Mr. Stead stated that he shared Mr. Brown's concern with regard to children playing on the street and the traffic issue. If the residents were interested in approaching Lee County about putting some speed bumps in or something that would help that situation, Caloosa Isle Marina would be more than happy to join them in that effort. Mr. Brown asked about sidewalks, to which Mr. Stead said Caloosa Isle Marina would be more than happy to help them explore what needs to be done with Lee County to achieve that.

Larry Sickler, an adjacent property owner, stated that it was quite obvious why the Applicant was requesting a liquor license; it would enhance the business to make more money and attract more people. Attracting more people was the problem because there was already a traffic problem on Inlet Drive. He invited the Hearing Examiner to come to the area at any time of day to witness this. Increasing the traffic would not enhance the community in any way, shape, or manner. He was 100 percent against anything that would increase traffic on their roads and, unless there was some other way traffic could be funneled in and out, he did not think this

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was the place for a commercial business. He had been a business man all his life and knew it was tough on business people trying to make a living, but when it encroaches on people's safety, it was not necessary.

Scott Conroy, an adjacent property owner, referred to the map and pointed out the location of his house. He reiterated the nuisance with regard to the horn, noting that it goes off approximately 20-30 times a day at all hours of the afternoon, even waking up small children from their naps. With regard to the ample parking for the boats, he noted that this was not "the season" right now; therefore, all of the boat slips are not filled up. He questioned when a boat slip was filled up with a house boat if that person was designated one or two parking spots per boat.

He noted that he has complained in the past about the noise. He has called the police and had them come out to his house and stand on his pier to listen to the noise. The problem is that when the doors open the noise from the stereo comes out. Occasionally people step out on the back deck and whoop and holler, and yell at at the top their lungs, etc. This happened when the restaurant first opened up. He was informed that someone from the office spoke to the people who were involved, and was told it was because of their grand opening. This happened for three days in a row and, on the third day, he called the police.

Mr. Conroy felt that a situation was being created similar to the situation at Ft. Myers Beach where residents have had to put up with the noise levels for many years until a noise ordinance was passed. He did not believe there would be enough space for emergency vehicles to come down Inlet Drive because it is so small. The fire code is not being enforced at this time. There is a small trailer on the property hooked up to water and electric. The traffic on Inlet Drive and the parking will also be affected by the amount of marina/restaurant employees.

Mr. Stambouly stated that the amount of employees are already in place; they would not be adding any more. They are not adding any more hours, and referenced Staff's reduction in their operating hours. He believed that Mr. Conroy was talking about their predecessor as they have never had a police officer come to this restaurant. Mr. Conroy agreed that it was possible as the incident happened in the past. Mr. Stambouly said if anybody ever complained, they would address the problem because they did not want to have a problem with any of the neighbors.

Mr. Stambouly stated that there had been an electrical fire on the site when a boat was struck by lightning. The fire department had absolutely no problem getting to the site, running their hoses, or putting the fire out. That happened on a Friday night, too. However, he knew nothing about a trailer being hooked up to the building. Mr. Stead noted that the trailer belonged to an individual who had a boat at the marina. He decided he was going to move from the boat to the trailer and the marina immediately put a stop to that. That tenant is no longer there.

Mr. Stead referenced the boats that are on site now, stating that they were there because it was not "season." The boats belong to traditionally seasonal residents who store the boats on the land during the summer. The majority of those boats will be going back in the water over the next 30 to 60 days, which will open up a lot of additional parking that is not available now. The ebb and flow of their storage customers tends to compliment the operation of the restaurant.

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Rebecca Brown, a concerned property owner, asked the Hearing Examiner to conduct her site visit at approximately 7:00 or 7:30 a.m. This was not during restaurant hours but when the school children are waiting for buses on this stretch of Inlet Drive. She, and many other residents in the area, were concerned about the safety of the children and the elder people in the neighborhood. The road is poorly lit at night.

She asked how many of the parking spaces are designated for the restaurant, to which Mrs. Houck stated that the deviation that was granted did not designate the spaces to specific uses. The Hearing Examiner asked how many spaces would be needed for a restaurant with 65 seats. Mrs. Houck stated that the restaurant parking is calculated on the total square

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footage of the restaurant. The requirement is for 14 spaces per 1,000 square feet of floor area, but there is no parking required for the outdoor seating. She noted that the review that granted the marina the parking deviation considered that there would be double use of the parking, both by the customers of the marina as well as the restaurant. It was also taken into consideration that people would be coming in by boat. However, there was a condition placed on that deviation, whereby any impacts to the residential area in Waterway Estates, the property owners could call the County to review the parking situation. If a problem exists that cannot be corrected, they can take it to the BOCC for review.

Mrs. Brown stated that the main problem was the safety factor. Very few of the residents were familiar with Mr. Stambouly or Mr. Stead. There was a request by an adjacent property owner and other residents to stop the use of the horn which was still in use as late as 9:22 p.m. on a Friday night. The restaurant was also still open at that time. Mr. Stambouly reiterated that the horn would be taken down. Mrs. Brown stated that another problem was that often they are told one thing and then they find that things do not get done. She did not want the restaurant to close, she just did not like the traffic.

Margaret Doyle, an adjacent property owner, stated that she had concerns about the traffic.

Robert Hemenway, a concerned property owner, stated concerns similar to the other residents. He emphasized the fact that the primary objective that he had was with regard to the safety of the neighborhood. Inlet Drive was a very narrow street with a tremendous amount of supply vehicles and large boats going to and from the marina.

He was also a boater and he sympathized with the marina. He felt that the storage building was a dangerous situation to the neighborhood in that it not only brought a lot of excess traffic into the area, but would be a hazard in the event of a hurricane. He was also concerned about the children and elderly people's safety with regard to additional traffic. He asked that something be done about the live-aboards that tend to throw their garbage in the canal which ends up at the other end of the canal where his house is located.

Mr. Stead stated that they do try to make the boaters very much aware of their environmental concerns. They were participants two weekends ago in "Clean Water Weekend" where every boater at the marina was given a booklet on what boaters can do to be environmentally friendly. He also experienced the problem at the dead end canal located next to his office. Mr. Stambouly assured him that they were not dumping anything into the canal.

Mr. Hemenway noted that he and his wife and several of the friends eat at Shuckers and enjoy the food and service. It was just unfortunate that the restaurant was in the position that it is in, because of the conflict with Inlet Drive. It was a poor location for a marina and restaurant. Mr. Stead pointed out that the establishment was really a restaurant that serves liquor; it is not a bar. Therefore, the fact that they are going to serve liquor was really not going to change the atmosphere or increase the traffic count. It will merely be more of a convenience for the patrons. Mr. Hemenway did not object to beer and wine, but he was against the sale of hard liquor.

Mrs. Houck noted that the subject property had a very long, confusing zoning history. It has been litigated in the past, and, up until the time it was rezoned to CPD, there was multi-family zoning on it with a number of conditions. One of the conditions was that they would provide sidewalks on Inlet Drive. That zoning is no longer in place and that was never a provision in the marina approval requiring the same thing.

The Hearing Examiner asked if Mr. Stambouly owned the marina, to which he replied no. She stated, for the record, that any conditions or promises of amenities that came from the company that was developing the marina would not be binding on him. Mrs. Houck noted that the multi-family development was never constructed. When the property was rezoned to CPD,

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that condition went away, and the sidewalks were not a part of this approval. The Applicant has complied with all of their requirements from the DSO.

The Hearing Examiner stated that she would visit the site and make her decision in approximately one week. If she was going to recommend denial of the request, because of specific reasons that may arise from the site visit, she would reopen the hearing to allow input regarding additional conditions or information.

Mr. Stead asked that anyone who had a problem with any activity at the marina call him. In the four years he has been general manager he has been at the person's house within five minutes of a complaint; they wanted to be a good neighbor. They have an after-hours phone number in the phone book that people can call if there is a problem with noise late at night. He lives above the restaurant and would personally see to it that these calls are addressed.

VII. PUBLIC PARTICIPATION: The following persons appeared at the hearing or became "parties of record" in this case by submitting written materials:

ADDITIONAL APPLICANT'S REPRESENTATIVES:

1. Charles STAMBOULY, 1222 S.W. 18th Ter., Cape Coral, FL 33904

ADDITIONAL COUNTY STAFF:

1. Donna Marie COLLINS, Assistant County Attorney, Lee County, P.O. Box 398, Ft. Myers, FL 33902-0398

FOR: NONE

AGAINST:

1. Donna BOBER, 1853 Inlet Dr., N. Ft. Myers, FL 33903
Letter 10/7/94: I am opposed to outdoor seating and liquor license that may be issued to Caloosa Isle Marine, Inc., or Shuckers & Company Crabhouse, Inc.

2. Bernard TYLER, 4311 Pacific Cir., Ft. Myers, FL 33903-5010
Letter 10/10/94: It has come to my attention that Caloosa Isle Marine, Inc., represented by Carl Stambouly in reference to Shuckers & Company Crabhouse, Inc. has applied for a Special Permit to have outdoor seating and be permitted to serve hard liquor. There will also be entertainment. This is a quiet and peaceful community with many small children and we do not need excessive drinking, driving and noise in this residential neighborhood. I sincerely hope that this permit will be denied. We have already seen the loss of our community pool and boat ramp to the Caloosa Isle Marina and do not want to see our community destroyed further by a commercial enterprise.

3. Louis & Betty Jane LANE, 4312 S. Bay Cir., N. Ft. Myers, FL 33903
Letter 10/10/94: I wanted to tell you I am against the permit Shuckers is asking for. Our family has lived here 32 years, in Waterway Estates, in the same home. We used to have a pool and park at the same place, then it was all removed. I like it to be family place to live, not commercial. I am against hearing number 94-10-13-SP-02, as is my husband, Louis.

4. Mr. & Mrs. James L. TUCKER, 1728 Inlet Dr., N. Ft. Myers, FL 33903
Letter 10/8/94: We were shocked when we heard that Shuckers & Co. wanted to serve hard liquor in their restaurant in our neighborhood. We already have enough traffic on Inlet Drive. We would have traffic night and day, and it wouldn't be safe to be on the street for children or anyone. With the noise, traffic, outdoor speakers and the drunken drives that will come, we do not approve of the zoning change.

5. Mildred FIELDS, 4338 S. Bay Cir., N. Ft. Myers, FL 33903
Letter 10/10/94: As a long time resident of Waterway Estates, I wish to voice my objections to having hard liquor served anywhere near here. We do not need, and certainly don't want, the increased traffic on Inlet

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Drive overloading an already busy thoroughfare, overflow parking, blocking fire lanes and undue noise. All in all, we couldn't expect Waterway to be the desirable neighborhood we've enjoyed these many years if the zoning change permitted the sale of hard liquor.

6. Mr. & Mrs. Clark WORTHINGTON, 1723 Inlet Dr., N. Ft. Myers, FL 33903
Letter 10/13/94: As a property owner at 1723 Inlet Drive, I would hereby submit my opposition to the above mentioned request for consumption on premises with outdoor seating. My concern involves the traffic impact to a very narrow road that goes through a neighborhood that does not have sidewalks. This area is a very high traffic area already, and a more intense use would be a danger to us and the other residents in this area. Please consider a denial of the special permit request.

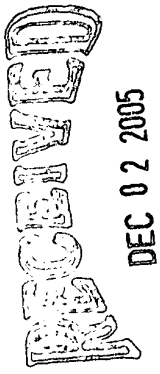
7. William Paul MYERS, 1720 Inlet Dr., N. Ft. Myers, FL 33903
Letter 10/12/94: With respect to the Notice to Adjacent Property Owners which deals with proposed changes in the Zoning Ordinance to permit Shuckers to expand. In my opinion, this is a bad idea. Our street already has heavy traffic which will only get worse if this request is granted, and think of the increased noise. Next, we would have to petition authorities to abate noise pollution. I vote no on this request.

8. John M. CAMPBELL & Doris E. SHEETS, 4342 S. Pacific Cir., N. Ft. Myers, FL 33903
Letter 10/10/94: Please do not allow outdoor seating and outdoor serving at Shuckers. This is a residential area that already had to give in to increased traffic flow and "commercialization" of the marina that continues to get larger and larger. Please listen to us!

9. Catheline BALLBACH, 4332 S. Atlantic Cir., Waterway Estates, N. Ft. Myers, FL 33903
Letter 10/12/94: Anybody wishing to make a few more bucks seems to get the go-ahead while the community as a whole is made to suffer. Inlet Drive is not wide enough for the present traffic it has to carry, both automobiles and pedestrians. Shuckers & Company has inadequate parking now. Where would they put additional cars? Having lived in Waterway Estates for 25 years I have seen the depreciation taking place to it. This is a residential community, please allow it to remain one.

10. Gordon CENTILLA, 1801 Inlet Dr., Ft. Myers, FL 33903
Letter 10/12/94: We would like you to consider that we are a residential area of families with children. The children love to ride bikes and play. Now to have drunk drivers plowing along as 30 mph or even faster might cause a problem, we wouldn't want that to happen. So we oppose the liquor license of Shuckers.

11. Dorothy M. THOMPSON, 4340 Gulf Cir., N. Ft. Myers, FL 33903
Letter 10/9/94: The purpose of this letter is to protest the requested zoning change by Shuckers & Company, to add outdoor seating and be permitted to serve hard liquor. With no sidewalks on Inlet Drive, this will increase the danger for those of us walking in the streets. Children's safety is also my concern for protesting this request. I walk every morning and again after work at night (even after dark), so I very strongly protest this request.



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12. Betty Jane HAVENER, 4339 South Bay Cir., Ft. Myers, FL 33903
Letter 10/12/94: Please accept this correspondence as an expression of strong opposition to the application for consumption on premises for property known as Caloosa Isle Marina, Inc., located at 1687 Inlet Dr., Waterway Estates, North Fort Myers. I have been a homeowner in the immediate area for 15 years, during that period of time have enjoyed the quiet residential atmosphere, feeling free to walk or cycle during cooler evening hours. To introduce additional traffic, possibly drivers under the influence, would definitely prove detrimental to the area, not to mention the down grading of property values. The greater percentage of homeowners directly affected are senior citizens, and to award an alcohol license to the above mentioned business would destroy the sense of safety and well-being now enjoyed in this north sector of Waterway Estates. Please give this application your most careful "If I lived in the immediate area" consideration.

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13. Jean & Tim VOLL, 4278 Harbour Ln., N. Ft. Myers, FL 33903
Letter 10/9/94: My husband and I are residents of Waterway Estates. We live approximately one block away from The Caloosa Isle Marina and Shuckers & Company. On Saturday, October 8, 1994, we were made aware of a proposed zoning change for Shuckers & Company. We understand they have requested a change that would allow outdoor seating and a full liquor license. We do not understand why the residents were not notified of this zoning change. We would like to express our disapproval of the expansion of Shuckers & Company. Since Caloosa Isle Marina and Shuckers & Company have been in operation, we have experienced an increase in automobile traffic. This becomes a great concern as we have no sidewalks in the neighborhood. We have also been subjected to the daily noise of the operations of the marina. This continues occasionally after the posted closing hours. We have a nice residential community, why must we destroy it with the expansion of a business that has no place in our neighborhood, we do not need to add an outdoor bar. Please consider this before granting this zoning change.

14. Leonard B. EASTERLING, 1820 Inlet Dr., N. Ft. Myers, FL 33903-5056
Letter 10/12/94: The subject entity is located at the east end of a dead-end, residential street lined with neat well-kept homes, some just 40 feet from the roadway. To approve the expansion of the subject venture would not only increase traffic on this off center little residential street, but would place traffic on it of the wrong kind, perhaps dead wrong. That is those who are looking for a secluded and remote waterfront drinking spot. The presence of food is only incidental. No one really believes the 8:00 planned curfew. For one thing, there would be on-site mutiny, especially on the weekends. And so that leaves the alcohol-impaired, Shuckers customers traveling back home at varying rates of speed, sometimes keeping the vehicle under control, sometimes not. The first mile of course is traveled on Inlet Drive, right here in Waterway Estates, this narrow little Inlet Drive. All this is to say, from a common sense standpoint, you could not make a worse choice than to approve the consumption of alcohol from the site of the subject restaurant. Initially, it was a poor choice for a restaurant, next to a plant processing human waste. The access is terrible. One way in and out, and littered with children along the way. It is simply an unplanned tragedy of which we will have had foreknowledge. Finally, the consumption of alcohol on the premises appears to be nothing more than an inducement or an enticement. I'm wondering if an examination of the subjects P & L Statement wouldn't reflect marginal profit (or no profit) offering just a fare of table food.

15. Marge SLOAT, 1849 Inlet Dr., N. Ft. Myers, FL 33903
Letter 10/7/94: Please don't approve zoning change for Shuckers & Company, Caloosa Isle Marine, Inc. for a liquor license. Wine and beer is sufficient. This is a family neighborhood.

16. Michael G. KELLY, 4311 Canal Cir., N. Ft. Myers, FL 33913
Letter I am opposed to the expansion of Shuckers & Company Crabhouse, Inc., because the sure increase of truck traffic in the daytime (service, food, fuel), passenger car traffic late (patrons of the bar), and the related commotion at a busy commercial marina restaurant. We already have a sewer plant and a busy water treatment company (Florida Cities), live aboard boats, and a very crowded marina and boat storage company serviced by Inlet Drive and enough is enough. School kids have to walk on the grass due to trucks.

17. Edward & Violet WEIMER, 1844 Inlet Dr., N. Ft. Myers, FL 33903
Letter 10/10/94: This is with regard to zoning changes made by Shuckers. We can't even have sidewalks for children to walk on to meet the bus. We already have too much traffic here. This has been a friendly place. We are getting older. Why would we want this? If it were a park or something we would benefit from - fine, but this means more upkeep on the streets, mail boxes hit, etc. We are not for it.

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18. Frederick & Jean BOARD, 4371 Harbour Ter., N. Ft. Myers, FL 33903
Letter 10/10/94: We strongly object to the request made by Shuckers & Company for a proposed zoning change to add outdoor seating and be permitted to serve hard liquor. We strongly object to the presence of a commercial establishment who have no access, except through an old, well established neighborhood. Inlet Drive is quite simply a residential street bordered on both sides by well-kept single-family homes, that contribute to Lee County tax base. I personally have noted an increase in traffic and traffic speed since Shuckers opened. On one occasion in July, tow cars that parked at Shuckers passed me on Inlet Drive at a rate of speed that was frightening and potentially deadly for neighborhood children. In view of all the other available, commercially zoned sites in close proximity (i.e. many vacant sites in two shopping malls less than two miles from the proposed site), this rezoning appears totally inappropriate and irresponsible. It would be almost impossible to believe that a responsible County official would make a decision to approve a rezoning to enhance the value of one property owner of 1.08 acres to the undoubted detriment of well over 100 property owners over 50 acres of single-family, middle class homes that have made a significant contribution to the tax base of Lee County for over 20 years.

19. Norma A. & Charles H. REIGLE, 1781 Inlet Dr., N. Ft. Myers, FL 33903
Letter 10/8/94: I am opposed to the request by Shuckers & Company. At present time this is a very nice residential area, and I would like it to stay this way, and not be subjected to increased and noisy traffic. Many people walk in this area and have to use the street because there are no sidewalks. People drinking and then driving down Inlet Drive would just be an added hazard to this area.

20. Michael L. JELLIES, 4351 Harbour Ln., N. Ft. Myers, FL 33903
Letter 10/10/94: I'm a resident of Waterway Estates. I am voicing my opinion in response to Shuckers & Company requested zoning change. A quick note about myself, I am federally employed, I own a small business. I decided to make Waterway Estates my home because of the quiet and safe streets. Since Shuckers & Company opened, I have noticed a great deal of traffic volume in and out of their restaurant/bar. On numerous occasions I have felt like making a public arrest (citizen's) because of unsafe drivers leaving the restaurant, in my opinion, under the influence of alcohol. I have also witnessed parties going on in their building. Waterway Estates is a established neighborhood with many, many fine citizens with children. Last week alone, coming home from work, Inlet Drive had about 15 kids coming home from school. After passing the kids, I noticed a big black truck come flying out of the vicinity in question doing at least twice the speed limit with no regard to opposite direction traffic on the narrow road, but worse yet, with no regard for the safety of the children walking along the side of Inlet Drive. This neighborhood is one enjoyed by the kids, as well as elderly folks in the evening. All it takes is one time and I know there will be law suits filed. I hope you understand and do the right thing.

21. John & Alice OTTO, 4327 S. Atlanta Cir., N. Ft. Myers, FL 33903
Letter 10/8/94: We ask you not to grant the zoning change to Shuckers & Company Crabhouse, Inc. There would be an increase in traffic on an already crowded and narrow Inlet Drive, where children of all grades walk to meet their school buses at Inlet Drive and Orange Grove Boulevard. There would not be enough parking spaces, and cars may be parked along Inlet Drive and closing off driveways and blocking emergency vehicles. Noise from outdoor speakers would travel across the water canals and increase in volume and bounce of building, etc. There is already a marina there, with live aboards on boats, a sewer plant, a boat yard, all of which creates more traffic, noise and pollution. We do not need any more congestion in this area.

22. Robert & Josephine HELMS, 1775 Inlet Dr., N. Ft. Myers, FL 33903
Letter 10/10/94: We are property owners on Inlet Drive and are very concerned about the zoning change requested by Shuckers & Company. Too much traffic going over the speed limit is coming from the marina and Shuckers at the present time. This house and the other homes on Inlet Drive are sold as residential and approving this rezoning request would

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make it a commercial area. This will also hamper the sale of our property later. Please deny this rezoning to Shuckers & Company and listen to the property owners on Inlet Drive and the Lee County taxpayers.

23. Edwin M. TURNER, 1709 Inlet Dr., N. Ft. Myers, FL 33903
Comment Card: Traffic and noise problems, narrow road, no sidewalks, children at risk.

24. Scott C. CONROY, 4340 Harbour Ln., N. Ft. Myers, FL 33903
Comment Card: There is too much traffic with narrow street, not ample parking, too much noise.
Testimony: See Section VI. Presentation Summary.

25. Donald E. COUCH, 4334 Harbour Ln., N. Ft. Myers, FL 33903
Comment Card: Because of increased noise, increased traffic both on road and canal; restricted manatee area; need no more boats in canal; not enough parking area for both boaters and cars. At the time of hearing the tourist season has not begun and the boat slip use is down at this time.

26. Martha J. KOSHKO, 4280 Glasgow Ct., N. Ft. Myers, FL 33903
Comment Card: Too much traffic. Drunks may cause accident. Can't get out of your driveway now.

27. Margaret E. DOYLE, 1708 Inlet Dr., N. Ft. Myers, FL 33903
Comment Card: Already too much traffic and too fast.
Testimony: See Section VI. Presentation Summary.

28. Jacqueline KIDD, 1715 Inlet Dr., N. Ft. Myers, FL 33903
Comment Card: Totally unhealthy atmosphere for a residential neighborhood.

29. Mr. & Mrs. Robert D. HEMENWAY, 4325 S. Atlantic Cir., N. Ft. Myers, FL 33903
Comment Card: Both my wife and I are against the Shuckers & Company waterfront restaurant's request which is in conflict with the safety of the neighborhood it is located in.
Testimony: See Section VI. Presentation Summary.

30. Lawrence M. SICKLER, 4342 S. Gulf Cir., N. Ft. Myers, FL 33903
Testimony: See Section VI. Presentation Summary.

31. David C. BROWN, 4327 Harbour Ln., N. Ft. Myers, FL 33903
Testimony: See Section VI. Presentation Summary.

32. Rebecca BROWN, 4327 Harbour Ln., N. Ft. Myers, FL 33903
Testimony: See Section VI. Presentation Summary.

VIII. LEGAL DESCRIPTION:

A tract or parcel of land lying in WATERWAY ESTATES of Fort Myers, Unit 2, in the Southeast Quarter (SE1/4), of the Southeast Quarter (SE1/4) of Section 16, Township 44 South, Range 24 East, Lee County, Florida, as shown on Sheet 2 of plat recorded in Plat Book 12 beginning at Page 63, Lee County Records, which tract or parcel is described as follows:

From a Point of Curvature on Curve "K" on the South line of Tract "B" as shown on said plat of WATERWAY ESTATES of Fort Myers, Unit 2, run N89°24'20"E along said South line for 201.00 feet to the West line of the parcel described in deed recorded in Official Record Book 145 at Page 95, Lee County Records;
THENCE run N00°35'40"W along said West line for 165.94 feet to the Northwesterly line of said parcel;
THENCE run N43°56'37"E along said Northwesterly line for 136.87 feet to an intersection with the Northerly line of said parcel;
THENCE run N89°24'20"E along said North line for 90.00 feet to an intersection with the East line of said parcel;
THENCE run S00°35'40"E along said East line for 263.50 feet to an intersection with the South line of Tract "B";
THENCE run N89°24'20"E along South line for 257.71 feet to the POINT OF BEGINNING;

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THENCE run N89°24'20"E along South line for 85.22 feet to a Point of Curvature;
THENCE run Easterly, Northeasterly and Northerly along the arc of a curve to the left of radius 25.00 feet (delta 89°30'20") (chord bearing N44°39'10"E) (chord 35.20 feet) for 39.05 feet to a Point of Tangency on the East line of said Tract "B";
THENCE run N00°06'00"W along the said East line and a Northerly prolongation thereof on the East line of the first parcel described in Resolution recorded on Official Record Book 245 beginning at Page 753 said public records for 425.23 feet;
THENCE run S89°54'00"W for 76.00 feet;
THENCE run S00°06'00"E for 70.00 feet;
THENCE run S89°54'00"W for 34.00 feet;
THENCE run S00°06'00"E for 380.96 feet to the POINT OF BEGINNING.

IX. APPEALS:

This Decision becomes final on the date rendered. A Hearing Examiner Decision may be appealed to the Circuit Court in Lee County. Appeals must be filed within thirty (30) days of the date the Hearing Examiner Decision is rendered.

X. COPIES OF TESTIMONY AND TRANSCRIPTS:

A. A complete verbatim transcript of the testimony presented at the hearing can be purchased from the Official Court Reporter, 20th Judicial Circuit, Lee County Justice Center, Fort Myers, Florida. The original documents and original file in connection with this matter are located at the Lee County Department of Community Development, 1831 Hendry Street, Fort Myers, Florida.

B. The original file and documents used at the hearing will remain in the care and custody of the Department of Community Development. The documents are available for examination and copying by all interested parties during normal business hours.

This decision is rendered this 25th day of October, 1994. Copies of this decision will be delivered to the offices of the Lee County Board of County Commissioners.

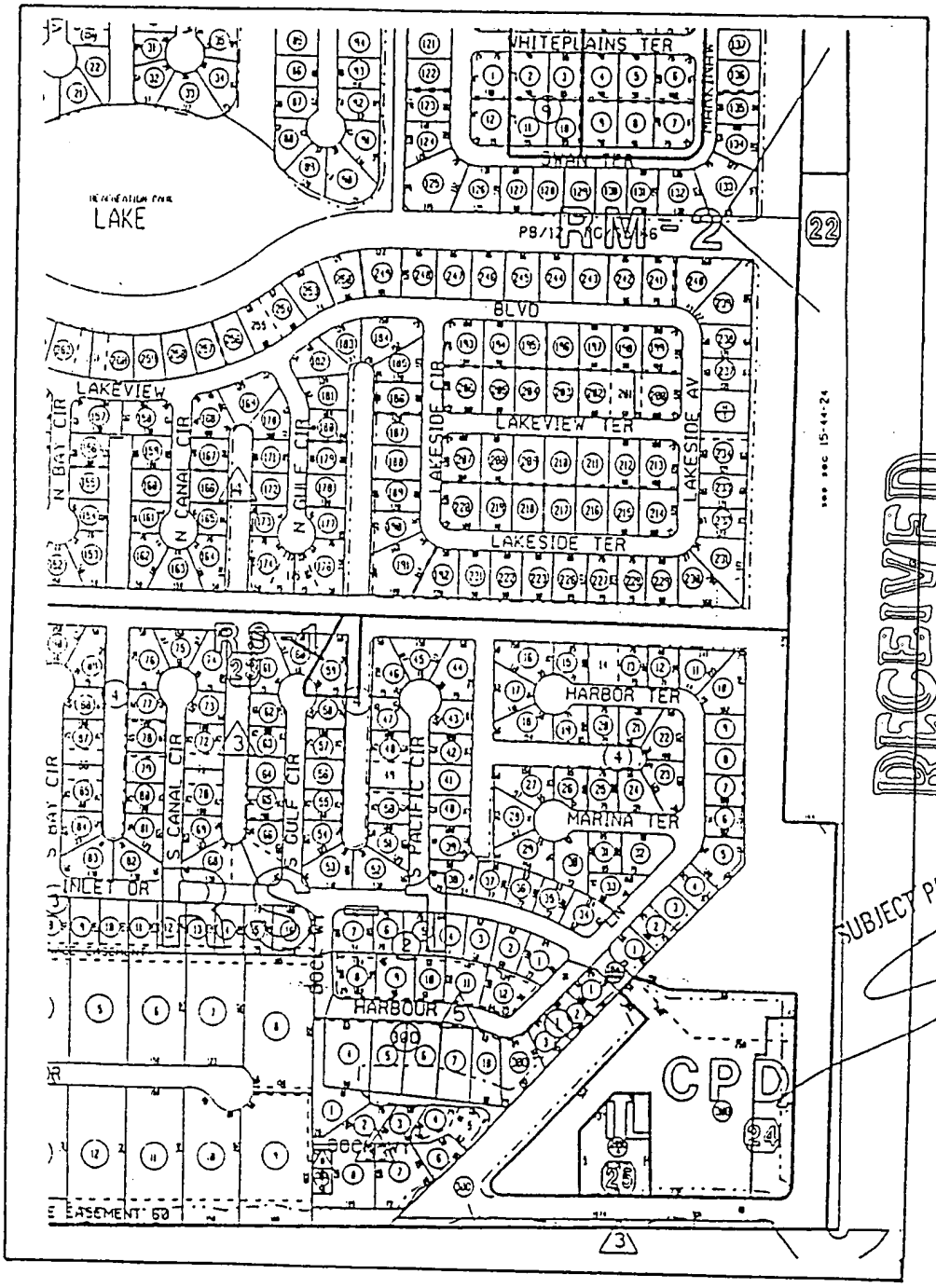
Diana M. Parker

DIANA M. PARKER
LEE COUNTY HEARING EXAMINER
2269 Bay Street
Post Office Box 398
Fort Myers, FL 33902-0398
Telephone: 813/338-3190

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ZONING MAP



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LEE COUNTY

FAX TRANSMITTAL

FROM
LEE COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING & DEVELOPMENT SERVICES DIVISIONS
P.O. BOX 398
FORT MYERS, FL 33902-0398
TELEPHONE 941-479-8585

DEVELOPMENT SERVICES FAX NO. 479-8306
PLANNING FAX NO. 479-8319

DATE: Sept 26 1999
TO: Kate English
TELEPHONE #
FROM: Pam Houck
TELEPHONE # 475393

RE: Caloosa Isle

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TOTAL NUMBER OF PAGES INCLUDING THIS TRANSMITTAL: 32

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Received Time Sep.27. 11:11AM

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LEE COUNTY, FLORIDA

DEVELOPMENT SERVICES DIVISION

STAFF REPORT

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COMMUNITY DEVELOPMENT

TYPE OF CASE: PLANNED DEVELOPMENT/DCI

CASE NUMBER: 99-05-228.02Z 01.01

HEARING EXAMINER DATE: September 29, 1999

DCI 2005-00095

I. APPLICATION SUMMARY:

A. Applicant: Caloosa Isle Marine, Inc. represented by Shuckers & Co. Crabhouse, Inc.

B. Request: Amend a Commercial Planned Development (CPD) to permit enclosure of a 15 foot by 45 foot open deck located adjacent to Store #2 to be used for seating area for the restaurant.

NOTE: If approved, the Master Concept Plan (available for inspection at 1500 Monroe St., in Ft. Myers) may deviate from certain Land Development Code (LDC) standards.

C. Location: The subject property is located at 1687 Inlet Drive (US 41 to Hancock Bridge Pkwy, west to Orange Grove Blvd., south to Inlet Dr., east to the Caloosahatchee River), S16-T44S-R24E, Lee County, FL. (District #4)

D. Land Use Plan Designation: Suburban

E. Surrounding Land Use:

	Existing Zoning & Land Use	Future Land Use Map
North:	Canal, then RS-1 developed with single-family homes within Waterway Estates S/D	Suburban
East:	Canal, then RM-2 common element of Buttonwood Harbor (mangrove wetland)	Wetland
South:	Canal, then RS-2 conservation area (wetlands) followed by the Caloosahatchee River	Suburban
West:	Canal, then RS-1 developed with single-family homes within Waterway Estates S/D	Suburban

F. Size of Property: 5.8± acres

G. Zoning History

1983 -Rezoning to CPD in Resolution Z-88-293 attached as C.

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1992 - Administrative Approval Number COP-92-004 (attached as D), approved consumption on premises of beer and wine in the restaurant with no outdoor seating.

1994 - Special Permit #94-10-13-SP-02 (attached as E) approved consumption on premises with outdoor seating at the restaurant.

II. RECOMMENDATION:

Staff recommends APPROVAL of the Applicant's request for amendment to the CPD to permit enclosure of a 15 foot by 45 foot open deck located adjacent to Store #2 to be used for seating area for the restaurant.

A. Conditions

1. The development of this project must be consistent with the one-page Master Concept Plan entitled "Caloosa Isle Marine," stamped received May 24, 1999 and adopted in Resolution Z-88-293, 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.

B. Deviations

1. Deviation from Section 34-2194(b) from the minimum required water body setback of 25 feet to 0 feet is APPROVED.

2. Deviation from Section 34-2020(2)(1)(2) from the minimum required 14 parking spaces per 1,000 square feet of floor area for a restaurant to allow the 50 parking spaces as approved by Resolution Z-88-293.

1. Enclosure of the 15 foot X 45 foot patio is limited to a roofed, screen enclosure. If the this area is enclosed with walls the required off-street parking must be provided.

2. The conditions of approval in Special Permit Case #94-10-13-SP-02 will remain in full force and effect, except as modified herein.

Findings and Conclusions:

Based upon an analysis of the application and the standards for approval of planned development rezonings, staff makes the following findings and conclusions:

1. The applicant has proven entitlement to the amendment by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.

2. The requested zoning:

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a) meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;

b) is consistent with the densities, intensities and general uses set forth in the Lee Plan;

c) is compatible with existing or planned uses in the surrounding area; and

d) will not adversely affect environmentally critical areas or natural resources.

3. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the 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 proposed use or mix of uses is appropriate at the subject location.

6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.

7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

8. The deviations granted:

a) enhance the objectives of the planned development; and

b) preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

III. BACKGROUND INFORMATION AND ANALYSIS:

Introduction/Synopsis

Requested is an amendment to Caloosa Isle Marine, Inc. Master Concept Plan (MCP) and Commercial Planned Development (CPD) to permit the enclosure of a 15 foot by 45 foot open deck located adjacent to the existing restaurant (identified as Store #2 on the MCP) to be used as a seating area for the restaurant. This request is a result of a code violation whereby the applicant was sited for enclosing the patio without a permit. The citation was issued afer the roof had been installed but before the area was enclosed with screen. The adopted Master Concept Plan was specific to size and use of buildings within the development, therefore necessitating the requested amendment.

Master Concept Plan

The Master Concept Plan was approved in 1988 by Resolution Z-88-293 which adopted a one-page MCP for the development of the existing Caloosa Isle Marine, Inc. Listed in the MCP's schedule of uses is "Restaurant, Groups I, II and III (first floor of Store #2)". This is the location

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of the applicant's restaurant known as Shuckers & Company Crabhouse, Inc. The MCP shows Store #2 with an attached 15 foot by 45 foot open patio adjacent to the seawalled canal. This amendment is to legitimize the patio roof and allow the patio to be enclosed with screen. The enclosure of this area requires two deviations as discussed below.

Deviations

1. This deviation is from LDC Section 34-2194(b) which requires a minimum water body setback of 25 feet to 0. The previous approval of the MCP in Resolution Z-88-293 approved a waterbody setback of 0 feet in Deviation #2 for the existing store #2. Staff offered no objection to this deviation. The enclosure of this area over an existing slab will not expand the limits of the approved 0 foot setback, effect the projects' open space or impact the existing seawalled shoreline. The enclosure of the open patio should reduce some of the noise that is generally associated outdoor seating areas and will not effect the neighboring properties in Waterway Estates. Staff recommends APPROVAL of this deviation.

2. This deviation is from Section 34-2020(2)(1)(2) from the minimum required 14 parking spaces per 1,000 square feet of floor area for a restaurant to allow the 50 parking spaces as approved by Resolution Z-88-293. The 50 parking spaces were approved in deviation #1 requesting a reduction from 122 parking spaces to 50 parking spaces. Staff objected to the granting of this deviation, suggesting the marina's uses would need the required parking spaces, with concern that without the required amount of parking the adjacent residential area would be impacted by overflow parking. The deviation was subsequently approved with the following condition:

> " if Code Enforcement should find at any time that parking demand exceeds the provided on-site parking within this development, resulting in vehicles parking along the nearby residential streets, additional on site parking shall be provided or this planned development shall be rescheduled by the County staff before the Board of County Commissioners to evaluate the need for additional parking or reduction of development intensity to reduce the adverse impacts on the nearby residential areas".

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The project was developed and a restaurant has operated since 1992. In 1994 the patio area was approved for consumption on premises. The outdoor seating area did not require additional parking and the area was approved and has operated since with approximately 12 tables or 50 seats. The enclosure of this area requires off-street parking requiring an additional 10 parking spaces.

The enclosure of this area will not increase the number of seats. It will provided shade for both the outdoor seating area and the air conditioned restaurant, which has an easterly exposure. The roof was installed approximately 18 months ago, and the use of the roofed patio by the patrons of the restaurant has not effected the parking at the marina. Additionally, the marina closes at 5:00, when the restaurant's business picks up. These conditions substantiate that the enclosure of the open patio with a screen room does not warrant the additional parking. The above condition will also continue to offer assurances that the parking creates minimal impacts on the nearby residential area. Staff recommends APPROVAL of this deviation with the following conditions:

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1. Enclosure of the 15 foot X 45 foot patio is limited to a roofed, screen enclosure. If the this area is enclosed with walls the required off-street parking must be provided.

2. The conditions of approval in Special Permit Case #94-10-13-SP-02 will remain in full force and effect, except as modified here in.

Lee Plan Considerations

The subject property is located in the Suburban land use category. Use of the marina, including the restaurant has been found consistent in Resolution #Z-88-293 approving the CPD. The enclosure of the open patio is consistent with the intent of the approving resolution. Additionally, with the recommended conditions. the enclosure of this area should serve to further reduce noise that may be generated by the use of the this area for restaurant seating.

IV. ATTACHMENTS:

A. Map of surrounding zoning
B. Applicant's Narrative
C. Resolution Z-88-293
D. Administrative Approve Number COP-92-004
E. Special Permit #94-10-13-SP-02

cc: Applicant
County Attorney
Zoning/DCI File

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Exhibit IV-D
Exhibit IV-H
Narrative Regarding Request

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The Requested Deviations will improve the CPD

The Commercial Planned Development, like all planned development districts, is designed to implement the goals, objectives and policies of the Lee Plan while providing flexibility to plan and design developments for the benefit the property owner, the economical use of land and public resources, and the environment. LDC 34-612. The deviations requested allow the applicant use the property in a more reasonable and useful way for the benefit of the public and in accordance with the intent of the original CPD. The applicant is not requesting deviations that will alter the use of the property or alter the original intent of the CPD. The deviations requested simply allow the applicant to improve the use that the applicant now makes of the property. The setback deviation to zero feet has already been approved for the existing building and concrete deck and refusing to approve the deviation will not provide a 25 foot setback from the waterbody. The use of the concrete deck as seating area for food and beverage service is already approved. The deviations requested simply allow the construction of a screened area to protect the health and safety of patrons, which include neighboring homeowners. The parking deviation is reasonable because the seating capacity of the restaurant is not changing and further many of the patrons of the restaurant come from the marina and surrounding neighborhoods.

In addition to the intent of the CPD approval, other waterfront restaurants have fully enclosed buildings with zero foot setbacks from a waterbody. Those restaurants take full advantage of their location with far more patrons and structures which are less integrated to the area in which those restaurants are located. The deviations requested by the applicant is in keeping with general lines of building, maintains the existing footprint of the restaurant and is in accordance with the remainder of the CPD as originally approved. The restaurant provides food and beverage service to the those using the marina and those living in the neighboring residential neighborhoods for the benefit the public. Refusing to grant the setback deviation deprives the applicant of rights fully enjoyed by other similarly situated restauranteurs.

Granting the deviations will not be Injurious to the Neighborhood or Detrimental to the Public Welfare

The impacts of the restaurant to the neighborhood have been examined in detail through both the CPD process in 1988, the Consumption of Premises permit process in 1992, and the Special Permit process in 1994. In each instance, the neighborhood has voiced its concerns about the restaurant and its potential impacts. The County has determined that the restaurant, including consumption of alcoholic beverages, on premises is not injurious to either the neighborhood or the public welfare as a result of both of those public hearing processes.

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Exhibit IV-D
Exhibit IV-H
Narrative Regarding Request
Page 4 of 4

The deviations requested from the setback and parking requirements will not increase the seats available in the restaurant or on the concrete deck. The setback requirements and the method of calculating parking requirements provided in the Land Development Code do not take such circumstances such as those particular to this restaurant into consideration. Because granting the deviations requested will not change the restaurant's capacity and use, granting the deviations will not cause injury the neighborhood or be detrimental to the public welfare. Granting the deviations will allow the applicant to protect its patrons from biting and stinging insects while those patrons are enjoying the restaurant thereby limiting their exposure to any insects that may vector diseases such as encephalitis. Furthermore, the use of the deck for seating area has not resulted in parking which exceeds the capacity of the CPD to accommodate it. The restaurant occupies only 1.8 acres of the total 5.8 acre island. Furthermore, the dry dock and the businesses associated with the marina close at 5:00 p.m. when business at the restaurant is picking up.

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

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

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

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

SUBJECT TO easements, restrictions and reservations of record.

Containing 5.80 acres more or less.

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

WHEREAS, the applicant has indicated the property's current STRAP number is 16-44-24-03-00308.0000; and

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

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

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

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

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

WHEREAS, in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Planning and Zoning Commission, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE with conditions a rezoning from C-1A to Commercial Planned Development, to permit the expansion of an existing marina with buildings not to exceed 45 feet above average grade, on 5.8± total acres of land. The proposed development will also include dry storage, retail stores, fuel sales, boat repair services, and pump out facilities.

Approval is subject to the following conditions:

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

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

1) The total allowable number of boat slips within this marina shall be 44 wet slips and 239 dry slips. These totals assume that a favorable vesting letter is received from the Department of Community Affairs for the 44 wet slips. If a favorable determination is not received, the number shall be adjusted downward accordingly. Approval for additional wet or dry slips shall require an amendment to this approval and a Binding Letter of Development of Regional Impact status.

2) Those uses that cannot be relocated, such as structures, to the easterly side of the property can remain. Those items that can be moved, such as the dry sand blasting area, shall be enclosed in an at least 45-foot by 25-foot, two walled room with drop curtains and a waterfall booth to prevent the sand from bothering the neighbors contiguous to the site. An opaque 8-foot screen (fencing and vegetation) shall be provided along that side of the development contiguous to the existing residential area.

3) The schedule of uses as noted on the MCP are hereby amended, deleting marine salvage as a permitted use.

4) On-site trash receptacles shall be placed upon the property to assist patrons of the site in the proper disposal of the trash.

2. If part of the permitting process, the applicants shall submit a spill containment plan and flushing study to the Lee County Departments of Community Development and Public Safety, to the Department of Environmental Regulation, and to the Department of Natural Resources. No final development order shall be approved until a letter from each of these agencies is received showing that they have reviewed and approved this plan.

3. Prior to the issuance of a final development order, provisions shall be made to provide on-site storm water retention in accordance with South Florida Water Management District requirements.

4. The hours of operation for all maintenance and repair operations allowed in this CPD zoning shall be from 8:00 a.m. to 5:00 p.m. Monday through Saturday.

5.a. Prior to final plan approval, the marina management shall prepare and submit a written emergency plan to the Department of Public Safety which shall be followed in the event of a hurricane emergency. This plan shall be updated on an annual basis. All owners of boats within this facility shall be advised of the requirements of this plan and any annual changes. A letter from the Department shall be submitted as part of the final plan approval request indicating acceptance of the procedures, to constitute compliance with this condition.

b. At the completion of development construction or each phase thereof, a development representative shall contact Lee County Emergency Medical Service to discuss: 1) the designation of emergency helicopter landing zones; and 2) the accessibility of the EMS unit.

6. The applicants, prior to the issuance of a final development order, shall coordinate with the Lee County department granted the authority to oversee the posting of "Idle Speed" and "Caution, Manatee Awareness" signs extending from the marina site, out to the Caloosahatchee River main channel. The marina shall be required to maintain these signs in good condition.

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7. The applicant shall reserve one dry boat storage slip for County or State agencies to be rented out at the going rate when the dry storage opens, in perpetuity.

8. All lighting provided for this project shall be limited to low-intensity, low-level types and shielded away from the adjacent residential areas. The roofs and upper levels of the existing or proposed buildings shall not be illuminated.

9. A 20-foot-wide area on at least three sides of the dry storage building shall be kept open (no parking, storage, etc.) to allow for emergency vehicle access to this building. This building shall conform with the required fire codes.

10. The proposed "private club" shall be limited to the owners of the marina, owners of boats stored in the marina, and their guests.

11. A ratio of one sailboat to three powerboats shall be established and maintained for the wet slips in this marina.

12. A gazebo shall be provided as a public amenity, as part of the open space requirement for this development. This gazebo shall be located at the southeastern point of the island overlooking the entrance to the river.

13. Deviation #1 is hereby APPROVED with the condition that if Code Enforcement should find at any time that parking demand exceeds the provided on-site parking within this development, resulting in vehicles parking along the nearby residential streets, additional on-site parking shall be provided or this planned development shall be rescheduled by County staff before the Board of County Commissioners to evaluate the need for additional parking or reduction of development intensity to reduce the adverse impacts on the nearby residential areas. Deviation (2) is hereby APPROVED only for the existing structure shown as Store #2 on the Master Concept Plan. Deviation (3) is hereby APPROVED. Deviation (4) is hereby DENIED. Deviation (5) is hereby APPROVED solely for assigned parking spaces only and shall be clearly marked as such in accordance with the Zoning Ordinance.

14. The owner(s) will participate, on an equitable basis in any MSBU that is created toward providing sidewalks and street repaving, to or along Inlet Drive.

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

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

a. The proposed uses, as conditioned, are appropriate at the subject location;

b. Sufficient safeguards to the public interest are provided by the recommended conditions to the Master Concept Plan and by applicable regulations;

c. All recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the development; and

d. Each deviation recommended for approval will enhance the achievement of the objective of the development and the general intent of the zoning regulations to preserve and promote the protection of the public health, safety, and welfare.

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

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

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

ATTEST:
CHARLIE GREEN, CLERK
BY: Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA
BY: Chairman

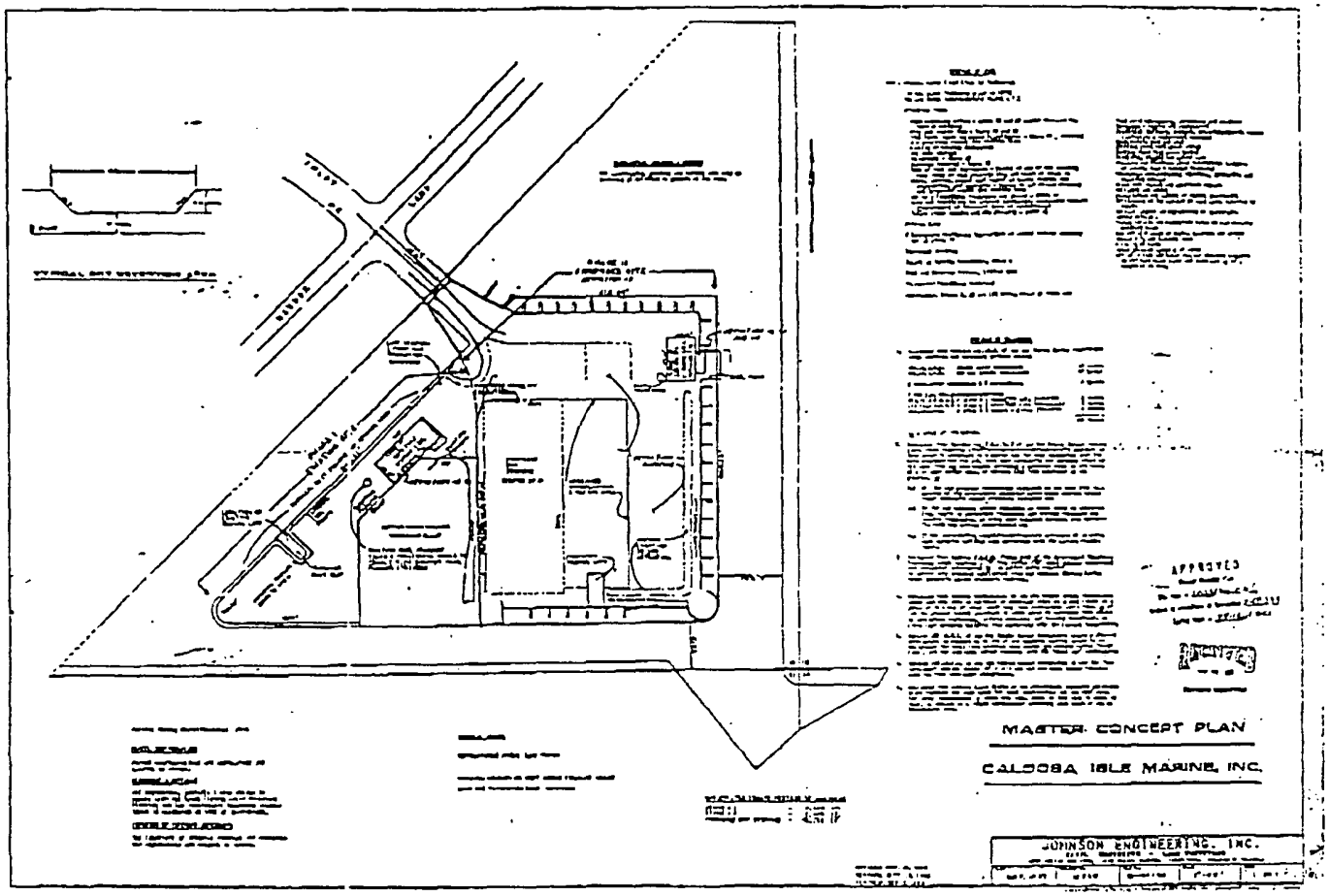
Approved as to form by:
County Attorney's Office

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FILED
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CLERK CIRCUIT COURT
BY D.C.

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ADMINISTRATIVE APPROVAL COP-92-004

ADMINISTRATIVE APPROVAL
CONSUMPTION ON PREMISES
LEE COUNTY, FLORIDA

WHEREAS, Caloosa Isle Marina, Inc., has filed an application for administrative approval for Consumption on Premises for a 2-COP alcoholic beverage license on a project known as Captain's Galley; and

WHEREAS, the subject property is located at 1687 Inlet Drive, North Fort Myers, described more particularly as:

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

A tract or parcel of land lying in WATERWAY ESTATES of Fort Myers, Unit 2, in the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of Section 16, Township 44 South, Range 24 East, Lee County, Florida, as shown on Sheet 2 of plat recorded in Plat Book 12 beginning at page 63, Lee County Records, which tract or parcel is described as follows:

Beginning at a Point of curvature on Curve "K" on the South line of Tract "B" as shown on said plat of WATERWAY ESTATES of Fort Myers, Unit 2, run N89°24'20"E along said South line for 201.00 feet to the West line of the parcel described in deed recorded in Official Record Book 145 at page 95, Lee County Records;
THENCE run N00°35'40"W along said West line for 165.94 feet to the Northwesterly line of said parcel;
THENCE run N43°56'37"E along said Northwesterly line for 136.87 feet to an intersection with the Northerly line of said parcel;
THENCE run N89°24'20"E along said North line for 90.00 feet to an intersection with the East line of said parcel;
THENCE run S00°35'40"E along said East line for 263.50 feet to an intersection with the South line of said Tract "B";
THENCE run N89°24'20"E along said South line for 342.93 feet to a Point of Curvature;
THENCE run Easterly, Northeasterly and Northerly along the arc of a curve to the left of radius 25.00 feet (delta 89°30'20") (chord bearing N44°39'10"E) (chord 35.20 feet) for 39.05 feet to a Point of Tangency on the East line of said Tract "B";
THENCE run N00°04'00"W along said East line and a Northerly prolongation thereof on the East line of the first parcel described in Resolution recorded in Official Record Book 245 beginning at page 753 said public records for 490.23 feet to the North line of said parcel;
THENCE run S89°54'00"W along said North line for 309.45 feet to an intersection with the Northwesterly line of said parcel;
THENCE run S43°56'37"W along said Northwesterly line for 27.98 feet to a Northeasterly line of said parcel;
THENCE run N59°33'03"W along said Northeasterly line for 102.84 feet to the Northerly most corner of said Tract "B";
THENCE run S43°56'37"W along the Southeasterly line of Tract "A" said WATERWAY ESTATES for 50.00 feet to the Southerly most corner of said Tract "A";
THENCE run S52°33'43"E along the Southwesterly line of the second parcel described in said Resolution recorded in Official Record Book 245 at page 753, Lee County Records, for 102.84 feet to an intersection with the Northwesterly line of said Tract "B";

(continued ...)

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THENCE run S43°56'37"W along said Northwesterly line for 540.61 feet to a Point of Curvature on said curve "K";
THENCE run Southwesterly, Southerly and Southeasterly along an arc of a curve to the left of radius 25.00 feet (delta 134°32'17") (chord bearing S23°19'32"E) (chord 46.12 feet) for 58.70 feet to the POINT OF BEGINNING.

SUBJECT TO easements, restrictions and reservations of record.

CONTAINING 5.80 acres, more or less.

WHEREAS, the applicant has indicated the property's current STRAP number is 16-44-24-03-00308.0000; and

WHEREAS, proper authorization has been given to Mary Kinsey Finger, by Caloosa Isle Marine, Inc., the owner of the subject parcel, to act as agent to pursue this application; and

WHEREAS, the Lee County Zoning Ordinance 86-17, as amended, provides for certain administrative approvals for Consumption on Premises; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for Consumption on Premises is APPROVED.

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Approval is subject to the following conditions:

1. Consumption on Premises (2-COP) is in conjunction with a Standard Restaurant, Group III;
2. The hours of operation are from 11:00 a.m. to 9:00 p.m., Sunday through Thursday, and 11:00 a.m. to 10:00 p.m., Friday and Saturday;
3. There shall be no outdoor seating; and
4. The restaurant is restricted to store #2 in accordance with Resolution Z-88-293.

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DULY SIGNED this 23rd day of April, A.D., 1992.

BY: Bryan J. Kelner

Bryan J. Kelner, Principal Planner
Zoning Division
Department of Community Development

PENDING NO. 2610 ADMINISTRATIVE APPROVAL NUMBER COP-92-004

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OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER DECISION

SPECIAL PERMIT: CASE 94-10-13-SP-02
APPLICANT: CALOOSA ISLE MARINE, INC., represented by CARL STAMBOULY, in reference to SHUCKERS & COMPANY CRABHOUSE, INC.
HEARING DATE: OCTOBER 10, 1994

I. APPLICATION:

Filed by SHUCKERS & COMPANY CRABHOUSE, INC., 1687 Inlet Dr., N. Ft. Myers, FL 33903 (Applicant); CALOOSA ISLE MARINE, INC., ATTN: KEN STEAD, 1687 Inlet Dr., N. Ft. Myers, FL 33903 (Owner).

Request is for special permit in the Commercial Planned Development district for Consumption on Premises with outdoor seating (Land Development Code, Section 34-1264). The Applicant intends to increase their existing consumption on premises approval for beer and wine to include liquor and expand the service of the alcoholic beverages to an outdoor seating area.

The subject property is located at 1687 Inlet Drive, Waterway Estates, North Fort Myers (U.S. 41 to Hancock Bridge Parkway, west to Orange Grove Boulevard, south to Inlet Drive and proceed east to Caloosahatchee River), in Section 16, T44S, R24E, Lee County, FL. (District #4)

The Strap # as furnished by the Applicant is: 16-44-24-03-00308.0000

II. STAFF RECOMMENDATION: APPROVE WITH CONDITIONS

The Department of Community Development Staff Report was prepared by Pam Houck. The Staff Report is incorporated herein by this reference.

III. HEARING EXAMINER DECISION:

The undersigned Lee County Hearing Examiner APPROVES the Applicant's request and grants a Special Permit in the Commercial Planned Development district for Consumption on Premises with outdoor seating (Land Development Code, Section 34-1264) for the real estate described in Section VIII. Legal Description WITH THE FOLLOWING CONDITIONS:

1. Consumption on premises shall be limited to beer, wine and liquor in conjunction with the restaurant located in Store #2 and the existing 13-foot by 45-foot deck located on the east side of Store #2 as reflected on the Applicant's site plan attached as Exhibit D to the Staff Report;

2. No live music or entertainment, and no sound system or speakers shall be allowed in the outdoor seating area in conjunction with the approval of this Special Permit;

3. All lighting provided for this project shall be limited to low-intensity, low-level types, and shall be shielded away from the adjacent residential area. The roof and upper level of Store #2 shall not be illuminated;

4. Use of the outside seating area shall be limited to the following hours: 11:00 a.m. to 9:00 p.m., Sunday thru Thursday, and 11:00 a.m. to 10 p.m., Friday and Saturday;

5. Resolution AA #CDP-92-004 shall become null and void upon approval of this Special Permit;

6. No bar, permanent or temporary, shall be set up on the outside seating area; and

7. No horn or other noise/sound device shall be utilized for signaling boaters or advertising the location of the restaurant.

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IV. HEARING EXAMINER DISCUSSION:

Applicant is the lessee of the small Group III restaurant located within the Caloosa Isle Marina CPD in Waterway Estates, North Fort Myers. The subject property is located on a small (5± acre) island at the end of Inlet Drive in Waterway Estates, and is bordered by Caloosahatchee River on the east and separated from residential uses/zoning on three sides by canals. It is zoned CPD and designated Suburban in the Lee Plan.

The Marina CPD was approved in 1988, and the Group III restaurant was one of the uses approved in the Master Concept Plan (MCP). Consumption on premises (COP) was not a use included on the MCP's Schedule of Uses. In 1992, a previous lessee obtained Administrative Approval for the sale and consumption of beer and wine (2-COP) on the premises provided the beverage was sold/consumed only inside the restaurant during certain specified hours.

Applicant desires to expand that consumption use to include liquor (4-COP), and to allow the sale/service of beer, wine and liquor, in conjunction with food, on the deck area outside the restaurant building. Applicant had to apply for a Special Permit because the location of the outdoor seating area is within 500 feet of several homes in Waterway Estates. Applicant indicated he had no intention of changing the restaurant into a bar, or putting a bar or entertainment on the deck; he merely wanted to be able to serve meals with an array of alcoholic beverages for his clients. He had no objections to the COP use being restricted in conjunction with the restaurant, as he never intended to separate the uses. He also had no objection with the limited hours of operation set out in the 1992 Administrative Approval, but argued that Staff's recommended 8:00 p.m. deadline was too early, especially in the spring and summer.

The record contained numerous letters from Waterway Estates' residents, and several of these residents appeared at the hearing, objecting to the COP request. They pointed out that Inlet Drive does not have sidewalks, and that many of the residents, adult and children, walk around the neighborhood on the roadway. They expressed concern that expanding the COP use would attract additional customers to the restaurant which would increase the number of trucks and cars using Inlet Drive, thereby endangering the people who walk on the street.

The majority of the residents also expressed their dissatisfaction with the past rezonings which allowed the development of a sewage treatment facility and a commercial marina. They were particularly unhappy with the increased amount of large truck traffic that uses Inlet Drive to get to the island, and most of their objections related to the issues reviewed and approved in those previous rezonings, i.e., parking, truck and other commercial traffic. The balance of their concerns related to the operation of the marina, over which Applicant has no control, or to events happening with the restaurant before Applicant took over the lease in 1993. Their most pertinent objection to this case was to Applicant's continuous use of a horn to signal boaters. After being advised of their feelings, Applicant agreed to remove the horn immediately.

Staff recommended approval, with conditions, of Applicant's request, finding that the request was consistent with the intent and provisions of the Lee Plan, and with the intent and provisions of the Land Development Code. They stated that the conditions of approval would ensure the compatibility of the restaurant/COP use and the adjacent residential uses, and the requested uses would not be injurious to the persons or property in the neighborhood. They also found that the request met the criteria for approval set out in Section 34-145, Land Development Code.

The undersigned Hearing Examiner concurs with Staff's analysis, findings and recommendation of approval, with conditions, of the Special Permit. The Hearing Examiner finds that the request meets the criteria for approval established in Section 34-145, Land Development Code, and that the use, as conditioned, will be compatible with the adjacent residential

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OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER DECISION

SPECIAL PERMIT: CASE 94-10-13-SP-02
APPLICANT: CALOOSA ISLE MARINE, INC., represented by CARL STAMBOULY, in reference to SHUCKERS & COMPANY CRABHOUSE, INC.
HEARING DATE: OCTOBER 13, 1994

I. APPLICATION:

Filed by SHUCKERS & COMPANY CRABHOUSE, INC., 1687 Inlet Dr., N. Ft. Myers, FL 33903 (Applicant); CALOOSA ISLE MARINE, INC., ATTN: KEN STEAD, 1687 Inlet Dr., N. Ft. Myers, FL 33903 (Owner).

Request is for special permit in the Commercial Planned Development district for Consumption on Premises with outdoor seating (Land Development Code, Section 34-1264). The Applicant intends to increase their existing consumption on premises approval for beer an wine to include liquor and expand the service of the alcoholic beverages to an outdoor seating area.

The subject property is located at 1687 Inlet Drive, Waterway Estates, North Fort Myers (U.S. 41 to Hancock Bridge Parkway, west to Orange Grove Boulevard, south to Inlet Drive and proceed east to Caloosahatchee River), in Section 16, T44S, R24E, Lee County, FL. (District #4)

The Strap # as furnished by the Applicant is: 16-44-24-03-00309.0000

II. STAFF RECOMMENDATION: APPROVE WITH CONDITIONS

The Department of Community Development Staff Report was prepared by Pam Houck. The Staff Report is incorporated herein by this reference.

III. HEARING EXAMINER DECISION:

The undersigned Lee County Hearing Examiner APPROVES the Applicant's request and grants a Special Permit in the Commercial Planned Development district for Consumption on Premises with outdoor seating (Land Development Code, Section 34-1264) for the real estate described in Section VIII. Legal Description WITH THE FOLLOWING CONDITIONS:

1. Consumption on premises shall be limited to beer, wine and liquor in conjunction with the restaurant located in Store #2 and the existing 15-foot by 45-foot deck located on the east side of Store #2 as reflected on the Applicant's site plan attached as Exhibit D to the Staff Report;

2. No live music or entertainment, and no sound system or speakers shall be allowed in the outdoor seating area in conjunction with the approval of this Special Permit;

3. All lighting provided for this project shall be limited to low-intensity, low-level types, and shall be shielded away from the adjacent residential area. The roof and upper level of Store #2 shall not be illuminated;

4. Use of the outside seating area shall be limited to the following hours: 11:00 a.m. to 9:00 p.m., Sunday thru Thursday, and 11:00 a.m. to 10 p.m., Friday and Saturday;

5. Resolution AA #COP-92-004 shall become null and void upon approval of this Special Permit;

6. No bar, permanent or temporary, shall be set up on the outside seating area; and

7. No horn or other noise/sound device shall be utilized for signaling boaters or advertising the location of the restaurant.

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IV. HEARING EXAMINER DISCUSSION:

Applicant is the lessee of the small Group III restaurant located within the Caloosa Isle Marina CPD in Waterway Estates, North Fort Myers. The subject property is located on a small (5± acre) island at the end of Inlet Drive in Waterway Estates, and is bordered by Caloosahatchee River on the east and separated from residential uses/zoning on three sides by canals. It is zoned CPD and designated Suburban in the Lee Plan.

The Marina CPD was approved in 1980, and the Group III restaurant was one of the uses approved in the Master Concept Plan (MCP). Consumption on premises (COP) was not a use included on the MCP's Schedule of Uses. In 1992, a previous lessee obtained Administrative Approval for the sale and consumption of beer and wine (2-COP) on the premises provided the beverage was sold/consumed only inside the restaurant during certain specified hours.

Applicant desires to expand that consumption use to include liquor (4-COP), and to allow the sale/service of beer, wine and liquor, in conjunction with food on the deck area outside the restaurant building. Applicant had to apply for a Special Permit because the location of the outdoor seating area is within 500 feet of several homes in Waterway Estates. Applicant indicated he had no intention of changing the restaurant into a bar, or putting a bar or entertainment on the deck; he merely wanted to be able to serve meals with an array of alcoholic beverages for his clients. He had no objections to the COP use being restricted in conjunction with the restaurant, as he never intended to separate the uses. He also had no objection with the limited hours of operation set out in the 1992 Administrative Approval, but argued that Staff's recommended 8:00 p.m. deadline was too early, especially in the spring and summer.

The record contained numerous letters from Waterway Estates' residents, and several of these residents appeared at the hearing, objecting to the COP request. They pointed out that Inlet Drive does not have sidewalks, and that many of the residents, adult and children, walk around the neighborhood on the roadway. They expressed concern that expanding the COP use would attract additional customers to the restaurant which would increase the number of trucks and cars using Inlet Drive, thereby endangering the people who walk on the street.

The majority of the residents also expressed their dissatisfaction with the past rezonings which allowed the development of a sewage treatment facility and a commercial marina. They were particularly unhappy with the increased amount of large truck traffic that uses Inlet Drive to get to the island, and most of their objections related to the issues reviewed and approved in those previous rezonings, i.e., parking, truck and other commercial traffic. The balance of their concerns related to the operation of the marina, over which Applicant has no control, or to events happening with the restaurant before Applicant took over the lease in 1993. Their most pertinent objection to this case was to Applicant's continuous use of a horn to signal boaters. After being advised of their feelings, Applicant agreed to remove the horn immediately.

Staff recommended approval, with conditions, of Applicant's request, finding that the request was consistent with the intent and provisions of the Lee Plan, and with the intent and provisions of the Land Development Code. They stated that the conditions of approval would ensure the compatibility of the restaurant/COP use and the adjacent residential uses, and the requested uses would not be injurious to the persons or property in the neighborhood. They also found that the request met the criteria for approval set out in Section 34-145, Land Development Code.

The undersigned Hearing Examiner concurs with Staff's analysis, findings and recommendation of approval, with conditions, of the Special Permit. The Hearing Examiner finds that the request meets the criteria for approval established in Section 34-145, Land Development Code, and that the use, as conditioned, will be compatible with the adjacent residential

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uses. The Hearing Examiner also finds that the requested use is not contrary to the public interest, or the health, safety, comfort, convenience or welfare of the citizens of Lee County.

Obviously, with his recent introduction onto the site, Applicant is in no way responsible for the lack of sidewalks or the truck traffic related to the commercial marina or the sewage treatment plant operations, and should not be penalized for factors beyond his control. The Hearing Examiner finds that allowing Applicant the use of the deck for the service of food and alcohol will not create a need for additional parking, nor result in a significant increase in traffic utilizing Inlet Drive.

Recognizing that sound travels easily over water, and that the surrounding neighborhood is residential in character, the Hearing Examiner added several conditions limiting the use of the deck, prohibiting the establishment of a bar, permanent or temporary, on the deck, and prohibiting Applicant from utilizing a horn or other noise/sound device for signaling boaters or for other advertising purposes.

V. FINDINGS AND CONCLUSIONS:

Based upon the Staff Report, the testimony and exhibits presented in connection with this matter, the undersigned Hearing Examiner makes the following findings and conclusions:

A. That the requested use is not contrary to the public interest, or the health, safety, comfort, convenience or welfare of the citizens of Lee County.

B. That the use of the deck for the service of food and alcohol will not create a need for additional parking, nor result in a significant increase in traffic utilizing Inlet Drive.

C. That there are no changed or changing conditions which make approval of the Special Permit, as conditioned, inappropriate.

D. That the Special Permit, as conditioned, will not have an adverse impact on Chapter 34, Land Development Code.

E. That the Special Permit, as conditioned, is consistent with the goals, objectives, policies and intent of the Lee Plan, and with the densities, intensities and general uses set forth in the Lee Plan.

F. That the Special Permit, as conditioned, meets or exceeds all performance and locational standards set forth for the proposed use.

G. That the Special Permit will have no adverse effect on the water bodies surrounding the island.

H. That the Special Permit, as conditioned, will be compatible with the existing or planned uses, and will not cause damage, hazard, nuisance or other detriment to persons or property.

I. That the Special Permit, as conditioned, will comply with all applicable general zoning provisions and supplemental regulations pertaining to the use set forth in Chapter 34, Land Development Code.

VI. PRESENTATION SUMMARY:

The Hearing Examiner announced the case and placed all witnesses under oath. Pam Houck, Division of Zoning and Development Services, presented the Staff Report on this request for a Special Permit in the Commercial Planned Development (CPD) district for Consumption on Premises (COP) with outdoor seating. The specific COP desired in this case is a 4-COP liquor license which allows beer, wine, and liquor sales/service. The subject property is located at 1587 Inlet Drive in Waterway Estates, North Fort Myers. The site of the Special Permit is a 1.8-acre portion of the 5.8-acre parcel developed as the Caloosa Isle Marina.

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Mrs. Houck referred to the aerial photograph and pointed out the marina property and the subject property. The Master Concept Plan, that was reviewed during the rezoning of the property to CPD, showed the building that the restaurant is located in, the five conditions recommended by Staff and the schedule of uses. She noted that this was the only location on the property for the restaurant. The small deck attached to the east side of the restaurant is the location of the proposed outdoor seating.

Because the location of the outdoor seating area is within 500 feet of several single-family residences to the northwest across a canal in Waterway Estates, a Special Permit has been requested. An administrative approval for beer and wine was granted in 1992 (Resolution AA #COP-92-004) with several conditions which limited the sale of beer and wine to the location of the restaurant with no outdoor seating. The restaurant was limited to hours of operation from 11:00 a.m. to 9:00 p.m. except for Friday and Saturday on which it could be open until 10:00 p.m.

Staff reviewed the request and felt that, with the conditions of approval listed in the Staff Report, it would be in compliance with the Lee County standards for approval for a Special Permit. Condition 1 limited the COP to beer, wine and liquor in conjunction with the restaurant use located in Store #2 and the existing 15-foot by 45-foot deck located on the east side of Store #2 as reflected on the Applicant's site plan. They noted that Applicant was, by right, already serving food on the outdoor seating area.

Condition 2 stated that no live music or entertainment shall be allowed on the deck. Condition 3, which was also a condition of the Applicant's CPD, stated that all lighting provided for this project shall be limited to low-intensity, low-level types, and shielded or directed away from the adjacent residential area.

Condition 4 limited the hours of operation to 11:00 a.m. to 8:00 p.m., daily, the hours that the Applicant had placed in a letter with his application. During his presentation, Applicant will request that the hours be amended to the hours of approval granted in the administrative approval. Staff did not have a problem with those hours for the indoor seating, but they were concerned about the outdoor seating area being open until 10:00 p.m. on weekends. Mrs. Houck felt that 9:00 p.m. was a reasonable time, as 10:00 p.m. could cause a nuisance for the nearby residences. Staff recommended the more restrictive hours as, upon approval of this Special Permit, the administrative approval will become null and void.

It should be noted that the parking was addressed during the review of the CPD, in which the Applicant was granted a deviation. However, there was a condition placed on the deviation that, should the parking become a nuisance, it would be referred to the Division of Code Enforcement and, if necessary, to the Board of County Commissioners (BOCC) for further review. This condition gave Staff an extra "comfort level" as a mechanism to address the parking should it become excessive.

The Hearing Examiner asked Mrs. Houck if she had visited the site and if she had noticed any particular parking problems. Mrs. Houck stated that she visited the site around noon during the week and there was no parking problem at all. In response to a question whether the existing parking included parking for the marina as well as the restaurant, Mrs. Houck replied yes. The parking was for the entire site. The Hearing Examiner also asked if there was a boat ramp on-site, to which Charles Stambouly, a representative for Shuckers & Company, replied no.

The Hearing Examiner stated that one of Staff's conditions was that there be no loud music on the outside deck. She asked if speakers would be allowed outside, to which Mrs. Houck replied yes. She asked if there were speakers outside at this time, to which Mr. Stambouly replied no.

Mr. Stambouly stated that he has operated the restaurant for approximately 15 months. He believed the restaurant was an asset to the community; many of the residents in Waterway Estates use it, and have requested that the restaurant obtain a liquor license. In the 15 months that he has run the

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restaurant he has never had to call the police, not received any complaints from residents and there has never been a parking problem.

Since the deck was being used at this time, the granting of this Special Permit would not change anything. In response to the Hearing Examiner's questions, he stated that he had no plans to expand the deck which held only about seven tables. He added that there has never been music on the deck and he had no intention of installing speakers out there, so there should not be a problem with the noise level. One of the neighbors plays a mouth organ sometimes outside on the deck; however, to his knowledge, it has never been a problem; no one has ever complained about it. She asked if special parties are ever held on the deck, to which he replied no. They have special parties inside the building, but if somebody wants to sit outside, they are allowed to do so.

The Hearing Examiner stated that Staff believed that the Applicant did not want to have the hours of operation limited. Mr. Stambouly stated that was correct. The original letter that he sent stated that the current hours of operation were 11:00 a.m. to 8:00 p.m., seven days a week; however, that was incorrect. The restaurant is presently open Monday through Thursday from 11:00 a.m. to 8:00 p.m. and Friday and Saturday from 11:00 a.m. to 9:00 p.m. The Applicant would like to be able to go by the originally approved hours of 11:00 a.m. to 9:00 p.m. during the week and 11:00 a.m. to 10:00 p.m. on the weekend, which would give them the option of staying open a little later. This did not mean that the restaurant would be open until 10:00 p.m., it would merely give the people who come in late time to finish their dinners and time for the restaurant to be cleaned up. In order to close at 10:00 p.m., the kitchen has to shut down at 8:45 or 9:00 p.m.

Mr. Stambouly felt that the people in the community had somewhat overreacted to the request. He stated that the Special Permit would not have any impact at all on the neighborhood. Nothing that they have been doing in the last 15 months would change.

The Hearing Examiner referred to his statement of there never being a parking problem on the site, and asked if this was true on weekends as well as weekdays. Mr. Stambouly reiterated that they have never had a problem with parking. She asked if a lot of their trade came from the nearby residents who walk to the site, to which he replied yes, adding that they also come by boat. She asked if there were places where boats could be docked, to which he replied yes. Mrs. Houck pointed out the docks on the site plan.

Mr. Stambouly noted that the restaurant was not very big; it only had 66 seats. The Hearing Examiner asked if that included interior and exterior seating, to which he replied it was interior only. With the deck tables and chairs, there will be approximately 90 seats total, which is still a very small amount. The Hearing Examiner noted that the total seats would be 94 if the tables outside seated four people, in which Mr. Stambouly stated that it was very seldom they reached full capacity. She asked if they were open to the public, to which he replied yes.

The Hearing Examiner asked if she decided to approve the request whether the Applicant would object to an additional condition prohibiting a bar, temporary or otherwise, on the deck to which Mr. Stambouly replied no. She stated that, if she approved it, she was inclined to limit the hours of operation for the deck to 11:00 a.m. to 8:00 p.m. daily. However, she would allow the Applicant to have whatever hours they could have whatever hours they wanted on the interior. Mr. Stambouly stated that such limited hours for the deck would be a hardship. He reiterated that there has never been a problem on the deck nor excessive noise on the deck.

The Hearing Examiner stated that it has been her experience that when you're not "partying" you notice the noise a lot more than someone who is part of the group having a good time. Mr. Stambouly responded that 8:00 p.m. was really early in the summertime, since it did not even get dark until 9:00 p.m. The Hearing Examiner stated she was concerned about

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children in the area, who go to bed early, that would be affected by the noise. Mr. Stambouly reiterated that they had not had any problem with noise or noise complaints.

Ken Stead, general manager of Caloosa Isle Marina, stated that he lives directly above the restaurant and has never heard any noise from the deck. Mr. Stambouly argued that to make them close the deck at 8:00 p.m. would present a problem. The Hearing Examiner stated that she consider his request to keep the hours that were already approved in the administrative approval. She asked when the busiest time of week was, to which Mr. Stambouly replied Saturday night. She stated that she would visit the site during that time to determine if noise was an issue/factor.

Mr. Stead stated that he is the general manager of Caloosa Isle Marina as well as a resident at the property. He concurred with all of Mr. Stambouly's remarks and stated that they have always tried to be a good neighbor. He considered the neighborhood "his" neighborhood and always tries to be accommodating to the residents. They have a gazebo at the lower corner of the property that is available for public access. No one is denied access to the property, which is also a popular dog walking area for a lot of the neighborhood residents.

The only time parking had ever been a problem on the site was during December, when the annual "Holiday Benefit Bash" is held. It is a free event to the public where toys are collected for needy children. Other than that event, there has never been a parking problem on the site.

Dave C. Brown, an adjacent property owner, was asked to speak on behalf of a group of people who live in Waterway Estates. He stated that the residents who have children and grandchildren in the area were very concerned about this request.

He noted that for the 22 years that he has lived in the area they have been treated like second class citizens. They moved in with the expectation that the tennis courts, pool, basketball courts, shuffleboard courts, and boat launching ramp would be maintained. However, those things "went down the tubes." Then there was a sewer treatment plant constructed, and then plans were made to build a condominium. The condominium did not go through and a lot of people lost their money there.

There are no public sidewalks along Inlet Drive. He pointed out where the bus stops to pick up the children for school, and noted that Inlet Drive was two lanes for six blocks. There are 155 residents currently living in Waterway Estates and the traffic is horrendous not only with the incoming residents, which have two cars a piece, but also with the tractor-trailers that come down the street before 7:00 a.m. It is a noisy, dangerous situation.

He felt it would be a real catastrophe if alcohol was allowed at this restaurant. He noted that there is a beer tap located behind the gazebo at this time. He submitted a photograph of a sign located on the gazebo that states "... sandwiches - notions." The Hearing Examiner asked if the sign faced the parking lot or the water, to which Mr. Brown replied that it faced north, towards the restaurant.

Mr. Stead noted that the sign Mr. Brown was referring to was constructed by the former operator of the restaurant. The boat launching area is in the vicinity of the gazebo and the purpose of that sign was to direct both water traffic and marina customers to the back of the property toward the restaurant. He thought the sign had already been removed; but noted that it can be removed easily enough, if necessary.

Mr. Brown asked Mr. Stead if it was true or false that they have not sold alcoholic beverages, food, or beer in the gazebo within the last 15 months, to which he replied true. A fair number of patrons who come in the restaurant, purchase a beer, stroll down past the boats, and sit in the gazebo; nobody is denied access to the gazebo. Mr. Brown asked if they have ever sold beer down there, to which Mr. Stambouly stated that

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since they took over the restaurant in July 1993 they have never sold anything in the gazebo. Mr. Brown asserted that he questioned the veracity of the petitioners.

He averred that, in 1988 when the schedule of deviations was agreed to, it was stipulated that one of the deals was that there would be a total of 106 parking spaces. He noted that only 92 spaces could be counted at this time, some of which had boats parked in them.

The Hearing Examiner asked Mr. Stambouly if he owned the entire marina or just the restaurant, to which he replied he was a tenant. He leased the restaurant and parking space from the marina, and noted that the marina constantly moved boats around.

The Hearing Examiner asked if the Assistant County Attorney had any comment, to which Donna Marie Collins, stated that she felt as though any question regarding available parking would be a code enforcement matter and not properly before the Hearing Examiner during this hearing. She did not believe that Mr. Brown's comments related to the fact that if hard liquor was served, more people would be coming to the restaurant and, therefore, there would not be enough parking. His comments were being directed to the parking currently available and the situation on site now. There has already been a mechanism established through the Code Enforcement arena to address those issues that are interfering with the neighborhood. She encouraged Mr. Brown to pursue that.

Mr. Brown stated that he was not an attorney and he apologized for digressing. However, his point was that not only is parking a problem at this time, but that it would increase with the additional service of liquor. Recently at a North Fort Myers Chamber of Commerce meeting held at the restaurant, the traffic was backed up all the way from Inlet Drive to Harbour Lane.

He was also concerned about noise levels as there have been problems in the past. He asked if it was true or false that the horn located on top of the restaurant went off 24 hours a day inviting boaters to come in for a drink, which Mr. Stambouly confirmed. Mr. Brown noted that the horn makes an echo chamber up and down the canals. He also noted that there are manatees in the canals that would be affected by additional boat traffic. He felt it was time the citizens of Lee County stop getting pushed around.

Mr. Stambouly referred to the horn and stated that if they had ever received just one complaint from a neighbor, they would have stopped using it. The Hearing Examiner pointed out that Mr. Brown has said something about it now, to which Mr. Stambouly stated that they would take the horn down. He reiterated that he did not feel that the service of liquor would change anything, in that beer and wine is being served now. The service of alcohol would not affect the parking in any way.

Mr. Stead stated that he shared Mr. Brown's concern with regard to children playing on the street and the traffic issue. If the residents were interested in approaching Lee County about putting some speed bumps in or something that would help that situation, Caloosa Isle Marina would be more than happy to join them in that effort. Mr. Brown asked about sidewalks, to which Mr. Stead said Caloosa Isle Marina would be more than happy to help them explore what needs to be done with Lee County to achieve that.

Larry Sickler, an adjacent property owner, stated that it was quite obvious why the Applicant was requesting a liquor license; it would enhance the business to make more money and attract more people. Attracting more people was the problem because there was already a traffic problem on Inlet Drive. He invited the Hearing Examiner to come to the area at any time of day to witness this. Increasing the traffic would not enhance the community in any way, shape, or manner. He was 100 percent against anything that would increase traffic on their roads and, unless there was some other way traffic could be funneled in and out, he did not think this

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was the place for a commercial business. He had been a business man all his life and knew it was tough on business people trying to make a living, but when it encroaches on people's safety, it was not necessary.

Scott Conroy, an adjacent property owner, referred to the map and pointed out the location of his house. He reiterated the nuisance with regard to the horn, noting that it goes off approximately 20-30 times a day at all hours of the afternoon, even waking up small children from their naps. With regard to the ample parking for the boats, he noted that this was not "the season" right now; therefore, all of the boat slips are not filled up. He questioned when a boat slip was filled up with a house boat if that person was designated one or two parking spots per boat.

He noted that he has complained in the past about the noise. He has called the police and had them come out to his house and stand on his pier to listen to the noise. The problem is that when the doors open the noise from the stereo comes out. Occasionally people step out on the back deck and whoop and holler, and yell at at the top their lungs, etc. This happened when the restaurant first opened up. He was informed that someone from the office spoke to the people who were involved, and was told it was because of their grand opening. This happened for three days in a row and, on the third day, he called the police.

Mr. Conroy felt that a situation was being created similar to the situation at Ft. Myers Beach where residents have had to put up with the noise levels for many years until a noise ordinance was passed. He did not believe there would be enough space for emergency vehicles to come down Inlet Drive because it is so small. The fire code is not being enforced at this time. There is a small trailer on the property hooked up to water and electric. The traffic on Inlet Drive and the parking will also be affected by the amount of marina/restaurant employees.

Mr. Stambouly stated that the amount of employees are already in place; they would not be adding any more. They are not adding any more hours, and referenced Staff's reduction in their operating hours. He believed that Mr. Conroy was talking about their predecessor as they have never had a police officer come to this restaurant. Mr. Conroy agreed that it was possible as the incident happened in the past. Mr. Stambouly said if anybody ever complained, they would address the problem because they did not want to have a problem with any of the neighbors.

Mr. Stambouly stated that there had been an electrical fire on the site when a boat was struck by lightning. The fire department had absolutely no problem getting to the site, running their hoses, or putting the fire out. That happened on a Friday night, too. However, he knew nothing about a trailer being hooked up to the building. Mr. Stead noted that the trailer belonged to an individual who had a boat at the marina. He decided he was going to move from the boat to the trailer and the marina immediately put a stop to that. That tenant is no longer there.

Mr. Stead referenced the boats that are on site now, stating that they were there because it was not "season." The boats belong to traditionally seasonal residents who store the boats on the land during the summer. The majority of those boats will be going back in the water over the next 30 to 60 days, which will open up a lot of additional parking that is not available now. The ebb and flow of their storage customers tends to compliment the operation of the restaurant.

Rebecca Brown, a concerned property owner, asked the Hearing Examiner to conduct her site visit at approximately 7:00 or 7:30 a.m. This was not during restaurant hours but when the school children are waiting for buses on this stretch of Inlet Drive. She, and many other residents in the area, were concerned about the safety of the children and the elder people in the neighborhood. The road is poorly lit at night.

She asked how many of the parking spaces are designated for the restaurant, to which Mrs. Houck stated that the deviation that was granted did not designate the spaces to specific uses. The Hearing Examiner asked how many spaces would be needed for a restaurant with 66 seats. Mrs. Houck stated that the restaurant parking is calculated on the total square

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footage of the restaurant. The requirement is for 14 spaces per 1,000 square feet of floor area, but there is no parking required for the outdoor seating. She noted that the review that granted the marina the parking deviation considered that there would be double use of the parking, both by the customers of the marina as well as the restaurant. It was also taken into consideration that people would be coming in by boat. However, there was a condition placed on that deviation, whereby any impacts to the residential area in Waterway Estates, the property owners could call the County to review the parking situation. If a problem exists that cannot be corrected, they can take it to the BOCC for review.

Mrs. Brown stated that the main problem was the safety factor. Very few of the residents were familiar with Mr. Stambouly or Mr. Stead. There was a request by an adjacent property owner and other residents to stop the use of the horn which was still in use as late as 9:22 p.m. on a Friday night. The restaurant was also still open at that time. Mr. Stambouly reiterated that the horn would be taken down. Mrs. Brown stated that another problem was that often they are told one thing and then they find that things do not get done. She did not want the restaurant to close, she just did not like the traffic.

Margaret Doyle, an adjacent property owner, stated that she had concerns about the traffic.

Robert Hemenway, a concerned property owner, stated concerns similar to the other residents. He emphasized the fact that the primary objective that he had was with regard to the safety of the neighborhood. Inlet Drive was a very narrow street with a tremendous amount of supply vehicles and large boats going to and from the marina.

He was also a boater and he sympathized with the marina. He felt that the storage building was a dangerous situation to the neighborhood in that it not only brought a lot of excess traffic into the area, but would be a hazard in the event of a hurricane. He was also concerned about the children and elderly people's safety with regard to additional traffic. He asked that something be done about the live-aboards that tend to throw their garbage in the canal which ends up at the other end of the canal where his house is located.

Mr. Stead stated that they do try to make the boaters very much aware of their environmental concerns. They were participants two weekends ago in "Clean Water Weekend" where every boater at the marina was given a booklet on what boaters can do to be environmentally friendly. He also experienced the problem at the dead end canal located next to his office. Mr. Stambouly assured him that they were not dumping anything into the canal.

Mr. Hemenway noted that he and his wife and several of the friends eat at Shuckers and enjoy the food and service. It was just unfortunate that the restaurant was in the position that it is in, because of the conflict with Inlet Drive. It was a poor location for a marina and restaurant. Mr. Stead pointed out that the establishment was really a restaurant that serves liquor; it is not a bar. Therefore, the fact that they are going to serve liquor was really not going to change the atmosphere or increase the traffic count. It will merely be more of a convenience for the patrons. Mr. Hemenway did not object to beer and wine, but he was against the sale of hard liquor.

Mrs. Houck noted that the subject property had a very long, confusing zoning history. It has been litigated in the past, and, up until the time it was rezoned to CPD, there was multi-family zoning on it with a number of conditions. One of the conditions was that they would provide sidewalks on Inlet Drive. That zoning is no longer in place and that was never a provision in the marina approval requiring the same thing.

The Hearing Examiner asked if Mr. Stambouly owned the marina, to which he replied no. She stated, for the record, that any conditions or promises of amenities that came from the company that was developing the marina would not be binding on him. Mrs. Houck noted that the multi-family development was never constructed. When the property was rezoned to CPD,

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that condition went away, and the sidewalks were not a part of this approval. The Applicant has complied with all of their requirements from the DSO.

The Hearing Examiner stated that she would visit the site and make her decision in approximately one week. If she was going to recommend denial of the request, because of specific reasons that may arise from the site visit, she would reopen the hearing to allow input regarding additional conditions or information.

Mr. Stead asked that anyone who had a problem with any activity at the marina call him. In the four years he has been general manager he has been at the person's house within five minutes of a complaint; they wanted to be a good neighbor. They have an after-hours phone number in the phone book that people can call if there is a problem with noise late at night. He lives above the restaurant and would personally see to it that these calls are addressed.

VII. PUBLIC PARTICIPATION: The following persons appeared at the hearing or became "parties of record" in this case by submitting written materials:

ADDITIONAL APPLICANT'S REPRESENTATIVES:

1. Charles STAMBOULY, 1222 S.W. 18th Ter., Cape Coral, FL 33904

ADDITIONAL COUNTY STAFF:

1. Donna Marie COLLINS, Assistant County Attorney, Lee County, P.O. Box 398, Ft. Myers, FL 33902-0398

FOR: NONE

AGAINST:

1. Donna BOBER, 1853 Inlet Dr., N. Ft. Myers, FL 33903
Letter 10/7/94: I am opposed to outdoor seating and liquor license that may be issued to Caloosa Isle Marina, Inc., or Shuckers & Company Crabhouse, Inc.

2. Bernard TYLER, 4311 Pacific Cir., Ft. Myers, FL 33903-5010
Letter 10/10/94: It has come to my attention that Caloosa Isle Marine, Inc., represented by Carl Stambouly in reference to Shuckers & Company Crabhouse, Inc. has applied for a Special Permit to have outdoor seating and be permitted to serve hard liquor. There will also be entertainment. This is a quiet and peaceful community with many small children and we do not need excessive drinking, driving and noise in this residential neighborhood. I sincerely hope that this permit will be denied. We have already seen the loss of our community pool and boat ramp to the Caloosa Isle Marina and do not want to see our community destroyed further by a commercial enterprise.

3. Louis & Betty Jane LANE, 4312 S. Bay Cir., N. Ft. Myers, FL 33903
Letter 10/10/94: I wanted to tell you I am against the permit Shuckers is asking for. Our family has lived here 32 years, in Waterway Estates, in the same home. We used to have a pool and park at the same place, then it was all removed. I like it to be family place to live, not commercial. I am against hearing number 94-10-13-S7-02, as is my husband, Louis.

4. Mr. & Mrs. James L. TUCKER, 1728 Inlet Dr., N. Ft. Myers, FL 33903
Letter 10/8/94: We were shocked when we heard that Shuckers & Co. wanted to serve hard liquor in their restaurant in our neighborhood. We already have enough traffic on Inlet Drive. We would have traffic night and day, and it wouldn't be safe to be on the street for children or anyone. With the noise, traffic, outdoor speakers and the drunken drives that will come, we do not approve of the zoning change.

5. Mildred FIELDS, 4333 S. Bay Cir., N. Ft. Myers, FL 33903
Letter 10/10/94: As a long time resident of Waterway Estates, I wish to voice my objections to having hard liquor served anywhere near here. We do not need, and certainly don't want, the increased traffic on Inlet

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Drive overloading an already busy thoroughfare, overflow parking, blocking fire lanes and undue noise. All in all, we couldn't expect Waterway to be the desirable neighborhood we've enjoyed these many years if the zoning change permitted the sale of hard liquor.

6. Mr. & Mrs. Clark WORTHINGTON, 1723 Inlet Dr., N. Ft. Myers, FL 33903
Letter 10/13/94: As a property owner at 1723 Inlet Drive, I would hereby submit my opposition to the above mentioned request for consumption on premises with outdoor seating. My concern involves the traffic impact to a very narrow road that goes through a neighborhood that does not have sidewalks. This area is a very high traffic area already, and a more intense use would be a danger to us and the other residents in this area. Please consider a denial of the special permit request.

7. William Paul MYERS, 1720 Inlet Dr., N. Ft. Myers, FL 33903
Letter 10/12/94: With respect to the Notice to Adjacent Property Owners which deals with proposed changes in the Zoning Ordinance to permit Shuckers to expand. In my opinion, this is a bad idea. Our street already has heavy traffic which will only get worse if this request is granted, and think of the increased noise. Next, we would have to petition authorities to abate noise pollution. I vote no on this request.

8. John M. CAMPBELL & Doris E. SHESTS, 4342 S. Pacific Cir., N. Ft. Myers, FL 33903
Letter 10/10/94: Please do not allow outdoor seating and outdoor serving at Shuckers. This is a residential area that already had to give in to increased traffic flow and "commercialization" of the marina that continues to get larger and larger. Please listen to us!

9. Catheline BALLBACH, 4332 S. Atlantic Cir., Waterway Estates, N. Ft. Myers, FL 33903
Letter 10/12/94: Anybody wishing to make a few more bucks seems to get the go-ahead while the community as a whole is made to suffer. Inlet Drive is not wide enough for the present traffic it has to carry, both automobiles and pedestrians. Shuckers & Company has inadequate parking now. Where would they put additional cars? Having lived in Waterway Estates for 25 years I have seen the depreciation taking place to it. This is a residential community, please allow it to remain one.

10. Gordon CENTILLA, 1901 Inlet Dr., Ft. Myers, FL 33903
Letter 10/12/94: We would like you to consider that we are a residential area of families with children. The children love to ride bikes and play. Now to have drunk drivers plowing along at 30 mph or even faster might cause a problem, we wouldn't want that to happen. So we oppose the liquor license of Shuckers.

11. Dorothy M. THOMPSON, 4340 Gulf Cir., N. Ft. Myers, FL 33903
Letter 10/9/94: The purpose of this letter is to protest the requested zoning change by Shuckers & Company, to add outdoor seating and be permitted to serve hard liquor. With no sidewalks on Inlet Drive, this will increase the danger for those of us walking in the streets. Children's safety is also my concern for protesting this request. I walk every morning and again after work at night (even after dark), so I very strongly protest this request.

12. Betty Jane HAVENER, 4333 South Bay Cir., Ft. Myers, FL 33903
Letter 10/12/94: Please accept this correspondence as an expression of strong opposition to the application for consumption on premises for property known as Caloosa Isle Marina, Inc., located at 1587 Inlet Dr., Waterway Estates, North Fort Myers. I have been a homeowner in the immediate area for 15 years, during that period of time have enjoyed the quiet residential atmosphere, feeling free to walk or cycle during cooler evening hours. To introduce additional traffic, possibly drivers under the influence, would definitely prove detrimental to the area, not to mention the down grading of property values. The greater percentage of homeowners directly affected are senior citizens, and to award an alcohol license to the above mentioned business would destroy the sense of safety and well-being now enjoyed in this north sector of Waterway Estates. Please give this application your most careful "If I lived in the immediate area" consideration.

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13. Jean & Tim VOLL, 4278 Harbour Ln., N. Ft. Myers, FL 33903
Letter 10/9/94: My husband and I are residents of Waterway Estates. We live approximately one block away from The Caloosa Isle Marina and Shuckers & Company. On Saturday, October 8, 1994, we were made aware of a proposed zoning change for Shuckers & Company. We understand they have requested a change that would allow outdoor seating and a full liquor license. We do not understand why the residents were not notified of this zoning change. We would like to express our disapproval of the expansion of Shuckers & Company. Since Caloosa Isle Marina and Shuckers & Company have been in operation, we have experienced an increase in automobile traffic. This becomes a great concern as we have no sidewalks in the neighborhood. We have also been subjected to the daily noise of the operations of the marina. This continues occasionally after the posted closing hours. We have a nice residential community, why must we destroy it with the expansion of a business that has no place in our neighborhood, we do not need to add an outdoor bar. Please consider this before granting this zoning change.

14. Leonard S. EASTERLING, 1820 Inlet Dr., N. Ft. Myers, FL 33903-5056
Letter 10/12/94: The subject entity is located at the east end of a dead-end, residential street lined with neat well-kept homes, some just 40 feet from the roadway. To approve the expansion of the subject venture would not only increase traffic on this off center little residential street, but would place traffic on it of the wrong kind, perhaps dead wrong. That is those who are looking for a secluded and remote waterfront drinking spot. The presence of food is only incidental. No one really believes the 8:00 planned curfew. For one thing, there would be on-site mutiny, especially on the weekends. And so that leaves the alcohol-impaired, Shuckers customers traveling back home at varying rates of speed, sometimes keeping the vehicle under control, sometimes not. The first mile of course is traveled on Inlet Drive, right here in Waterway Estates, this narrow little Inlet Drive. All this is to say, from a common sense standpoint, you could not make a worse choice than to approve the consumption of alcohol from the site of the subject restaurant. Initially, it was a poor choice for a restaurant, next to a plant processing human waste. The access is terrible. One way in and out, and littered with children along the way. It is simply an unplanned tragedy of which we will have had foreknowledge. Finally, the consumption of alcohol on the premises appears to be nothing more than an inducement or an enticement. I'm wondering if an examination of the subjects P & L Statement wouldn't reflect marginal profit (or no profit) offering just a fare of table food.

15. Marge SLOAT, 1849 Inlet Dr., N. Ft. Myers, FL 33903
Letter 10/7/94: Please don't approve zoning change for Shuckers & Company, Caloosa Isle Marina, Inc. for a liquor license. Wine and beer is sufficient. This is a family neighborhood.

16. Michael G. KELLY, 4311 Canal Cir., N. Ft. Myers, FL 33913
Letter I am opposed to the expansion of Shuckers & Company Crabhouse, Inc., because the sure increase of truck traffic in the daytime (service, food, fuel), passenger car traffic late (patrons of the bar), and the related commotion at a busy commercial marina restaurant. We already have a sewer plant and a busy water treatment company (Florida Cities), live aboard boats, and a very crowded marina and boat storage company serviced by Inlet Drive and enough is enough. School kids have to walk on the grass due to trucks.

17. Edward & Violet WEIMER, 1944 Inlet Dr., N. Ft. Myers, FL 33903
Letter 10/10/94: This is with regard to zoning changes made by Shuckers. We can't even have sidewalks for children to walk on to meet the bus. We already have too much traffic here. This has been a friendly place. We are getting older. Why would we want this? If it were a park or something we would benefit from - fine, but this means more upkeep on the streets, mail boxes hit, etc. We are not for it.

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18. Frederick & Jean BOARD, 4371 Harbour Ter., N. Ft. Myers, FL 33903
Letter 10/10/94: We strongly object to the request made by Shuckers & Company for a proposed zoning change to add outdoor seating and be permitted to serve hard liquor. We strongly object to the presence of a commercial establishment who have no access, except through an old, well established neighborhood. Inlet Drive is quite simply a residential street bordered on both sides by well-kept single-family homes, that contribute to Lee County tax base. I personally have noted an increase in traffic and traffic speed since Shuckers opened. On one occasion in July, tow cars that parked at Shuckers passed me on Inlet Drive at a rate of speed that was frightening and potentially deadly for neighborhood children. In view of all the other available, commercially zoned sites in close proximity (i.e. many vacant sites in two shopping malls less than two miles from the proposed site), this rezoning appears totally inappropriate and irresponsible. It would be almost impossible to believe that a responsible County official would make a decision to approve a rezoning to enhance the value of one property owner of 1.08 acres to the undoubted detriment of well over 100 property owners over 50 acres of single-family, middle class homes that have made a significant contribution to the tax base of Lee County for over 20 years.

19. Norma A. & Charles M. REIGLE, 1781 Inlet Dr., N. Ft. Myers, FL 33903
Letter 10/8/94: I am opposed to the request by Shuckers & Company. At present time this is a very nice residential area, and I would like it to stay this way, and not be subjected to increased and noisy traffic. Many people walk in this area and have to use the street because there are no sidewalks. People drinking and then driving down Inlet Drive would just be an added hazard to this area.

20. Michael L. JELLIES, 4351 Harbour Ln., N. Ft. Myers, FL 33903
Letter 10/10/94: I'm a resident of Waterway Estates. I am voicing my opinion in response to Shuckers & Company requested zoning change. A quick note about myself, I am federally employed, I own a small business. I decided to make Waterway Estates my home because of the quiet and safe streets. Since Shuckers & Company opened, I have noticed a great deal of traffic volume in and out of their restaurant/bar. On numerous occasions I have felt like making a public arrest (citizen's) because of unsafe drivers leaving the restaurant, in my opinion, under the influence of alcohol. I have also witnessed parties going on in their building. Waterway Estates is a established neighborhood with many, many fine citizens with children. Last week alone, coming home from work, Inlet Drive had about 15 kids coming home from school. After passing the kids, I noticed a big black truck come flying out of the vicinity in question doing at least twice the speed limit with no regard to opposite direction traffic on the narrow road, but worse yet, with no regard for the safety of the children walking along the side of Inlet Drive. This neighborhood is one enjoyed by the kids, as well as elderly folks in the evening. All it takes is one time and I know there will be law suits filed. I hope you understand and do the right thing.

21. John & Alice OTTO, 4327 S. Atlanta Cir., N. Ft. Myers, FL 33903
Letter 10/8/94: We ask you not to grant the zoning change to Shuckers & Company Crabhouse, Inc. There would be an increase in traffic on an already crowded and narrow Inlet Drive, where children of all grades walk to meet their school buses at Inlet Drive and Orange Grove Boulevard. There would not be enough parking spaces, and cars may be parked along Inlet Drive and closing off driveways and blocking emergency vehicles. Noise from outdoor speakers would travel across the water canals and increase in volume and bounce of building, etc. There is already a marina there, with live aboards on boats, a sewer plant, a boat yard, all of which creates more traffic, noise and pollution. We do not need any more congestion in this area.

22. Robert & Josephine HELMS, 1775 Inlet Dr., N. Ft. Myers, FL 33903
Letter 10/10/94: We are property owners on Inlet Drive and are very concerned about the zoning change requested by Shuckers & Company. Too much traffic going over the speed limit is coming from the marina and Shuckers at the present time. This house and the other homes on Inlet Drive are sold as residential and approving this rezoning request would

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make it a commercial area. This will also hamper the sale of our property later. Please deny this rezoning to Shuckers & Company and listen to the property owners on Inlet Drive and the Lee County taxpayers.

23. Edwin M. TURNER, 1709 Inlet Dr., N. Ft. Myers, FL 33903
Comment Card: Traffic and noise problems, narrow road, no sidewalks, children at risk.

24. Scott C. CONROY, 4340 Harbour Ln., N. Ft. Myers, FL 33903
Comment Card: There is too much traffic with narrow street, not ample parking, too much noise.
Testimony: See Section VI. Presentation Summary.

25. Donald E. COUCH, 4334 Harbour Ln., N. Ft. Myers, FL 33903
Comment Card: Because of increased noise, increased traffic both on road and canal; restricted manatee area; need no more boats in canal; not enough parking area for both boaters and cars. At the time of hearing the tourist season has not begun and the boat slip use is down at this time.

26. Martha J. KOSHKO, 4280 Glasgow Ct., N. Ft. Myers, FL 33903
Comment Card: Too much traffic. Drunks may cause accident. Can't get out of your driveway now.

27. Margaret E. DOYLE, 1709 Inlet Dr., N. Ft. Myers, FL 33903
Comment Card: Already too much traffic and too fast.
Testimony: See Section VI. Presentation Summary.

28. Jacqueline KIDD, 1715 Inlet Dr., N. Ft. Myers, FL 33903
Comment Card: Totally unhealthy atmosphere for a residential neighborhood.

29. Mr. & Mrs. Robert D. HEMENWAY, 4325 S. Atlantic Cir., N. Ft. Myers, FL 33903
Comment Card: Both my wife and I are against the Shuckers & Company waterfront restaurant's request which is in conflict with the safety of the neighborhood it is located in.
Testimony: See Section VI. Presentation Summary.

30. Lawrence M. SICHLER, 4342 S. Gulf Cir., N. Ft. Myers, FL 33903
Testimony: See Section VI. Presentation Summary.

31. David C. BROWN, 4327 Harbour Ln., N. Ft. Myers, FL 33903
Testimony: See Section VI. Presentation Summary.

32. Rebecca BROWN, 4327 Harbour Ln., N. Ft. Myers, FL 33903
Testimony: See Section VI. Presentation Summary.

VIII. LEGAL DESCRIPTION:

A tract or parcel of land lying in WATERWAY ESTATES of Fort Myers, Unit 2, in the Southeast Quarter (SE1/4), of the Southeast Quarter (SE1/4) of Section 15, Township 44 South, Range 24 East, Lee County, Florida, as shown on Sheet 2 of plat recorded in Plat Book 12 beginning at Page 63, Lee County Records, which tract or parcel is described as follows:

From a Point of Curvature on Curve "X" on the South line of Tract "B" as shown on said plat of WATERWAY ESTATES of Fort Myers, Unit 2, run N89°24'20"E along said South line for 201.00 feet to the West line of the parcel described in deed recorded in Official Record Book 145 at Page 95, Lee County Records;
THENCE run N00°35'40"W along said West line for 165.94 feet to the Northwesterly line of said parcel;
THENCE run N43°56'37"E along said Northwesterly line for 136.87 feet to an intersection with the Northerly line of said parcel;
THENCE run N89°24'20"E along said North line for 90.00 feet to an intersection with the East line of said parcel;
THENCE run S00°35'40"E along said East line for 251.50 feet to an intersection with the South line of Tract "B";
THENCE run N89°24'20"E along South line for 257.71 feet to the POINT OF BEGINNING;

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THENCE run N89°24'10"E along South line for 85.22 feet to a Point of Curvature;
THENCE run Easterly, Northeasterly and Northerly along the arc of a curve to the left of radius 25.00 feet (delta 89°30'20") (chord bearing N44°39'10"E) (chord 35.20 feet) for 39.05 feet to a Point of Tangency on the East line of said Tract "B";
THENCE run N00°06'00"W along the said East line and a Northerly prolongation thereof on the East line of the first parcel described in Resolution recorded on Official Record Book 245 beginning at Page 753 said public records for 425.23 feet;
THENCE run S89°54'00"W for 76.00 feet;
THENCE run S00°06'00"E for 70.00 feet;
THENCE run S89°54'00"W for 34.00 feet;
THENCE run S00°06'00"E for 380.96 feet to the POINT OF BEGINNING.

IX. APPEALS:

This Decision becomes final on the date rendered. A Hearing Examiner Decision may be appealed to the Circuit Court in Lee County. Appeals must be filed within thirty (30) days of the date the Hearing Examiner Decision is rendered.

X. COPIES OF TESTIMONY AND TRANSCRIPTS:

A. A complete verbatim transcript of the testimony presented at the hearing can be purchased from the Official Court Reporter, 20th Judicial Circuit, Lee County Justice Center, Fort Myers, Florida. The original documents and original file in connection with this matter are located at the Lee County Department of Community Development, 1831 Hendry Street, Fort Myers, Florida.

B. The original file and documents used at the hearing will remain in the care and custody of the Department of Community Development. The documents are available for examination and copying by all interested parties during normal business hours.

This decision is rendered this 25th day of October, 1994. Copies of this decision will be delivered to the offices of the Lee County Board of County Commissioners.

Diana M. Parker

DIANA M. PARKER
LEE COUNTY HEARING EXAMINER
2269 Bay Street
Post Office Box 398
Fort Myers, FL 33902-0398
Telephone: 813/338-3190

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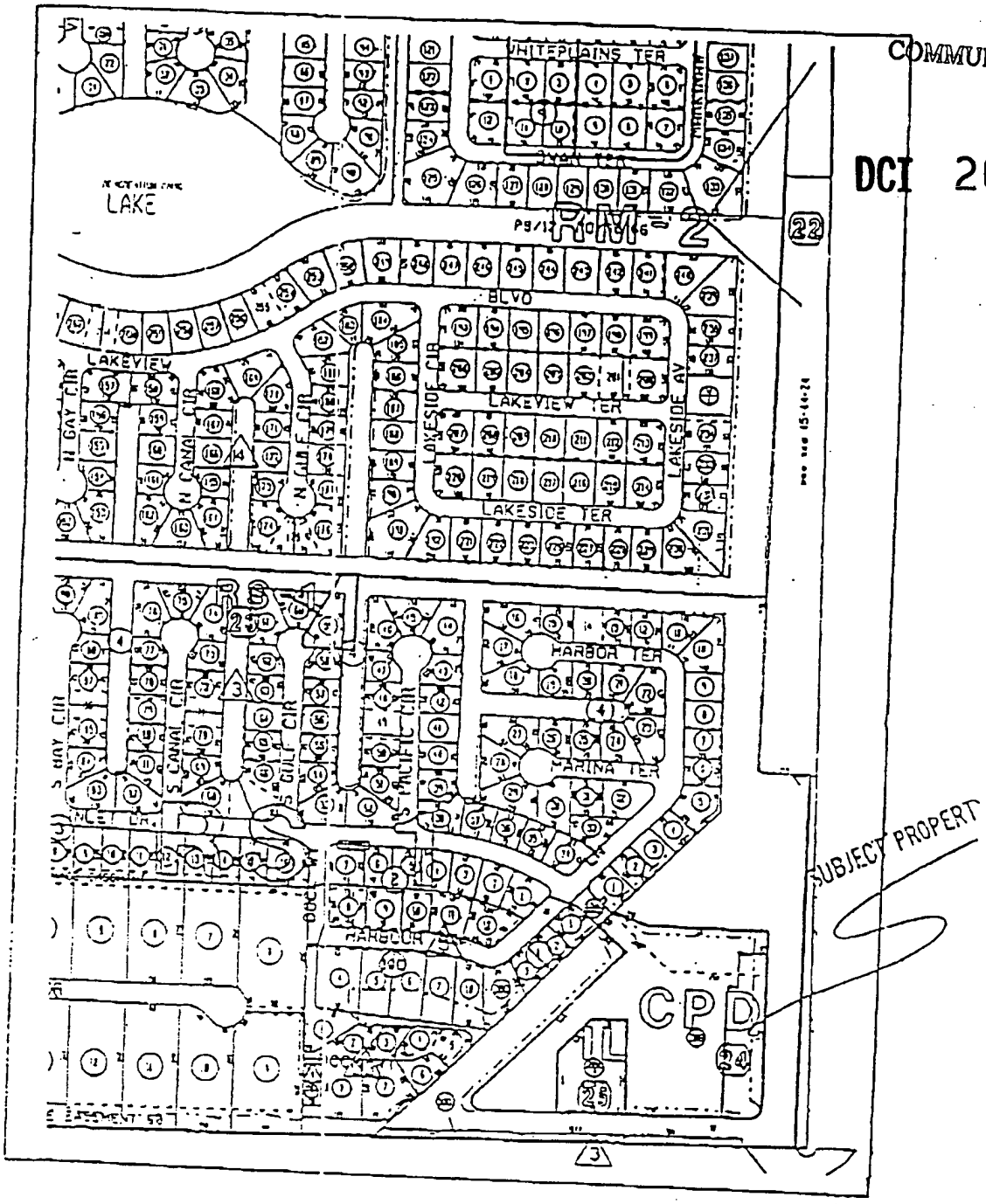
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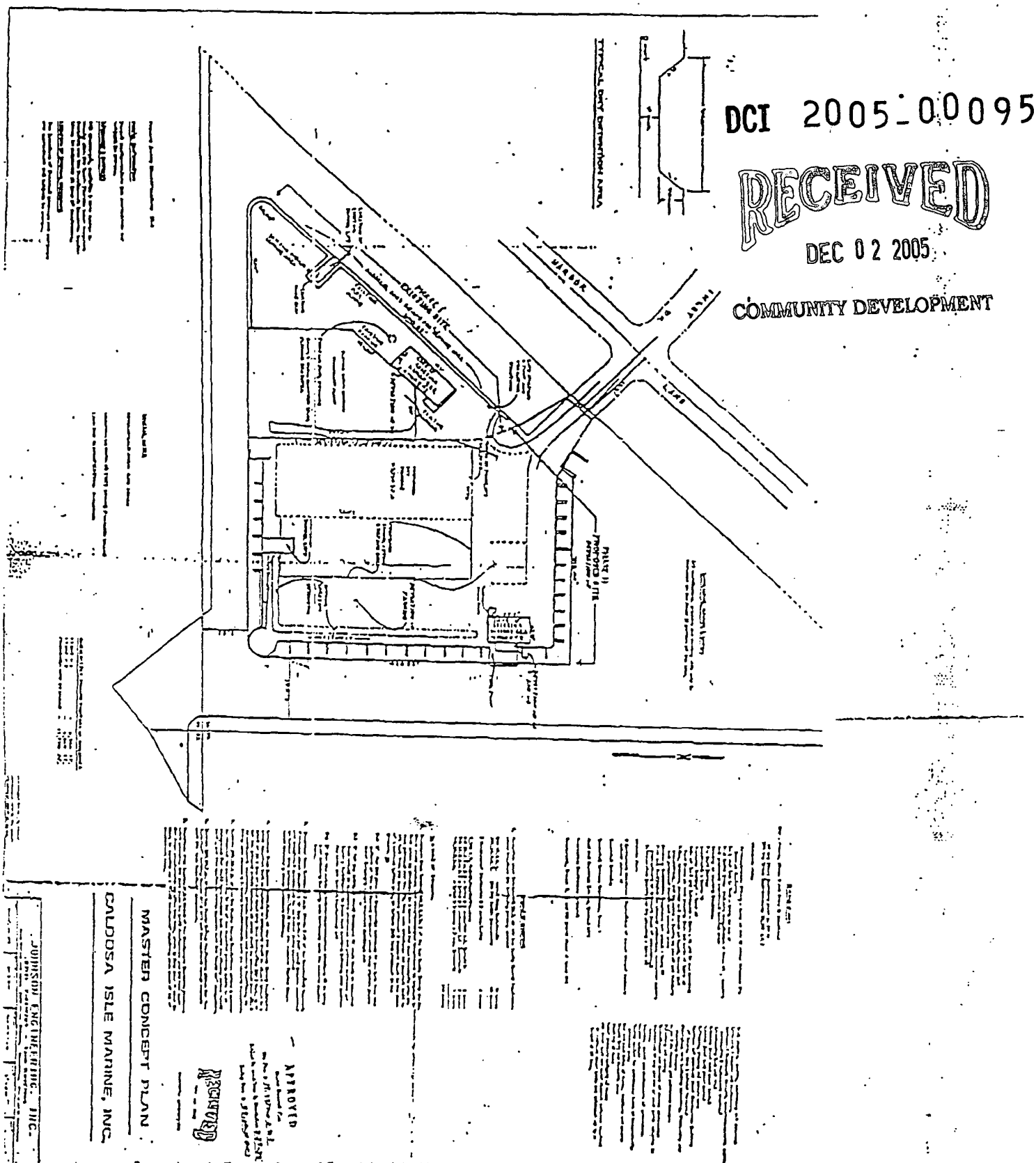
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ZONING MAP

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Vanasse Daylor

PARKING STUDY
CALOOSA ISLE YACHT CLUB

December 1, 2005

Lee County, Florida

Prepared for:
Marine Holdings LLC
c/o RL Opportunities
10580 Landau Lane
Bonita Springs, FL 34135

Prepared By:
Vanasse & Daylor, LLP

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Job # 80899.08

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12730 New Brittany Boulevard, Suite 600, Fort Myers, Florida 33907 T 239.437.4601 F 239.437.4636 W vanday.com

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INTRODUCTION AND SUMMARY

Vanasse Daylor conducted the Parking Utilization Study to assess the demand for parking of the redevelopment at the Caloosa Isle Yacht Club in Lee County.

The purpose of this study is to determine the optimal number of parking lots that can be used to better match the supply of parking to the future demand throughout the Caloosa Isle Yacht Club.

The following land use programs were assumed in performing this study:

		Current	Proposed
• Restaurant	LU 931	3,600 sq ft.,	6,550 sq. ft. indoor 1,000 sq. ft. outdoor,
• Retail	LU 820	1,500 sq ft,	-0-
• Office (marina functions only)	LU 710	2,500 sq ft, and	1,500 sq. ft.,
• Boat Maintenance (members only)			3,900 sq. ft.
• Marina (members only)	LU 420	283 Berths.	313 Berths
• Health Club (members only)	LU 492	-0-	3,000 sq. ft. , and
• Swimming pool/restrooms/Tiki Bar (members only)		-0-	1,700 sq. ft.

The site plan proposes 136 parking spaces. The Parking Regulations codified in Section 34-2020 of the Lee County Land Development Code (LDC) would require that 215 parking stalls be provided for the proposed uses at this site. The Institute of Transportation Engineers (ITE) would require only 176 stalls for comparable land uses. These estimates do not account for the opportunity to share the parking facilities between the disparate uses; rather, each use is assumed to have its own parking needs as though they were all stand-alone facilities.

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A parking study was conducted in May 2005 at another marina facility in Lee County. The results of the data and the actual parking space utilization survey clearly indicated that the parking demand for the portions of the proposed land use program would be significantly less than that required by the Lee County Land Development Code or by ITE.

The proposed land use program does not generate the need for code-required parking spaces of each individual land use included in the proposed land use program. The

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proposed 136 spaces are sufficient to supply the parking necessities at the Caloosa Isle Yacht Club during the marina and the restaurant operating hours.

The site should be considered to have sufficient parking with 136 surface stalls.

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STUDY METHODOLOGY

This study was prepared using the information contained in:

- The Institute of Transportation Engineers (ITE) publication Trip Generation (7th Edition),
- Occupied Parking Spaces survey at a similar project site,
- Parking Regulations for Lee County, 34-2020(2)j. Offices, excluding medical, 34-2020(2)l.2.ii. Restaurants/Bakeries, 34-2020(4)j. Marinas and other water-oriented uses, 34-2020(4)o.2. Recreation facilities, indoor

Not only are the traffic conditions, the County regulations, and the economical necessities, necessary for the planning and design of parking facilities but also the future land use program. Parking facilities can be shared in areas with multiple land uses because the peak parking demands differ by use.

The following land use programs were assumed in performing this study:

		Current	Proposed
• Restaurant	LU 931	3,600 sq ft.,	6,550 sq. ft. indoor 1,000 sq. ft. outdoor,
• Retail	LU 820	1,500 sq ft,	-0-
• Office (marina functions only)	LU 710	2,500 sq ft, and	1,500 sq. ft.,
• Boat Maintenance (members only)			3,900 sq. ft.
• Marina (members only)	LU 420	283 Berths.	313 Berths
• Health Club (members only)	LU 492	-0-	3,000 sq. ft. , and
• Swimming pool/restrooms/Tiki Bar (members only)		-0-	1,700 sq. ft.

With the exception of the restaurant and retail uses, all of the uses proposed in this land use program are only for the yacht club members. No public access to the private facilities will be allowed. These uses are therefore assumed to be incidental to the marina use. The restaurant will be open to the public.

According to the Lee County Land Development Code and ITE, the proposed development would require the number of parking spaces shown in **Table 1** below. This comparative analysis shows that the Lee County LDC rates require about 39 more spaces than do the ITE rates. Further, neither analysis accounts for the various operating periods that could be readily accommodated at a site having multiple, disparate uses.

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Table I

Land Use	QTY	Unit	Lee Co LDC Spaces	per	Unit	Need	ITE Parking Generation Spaces	per	Unit	Need
Restaurant	6,550	SF Indoor	14	1,000	SF	92	12.49	1,000	SF	83
	1,000	SF Outdoor	1	50	SF	20	12.49	1,000	SF	12
Add'l for Bar	1,000	SF Bar	7	1,000	SF	7				
Marina	44	Wet Slips	2	3	Wet Slips	29	0.26	1	Berth	11
	269	Dry Stalls	1	4	Dry Stalls	67	0.26	1	Berth	70
Totals						**215**				**176**

PARKING SURVEY ANALYSIS

A survey was performed in May 2005 at a similar site in Fort Myers Beach. The existing land uses of that site consisted of a marina with 255 wet and dry berths, 6,200± sq. ft. of retail uses, a 5,600 sq. ft. restaurant/bar, and a 774 sq. ft. office. The site had 109 available parking spaces, and the parking requirements for the jurisdiction required 131 spaces for the proposed uses. That survey estimated the number of occupied parking places and the occupancy of the berths at the same time period. It also studied the hourly variations of occupied parking spaces during the study period.

The study found that the various uses had differing peak operating periods, with the Restaurant and Marina land uses compromising the bulk parking demands. The Marina is a classic daytime and the Restaurant is a nighttime activity. Both land uses have demands for parking at totally different times. This means that when the marina is operating at its greatest demand, which is generally between 7 AM to 6 PM, the Restaurant is going to be closed or at best will have some lunch business. When the Marina is ready to close for the day then the Restaurant is just opening.

The study also found that the available parking at the site was substantially under-utilized, with the marina averaging 48% utilization, the restaurant/bar use averaging 66% utilization, of the available parking spaces. At the highest occupancy of the study period, 105 of the 109 available spaces were utilized by all existing land uses on the studied site.

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That study concluded that the proposed land use program did not generate the need for code-required parking spaces for each individual land use in the proposed land use program because of two factors:

1. The Peak Parking demand occurred during different times of the day, and was driven by the demand characteristics of the marina and restaurant uses, and
2. When the additional land uses were fully in use, between 33% and 70% of the parking spaces would be unoccupied during the marina's operating hours.

A correlation was developed between the peak number of parking spaces and independent variables from the studied marina. These rates were then applied to the independent variables for those uses proposed for the Caloosa Isle Yacht Club to estimate revised Peak Hour parking space needs for the proposed Marina and Restaurant uses. The results are shown in **Table 2**. These overall estimates for these two uses are significantly lower than the LDC and ITE requirements for comparable uses.

Table 2

	Studied			Proposed		
Use	Variable	Unit	Stalls	Variable	Unit	Stalls
Marina	255	Berths	48	313	Berths	**59**
Restaurant	6,200	SF	78	7,550	SF	**95**

The hourly variations documented in the Fort Myers Beach marina study were applied to the proposed restaurant and marina use parking rates presented in Table 2. These hourly variations were based on peak usage periods for those uses. The results are presented in **Table 3**.

The computations show that the proposed 136 spaces are sufficient to supply the parking necessities at the Caloosa Isle Yacht Club during the marina and the restaurant operating hours.

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Table 3

Time	Restaurant	Marina	Total Spaces Used	Available	Excess (Deficit)
8:00 AM	0	55	55	136	81
9:00 AM	0	59	59	136	77
10:00 AM	27	47	73	136	63
11:00 AM	67	44	111	136	25
12:00 PM	67	44	111	136	25
1:00 PM	54	48	101	136	35
2:00 PM	40	45	86	136	50
3:00 PM	40	38	78	136	58
4:00 PM	40	33	73	136	63
5:00 PM	95	28	123	136	13
6:00 PM	95	31	126	136	10
7:00 PM	95	31	126	136	10
8:00 PM	95	31	126	136	10
9:00 PM	95	31	126	136	10

RECOMMENDATIONS

The results of the data compiled and analyzed for the Caloosa Isle Yacht Club clearly indicates that the parking demand for the proposed land use program is significantly lower than that required by the Lee County Land Development Code. These analyses are based on actual data from a similar site as well as nationally accepted parking generation publications.

The site should be considered to have sufficient parking with 136 surface stalls.

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EXHIBIT 1

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STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

2740 CENTERVIEW DRIVE • TALLAHASSEE, FLORIDA 32399

BOB MARTINEZ
Governor

THOMAS G. PELHAM
Secretary

March 3, 1989

Ms. Neale Montgomery
Daveese, Garner, Haverfield,
Dalton, Harrison & Jensen
1833 Hendry Street
Post Office Drawer 1507
Fort Myers, Florida 33902

Re: Binding Letter of Interpretation
of Vested Rights Status
File No. BLIVR-989-001
Caloosa Isle Marine

Dear Ms. Montgomery:

We have evaluated your application for a Binding Letter dated October 20, 1988, and received October 24, 1988, with additional information being supplied December 7, 1988, and January 12, 1989. Based on the information contained in the application and other information obtained during the review of the development proposal, we enter the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. The proposed Caloosa Isle Marine development consists of 44 existing wet slips and 239 proposed dry storage spaces on 5.8 acres.

2. The applicant is Neale Montgomery, authorized representative of Caloosa Isle Marine Inc., which proposes to develop the Caloosa Isle Marine development.

3. The proposed development is located in Section 16, Township 44 South, Range 24 East, Lee County, Florida. (See Figure 1)

4. A history of the project is as follows:

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This property was first platted as part of the Waterway Estates Subdivision, a subdivision consisting of a combination of residential and commercial development. Preliminary plat approval was filed with Lee County on February 17, 1960. At the time of the filing, the property was zoned IU industrial. This plat was for the entire subdivision and did not include a specific number of wet slips. The Pultes family filed for a dredge and fill permit with the Army Corps of Engineers on March 14, 1962, to dredge a 1950-foot long, 100 foot wide channel for the entrance into the Waterway Estates Subdivision.

The applicant is unsure of when the project was actually constructed. The applicant has submitted an aerial photograph, dated January 27, 1966, which shows the marina facility was clearly in operation at that time. In 1976, the project was purchased from the Pultes family by the Haywood Development Company. The company applied for and received a zoning change from IU industrial to B-U-1A mixed use residential and commercial development. The property was purchased by the Island Club Marina Partnership in 1980. The company filed for bankruptcy on July 6, 1982. On February 23, 1987, bankruptcy proceedings were concluded following a court order by Judge Fredrick Hertz. The Caloosa Isle Marine, Inc., assumed control of the project site shortly afterward on behalf of the bank.

On November 14, 1988, the property was rezoned from mixed use, residential and commercial to commercial planned development. The later zoning category included the use of marina watercraft dry storage facilities. The applicant intends to construct dry storage facilities for 239 watercraft. The applicant received preliminary plat approval on December 12, 1988, for this additional development.

5. The applicant is seeking a vested rights determination under Subsection 380.06(20),Florida Statutes (F.S.) (Supp. 1988), to establish whether the Caloosa Isle Marine development is vested for the 44 wet slips, and thus, not subject to the review requirements of Chapter 380, F.S.

6. The applicant has provided the following information for the vested rights determination.

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Authorization to Commence Development

Subparagraph 380.06(20), F.S., provides that nothing in Section 380.06, F.S.:

> Shall limit or modify the rights of any person to complete any development that has been authorized by registration of a subdivision pursuant to chapter 498, by recordation pursuant to local subdivison plat law, or by a building permit or other authorization to commence development on which there has reliance and a change of position, and which registration or recordation was accomplished, or which permit or authorization was issued, prior to July 1, 1973. If the developer has, by his actions in reliance on prior regulation, obtained vested or other legal rights that in law would have prevented a local government changing these regulations in a way adverse to his interests, nothing in this chapter authorizes any governmental agency to abridge those rights.

In support of the position that the 44 existing wet slips are vested, the applicant has submitted the following evidence:

a. A copy of the preliminary plat for the marina site which contains a certified statement from Ellen E. Smith of the Lee County Clerk's Office that the foregoing is a correct copy from the county plat book as filed on February 17, 1960. The plat shows the existing marina canal configuration. However, the plat does not show or identify a specific number of wet slips;

b. A U.S. Army Corps of Engineers Dredge and Fill Permit application to dredge a 1950 feet long, and 100 feet wide channel, for the purpose of constructing the Waterway Estates Subdivision, which includes the project site; and

c. A series of 10 aerial photographs in sequence showing a marina with storage space for at least 44 watercraft dated January 27, 1966; March 19, 1968; February 8, 1970; March 10, 1972; February 12, 1974; October and November of 1975; December 7, 1977; March 23, 1980; December 4, 1981; and March 1984.

The preliminary plat demonstrates that the applicant intended to construct a marina facility on the project site in 1960. However, the plat does not identify the number of watercraft that the facility was to be constructed to handle.

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The dredge and fill permit reflects an intent to construct a channel for the Waterway Estates Subdivision. However, the permit does not indicate the number of watercraft the facility would handle, nor that its construction is solely for the purpose of serving the marina.

The series of aerial photographs submitted by the applicant indicate that the marina has been continuously in operation since January 27, 1966. Although it is difficult to determine the facility's capacity, the photograph dated December 12, 1977, shows that at least 44 watercraft were moored at the facility with the same design configuration that existed in 1966 and is in effect today. Planning staff from the Southwest Florida Regional Planning Council and the Lee County Planning Department have jointly examined the aerials provided by the applicant and have indicated that they believe that the facility was designed to handle the mooring of at least 44 watercraft. Based on the photographic evidence provided by the applicant, the Department concludes that the marina was constructed to accommodate the mooring of at least 44 watercraft, and was in operation prior to July 1, 1973.

Reliance and Change of Position

The applicant claims reliance and change of position based on the fact that the marina was constructed and was in operation prior to July 1, 1973.

7. The Department finds that the Calcosa Isle Marine Development is vested for the wet mooring of 44 watercraft, and that the marina was constructed and in operation prior to July 1, 1973.

8. The guidelines and standards in Section 380.0651, F.S. (Supp. 1988), are applicable for determining whether the project shall be required to undergo development of regional impact (DRI) review. Paragraph 380.06(2)(d), F.S. (Supp. 1988), provides that a development which is at or below 80 percent of all numerical thresholds in the applicable guidelines and standards shall not be required to undergo DRI review; a development that is between 80-100 percent of a numerical threshold is presumed not to require DRI review; a development at 100 percent or 100-120 of any numerical threshold in the applicable guidelines and standards shall be required to undergo DRI review, unless otherwise vested pursuant to Subparagraph 380.06(20), F.S. The applicable Development of Regional Impact (DRI) guideline for the project is contained in Paragraph 380.0651(3)(e), F.S. (Supp. 1988).

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Subparagraph 380.0651(3)(e)1.a., F.S. (Supp. 1988), provides, in part, that the DRI threshold for the wet storage or mooring of watercraft used exclusively for sport, pleasure or commercial fishing is 150 watercraft. Subparagraph 380.0651 (3 (e)2., F.S. (Supp. 1988), provides that the threshold for dry storage facilities for marinas constructed and in operation prior to July 1, 1985, is 300 watercraft. The applicant has submitted evidence, in the form of 10 aerial photographs in sequence from January 1965 to March 1984, to verify that the Calocosa Isle Marina development was constructed and in operation prior to July, 1985. Therefore, the applicable dry storage facility threshold for the Calocosa Isle Marine development is 300 watercraft.

The Calocosa Isle Marine development, with 44 vested wet slips and 239 proposed dry storage spaces, is 79.6 percent of the dry storage space threshold. Therefore, the proposed development is not required to undergo DRI review based on the dry storage space threshold.

9. On November 4, 1988, notice of this request for a Binding Letter of Interpretation was published in the Florida Administrative Weekly. In addition, the Southwest Florida Regional Planning Council and the Lee County Planning Department were notified.

CONCLUSIONS OF LAW

1. Based upon Finding of Fact number 6, the Department concludes that the applicant has submitted sufficient evidence to show that the existing portion of the marina development is vested for mooring facilities for 44 watercraft, pursuant to subsection 380.06(20), F.S.

2. The proposed portion of the marina development that will provide dry storage facilities for 239 watercraft is not vested pursuant to subsection 380.06(20), F.S. This nonvested portion of the development is 79.6 percent of the applicable guideline and standard contained in Subparagraph 380.0651(3)(e)2., F.S. Therefore, pursuant to Paragraph 380.06(2)(d), F.S., the Department concludes that the Calocosa Isle Marine development is not required to undergo DRI review.

ORDER

1. The Calocosa Isle Marine development is not required to comply with the review requirements of Section 380.06, Florida Statutes.

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2. The nonvested portion of this development, as described above, shall be considered cumulatively with any additional development in terms of the Guidelines and Standards contained in Chapter 28-24, Florida Administrative Code, and Section 380.0651, F.S., and its associated regional impacts. Proposed changes to the vested portion of this development may require further review pursuant to Subsection 380.06(4)(b) and (c), Florida Statutes.

This binding letter of interpretation has been issued pursuant to the procedural requirements of Subsection 120.57(2), F.S., and constitutes final agency action appealable within 30 days to a District Court of Appeals pursuant to Section 120.68, F.S. If you wish to present oral or written evidence, or a written statement in opposition to this agency action, you must file with the Department a written request for an opportunity to do so within 30 days from this date. Such a request for a reconsideration shall be made in accordance with Section 9J-2.016, Florida Administrative Code, and will be responded to by the Department pursuant to Subsection 120.57(2)(a), Florida Statutes.

This determination does not obviate the need to comply with other applicable state or local permitting procedures. Any questions regarding this determination may be directed to Dan Evans in the Bureau of State Planning, Division of Resource Planning and Management at (904) 488-4925.

Sincerely,

J. Thomas Beck

J. Thomas Beck, Chief
Bureau of State Planning

JTB/deh

cc: Dan Trescott (SWFRPC)
Al Barrett (Lee County)
Bill Howell (DNR)
John Outland (DSR Coordinator)

3/3/89

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W. Dexter Bender & Associates, Inc.

Environmental & Marine Consultants

dexbender@dexbender.com

2052 Virginia Avenue
Fort Myers, Florida 33901
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(239) 334-8714 Fax

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Port Charlotte, Florida 33954
(941) 255-1462 Phone
(941) 625-4532 Fax

EXHIBIT 2

November 15, 2005

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Mr. Josh Philpott
Senior Planner
Lee County
Department of Community Development
P.O. Box 398
Fort Myers, FL 33902-0398

RE: Sufficiency Response - Caloosa Isle Yacht Club - DCI2005-00095

Dear Mr. Philpott and Lee County Staff:

This letter is to clarify the issues with the following comment from the sufficiency review as referenced above.

10) Dock & Shoreline Structures. Location and dimensions of proposed structure(s) must be shown on the Master Concept Plan. How will protected species, the natural waterway buffer, and adjacent waterways be affected? [10-474; 10-41-416(d)(9); Chapter 26]

Lee County Natural Resources staff have reviewed the proposed addition of slips to the existing marina and have found the proposal inconsistent with the Manatee Protection Plan. The proposal must be revised to reduce the requested number of slips by 51, or provide information to Lee County Natural Resources staff regarding transferring of slips from other properties. Natural Resources staff does acknowledge this is a good site to receive transferred slips.

As you know, the Manatee Protection Plan allocates a dock to shoreline ratio of three (3) docks per 100 feet of shoreline. The applicant, in an effort to comply with the Plan, is reducing the number of requested additional docks to thirty (30) by allocating their property, Tract "D", as shown on the plan and in the survey, to permanent open space. The property is approximately 968 lineal feet, which allocates thirty (30) docks and maintains compliance.

Dedicating this piece of property enables permanent protection of the natural waterway buffer and the mangroves, a protected species, that grow there.

The increase in dry storage spaces will minimally impact the adjacent waterways since the boats will not be stored in the water. As Lee County Natural Resources staff commented, this is a good site to receive transferred slips and I recommend the increase in slips for a total of 269 dry docks, as well as maintenance of the existing 44 vested slips.

Sincerely,

V. Allen Hoffacker
President

cc: Ms. Rachell Bielert

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EXHIBIT 3

The request for a zoning deviation is being made by the Owners of the Caloosa Isle Yacht Club to allow the new dry storage building to be constructed to a maximum eave height of fifty-four (54) feet. The current zoning regulations allow for a maximum of forty-five (45) feet. Please help the Lee County Zoning make the right decision by showing your feedback below by signing your name, labeling your street address, and circling "SUPPORT" or "OPPOSE."

Zoning Review:
Please find on the following pages the signatures of support for the height deviation from the neighbors who attended our last informal neighborhood informational meeting on November 21, 2005, that we held at the Marina. During the meeting when the clipboards for the height deviation and the wall extension were going around the room, some people got confused as to which documents they were signing for and therefore some people accidentally signed for the wall issue on the height sheet. They then resent the height clipboard around once they realized what they'd done and resigned their opinions to ensure that the correct responses were made.
We've consolidated the signatures for your ease of review and to prevent anyone being counted twice, but have included those that were originally signed in an effort to preserve the honesty of information that we're providing.

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The request for a zoning deviation is being made by the Owners of the Caloosa Isle Yacht Club to allow the new dry storage building to be constructed to a maximum eave height of fifty-four (54) feet. The current zoning regulations allow for a maximum of forty-five (45) feet. Please help the Lee County Zoning make the right decision by showing your feedback below by signing your name, labeling your street address, and circling "SUPPORT" or "OPPOSE."

Name	Street Address	SUPPORT / OPPOSE
L E Martin	1749 Dockway	SUPPORT / OPPOSE
Sally D Martin	1749 Dockway	SUPPORT / OPPOSE
Tim Sheehy	Seafan Cir	SUPPORT / OPPOSE
Judy Sheehy	Seafan Cir	SUPPORT / OPPOSE
Yale Vaughn	1714 Inlet Dr.	SUPPORT / OPPOSE
David Scheschowitz	1735 INLET DR	SUPPORT / OPPOSE
Indy Sloan	1735 INLET DR	SUPPORT / OPPOSE
Chris Yahl	1744 Dockway	SUPPORT / OPPOSE
Rick Yahl	1744 Dockway	SUPPORT / OPPOSE
DAVID MERRILL	1700 INLET DR	SUPPORT / OPPOSE
Margaret Berri	4300 HARBOUR LN.	SUPPORT / OPPOSE
Jaime McCormick	4310 Harbour Ln.	SUPPORT / OPPOSE

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NAME	ADDRESS	HEIGHT VARIANCE
Anne McCormick	4310 Harbour Ln.	SUPPORT / OPPOSE
Robert J McCormick	4310 Harbour Ln.	SUPPORT / OPPOSE
David F. Schwerig	1703 Marina Terrace	SUPPORT / OPPOSE
Verdena Schwerig	1703 Marina Terrace	SUPPORT / OPPOSE
Marcella B Pine	4300 HARBOUR LN	SUPPORT / OPPOSE
Boyd Cooley	4290 Harbour Lane	SUPPORT / OPPOSE
Joyce L Cates	4294 HARBOUR LN	SUPPORT / OPPOSE
Dave & TINA PRESTON	4298 Harbour LN	SUPPORT / OPPOSE
Sandy Cyr	4318 S. Canal Cir	SUPPORT / OPPOSE
Sandra Baker	4311 S. Canal Cir	SUPPORT / OPPOSE
DAVE MERRILL	1711 INLET DR	SUPPORT / OPPOSE
Chris Yahl	1744 Dockway	SUPPORT / OPPOSE
Rick Yahl	1744 Dockway	SUPPORT / OPPOSE
Tim Sheehy	Seafan Cir	SUPPORT / OPPOSE
Judy Sheehy	Seafan Cir	SUPPORT / OPPOSE
Jake Vaughn	1714 Inlet Dr	SUPPORT / OPPOSE

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NAME	ADDRESS	HEIGHT VARIANCE
David Scheschowitz	1735 INLET DR	SUPPORT / OPPOSE
Trudy Sleeth	1735 INLET	SUPPORT / OPPOSE
		SUPPORT / OPPOSE
		SUPPORT / OPPOSE
		SUPPORT / OPPOSE
		SUPPORT / OPPOSE
		SUPPORT / OPPOSE
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SKETCH OF DESCRIPTION
OF A PORTION OF WATERWAY ESTATES OF FORT MYERS UNIT 2 LYING IN SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA

LEGAL DESCRIPTION

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

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CONTAINING 5.925 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

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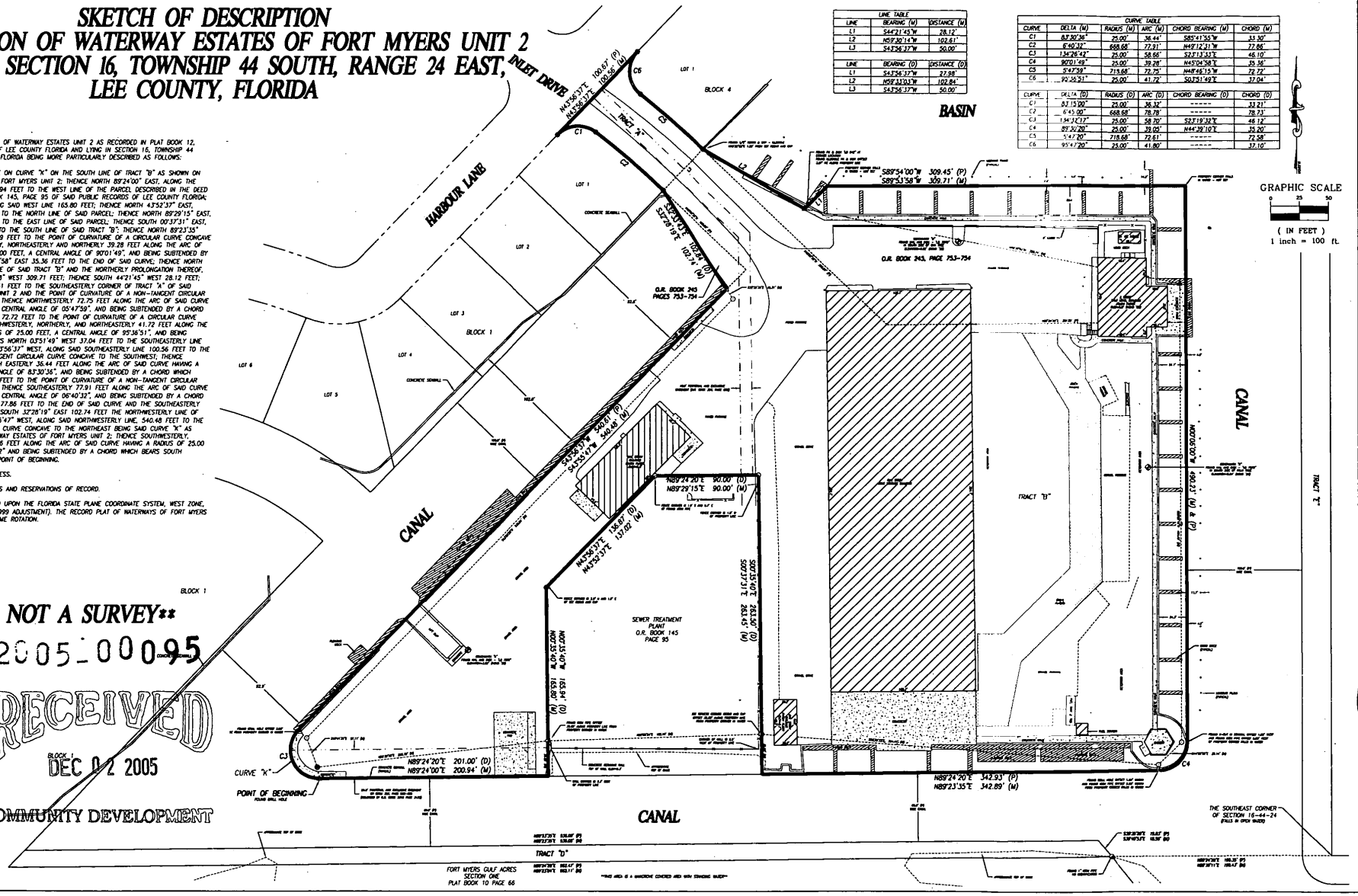
LINE TABLE		
LINE	BEARING (M)	DISTANCE (M)
L1	S44°21'45"W	28.12'
L2	N39°30'14"W	102.61'
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L2	N39°33'03"W	102.84'
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CURVE TABLE					
CURVE	DELTA (M)	RADIUS (M)	ARC (M)	CHORD BEARING (M)	CHORD (M)
C1	83°30'36"	25.00'	36.44'	S85°41'55"W	33.30'
C2	6°40'32"	668.68'	77.91'	N49°12'31"W	77.86'
C3	134°26'42"	25.00'	58.66'	S23°13'33"E	46.10'
C4	90°01'49"	25.00'	39.28'	N45°04'58"E	35.36'
C5	5°47'59"	718.68'	72.75'	N48°46'15"W	72.72'
C6	95°36'51"	25.00'	41.72'	S03°51'49"E	37.04'

CURVE	DELTA (D)	RADIUS (D)	ARC (D)	CHORD BEARING (D)	CHORD (D)
C1	83°15'00"	25.00'	36.32'	------	33.21'
C2	6°45.00"	668.68'	78.78'	------	78.73'
C3	134°32'17"	25.00'	58.70'	S23°19'32"E	46.12'
C4	89°30'20"	25.00'	39.05'	N44°29'10"E	35.20'
C5	5°47'20"	718.68'	72.61'	------	72.58'
C6	95°47'20"	25.00'	41.80'	------	37.10'

BASIN

GRAPHIC SCALE
0 25 50
(IN FEET)
1 inch = 100 ft.



THIS MAP PREPARED BY:
DAVID S. DAGOSTINO, PSM
CERTIFICATE NO. LS 4988
NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

CERTIFIED TO:

D&W DAGOSTINO & WOOD, INC.
Professional Surveying & Mapping
LB# 6617 Naples, Florida
Phone: (239) 352-6695 Fax: (239) 352-6695

DRAWN BY: DSD
CHECKED BY: DSD
DRAWING FILE: 05084-1
SURVEY DATE: 11/14/05
REVISED DATE:
DRAWING SCALE: 1"=100'
REVISED BY:
SURVEY DATE: 11/14/05

JOB NO. 05084
SHEET NO. 1

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PREPARED BY:

DAVID S. DAGOSTINO, PSM REG. NO. 5762

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SKETCH OF DESCRIPTION
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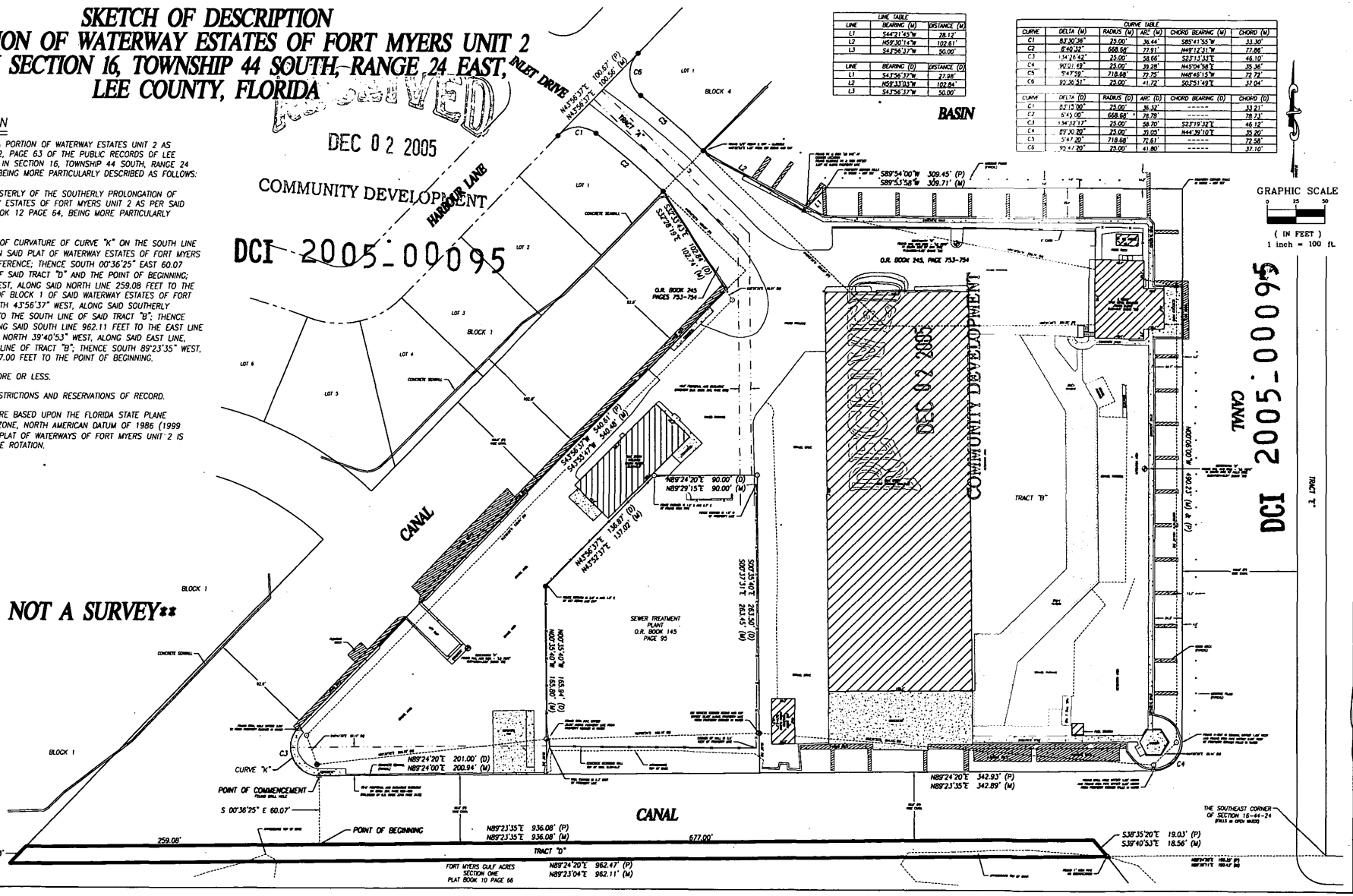
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CERTIFIED TO:

THIS MAP PREPARED BY:
DANIEL S. DAGOSTINO, PSM
Professional Surveyor & Mapper Fla. License No. 5782
CERTIFICATE OF AUTHORIZATION NO. LB 6886
NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

D&W DAGOSTINO & WOOD, INC.
Professional Surveying & Mapping
3510 Fowler Street, Fort Myers, FL 33901
Phone: (239) 332-6085 Fax: (239) 332-6095

DRAWN BY:	CHECKED BY:	REVISED BY:	REVISION DATE:
DANIEL S. DAGOSTINO, PSM	DANIEL S. DAGOSTINO, PSM		
SURVEY DATE: 11/15/05	DRAWING DATE: 11/16/05		

JOB NO. 05084
SHEET NO. 1

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DCI2005-00095 **EXHIBIT 6-N**

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Deviations Caloosa Isle Yacht Club

Deviations and Justifications

#1. **A Deviation from Article VII, Division 26 Parking to allow an alternative parking plan for the marina.** Requesting to provide 136 code-defined stalls as required parking for the marina and restaurant based on the attached parking study. The study shows that 136 stalls will be adequate to address the parking needs of this site due to the different peak time that the restaurant and the marina will be operating.

Justification: The owners of this facility fully intend to provide adequate parking on this site, but due to the high number of stalls required because of the two principal uses, the marina and the restaurant, more parking is being required than can be physically provided. The two uses generating the bulk of the parking demand are classic daytime (the Marina which requires 86 parking stalls) and nighttime (the restaurant/bar which requires 119 parking stalls) uses. These uses generate demands for parking which peak at totally different times. When the marina is operating at it's greatest demand, which is generally between 7 AM to 6 PM, the restaurant will have lower demand related to some lunch business at most. Marina statistics show that the typical demand for boat loading and unloading is only 10% of the number of actual dry storage docks, and on peak holidays, such as the Fourth of July, Memorial and Labor Day weekends, that percentage increases to approximately 30%. Once the marina is closed by 6 P.M., the restaurant use will enter its peak hours of parking demand.

Requiring the Marina and Restaurant to provide the full number 215 parking stalls in an area dedicated solely to parking would create an undue hardship and require unnecessary additional paving, and water treatment areas for the associated storm water runoff and reduce the amount of landscaping. None of these changes benefit the site or Lee County. Further, a parking utilization study is attached herewith that supports the waiving of the 86 parking stalls in a dedicated parking area. The proposed deviation allows the property to be used in a way, which meets the spirit, if not the letter, of the LDC and encourages the appropriate use of the property.

There are two other uses on the site that need to be addressed, the marina office and the health club, which include the pool and Tiki Bar. Unlike the restaurant/bar, the health club is not open to the public, but is simply an accessory use and amenity for members of the Caloosa Isle Yacht Club and, as such, will not generate additional traffic to the site. The office use is also for the exclusive operation of the marina and will not generate additional traffic to the site.

#2 Deviation from LDC Section 34-2194 (b) which states buildings and structures may not be placed closer than 25 feet to a canal or to a bay or other water body or the distance required by the provisions of chapter 6, article IV, pertaining to flood hazard reduction, whichever is greater. We are requesting deviations from this Section to authorize the location of the restaurant/health club/office building within

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5 feet of the east waters edge and within 5 feet of the south water edge; and maintain the approval for the existing outdoor seating area that was utilized for the Shuckers Restaurant on the east side of the property, located within 14 feet of the property line.

The proposed Restaurant/Health Club/Office will be located on the southeast corner of the property. It will be a two-story building that is required to meet a 25-foot setback from the east and south water edges. We are, therefore, requesting a deviation to allow the building to be located within 5 feet of the east water edge and the south water edge rather than being setback 25 feet from the edge of the water as required by the LDC.

There is also an outdoor restaurant/bar area that was attached to the restaurant (referred to as Store #2 on the 1988 MCP) by a screened enclosure that the owners are going to renovate as a Tiki Bar to service the new swimming pool and deck area being proposed on the northeast corner of the property. The Tiki Bar projects into the canal approximately 11 feet and was approved with a setback variance via Resolution Z99-067.

Justification: The water edge for this site is located 25 feet inside the actual property line, which means any development meeting the required 25-foot setback from the water edge would be required to setback 50 feet from it's property line. This would be an undue hardship, because there are no abutting properties to the east and south where this proposed building is to be located. The only things across from these frontages are mangroves, dedicated as the Buttonwood Estates open space, and beyond that is the Caloosahatchee River. The canal in front serves only the homes on the north side of this development. One of the primary reasons for requiring a setback from water is to protect property from flooding as required by FEMA and to protect views for abutting properties. In this instance there are no properties that will have their views impacted nor is there any habitable space in any of the buildings, therefore the primary purposes for requiring the 25-foot setback is not necessary in this instance. In addition we have oriented the building to the furthest point from all surrounding residences and directed all outdoor activities towards the Caloosahatchee River and away from the neighborhood.

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The Tiki Bar is proposed at an area where an existing structure was added onto the original restaurant built on the northeast corner of the property and was used as outdoor seating area for the bar and restaurant. The restaurant was severely damaged by Hurricane Charlie and is proposed for demolition to make room for the proposed swimming pool. The owners are proposing to retain the outdoor patio area for the Tiki Bar to use as a service to the members only in the pool and deck area.

#3 **Deviation from LDC Section 34-936 (f) Height of buildings (3) e. which states; "In the suburban, outlying suburban and rural land use categories and in any other land use category in which a planned development is appropriate, buildings may be as tall as 45 feet above minimum flood elevation with no**

more than three habitable stories, except that such buildings may be as tall as 75 feet above minimum flood elevation with no more than six habitable stories when the applicant demonstrates that the additional height is required to increase common open space for the purposes of preserving environmentally sensitive land, securing areas of native vegetation and wildlife habitat, or preserving historical, archaeological or scenic resources." We are requesting a deviation to this section to allow the main boat storage structure to be 54 feet tall at the ridgeline rather than the 45 feet allowed by code.

Justification: The owners of the marina currently have two options; continue operating the facility as the industrially oriented facility that is currently approved; or to renovate the site in its entirely to make the marina a primarily recreational boating marina.

In meetings with residents from the surrounding area, there has been overwhelming support to eliminate the major boat yard operations business, but keep the marina, service and repair, the wet and dry storage and bring back the restaurant and bar. To do this, the owners also reviewed with structural engineers the requirements to build an addition and reinforce the existing dry storage barn to accommodate better windloads and structural stability. In order to meet these goals, the building would have to increase in overall pad size, which decreases their ability to accommodate open space and parking.

It was then determined, that in order to meet all of the goals for open space, parking and the amount of boats permitted to store, they would have to build a brand new boat barn, but would have to make it 12' taller than currently exits, which would be 54 feet tall at the eave. Furthermore, reconstructing a new storage barn facility will enable the water management and water quality to be handled in the preferential methods (above ground vs. underground) by SFWMD. The new boat barn will be constructed to meet the Lee County architectural standards, which is supported by the surrounding community.

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The Lee County LDC allows building heights in the Suburban Land Use classification of up to 75 feet in order to **"increase common open space for the purposes of preserving environmentally sensitive land, securing areas of native vegetation and wildlife habitat, or preserving historical, archaeological or scenic resources".** The owners are dedicating Tract D of the ownership to permanent open space, which is comprised of mangrove, a native species, and environmentally sensitive land, this would make the owners request for additional height consistent with this criteria in the LDC. In addition, the owners contend that the total redevelopment of this marina and eliminating the previous noxious uses, warrants the same consideration as protecting the native species and sensitive land.

The owners are proposing to take a use that has had a long history of code enforcement and neighborhood complaints and redevelop the site and amend the regulations for the property, to address all of the past issues. However, in order to

do so, they need to be able to build the boat barn to 54 feet at the ridgeline in order to enclose all uses, create additional space for landscaping, parking, and water management. Due to the adjacent residential single family homes all being two stories or less, the additional height for the dry storage barn will not impose view restrictions any more so than already currently exists.

4 **Deviation of Section 10-416.d. Buffering adjacent property. Minimum buffer type between a commercial development and an industrial development of a type "B" Buffer, 10 feet wide and with type "B" vegetation, as previously approved as part of Resolution Number Z-88-293.** A deviation was approved as part of the 1988 Resolution to allow the buffer between the commercial marina and the sewage treatment plant to be reduced to 10 feet and type "B" buffer vegetation, the owners are requesting that the deviation be continued for this proposal.

Justification: This is a deviation that was part of the 1988 approval of the currently existing marina, and the circumstances related to the deviation have not changed since then. The owners are requesting that the buffers between the marina and the sewage treatment plant be maintained as 10-foot type "B" vegetative buffer to enable the ability to facilitate the maximum parking areas and vehicular circulation. There is no reason to increase the buffer at this point.

Vanasse Daylor

Project #80899.12
December 2, 2005

Urban Planning
Landscape Architecture
Civil Engineering
Traffic Engineering
Environmental Science
FL 366

Josh Philpott
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P.O. Box 398
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RE: Sufficiency Response – Caloosa Isle Yacht Club – DCI2005-00095

Dear Mr. Philpott:

In response to your letter dated October 6, 2005 concerning the Caloosa Isle Yacht Club, I am pleased to submit the following information. We revised our site plan to better facilitate the requirements of the LDC and the Staff's comments by proposing to demolish the existing 16-year-old boat storage building and replace it with a new boat storage facility in substantially the same location. The dimensions of the new building are approximately 366 feet long by 168 feet wide. The new building will incorporate a special purpose wing on: the west side, which is a 130-foot by 30-foot maintenance addition (similar to the original submittal). The 3,000 square foot, first floor health club and a 1,500 square foot second floor marina office originally proposed as an entirely separate, two story building on the northeast corner of the site, is now combined with the restaurant building. The 6,550 square foot restaurant will now be maintained entirely on the first floor of the building on the southeast corner of the site, with the Club office and health club facility on the second floor. The replacement building provides a number of advantages. First, the location of the marina office provides the opportunity for better site management since it provides better visibility of the operations at the lift and gas dock area. Second, the location of the building acts as an additional buffer between the marina uses and the residential uses on adjacent properties. Third, the proposed changes also provide the opportunity for additional space on the site to better accommodate parking, landscaping/open space and water management areas. Finally, the proposed changes will enable the forklift operations for the dry boat storage to be located entirely inside the building, significantly reducing noise and visibility for the adjacent residential neighborhood, as well as creating a safer pedestrian and parking environment on the project site.

To better accommodate the Manatee Protection Plan the applicant has reduced the number of additional slips requested from 51 to 30. The project is currently approved for 239 dry storage slips, and we base our request for the additional allocation of 30 dry slips (for a total of 269 dry slips) on our proposal to designate "Tract D" as permanent open space. We also retain 44 wet slips to which the property is entitled based on a vested rights determination issued by the Florida Department of Community Affairs on March 3, 1989 (attached hereto to this response as **Exhibit 1**). The additional information requested is included as part of the attached response.

For convenience, we are providing staff's comments in bold text and the applicant's response in the regular font:

Environmental Sciences Planned Development Sufficiency Checklist:

10) Dock & Shoreline Structures. Location and dimensions of proposed structure(s) must be shown on the Master Concept Plan. How will protected species, the natural waterway buffer, and adjacent waterways be affected? [10-474; 10-416(d)(9); Chapter 26]

Lee County Natural Resources staff have reviewed the proposed addition of slips to the existing marina and have found the proposal inconsistent with the Manatee Protection Plan. The proposal must be revised to reduce the requested number of slips by 51, or provide information to Lee County Natural Resources staff regarding transferring of slips from other properties. Natural Resources staff does acknowledge this is a good site to receive transferred slips.

We have reduced the request to 30 additional slips based on our proposal to allocate Tract D as permanent open space. Please see attached the letter from our environmental engineer, Allen Hoffacker of W. Dexter Bender & Associates, identified as **Exhibit 2**, detailing this request.

9f) Easements/Rights-of Ways. A map showing the exact location of existing easements and rights-of-way. The boundary sketch or Master Concept Plan may substitute for this map if the information is contained therein. [34-373(a)(4)a.]

Please either respect the easements, specifically the access easement for Lee County Utilities, or relocate the easement to utilize the proposed traffic pattern.

Based on our review of the title work for the site, Lee County Utilities has no easement of record for access to the site. The only easement of record encumbering our property for Lee County Utilities benefit is an easement for their main pipe, which is shown on the MCP and the attached survey. We are willing to negotiate with LCU to develop an access easement. The revised site plan provides the same physical accessibility for the LCU employees and necessary LCU service trucks that currently exist.

12d3) Setbacks. The minimum proposed setbacks for principal structures on each lot or parcel (including outparcels). [34-373(a)(6)c.]

Please provide a property development regulations table outlining the setbacks, open space, lot coverage, height, etc.

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A table has been added to the MCP as requested.

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12e2) Height. The maximum height, in feet and number of habitable stories, of any proposed buildings or structures. If parking under the buildings is proposed, the number of stories proposed for parking must be indicated and included in the total maximum height of the buildings. [34-373(a)(6)d.ii.]

Please provide a proposed maximum height for the existing and proposed structures.

The heights of the structures are included in the chart referenced in the above response. We have added Deviation #3 to the list of deviations attached to this response and shown on the MCP that request a height of 54 feet to the eave of the roof to accommodate the necessary size and number of boat slips in the new proposed boat barn. The height of the new restaurant/bar/health club/office is indicated as meeting the 45-foot height limit of the zoning classification. Also enclosed via **Exhibit 3** is a petition in support of the height variance for your reference.

12e6) Commercial/Industrial. If commercial or industrial is proposed, the type(s) and the total floor area of each type. [34-373(a)(6)d.vi.]

Please revise the proposed development square-footage calculations to specify the calculations for the Tiki bar and two story gazebo.

The calculations have been added to the total square footage for the two elements of the development.

12j) Buffers. The minimum width and composition of all proposed buffers along the perimeter of the subject property, as well as between the individual uses, if the types of proposed uses requires buffer separations. References to types of buffers as described in chapter 10 are acceptable. [34-373(a)(6)i.]

Please show the proposed buffers on the MCP.

All code-required buffers have been added to the MCP. Deviation #4 has been added to continue to allow a 10-foot type "B" vegetative buffer between the marina and the sewage treatment plant, the only abutting use to this property. We are also showing the buffer along the northwest canal frontage including the previously required wall that was intended to buffer the boat repair business that we are proposing to discontinue if this new proposal is approved.

12m) Location of Deviations. The location of any requested deviations, keyed to the schedule of deviations, including sample drawings demonstrating the effect the requested deviations will have on the site plan. [34-373(a)(6)l.]

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Please indicate.

The information has been added.

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14a) Types of Uses. The types of uses proposed for the entire site. For projects with residential uses, the summary must include the types of proposed dwelling units. [34-373(a)(8)i.]

Please revise the schedule of uses to reference uses defined in Chapter 34 of the Lee County Land Development Code.

Proposed principal and accessory uses have been added to the MCP as per the language in Chapter 34 of the Lee County Land Development Code.

14b) Units by Uses. The number of units (gross square feet for commercial/industrial uses, number of units for residential or motel/hotel uses, number of beds for institutional type uses, etc.) for each proposed use. [34-373(a)(8)ii]

Please provide a specific list of proposed uses and square-footages.

Uses and square footage occupied by each are shown on the MCP.

15) Schedule of Deviations. A schedule of deviations and a written justification for each deviation requested as part of the Master Concept Plan must be submitted. The location of each requested deviation must be indicated on the Master Concept Plan [34-373(a)(9)]

Please revise the schedule of deviations to be proposed deviations. Previously approved deviations will need to be requested again and will be re-evaluated.

The proposed deviations for the new site plan are shown on the site plan as requested. The currently approved deviations for this property have not been eliminated; these are legally approved deviations that the Owners cannot give up at this time. Should the requested zoning changes be denied, the Owners would need to retain these deviations and the approved MCP in order to have a viable commercial use on this property. The Owners will agree to abandon these deviations and uses if the requested site plan and deviations are approved.

21) Miscellaneous Items

Please provide the type, location, and hours of operation for the consumption on premises. Is outdoor entertainment proposed?

This proposal will comply with the limitation of evening hours consistent with the approved permit. We propose that the restaurant will provide food and beverage service between 7 am and 9 pm Sunday through Thursday and until 10:00 pm. Friday and Saturday. Outdoor entertainment will be proposed as an approved use for the restaurant deck area, and consumption on premises is also requested at the Tiki bar/pool area at the northeast corner of the property. Use of the Tiki bar/pool area is limited to club members only. Please see attached documents pertaining to the existing COP4 labeled **Exhibit 4**.

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Please revise all conditions to proposed conditions. All previous deviations will have to be re-evaluated in terms of appropriateness. Please revise all deviation sections reference to current code references. Please request additional variances for the proposed buildings in terms of setbacks.

The site was developed and operated as a working marina for many years and, absent a rezoning, may continue to be operated as such under the current zoning. The applicant is willing to provide the requested information for purposes of clarifying the deviations in light of the current code, but filing this application does not create a blank slate for the re-evaluation of the project and its existing deviations as whole. The applicant is intending on making the proposed changes only if the new site plan is approved. If the application to change the character of this marina from a industrialized working marina to a less intensive recreational marina is denied, the Owners will maintain their rights to continue the boat repair and other uses in order to maintain the economic viability of this commercial use and therefore, will continue to retain the deviations that grant these uses. If the new proposal is approved, then the applicant will be agreeable to deleting these permitted uses.

Please show any locations for outdoor storage of boats and equipment. These areas cannot be located in open space areas.

No outdoor storage of boats or equipment is requested as part of this application. The only equipment located outside the proposed structures is the equipment used to recycle water at the wash down pad. Dry storage of boats will be limited to inside the dry storage building only.

The wall along the northwest portion of the property should extend along the entire length of the canal.

The wall along the west side canal was intended to buffer the noxious outdoor boat yard operations from the residences across the canal. Based on our representation to terminate the outdoor boatyard operations as part of this application, the neighbors have voiced their opinions to the owner unequivocally opposing the wall since it restricts and diminishes their views. In order to comply with previously established buffering requirements for the project, the applicant has explained to the neighbors that the wall must be installed per the previous zoning document and the neighbors have accepted that fact, albeit grudgingly. Given that the industrial boatyard operations no longer occur on site, the buffering purpose which the County intended to address, is no longer needed; and that the neighbors have vigorously complained and objected to the installation of the wall for the remainder of the canal, the applicant strongly urges the County to reconsider its request to extend the wall along the entire length of the canal.

In addition to the neighbors objections, the installation of an elongated wall produces a hardship for applicant's operation of the property as it limits the accessibility to the docks and boats along the west side of the property.

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In an effort to address the County's concerns while considering the neighbors' objections, the applicant proposes to install and maintain a landscape buffer, as approved on DOS2002-00037, that would be more aesthetically pleasing to the neighbors and adequately shield headlights on the project from impacting residences across the canal at night. In support of this proposal, we have attached petitions objecting to the wall signed from the neighbors who are directly impacted by the wall, identified as **Exhibit 5**.

Will sidewalks be constructed to connect the parking lots to the docks? If so, pleas show locations.

Yes, please refer to site plan.

Are finger docks proposed? If so, please show locations.

The current system of finger docks will be replaced with a 4-foot wide dock running parallel to the seawall. There will be two remaining finger docks, one projecting east off of the north property edge and one projecting to the northeast near the entrance road, for the use of the Lee County Sheriff's office. Both docks are shown on the MCP; the Sheriff dock is label accordingly.

Please provide architectural elevations for the expansions.

There are no longer expansions on the existing building. The new site plan and relocation of uses is not approved and therefore the Owners have not released the architectural contract to create architectural elevations. However, the Owners do agree that the buildings will be constructed per the LC Building & Architectural requirements of the LDC and have provided a rendering exemplifying the "Olde Florida" style that the Owners will commit to construct via **Exhibit 6**.

Will the travel lift still be used for retrieving vessels?

The travel lift will be utilized for retrieving vessels in emergency situations.

Please enclose a copy of the submerged land lease for improvements located outside the property limits.

The canals adjacent to the subject parcel were excavated solely from uplands. Authorization to use submerged lands are required only where an applicant proposes work utilizing sovereign lands, those lands owned by the State of Florida because those lands were submerged under navigable water bodies at the time that Florida became a state. Because these canals were uplands at the time Florida became a state, no authorization to use submerged lands is necessary because the lands underlying the canals are not owned by the State of Florida.

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The survey indicates a small parcel of land located south of the subject property. Please show this parcel on the MCP.

Now shown on plan.

Please show how the valet parking will utilize the site to provide additional parking areas.

Based on the findings by the applicant's Traffic Engineer in his Parking Utilization Study, the 136 parking stalls proposed by the applicant are sufficient to serve the project. The applicant is not proposing any valet parking unless it is discovered during operations that there is a need for additional parking. Under such circumstances, the applicant will provide additional parking via valet parking on an "as needed" basis.

Legal Requirements Sufficiency Checklist

1b) The property is subject to a land trust agreement, and the trustee initiated the application. [34-201(a)(1)a.2]

Leslie Reizes must redo the execution of the Authorization and the Disclosure of Interest forms in his Trustee capacity of the Caloosa Marina Trust and not in his individual capacity.

Authorization and Disclosure of Interest forms have been redone.

5) Applications must be presented on the official forms provided by the department, or on county-approved computer-generated forms containing the same information. [34-201(b)(2)]

The application, supplement ~~B~~ D, MCP and exhibits are stating the subject property is 5.77 acres in size. However, the legal description and survey provided with the application indicate that the subject parcel is a 5.8 acre tract plus two additional tract (A and D) from Waterway Estates Unit 2 as recorded in PB 12/PG 64. Please make all necessary revisions to eliminate this acreage discrepancy.

Clarified on plans, the Site is 5.925 acres; the Tract A that Inlet Drive runs through and connects to Harbor Lane was not included in the previous calculations. This is part of the Yacht Clubs ownership and will be included in the open space calculations for the entire site, however it will not be part of our formal landscape plan, the owners of the abutting properties use the Yacht Club's land for access and for landscaping of their property and the Yacht Club owners have agreed to allow them to continue do so. Tract D now is shown on the MCP and has a separate certified legal description and map attached to this response.

6a3) If the application includes multiple abutting parcels or consists of other than one or more undivided platted lots, the legal description must specifically describe the perimeter of the total

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property, by metes & bounds with accurate bearings and distances for every line, but need not describe each individual parcel. [34-202(a)(1)]

The LDC requires submittal of a metes & bounds legal description specifically describing the perimeter boundary of the subject property (per survey calls) along with a sketch of the legal. The documents submitted do not meet this requirement. Because of the intervening canal on the south end of this project, the applicant will need to submit two sets of legal descriptions/sketches (one for the main tract and another for tract D).

The requested legal description and sketches have been provided.

6b) Certified sketch of description. A certified sketch of description as set out in chapter 61G 17-6.006, Florida Administrative Code, must be provided unless the subject property consists of one or more undivided platted lots in a subdivision recorded in the Official County Plat Books. [34-202(a)(2)]

Please provide Certified Sketches to accompany any legal description document in accordance with the recently amended LDC Sec 34-202 requirements. This sketch (es) will be an attachment to the BoCC zoning resolution. A reduced copy of the survey is not sufficient for this purpose.

Please see attached copies of certified sketches of Tracts A and B along with a certified legal description, and a certified sketch of Tract D along with a legal description.

7) Miscellaneous Items

Note: "Sufficiency or non-applicability of Legal Requirements subject to change upon review of subsequent resubmittals."

Based on the information contained in this sufficiency response, we trust that you will find this application sufficient to proceed with staff review. If you have any questions, please do not hesitate to contact me.

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Sincerely,
Vanasse & Daylor, LLP

Robin Meyer, AICP
Director of Planning & Design Services

C: Rachel Bielert, Marine Holdings
Kate English, Pavese Law Firm
David Humphrey, Humphrey-Rosal Architects

Vanasse Daylor

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Project #80899.12
April 13, 2006

Urban Planning
Landscape Architecture
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RE: 3rd Sufficiency Response – CALOOSA ISLE YACHT CLUB
DCI #2005-00095 PDA Application (PD Amendment)

Dear Mr. Philpott:

In response to your letter dated February 17, 2006 concerning Caloosa Isle Yacht Club, I am pleased to submit the following information. For your convenience, I have copied and accented the staff's comments and then provided the applicant's response in the regular font. You will also find several changes to this MCP. The existing pool house/tiki bar building footprint that was shown on the site plan has been increased in size to meet the full 1700 square feet specified under the Proposed Development section on the site plan and is shown abutting the east property line, the applicant would like to have the option to develop this building as a one story structure at 1700 square feet or a two story structure with 850 square feet per floor. We requested in our original application a deviation to allow the pool house/tiki bar building to continue to be located within 0' of the property line as was the previously approved restaurant building (Shuckers) so we are adding Deviation 5 to clarify and address this setback issue directly.

We eliminated the maintenance wing on the west side of the dry storage building and changed the internal configuration to allow two internal drive aisles to be accessed from the west side of the building. This change will create a 48-foot wide drive aisle between the Lee County Wastewater Treatment Plant and the dry storage building for dry storage operations. This also resulted in the ability to increase the number of parking stalls on the property from 134 stalls to 144 stalls. Thus, we have changed the numbers in our requested deviation accordingly. A net increase in landscaping/open space also resulted due to the changes made to the boat barn.

We are also adding Deviation 6, to allow the proposed fuel tank, storage shed and fire suppression tank to be located next to the east property line of the Waste Water Treatment Plant, rather than be setback 15 feet as required by code. These proposed structures will not impact the treatment plant in any way nor will they have any impact on the surrounding neighborhood. A fire pumping building is currently located in the same vicinity and has not affected the plant or surrounding neighborhood.

We are withdrawing our request for the additional 30 slips in exchange for dedicating Parcel D as permanent open space. Parcel D is now part of the overall ownership of the Caloosa Isle Marina. This change results in a reduction of 7 stalls from our required parking, so our total required parking is now 208, we have modified Deviation 1 accordingly. The turf block proposed at the entrance of the Lee County Wastewater Treatment Plant has been removed, as has the proposed gate to the property. We also added a proposed access easement on the MCP that will facilitate exclusive access for Lee County

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Utilities that will be added to the title to the property upon completion of the Access Agreement between the Lee County Attorney's office and the owner's attorney, Kate English. Based on discussions with the County we are maintaining a public pedestrian dock behind the Wastewater Treatment Plant to provide waterfront public access from the primary parking field to the public access and public restaurant location. We further agreed to: provide liability insurance naming Lee County as beneficiary, holding the County harmless should someone fall off of the dock, provide continued maintenance, and build it to meet all current building and ADA codes. We further understand that this issue is still under consideration by the County pending clarification on the definition of public interest. The MCP has been modified to address all of the above mentioned issues.

Enclosed please find the following items for your review:

1. Thirteen (13) copies of Sufficiency Response Letter
2. Thirteen (13) copies Revised MCP (both 24x36 & 11x17)
3. Thirteen (13) copies proposed Deviation #5 & #6

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Environmental Sciences Planned Development Sufficiency Checklist

10) Dock & Shoreline Structures. Location and dimensions of proposed structure(s) must be shown on the Master Concept Plan. How will protected species, the natural waterway buffer, and adjacent waterways be affected? [10-474; 10-416(d)(9); Chapter 26]

Based on the information provided by the applicant in the referenced case, it appears that the proposal for 269 dry slips plus 44 wet slips is still inconsistent with the Manatee Protection Plan (MPP). Slips credits can be transferred in accordance with the MPP, however, the proposal to credit 30 slips based on the conservation area "Tract D" is not acceptable.

Docks are accessory structures to an approved upland use. It does not appear, based on the boundary and topographic survey submitted by the applicant that "Tract D" has any usable uplands or could support a use that would allow for construction of accessory docks. In fact, it appears as though nearly all of "Tract D" is in fact open water.

The information as provided is sufficient for review. However, based on this information, the proposed project is still inconsistent with the MPP and we would recommend that the applicant be limited to a combined total maximum (wet and dry) of 283 slips.

Response: The owners of the marina have withdrawn their request for the additional 30 slips and are no longer proposing to dedicate Parcel D as permanent open space. Parcel D is now a part of the overall ownership of the Caloosa Isle Marina. The owners are therefore utilizing their previously approved 239 dry slips and 44 wet slips for a total of 283 slips as recommended by Environmental Sciences.

21) Miscellaneous Items.

Although not a sufficiency item, as previously stated:
"You are requesting to transfer 30 boat slips from the Tract D parcel located south of the subject property however; at this point staff has reservations from accepting dock transfers from this

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parcel. Staff does not believe that the subject property could be developed with 30 dock slips due to the lack of upland to support the docks.
According to the Land Development Code, docks are considered accessory structures and must be accompanied by a principal use. With the existing submerged land a principal use cannot be established.
Staff acknowledges the fact that this land limits the property owner to the south from constructing docks along the canal, but it does not restrict the owner from constructing docks along the shore of the Caloosahatchee River. Staff also understands that the applicant could transfer this property to the property owner south of Tract D, which would allow him to place docks in the canal. However, given the existing conditions of the property to the south being developed with 5 single-family residential units that would limit the property owner to 10 slips, not the thirty you have requested to be transferred.
The Manatee Protection Plan permits docks based on the amount of developable shoreline available for construction of docks. You have requested the transfer of 30 docks based on 300 feet of shoreline available. However, it appears that most of the area discussed to permit the transfer is submerged and does not have adequate shoreline, as required by the MPP for transfer. Please provide an accurate measurement of existing shoreline for transfer of slips.

Before accepting this parcel as a transfer site, staff would like information provided that shows that the Tract D would support 30 boat slips."

Response: See above

Also please show the location and limits of the 44 wet dock slips, which are vested.

Response: The 44 wet dock slips have been added to the MCP as requested. In discussions with staff we will add language to the MCP that states the configuration and exact location of the slips may change due to the requirements of other regulating agencies and as such, the County will allow the owners to modify the MCP through an administrative process as long as the changes do not pose additional impacts on the adjacent residential properties. Once the rezone modification is approved this language will become part of the Resolution adopting the changes.

The proposed dry slips are not vested through the state and must comply with all current regulations of the LDC and MPP, except as may be approved with deviations.

The owner's withdrew the portion of the application requesting additional slips and agree with the County marine services staff that the existing 239 dry slips and 44 vested slips shall remain.

The proposed gate does not allow for a turn around before the gate as required by Chapter 10 of the LDC, please revise the MCP or provide a turn around.

Response: The gate has been removed.

An email has been attached with comments from the County Attorneys Office.

The master concept plan should be revised to eliminate the dock adjacent to the WWTP.

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Response: Based on discussions with the County we are maintaining a dock behind the Wastewater Treatment Plant to provide safe, waterfront, public pedestrian access from the primary parking field to the public access location and public restaurant. We further agreed to: provide additional liability insurance, naming Lee County as beneficiary, holding the County harmless should someone fall off of the dock, provide continued maintenance, and build the dock to meet all current building and ADA codes. We further understand that this issue is still under consideration by the County for clarification on the definition of public interest.

County Attorney Comments

1. **The dock/boardwalk shown along the WWTP plat area must be removed. The County has not agreed to inclusion of the dock at this location. Additionally, the WWTP property already has a seawall along the water's edge.**

   Response: Based on discussions with the County we are maintaining a dock behind the Wastewater Treatment Plant to provide safe, waterfront, public pedestrian access from the primary parking field to the public access location and public restaurant. We have further agreed to: provide additional liability insurance, naming Lee County as beneficiary, holding the County harmless should someone fall off of the dock, provide continued maintenance, and build the dock to meet all current building and ADA codes. We further understand that this issue is still under consideration by the County for clarification on the definition of public interest.

2. **The wet slips/docks must be depicted on the MCP. As currently presented it appears they can tie up anywhere along the wooden dock area. This is not appropriate or sufficient to substantiate the continued existence of the 44 wet slips. Please request that the 44 vested slips be identified on the MCP.**

   Response: The 44 wet dock slips have been added to the MCP as requested. In discussions with staff we will add language to the MCP that states the configuration and exact location of the slips may change due to the requirements of other regulating agencies and as such the County will allow the owners to modify the MCP through an administrative process as long as the changes do not pose additional impacts on the adjacent residential properties. Once the rezone modification is approved this language will become part of the Resolution adopting the changes.

3. **Please request verification as to the number of dry slips existing on the property at the present time/time of the application. Note the applicant is requesting an approximate 47% increase in the proposed dry storage area.**

   The applicant withdrew the request for any increase in slips.

4. **Tract A on the MCP must be clearly labeled and depicted as the exclusive access easement to the WWTP that is appears to be in accord with OR Book 307/858.**

   Response: The owners of the marina are working with the Lee County Attorney's office to create an easement exclusive for Lee County Utilities to access the WWTP with the same operational area necessary for their continued and uninterrupted operations. This easement is shown on the MCP.

DCI 2005-00095

Upon completion of the Access Easement Agreement, it will be recorded and will therefore continue to be tied to the title for both properties.

5. **The applicant has added a "turf block" area and open space area to the plan that falls within Tract A. The same area cannot be used for both asphalt access and open space. These uses conflict with each other. If the applicant intends to change the access to the WWTP, then written documentation, suitable for recording in the public records, must be provided to substantiate the easement holder's agreement. Bottom line, the MCP can't be approved in a manner that will prevent the WWTP from functioning due to the loss of the access/ROW easement. I have been informed that the trucks going to and from the WWTP will tear up the turf block, they need the asphalt paving that currently exists.**

   Response: The "turf block" has been removed from the MCP.

6. **The resolution should include a condition requiring notification to potential owners of slips as to the location of the WWTP and the potential of odors that may emanate from the plant.**

   Response: In discussions with staff, it was agreed that because this property is not residential property, the adjacent residential properties are not required to be notified, and the obvious location of the wastewater treatment plant on the island does not warrant that the owners of the property be required to incorporate any disclosures to any equity members.

7. **I still need a legal and accompanying sketch meeting the standard set forth in LDC 34-202(a)(1).**

   Response: As discussed with staff, the legal and sketch previously submitted are adequate.

Based on the information contained in this sufficiency response, we trust that you will find this application sufficient to proceed with staff review. If you have any questions, please do not hesitate to contact me.

Sincerely,
Vanasse & Daylor, LLP

Robin D. Meyer, AICP
Director of Planning & Design

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APR 13 2006

C: Rachel Bielert, Marine Holdings
Kate English, Pavese Law Firm

DCI 2005-00095

Vanasse Daylor

#5 Deviation from LDC Section 34-2194 (b) which states buildings and structures may not be placed closer than 25 feet to a canal or to a bay or other water body or the distance required by the provisions of chapter 6, article IV, pertaining to flood hazard reduction, whichever is greater.

We are requesting deviations from this Section to authorize the location of the Tiki Bar/ Restrooms/ Fitness Center building to be located on the west property line on the existing foundation of the Shuckers Restaurant building.

The proposed Tiki Bar/ Restrooms/ Fitness Center is located on the west property line within the footprint of the existing screened area of the old Shuckers Restaurant. The restaurant was granted a deviation to allow the seawalled projection to be built to the west property line, and then a subsequent deviation was approved to allow the area to be enclosed as a screened seating area for the restaurant located on the west property line.

Justification: The east seawall is located 25 feet in from the actual property line of this site, this seawall on the southeast corner of the property is also located away from all surrounding development, the only thing across from this frontage are mangroves dedicated as the Buttonwood Estates open space and beyond that is the Caloosahatchee River. The canal in front serves only the homes on the north side of this development. One of the primary reasons for requiring a setback from water is to protect property from flooding as required by FEMA and to protect views for abutting properties. In this instance there are no properties that will have their views impacted nor is there any habitable space in any of the buildings, which is the primary function of FEMA regulations, therefore the primary purposes for requiring the 25-foot setback is not necessary in this instance. In addition, we have oriented the building to the furthest point from all surrounding residential and direct all outdoor activities towards the Caloosahatchee River and away from the neighborhood.

The Tiki Bar is an exiting structure that was added onto the original restaurant built on the northeast corner of the property. The restaurant was severely damaged by hurricane Charlie and is proposed to be demolished to make room for the proposed swimming pool. The owners are going to retain the Tiki Bar to use as the covered seating area for the pool.

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APR 1 3 2006

DCI 2005-00095

Vanasse Daylor

#6 Deviation from LDC Section 34-935 (b) (1) which states all buildings and structures must be set back from the development perimeter a distance equal to the greater of: a. The width of any buffer area or landscape strip, required by chapter 10; or b. Fifteen feet, if the subject property is, or will be zoned RPD, MHPD, CFPD, or CPD; or...

We are requesting a deviation from LDC Section 34-935 (b) (1) to allow the proposed Fuel Storage Tank, the shed and the fire suppression tank to be located within zero (0) feet of the east side property line of the Waste Water Treatment Plant.

Justification: This is an isolated area that backs up to the Waste Water Treatment Plant, a use that will not be adversely impacted by the three proposed structures. Currently there is a fire pumping building located in the same vicinity that will be replaced by the three proposed uses. The fuel tank will be a double steel walled tank that will meet all fire safety requirements and will not produce any noise traffic or fumes. The storage shed is for incidental storage and will not generate additional traffic or noise. The water storage tank will hold 50,000 gallons of water to be used in case of a fire. The tank is required due to the fact that the water pressure in the surrounding water lines is too low to provide adequate pressure to suppress a fire.

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APR 1 3 2006

MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
ZONING DIVISION

DATE: July 11, 2006

TO: File - DCI2005-00095

FROM: Jamie Princing
Secretary, Internal Services

RE: Notice of Public Hearing - **July 26, 2006 HEX**

I, Jamie Princing, Secretary, Internal Services, Development Services Division, do hereby certify that I have mailed notices to the adjacent property owners on the above referenced date, in the attached style, pursuant to the list marked and attached hereto and made a part of this certification.

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

CASE NUMBER:	DCI2005-00095
CASE NAME:	CALOOSA ISLE YACHT CLUB
REQUEST:	Rezone 5.77+/- acres from Commercial Planned Development (CPD) to Commercial Planned Development (CPD) to permit the redevelopment of Caloosa Isle Marina to allow a total of 334 boat slips (Wet and Dry), a 7,000 square-foot restaurant and approximately 7,500 square-feet of ancillary uses. Deviations have been requested from parking, waterbody setbacks, and building periemter planting requirements. Connections to public utilities will be provided.
LOCATION:	The subject property is located at 1687 Inlet Drive(US41 North to Hancock Bridge Rd/Left to Orange Grove/Left to Inlet Drive), in S16-T44S-R24E, Lee County, FL.
SIZE OF PROPERTY:	5.77 Acres ±
STAFF REPORT:	Direct inquiries to Josh Philpott, Senior Planner, at (239) 479-8365, at the Department of Community Development, 1500 Monroe St., Ft. Myers, FL 33901.
PROPERTY OWNER'S REPRESENTATIVE:	ROBIN MEYER VANASSE & DAYLOR LLP 239-437-4601

Notice is hereby given that the Lee County Hearing Examiner will hold a public hearing at 1:00PM PM on 07/26/2006 on the above case. The public hearing will be held in the Hearing Examiner's Meeting Room, 1500 Monroe St., Ft. Myers, FL 33901.

You must appear in person, or through counsel, or an authorized agent and provide testimony, legal argument or other evidence at the hearing to become a participant with the right to address the Board of County Commissioners.

After the Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the Board of County Commissioners who will review the recommendation and make a final decision.

If you do not appear before the Hearing Examiner, by law, you will not be allowed to appear before the Board of County Commissioners at the final hearing in this case.

Copies of the staff report will be available two weeks prior to the hearing. The file may be reviewed at the Development Services Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/479-8585 for additional information.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Jamie Princing at 239/479-8585.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

16-44-24-02-00000.0080
CAMERON CARMEN A
4133 ERINDALE DR
NORTH FORT MYERS, FL 33903

16-44-24-02-00000.0090
EAGLE GREGORY W + CATHY E
4134 ERINDALE DR
NORTH FORT MYERS, FL 33903

16-44-24-03-00002.0010
RUDICH ALEX E
1709 INLET DR
NORTH FORT MYERS, FL 33903

16-44-24-03-00002.0020
KIDD DARRELL E + JACQUELINE
1715 INLET DR
NORTH FORT MYERS, FL 33903

16-44-24-03-00002.0030
HAVENER WILLIAM R + MARY F
2119 LOCHMOOR CIR
NORTH FORT MYERS, FL 33903

16-44-24-03-00002.0040
ZELLERS WILLIAM R TR 1/2 INT +
942 GREEN MEADOWS ST
CANNELTON, IN 47520

16-44-24-03-00002.0050
SCHESCHOWITZ GERTRUDE
923 SE 30TH LN
CAPE CORAL, FL 33904

16-44-24-03-00004.0010
PERRI SYLVIA V L/E
4300 HARBOUR LN
NORTH FORT MYERS, FL 33903

16-44-24-03-00004.0020
HUDSON PHIL + GWEN
4302 HARBOUR LN
NORTH FORT MYERS, FL 33903

16-44-24-03-00004.0030
MENGLER FRANK + ANNE MARIE
RR 3
BREWSTER, NY 10509

16-44-24-03-00004.0040
MCCORMICK ROBERT L + JOANNE C
4310 HARBOUR LN
N FT MYERS, FL 33903

16-44-24-03-00004.0050
LUBOVICH RONALD P SR +P
2828 BRANSFORD AVE
NASHVILLE, TN 37204

16-44-24-03-00004.0060
STANFIELD VICKY J
4322 HARBOUR LN
NORTH FORT MYERS, FL 33903

16-44-24-03-00004.0070
WEINBERG KARIN J
337 TUNNEL RD
ASBURY, NJ 08802

16-44-24-03-00004.0230
BROWN D C + REBECCA
4327 HARBOUR LN
NORTH FORT MYERS, FL 33903

16-44-24-03-00004.0240
RITTER P W + JUDITH
1706 MARINA TERRACE
N FT MYERS, FL 33903

16-44-24-03-00004.0250
BAUMAN JOHN W + JESSIE M
1710 MARINA TERR
NORTH FORT MYERS, FL 33903

16-44-24-03-00004.0260
MORRISSETTE PAUL
1716 MARINA TER
NORTH FORT MYERS, FL 33903

16-44-24-03-00004.0270
GULF COAST RECYCLING
1028 SE 12TH AV
CAPE CORAL, FL 33990

16-44-24-03-00004.0280
REESE KARL J
1727 MARINA TER
NORTH FORT MYERS, FL 33903

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16-44-24-03-00004.0290
PULTRONE DANTE
1721 MARINA TERR
N FT MYERS, FL 33903

16-44-24-03-00004.0300
SLOAN PAUL A
1715 MARINA TER
NORTH FORT MYERS, FL 33903

16-44-24-03-00004.0310
KOSHKO JANE
1709 MARINA TER
N FT MYERS, FL 33903

16-44-24-03-00004.0320
SCHWING DAVID F + VERDENA P
1703 MARINA TER
N FT MYERS, FL 33903

16-44-24-03-00004.0330
KING KEITH
4309 HARBOUR LN
NORTH FORT MYERS, FL 33903

16-44-24-03-00004.0340
MERRILL DAVID W + NIDIA M
1700 INLET DR
NORTH FORT MYERS, FL 33903

16-44-24-03-00004.0350
CALLAHAN LEUNA
1708 INLET DR
NORTH FORT MYERS, FL 33903

16-44-24-03-00004.0360
VAUGHN Y E + BETTY M
1714 INLET DR
N FT MYERS, FL 33903

16-44-24-03-00004.0370
KRUSE ROBERT A + JUDY A
1127 W RUGELEY CT
ADDISON, IL 60101

16-44-24-03-00004.0380
TUCKER EVELYN R TR
1728 INLET DR
N FT MYERS, FL 33903

16-44-24-03-0030A.0000
REIZES LESLIE N TR
1177 GEORGE BUSH BLVD STE 308
DELRAY BEACH, FL 33483

16-44-24-03-0030B.00A0
LEE COUNTY
PO BOX 398
FORT MYERS, FL 33902

16-44-24-03-0030D.0000
CALOOSA ISLE YACHT CLUB INC
275 NORTH SWINTON AV
DELRAY BEACH, FL 33444

16-44-24-05-00001.0010
PRESTON DAVID W + KATARINA B
4298 HARBOUR LN
NORTH FORT MYERS, FL 33903

16-44-24-05-00001.0020
CATALANO JOSEPH C + SARA
4294 HARBOUR LN
NORTH FORT MYERS, FL 33903

16-44-24-05-00001.0030
COOLEY B E + ELSIE R
4290 HARBOUR LN
N FT MYERS, FL 33903

16-44-24-05-00002.0090
SHELTON TIMOTHY D + THERESA
645 HIGHLAND AV
VINE GROVE, KY 40175

16-44-24-05-00002.0100
KACZMARZ JAMES J
4273 HARBOUR LN
NORTH FORT MYERS, FL 33903

16-44-24-05-00002.0110
GOODWIN APRIL +
4277 HARBOUR LN
NORTH FORT MYERS, FL 33903

16-44-24-05-00002.0120
COOLEY EDWARD A JR
4285 HARBOUR LN
NORTH FORT MYERS, FL 33903

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16-44-24-05-0030D.0000
STAUFFER JOHN W
4286 HARBOUR LN
N FT MYERS, FL 33903

16-44-24-05-0030D.0020
LEE COUNTY
PO BOX 398
FORT MYERS, FL 33902

16-44-24-05-0030D.0040
MCELHENIE BOB W + DONNA M
4069 MECHANIC RD
HILLSDALE, MI 49242

16-44-24-05-0030D.0050
HUTSON GEORGE E + BEVERLEY TR
4270 HARBOUR LN
NORTH FORT MYERS, FL 33903

16-44-24-05-0030D.0060
BOWNE HARRY
4274 HARBOUR LN
NORTH FORT MYERS, FL 33903

16-44-24-05-0030D.0070
VOLL TIMOTHY A +
4278 HARBOUR LN
N FT MYERS, FL 33903

16-44-24-05-0030D.0100
TANIS ROBERT P TR
4282 HARBOUR LN
NORTH FORT MYERS, FL 33903

16-44-24-33-00000.0010
ROZWOOD BERNICE +
1754 DOCK WAY
NORTH FORT MYERS, FL 33903

16-44-24-33-00000.0020
WALLA GEORGE B + CHERYL
1750 DOCKWAY DR NW
N FT MYERS, FL 33903

16-44-24-33-00000.0030
YAHL RICHARD W + CHRISTINE
1744 DOCK WAY
NORTH FORT MYERS, FL 33903

16-44-24-33-00000.0040
VICTOR ROBERT S + JERILYN L
1740 DOCKWAY
N FT MYERS, FL 33903

16-44-24-33-00000.0060
DODDS ROSEMARY J
1741 DOCKWAY DR NW
N FT MYERS, FL 33903

16-44-24-33-00000.0070
BURK BRIAN + JOANNE
1745 DOCK WAY
NORTH FORT MYERS, FL 33903

16-44-24-33-00000.0080
MARTIN LAWRENCE E JR + SALLY B
1749 DOCKWAY
N FT MYERS, FL 33903

21-44-24-00-00004.0000
JONES GERALD D + MARY SUE
1778 SEAFAN CIR
N FT MYERS, FL 33903

21-44-24-00-00004.0010
HONC VINCENT E + ANN MARIE
1246 SW 4TH AVE
CAPE CORAL, FL 33991

21-44-24-00-00004.0020
PENNINGTON RICKEY + JANET
15131 BRIAR RIDGE CIR
FORT MYERS, FL 33912

21-44-24-01-00008.0140
HONC VINCENT E
1246 SW 4TH AVE
CAPE CORAL, FL 33991

21-44-24-01-00008.0150
LINTON DONALD + LINDA
1768 SEAFAN CIR
N FT MYERS, FL 33903

21-44-24-01-00008.0160
ELLIOTT SANDRA C +
1758 SEAFAN CIR
NORTH FORT MYERS, FL 33903

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LESLIE N REIZES TR
1177 GEORGE BUSH BLVD STE 308
DELRAY BEACH FL 33483

MARINE HOLDINGS, LLC
10580 LANDAU LN
BONITA SPRINGS FL 34135

ROBIN MEYER
VANASSE & DAYLOR LLP
12730 NEW BRITTANY BLVD
#600
FT MYERS FL 33907

MR. JOSH PHILPOTT

MR. THOM OSTERHOUT

IVAN VELEZ
LEE COUNTY UTILITES

MR. STEPHEN BOUTELLE

Nina Paight
Nomining Civic Assn.
20150 Keola Lane
N. Ft. Myers, FL 33917

21-44-24-01-00008.018B
BIRO TIMEA
1723 SEAFAN CIR
NORTH FORT MYERS, FL 33903

21-44-24-01-00008.0170
PENNINGTON RICKEY + JANET
15131 BRIARRIDGE CIR
FT MYERS, FL 33912

21-44-24-01-00008.018A
SHEEHY TIMOTHY W +
3200 VALLEY VIEW DR
COLUMBUS, OH 43204

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6/27/2006 4:42:51 PM

Vanasse Daylor

Urban Planning
Landscape Architecture
Civil Engineering
Traffic Engineering
FL Lic. LC0000366

RECEIVED
JUN 26 2006
PERMIT COUNTER

Project #80899.03
June 26, 2006

Josh Philpott
Senior Planner
Lee County Department of Community Development
P.O. Box 398
Fort Myers, Florida 33902-0398

RE: Site Plan Modifications – CALOOSA ISLE YACHT CLUB
DCI #2005-00095 PDA Application (PD Amendment)

Dear Mr. Philpott:

I would like to thank you and Ross Morgan for meeting with Rachel Bielert and myself on June 15, 2006. As a result of our meeting, we would like to submit the following modifications to the Site Plan for the Caloosa Isle Yacht Club.

1) The Pedestrian Dock has been removed from behind the Lee County Waste Water Treatment Plant. It is our intention to pursue this structure as a separate project and zoning amendment in the future.

2) The size of the Dry Storage Building has been reduced from 352' x 168' to 338' x 152' to be consistent with our current plans (the number of slips will stay the same) and the ingress and egress to the building has been shifted to the south end. The rest of the site plan has been adjusted accordingly which allows for additional parking and some foundation planting along the west side of the dry storage building.

3) The restaurant building footprint has been increased to 7,000 square feet and parking requirements have been adjusted accordingly.

4) We have reduced size of the fitness center to 1,700 square feet to be consistent with the new location in the Tiki Bar structure.

5) We are now accounting for the required parking for the fitness center and the office as requested on the site plan.

6) In addition, the wet slips numbers 43 and 44 have been moved to the sheriff dock and the area in front of the dry storage building is now shown as temporary moorage to accurately reflect the use of the space.

DCI 2005-00095

RECEIVED
JUN 26 2006
PERMIT COUNTER

12730 New Brittany Boulevard, Suite 600, Fort Myers, Florida 33907 T 239.437.4601 F 239.437.4636 w vanday.com

Thank you for all of your help on this project. Please let me know if you need any additional information or clarification.

Sincerely,
Vanasse & Daylor, LLP

Robin D. Meyer, AICP
Director of Planning & Design

C: Rachel Bielert, Marine Holdings
Kate English, Pavese Law Firm

RECEIVED
JUN 26 2006
PERMIT COUNTER
DCI 2005-00095

Vanasse Daylor

Urban Planning
Landscape Architecture
Civil Engineering
Traffic Engineering
Environmental Science
FL 366

TRANSMITTAL MEMORANDUM

RECEIVED
JUN 15 2006
COMMUNITY DEVELOPMENT

To: Josh Philpott
Senior Planner
Lee County DCD
1500 Monroe St
Fort Myers, FL 33902

From: Robin Meyer
Director Planning & Design
rmeyer@vanday.com

Cc: Rachel Bielert, RL Opportunities,
Kate English, Pavese Law Firm

Date: June 15, 2006

Re: Caloosa Isle Yacht Club - DCI2005-00095

We are sending you via By Hand the following:

Copies	Date	Description
1		Title Description Approval Letter

RECEIVED
JUN 15 2006
COMMUNITY DEVELOPMENT
DCI 2005-00095

12730 New Brittany Boulevard, Suite 600, Fort Myers, Florida 33907 T 239.437.4601 F 239.437.4636 W vanday.com

Vanasse Daylor

Urban Planning
Landscape Architecture
Civil Engineering
Traffic Engineering
FL Lic. LC0000366

Project No. *80899.01*
June 15, 2006

Mr. Josh Philpott
Senior Planner
Lee County Community Development
P.O. Box 398
Ft Myers, FL 33902

Subject: Caloosa Isle Yacht Club
DCI2005-00095

Dear Mr. Philpott:

Thank you for your letter dated May 26, 2006 in which you advise that the above referenced application has been deemed sufficient and your request that we confirm the title for advertising purposes. Please accept my apologies for the delay in responding to this letter.

We have reviewed the title description and are in agreement with the following wording:

> Rezone 5.77+/- acres from Commercial Planned Development (CPD) to Commercial Planned Development (CPD) to permit the redevelopment of Caloosa Isle Marina to allow a total of 334 boat slips (Wet and Dry), a 7,000 square-foot restaurant and approximately 7,500 square-feet of ancillary uses. Deviations have been requested from parking, waterbody setbacks, and building perimeter-planting requirements. Connections to public utilities will be provided.
>
> NOTE: If approved, the Master Concept Plan (available for inspection at 1500 Monroe St., in Ft. Myers) may deviate from certain Land Development Code (LDC) standards.

Sincerely,
Vanasse & Daylor, LLP

Robin Meyer
Director Planning & Design

RECEIVED
JUN 15 2006
COMMUNITY DEVELOPMENT
DCI 2005-00095

c: Rachel Bielert, RLO
Kate English, Pavese Law Firm

12730 New Brittany Boulevard, Suite 600, Fort Myers, Florida 33907 T 239.437.4601 F 239.437.4636 W vanday.com

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

Douglas R. St. Cerny
District Two

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District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

Writer's Direct Dial Number: (239) 479-8365

October 6, 2005

ROBIN MEYER
VANASSE & DAYLOR LLP
12730 NEW BRITTANY BLVD
#600
FT MYERS, FL 33907

Re: CALOOSA ISLE YACHT CLUB
DCI2005-00095 - PDA Application (PD Amendment)

Dear ROBIN MEYER :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Josh Philpott
Senior Planner

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Brad Vance, Natural Resources
Andy Getch, LCDOT
Jamie Princing, DCD Admin
Dawn Lehnert, Assistant County Attorney
Don Blackburn, Development Review
Mr. steve Boutelle
DCI Zoning File
DCI Working File

Environmental Sciences Planned Development Sufficiency Checklist

10) Dock & Shoreline Structures. Location and dimensions of proposed structure(s) must be shown on the Master Concept Plan. How will protected species, the natural waterway buffer, and adjacent waterways be affected? [10-474; 10-416(d)(9); Chapter 26]

Lee County Natural Resources staff have reviewed the proposed addition of slips to the existing marina and have found the proposal inconsistent with the Manatee Protection Plan. The proposal must be revised to reduce the requested number of slips by 51, or provide information to Lee County Natural Resources staff regarding transferring of slips from other properties. Natural Resources staff does acknowledge this is a good site to receive transferred slips.

If you have questions regarding the Lee County Manatee Protection Plan please contact either Steve Boutelle (479-8128) or Justin McBride (479-8130).

13) Contact. The Environmental Planner may be contacted regarding any question on the Environmental Sciences Sufficiency Checklist.

Kim Trebatoski, Principal Environmental Planner
239-479-8183
trebatkm@leegov.com

9f) Easements/Rights-of-Ways. A map showing the exact location of existing easements and rights-of-way. The boundary sketch or Master Concept Plan may substitute for this map if the information is contained therein. [34-373(a)(4)a.]

Please either respect the easements, specifically the access easement for Lee County Utilities, or relocate the easement to utilize the proposed traffic pattern.

12d3) Setbacks. The minimum proposed setbacks for principal structures on each lot or parcel (including outparcels). [34-373(a)(6)c.]

Please provide a property development regulations table outlining the stebacks, open space, lot coverage, height, etc.

12e2) Height. The maximum height, in feet and number of habitable stories, of any proposed buildings or structures. If parking under the buildings is proposed, the number of stories proposed for parking must be indicated and included in the total maximum height of the buildings. [34-373(a)(6)d.ii.]

Please provide a proposed maximum height for the existing and proposed structures.

12e6) Commercial/Industrial. If commercial or industrial is proposed, the type(s) and the total floor area of each type. [34-373(a)(6)d.vi.]

Please revise the proposed development square-footage calculations to specify the calculations for the tiki bar and two story gazebo.

12j) Buffers. The minimum width and composition of all proposed buffers along the perimeter of the subject property, as well as between the individual uses, if the types of proposed uses requires buffer separations. References to types of buffers as described in chapter 10 are acceptable. [34-373(a)(6)i.]

Please show the proposed buffers on the MCP.

12m) Location of Deviations. The location of any requested deviations, keyed to the schedule of deviations, including sample drawings demonstrating the effect the requested deviations will have on the site plan. [34-373(a)(6)l.]

Please indicate.

14a) Types of Uses. The types of uses proposed for the entire site. For projects with residential uses, the summary must include the types of proposed dwelling units. [34-373(a)(8)i.]

Please revise the schedule of uses to reference uses defined in Chapter 34 of the Lee County Land Development Code. .

14b) Units by Uses. The number of units (gross square feet for commercial/industrial uses, number of units for residential or motel/hotel uses, number of beds for institutional type uses, etc.) for each proposed use. [34-373(a)(8)ii]

Please provide a specific list of proposed uses and square-footages.

15) Schedule of Deviations. A schedule of deviations and a written justification for each deviation requested as part of the master Concept Plan must be submitted. The location of each requested deviation must be indicated on the Master Concept Plan. [34-373(a)(9)]

Please revise the schedule of deviations to be proposed deviations. Previously approved deviations will need to be requsted again and will be re-evaluated.

20) Contact. The Zoning Planner may be contacted regarding any questions on the Planned Development Sufficiency Checklist.

Josh Philpott
Senior Planner
479-8365

21) Miscellaneous Items.

Please provide the type, location, and hours of operation for the consumption on premises. Is outdoor entertainment proposed?

Please revise all conditions to proposed conditions. All previous deviations will have to be re-evaluated in terms of appropriateness. Please revise all deviation section reference to current code references. Please request additional variances for the proposed buildings in terms of setbacks.

Please show any locations for outdoor storage of boats and equipment. These areas cannot be located in open space areas.

The wall along the northwest portion of the property should extend along the entire length of the canal.

Will sidewalks be constructed to connect the parking lots to the docks? If so please show locations.

Are finger docks proposed? If so, please show locations.

Please provide architectural elevations for the expansions.

Will the travel lift still be used for retrieving vessels?

Please enclose a copy of the submerged land lease for improvments located outside the property limits.

The survey indicates a small parcel of land located south of the subject property. Please show this parcel on the MCP.

Please show how the valet parking will utilize the site to provide additional parking areas.

Legal Requirements Sufficiency Checklist

1b) The property is subject to a land trust agreement, and the trustee initiated the application. [34-201(a)(1)a.2.]

Leslie Reizes must redo the execution of the Authorization and the Disclosure of interest forms in his Trustee capacity of the Calossa Marina Trust and not in his individual capacity.

5) Applications must be presented on the official forms provided by the department, or on county-approved computer-generated forms containing the same information. [34-201(b)(2)]

The application, supplement B, MCP and exhibits are stating that the subject property is 5.77 acres in size. However, the legal description and survey provided with the application indicate that the subject parcel is a 5.8 acre tract plus two additional tracts (A and D) from Waterway Estates Unit 2 as recorded in PB 12/PG 64. Please make all necessary revisions to eliminate this acreage discrepancy.

6a3) If the application includes multiple abutting parcels or consists of other than one or more undivided platted lots, the legal description must specifically describe the perimeter of the total property, by metes & bounds with accurate bearings and distances for every line, but need not describe each individual parcel. [34-202(a)(1)]

The LDC requires submtital of a metes & bounds legal description specifically describing the perimeter boundary of the subject property (per survey calls) along with a sketch of the legal. The documents submitted do not meet this requirement. Because of the intervening canal on the south end of this project, the applicant will need to submit two sets of legal descriptions/sketches; (one for the main tract and another for tract D). Thanks.

6b) Certified sketch of description. A certified sketch of description as set out in chapter 61G 17-6.006, Florida Administrative Code, must be provided unless the subject property consists of one or more undivided platted lots in a subdivision recorded in the Official County Plat Books. [34-202(a)(2)]

Please provide Certified Sketches to accompany any legal description document in accordance with the recently amended LDC Sec 34-202 requirements. This sketch(es) will be an attachment to the BoCC zoning resolution. A reduced copy of the survey is not sufficient for this purpose. Thanks.

7) Miscellaneous Items.

Note: "Sufficiency or non-applicability of Legal Requirements subject to change upon review of subsequent resubmittals."

8) Contact. The Planner may be contacted regarding any questions on this Checklist.

Please contact Luis G. Machado, Planner at
(239) 479-8485 or e-mail: lmachado@leegov.com

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

Writer's Direct Dial Number: (239) 479-8365

December 30, 2005

ROBIN MEYER
VANASSE & DAYLOR LLP
12730 NEW BRITTANY BLVD
#600
FT MYERS, FL 33907

Re: CALOOSA ISLE YACHT CLUB
DCI2005-00095 - PDA Application (PD Amendment)

Dear ROBIN MEYER :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Josh Philpott
Senior Planner

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Brad Vance, Natural Resources
Andy Getch, LCDOT
Jamie Princing, DCD Administration
Dawn Lehnert, Assistant County Attorney
Don Blackburn, Development Review
DCI Zoning File
DCI Working File

Environmental Sciences Planned Development Sufficiency Checklist

10) Dock & Shoreline Structures. Location and dimensions of proposed structure(s) must be shown on the Master Concept Plan. How will protected species, the natural waterway buffer, and adjacent waterways be affected? [10-474; 10-416(d)(9); Chapter 26]

Based on the information provided by the applicant in the referenced case, it appears that the proposal for 269 dry slips plus 44 wet slips is still inconsistent with the Manatee Protection Plan (MPP). Slips credits can be transferred in accordance with the MPP, however, the proposal to credit 30 slips based on the conservation area "Tract D" is not acceptable.

Docks are accessory structures to an approved upland use. It does not appear, based on the boundary and topographic survey submitted by the applicant that "Tract D" has any usable uplands or could support a use that would allow for construction of accessory docks. In fact, it appears as though nearly all of "Tract D" is in fact open water.

The information as provided is sufficient for review. However, based on this information, the proposed project is still inconsistent with the MPP and we would recommend that the applicant be limited to a combined total maximum (wet and dry) of 283 slips.

If you have questions regarding the Lee County Manatee Protection Plan please contact either Steve Boutelle (479-8128) or Justin McBride (479-8130).

13) Contact. The Environmental Planner may be contacted regarding any question on the Environmental Sciences Sufficiency Checklist.

Kim Trebatoski, Principal Environmental Planner
239-479-8183
trebatkm@leegov.com

12e2) Height. The maximum height, in feet and number of habitable stories, of any proposed buildings or structures. If parking under the buildings is proposed, the number of stories proposed for parking must be indicated and included in the total maximum height of the buildings. [34-373(a)(6)d.ii.]

The maximum height reference need to be measured to the median roof height. Please revise the height measurement accordingly.

20) Contact. The Zoning Planner may be contacted regarding any questions on the Planned Development Sufficiency Checklist.

Josh Philpott
Senior Planner
479-8365

21) Miscellaneous Items.

You are requesting to transfer 30 boat slips from the Tract D parcel located south of the subject porperty, however, at this point staff has reservations from accepting dock transfers from this parcel. Staff does not believe that the subject property could be developed with 30 dock slips due to the lack of upland to support the docks.
Accodring to the Land Development Code docks are considered accessory structures and must be accompanied by a principal use. With the existing submerged land a principal use cannot be established.
Staff acknowledges the fact that this land limits the property owner to the south from constructing docks along the canal but it does not restirct the owner from constructing docks along the shore of the Caloosahatchee River. Staff also understands that the applicant could transfer this property to the property owner south of Tract D which would allow him to place docks in the canal. However given the existing conditions of the property to the south being developed with 5 single-family residential units that would limit the property owner to 10 slips, not the thirty you have requested to be tranfered. The Manatee Proptection Plan permits docks based on the amount of developable shoreline available for construction of docks. You have requested the transfer of 30 docks based on having 300 feet of shoreline available. However ,it appears that most of the area discussed to permit the transfer is submerged and does not have adequate shoreline,as required by the MPP for tansfer. Please provide an accurate measurment of existing shoreline for transfer of slips.

Before accepting this parcel as a transfer site, staff would like information provided that shows that the Tract D would support 30 boat slips.

Legal Requirements Sufficiency Checklist

6c) Boundary Survey. A boundary survey meeting the minimum technical standards for land surveying in the state, as set out in chapter 61G 17-6, FAC, is required for property encompassing 10 or more acres and for all Planned Development applications. [34-202(a)(2)]

Please update the boundary survey document to include the metes & bounds legal description for the main tract and the canal on the south. Currently, the inserted legal on the survey document is outdated and not matching the property as described on the recently submitted legal/sketch sets. Thanks.

7) Miscellaneous Items.

Note: "Sufficiency or non-applicability of Legal Requirements subject to change upon review of subsequent resubmittals."

8) Contact. The Planner may be contacted regarding any questions on this Checklist.

Please contact Luis G. Machado, Planner at
(239) 479-8485 or e-mail: lmachado@leegov.com

ZONING DIVISION
LEE COUNTY

PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution
John Fredyma, Asst County Attorney
DS Review - Don Blackburn
Rick Joyce, Environmental Sciences
Hearing Examiner's Office
Ivan Velez

FROM: Josh Philpott

DATE: 08/04/2006

PROJECT NAME: CALOOSA ISLE YACHT CLUB

CASE #: DCI2005-00095

INFORMATION SUMMARY:

LEE COUNTY
HEARING EXAMINER
06 AUG -4 PM 2:48

To update your file
_X_ Review and forward substantive comments **ASAP**.

RESPONSE REQUIRED BY: 08/14/2006

Additional Comments:

cc: DCI planner/working file

DCI Zone File

Distributed by: Luisa V Villa

Date: 08/04/2006

STAFF'S EXHIBIT # 3.b.
Written Submittals

ZONING DIVISION

LEE COUNTY

PLANNED DEVELOPMENT SUFFICIENCY REVIEW

TRANSMITTAL SHEET

TO: Distribution
Dawn Lehnert, Asst County Attorney
DS Reviewer - Don Blackburn
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Ellen Lindblad, Lee County School District
Brad Vance, Natural Resources
Luis Machado, Zoning
Ivan Velez

FROM: Josh Philpott

DATE: 05/26/2006

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: CALOOSA ISLE YACHT CLUB

CASE #: DCI2005-00095

INFORMATION SUMMARY:

NEW SUBMITTAL

To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 06/09/2006

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Donna M Hock

Date: 05/26/2006

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

Writer's Direct Dial Number: (239) 479-8365

May 26, 2006

ROBIN MEYER
VANASSE & DAYLOR LLP
12730 NEW BRITTANY BLVD
#600
FT MYERS, FL 33907

Re: CALOOSA ISLE YACHT CLUB
DCI2005-00095 - PDA Application (PD Amendment)

Dear ROBIN MEYER :

The Zoning Division has reviewed the information provided and supplemented for the rezoning request referenced above. The application is now sufficient and the formal request has been drafted from your application as follows:

> Rezone 5.77+/- acres from Commercial Planned Development (CPD) to Commercial Planned Development (CPD) to permit the redevelopment of Caloosa Isle Marina to allow a total of 334 boat slips (Wet and Dry), a 7,000 square-foot restaurant and approximately 7,500 square-feet of ancillary uses. Deviations have been requested from parking, waterbody setbacks, and building periemter planting requirements. Connections to public utilities will be provided.
>
> NOTE: If approved, the Master Concept Plan (available for inspection at 1500 Monroe St., in Ft. Myers) may deviate from certain Land Development Code (LDC) standards.

Please review this language carefully, and notify me in writing by June 9, 2006 whether or not this wording is satisfactory. Staff's substantive comments, along with the staff report, are being prepared. This request has been tentatively scheduled for public hearing before the Lee County Hearing Examiner on July 26, 2006. However, please note that this is a tentative date that is subject to change and that Lee County will be held harmless for any potential delay in effectuating compliance with the tentative hearing date.

You may schedule or waive a formal pre-hearing conference to discuss substantive issues. Contact me if you have any questions or if you would like to meet informally prior to the public hearings.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Josh Philpott
Senior Planner

copy w/o attachments
Dawn Lehnert, Assistant County Attorney
DS Reviewer - Don Blackburn
Pamela Houck, Division Director
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Brad Vance, Natural Resources
Andy Getch, LCDOT
Ellen Lindblad, Lee County School District
Jamie Princing, DCD Administration
Ivan Velez
DCI Zoning File
DCI Working File

Vanasse Daylor

Urban Planning
Landscape Architecture
Civil Engineering
Traffic Engineering
Environmental Science
FL 366

TRANSMITTAL MEMORANDUM

RECEIVED
JAN 30 2006
COMMUNITY DEVELOPMENT

To: Josh Philpott
Senior Planner
Lee County DCD
1500 Monroe St
Fort Myers, FL 33902

From: Robin Meyer
Director Planning & Design
rmeyer@vanday.com

Date: January 30, 2006

Cc: Rachel Bielert, Marine Holdings,
Kate English, Pavese Law Firm,
David Humphrey, Humphrey-Rosal Architects

Re: Caloosa Isle Yacht Club - DCI2005-00095

We are sending you via By Hand the following:

Copies	Date	Description
13		Revised Concept Plan

Remarks:

Building area name change:

Maintenance Wing to Maintenance/Storage Wing

12730 New Brittany Boulevard, Suite 600, Fort Myers, Florida 33907 T 239.437.4601 F 239.437.4636 W vanday.com

I:\Projects\808\80899\Rezoning\Transmittals\80899TRS07_01-30-06.doc
Job Number: 80899.12

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

FROM: Josh Philpott DATE: 9/15/2005

TO: Distribution
Dawn Lehnert, Asst County Attorney
DS Reviewer - Don Blackburn
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Brad Vance, Natural Resources
Luis Machado, Zoning
Mr. Steve Boutelle, Natural Resources

- **REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: CALOOSA ISLE YACHT CLUB CASE #: DCI2005-00095
INFORMATION SUMMARY:

NEW SUBMITTAL

To update your file

_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 09/29/2005

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness
No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working fileDCI Zone File

Distributed by: Jodi M Payne Date: 09/21/2005

ZONING DIVISION
LEE COUNTY

PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Dawn Lehnert, Asst County Attorney
DS Reviewer - Don Blackburn
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Brad Vance, Natural Resources
Luis Machado, Zoning
Steve Boutelle
Thom Osterhout

FROM: Josh Philpott

DATE: 01/25/2006

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: CALOOSA ISLE YACHT CLUB

CASE #: DCI2005-00095

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 02/08/2006

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness
No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Luisa V Villa

Date: 01/27/2006

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Dawn Lehnert, Asst County Attorney
DS Reviewer - Don Blackburn
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Brad Vance, Natural Resources
Luis Machado, Zoning
Stephen Boutelle
Thom Ousterhout

FROM: Josh Philpott

DATE: 01/30/2006

*** REVIEWERS - *remember permit plan checklists should now be used.***

PROJECT NAME: CALOOSA ISLE YACHT CLUB

CASE #: DCI2005-00095

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 02/13/2006

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness
No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file DCI Zone File

Distributed by: Luisa V Villa

Date: 01/31/2006

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Dawn Lehnert, Asst County Attorney
DS Reviewer - Don Blackburn
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Brad Vance, Natural Resources
Luis Machado, Zoning
Mr.Stephen Boutelle

FROM: Josh Philpott

DATE: 12/02/2005

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: CALOOSA ISLE YACHT CLUB

CASE #: DCI2005-00095

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 12/16/2005

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness
No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file DCI Zone File

Distributed by: Luisa V Villa

Date: 12/05/2005

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Dawn Lehnert, Asst County Attorney
DS Reviewer - Don Blackburn
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Ellen Lindblad, Lee County School District
Brad Vance, Natural Resources
Luis Machado, Zoning
Ivan Velez

FROM: Josh Philpott

DATE: 04/13/2006

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: CALOOSA ISLE YACHT CLUB

CASE #: DCI2005-00095

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 04/27/2006

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Luisa V Villa

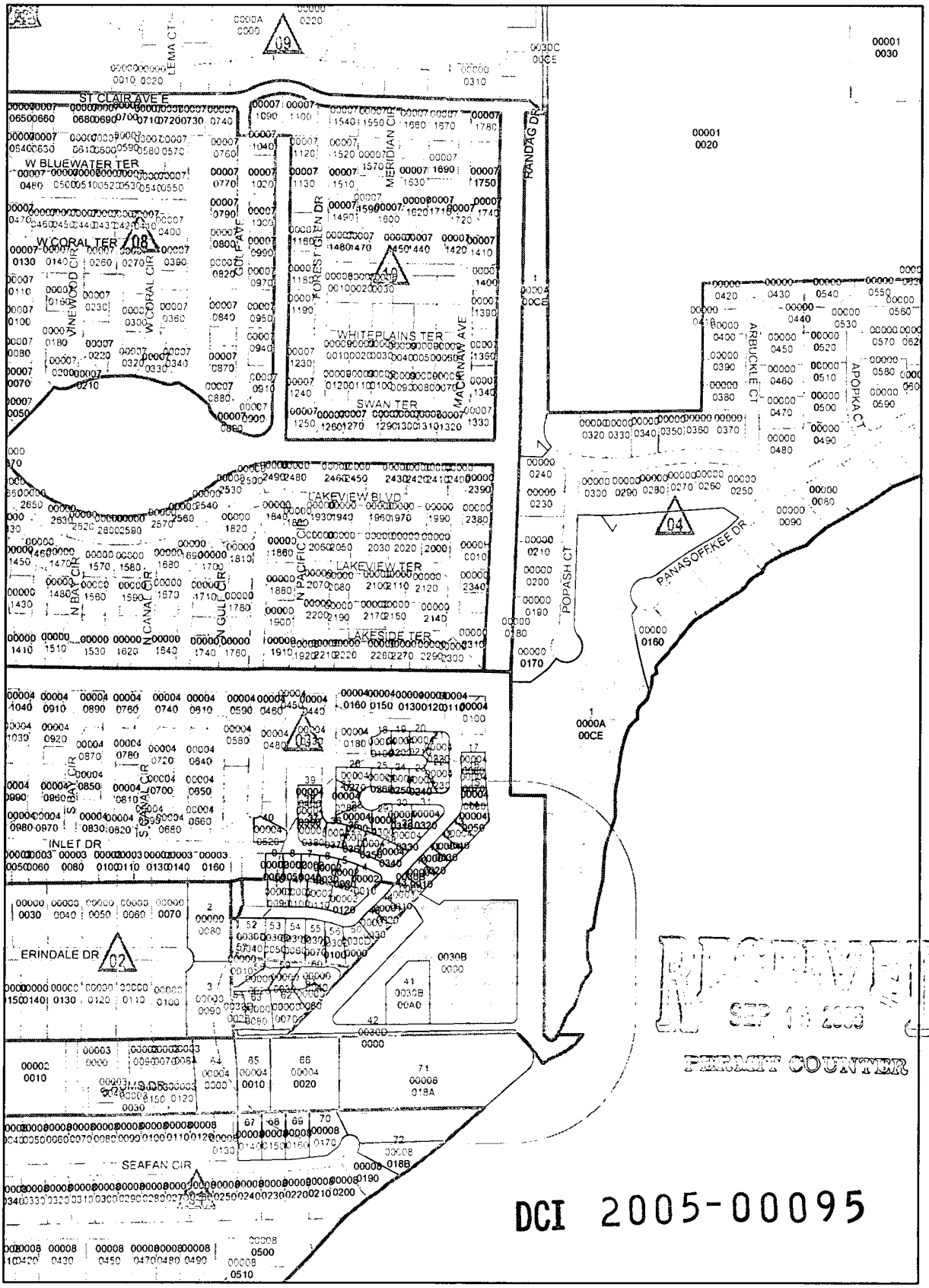
Date: 04/14/2006

PH-3.G.2

VARIANCE REPORT

7/12/2005

Subject Parcels : 1 Affected Parcels : 72 Buffer Distance : 500 ft



RECEIVED
SEP 14 2005
PERMIT COUNTER

DCI 2005-00095

N W E S

16-44-24-03-0030B.0000

690 345 0 690 Feet

ZONING DIVISION
LEE COUNTY

PLANNED DEVELOPMENT SUBSTANTIVE REVIEW TRANSMITTAL SHEET

TO: Distribution
John Fredyma, Asst County Attorney
DS Reviewer - Don Blackburn
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Brad Vance, Natural Resources
Luis Machado, Zoning
Ivan Velez

FROM: Josh Philpott

DATE: 06/26/2006

PROJECT NAME: CALOOSA ISLE YACHT CLUB

CASE #: DCI2005-00095

INFORMATION SUMMARY:

To update your file
_X_ Review and forward substantive comments **ASAP**.

RESPONSE REQUIRED BY: 07/06/2006

Additional Comments:

cc: DCI planner/working file

DCI Zone File

Distributed by: Luisa V Villa

Date: 06/27/2006

fxmtlsfrvsub

ZONING DIVISION
LEE COUNTY

PLANNED DEVELOPMENT SUBSTANTIVE REVIEW TRANSMITTAL SHEET

TO: Distribution
John Fredyma, Asst County Attorney
DS Review - Don Blackburn
Rick Joyce, Environmental Sciences
Hearing Examiner's Office
Ivan Velez

FROM: Josh Philpott

DATE: 08/04/2006

PROJECT NAME: CALOOSA ISLE YACHT CLUB

CASE #: DCI2005-00095

INFORMATION SUMMARY:

To update your file
_X_ Review and forward substantive comments **ASAP**.

RESPONSE REQUIRED BY: 08/14/2006

Additional Comments:

cc: DCI planner/working file

DCI Zone File

Distributed by: Luisa V Villa

Date: 08/04/2006

ZONING DIVISION
LEE COUNTY

PLANNED DEVELOPMENT SUBSTANTIVE REVIEW TRANSMITTAL SHEET

TO: Distribution
John Fredyma, Asst County Attorney
DS Reviewer - Don Blackburn
Paul O'Connor, Planning
Rick Joyce, Environmental Sciences
Ivan Velez

FROM: Josh Philpott

DATE: 07/19/2006

PROJECT NAME: CALOOSA ISLE YACHT CLUB

CASE #: DCI2005-00095

INFORMATION SUMMARY:

To update your file
_X_ Review and forward substantive comments **ASAP**.

RESPONSE REQUIRED BY: 07/29/2006

Additional Comments:

cc: DCI planner/working file

DCI Zone File

Distributed by: Luisa V Villa

Date: 07/20/2006

Robin Meyer

From: Philpott, Joshua O. [JPhilpott@leegov.com]
Sent: Tuesday, July 18, 2006 4:22 PM
To: Robin Meyer
Subject: Caloosa Isle Yacht Club

I need 10 copies of the revisions to the MCP. Please submit these at the zoning counter on the first floor.
Thanks

Josh Philpott
Senior Planner
Lee County Zoning Division
P(239)479-8365
F(239)479-8313
Jphilpott@leegov.com

RECEIVED
JUL 19 2006

DCI 2005-00095

Vanasse Daylor

Urban Planning
Landscape Architecture
Civil Engineering
Traffic Engineering
Environmental Science
FL 366

TRANSMITTAL MEMORANDUM

RECEIVED
JUL 19 2006
COMMUNITY DEVELOPMENT

To: Josh Philpott
Senior Planner
Lee County Zoning Division
1500 Monroe St
Ft Myers, FL 33901

From: Robin Meyer
Director Planning & Design
rmeyer@vanday.com

Cc: Rachel Bielert, RL Opportunities,
Kate English, Pavese Law Firm

Date: July 19, 2006

Re: Caloosa Isle Yacht Club DCI2005-00095

We are sending you via By Hand the following:

Copies	Date	Description
10		24 x 36 Revised MCP
10		11 x 17 Revised MCP

Remarks:

Per your email request

RECEIVED
JUL 19 2006

DCI 2005-00095

12730 New Brittany Boulevard, Suite 600, Fort Myers, Florida 33907 T 239.437.4601 F 239.437.4636 W vanday.com

Jayne Bradbury

From: Robin Meyer
Sent: Friday, August 04, 2006 7:20 AM
To: Jayne Bradbury
Subject: FW: One more little thing

Jayne, can you get copies of the CIYC MCP to the County today? Thanks
-----Original Message-----
From: Philpott, Joshua O. [mailto:JPhilpott@leegov.com]
Sent: Thursday, August 03, 2006 5:24 PM
To: Robin Meyer
Cc: Katherine English
Subject: RE: One more little thing

Robin,
Go ahead and send over 8 copies of the MCP. Make sure to include 11x17 copies which are to the correct scale (Don't just reduce the 24x36 pages).

Josh Philpott
Senior Planner
Lee County Zoning Division
P(239)479-8365
F(239)479-8313
Jphilpott@leegov.com

From: Robin Meyer [mailto:RMeyer@vanday.com]
Sent: Thursday, August 03, 2006 4:55 PM
To: Katherine English; Philpott, Joshua O.
Cc: rbielert@rlopps.com
Subject: RE: One more little thing

DCI 2005-00095

Please include the number of copies needed.

thanks

-----Original Message-----
From: Katherine English [mailto:KatherineEnglish@Paveselaw.com]
Sent: Thursday, August 03, 2006 4:53 PM
To: Philpott, Joshua O.
Cc: Robin Meyer; rbielert@rlopps.com
Subject: One more little thing

RECEIVED
AUG 04 2006
COMMUNITY DEVELOPMENT

Josh

Could you send an e-mail over to Robin Myers giving him authorization to submit the MCP over the Counter downstairs. They are getting very particular about taking documents and your assistance would be greatly appreciated.

Thanks

Katherine R. English
Pavese Law Firm
1833 Hendry Street

Vanasse Daylor

Urban Planning
Landscape Architecture
Civil Engineering
Traffic Engineering
Environmental Science
FL 366

TRANSMITTAL MEMORANDUM

To: Josh Philpott
Senior Planner
Lee County Community Development
1500 Monroe St
Ft Myers, FL 33901

From: Robin Meyer
Dir Landscape & Design
rmeyer@vanday.com

Cc: Rachel Bielert, RLO,
Kate English, Pavese Law Firm

Date: August 04, 2006

Re: Caloosa Isle Yacht Club - DCI 2005-00095

We are sending you via By Hand the following:

Copies	Date	Description
8		Revised MCP 24x36 & 11x17

Remarks:

Per your email request

DCI 2005-00095

RECEIVED
AUG 04 2006
COMMUNITY DEVELOPMENT

12730 New Brittany Boulevard, Suite 600, Fort Myers, Florida 33907 t 239.437.4601 f 239.437.4636 w vanday.com

Vanasse Daylor

Urban Planning
Landscape Architecture
Civil Engineering
Traffic Engineering
Environmental Science
FL 366

TRANSMITTAL MEMORANDUM

To: Jamie Princing
Administrative Assistant
Lee County DCD
1500 Monroe Street
Ft Myers, FL 33902

From: Robin Myers
Director Planning & Design
rmyers@vanday.com

Cc:

Date: June 29, 2006

Re: **Caloosa Isle Yacht Club DCI 2005-00095**

We are sending you via By Hand the following:

Copies	Date	Description
1		Current Variance Report (Map, Adjacent Owners List, Mailing Labels)

Remarks:

Per your request

DCI 2005-00095

RECEIVED
JUN 29 2006
PERMIT COUNTER

12730 New Brittany Boulevard, Suite 600, Fort Myers, Florida 33907 T 239.437.4601 F 239.437.4636 W vanday.com

VARIANCE REPORT

6/27/2006

Subject Parcels : 1 Affected Parcels : 63 Buffer Distance : 500 ft



RECEIVED
JUN 29 2006
PERMIT COUNTER
DCI 2005-00095

16-44-24-03-0030B.0000

Lee County Property Appraiser

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

Phone: (239) 339-6159 • Fax: (239) 339-6139 • eMail: MapRoom@LeePA.org

VARIANCE REPORT

Date of Report: June 27, 2006
Buffer Distance: 500 ft
Parcels Affected: 63
Subject Parcel: 16-44-24-03-0030B.0000

RECEIVED
JUN 29 2006

DCI 2005-00095

PERMIT COUNTER

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
CAMERON CARMEN A 4133 ERINDALE DR NORTH FORT MYERS FL 33903	**16-44-24-02-00000.0080** 4133 ERINDALE DR NORTH FORT MYERS FL 33903	ERINDALE PB 29 PG 50 LOT 8	1
EAGLE GREGORY W + CATHY E 4134 ERINDALE DR NORTH FORT MYERS FL 33903	**16-44-24-02-00000.0090** 4134 ERINDALE DR NORTH FORT MYERS FL 33903	ERINDALE PB 29 PG 50 LOT 9	2
RUDICH ALEX E 1709 INLET DR NORTH FORT MYERS FL 33903	**16-44-24-03-00002.0010** 1709 INLET DR NORTH FORT MYERS FL 33903	WATERWAY ESTATES UNIT 2 BLK.2 PB 12 PG 64 LOT 1	3
KIDD DARRELL E + JACQUELINE 1715 INLET DR NORTH FORT MYERS FL 33903	**16-44-24-03-00002.0020** 1715 INLET DR NORTH FORT MYERS FL 33903	WATERWAY ESTATES UNIT 2 BLK.2 PB 12 P7 65 LOT 2	4
HAVENER WILLIAM R + MARY F 2119 LOCHMOOR CIR NORTH FORT MYERS FL 33903	**16-44-24-03-00002.0030** 1723 INLET DR NORTH FORT MYERS FL 33903	WATERWAY ESTATES UNIT 2 BLK.2 PB 12 PG 64 LOT 3	5
ZELLERS WILLIAM R TR 1/2 INT + 942 GREEN MEADOWS ST CANNELTON IN 47520	**16-44-24-03-00002.0040** 1729 INLET DR NORTH FORT MYERS FL 33903	WATERWAY ESTATES UNIT 2 BLK 2 PB 12 PG 64 LOT 4	6
SCHESCHOWITZ GERTRUDE 923 SE 30TH LN CAPE CORAL FL 33904	**16-44-24-03-00002.0050** 1735 INLET DR NORTH FORT MYERS FL 33903	WATERWAY ESTATES UNIT 2 BLK.2 PB 12 PG 64 LOT 5	7
PERRI SYLVIA V L/E 4300 HARBOUR LN NORTH FORT MYERS FL 33903	**16-44-24-03-00004.0010** 4300 HARBOUR LN NORTH FORT MYERS FL 33903	WATERWAY ESTATES UNIT 2 BLK.4 PB 12 PG 64 LOT 1	8
HUDSON PHIL + GWEN 4302 HARBOUR LN NORTH FORT MYERS FL 33903	**16-44-24-03-00004.0020** 4302 HARBOUR LN NORTH FORT MYERS FL 33903	WATERWAY ESTATES UNIT 2 BLK.4 PB 12 PG 64 LOT 2	9
MENGLER FRANK + ANNE MARIE RR 3 BREWSTER NY 10509	**16-44-24-03-00004.0030** 4306 HARBOUR LN NORTH FORT MYERS FL 33903	WATERWAY ESTATES UNIT 2 BLK.4 PB 12 PG 64 LOT 3	10
MCCORMICK ROBERT L + JOANNE C 4310 HARBOUR LN N FT MYERS FL 33903	**16-44-24-03-00004.0040** 4310 HARBOUR LN NORTH FORT MYERS FL 33903	WATERWAY ESTATES UNIT 2 BLK.4 PB 12 PG 64 LOT 4	11
LUBOVICH RONALD P SR +P 2828 BRANSFORD AVE NASHVILLE TN 37204	**16-44-24-03-00004.0050** 4316 HARBOUR LN NORTH FORT MYERS FL 33903	WATERWAY ESTATES UNIT 2 BLK 4 PB 12 PG 64 LOT 5	12
STANFIELD VICKY J 4322 HARBOUR LN NORTH FORT MYERS FL 33903	**16-44-24-03-00004.0060** 4322 HARBOUR LN NORTH FORT MYERS FL 33903	WATERWAY ESTATES UNIT 2 BLK.4 PB 12 PG 64 LOT 6	13
WEINBERG KARIN J 337 TUNNEL RD ASBURY NJ 08802	**16-44-24-03-00004.0070** 4328 HARBOUR LN NORTH FORT MYERS FL 33903	WATERWAY ESTATES UNIT 2 BLK.4 PB 12 PG 64 LOT 7	14

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
BROWN D C + REBECCA 4327 HARBOUR LN NORTH FORT MYERS FL 33903	**16-44-24-03-00004.0230** 4327 HARBOUR LN NORTH FORT MYERS FL 33903	WATERWAY ESTATES UNIT 2 BLK.4 P2 12 P7 65 LOT 23	15
RITTER P W + JUDITH 1706 MARINA TERRACE N FT MYERS FL 33903	**16-44-24-03-00004.0240** 1706 MARINA TER NORTH FORT MYERS FL 33903	WATERWAY ESTATES UNIT 2 BLK.4 PB 12 PG 64 LOT 24	16
BAUMAN JOHN W + JESSIE M 1710 MARINA TERR NORTH FORT MYERS FL 33903	**16-44-24-03-00004.0250** 1710 MARINA TER NORTH FORT MYERS FL 33903	WATERWAY ESTATES UNIT 2 BLK.4 PB 12 PG 64 LOT 25	17
MORRISSETTE PAUL 1716 MARINA TER NORTH FORT MYERS FL 33903	**16-44-24-03-00004.0260** 1716 MARINA TER NORTH FORT MYERS FL 33903	WATERWAY ESTATES UNIT 2 BLK.4 PB 12 PG 65 LOT 26	18
GULF COAST RECYCLING 1028 SE 12TH AV CAPE CORAL FL 33990	**16-44-24-03-00004.0270** 1722 MARINA TER NORTH FORT MYERS FL 33903	WATERWAY ESTATES UNIT 2 BLK.4 PB 12 PG 65 LOT 27	19
REESE KARL J 1727 MARINA TER NORTH FORT MYERS FL 33903	**16-44-24-03-00004.0280** 1727 MARINA TER NORTH FORT MYERS FL 33903	WATERWAY ESTATES UNIT 2 BLK 4 PB 12 PG 65 LOT 28	20
PULTRONE DANTE 1721 MARINA TERR N FT MYERS FL 33903	**16-44-24-03-00004.0290** 1721 MARINA TER NORTH FORT MYERS FL 33903	WATERWAY ESTATES UNIT 2 BLK 4 PB 12 PG 64 LOT 29	21
SLOAN PAUL A 1715 MARINA TER NORTH FORT MYERS FL 33903	**16-44-24-03-00004.0300** 1715 MARINA TER NORTH FORT MYERS FL 33903	WATERWAY ESTATES UNIT 2 BLK.4 PB 12 PG 64 LOT 30	22
KOSHKO JANE 1709 MARINA TER N FT MYERS FL 33903	**16-44-24-03-00004.0310** 1709 MARINA TER NORTH FORT MYERS FL 33903	WATERWAY ESTATES UNIT 2 BLK.4 PB 12 PG 64 LOT 31	23
SCHWING DAVID F + VERDENA P 1703 MARINA TER N FT MYERS FL 33903	**16-44-24-03-00004.0320** 1703 MARINA TER NORTH FORT MYERS FL 33903	WATERWAY ESTATES UNIT 2 BLK.4 PB 12 PG 65 LOT 32	24
KING KEITH 4309 HARBOUR LN NORTH FORT MYERS FL 33903	**16-44-24-03-00004.0330** 4309 HARBOUR LN NORTH FORT MYERS FL 33903	WATERWAY ESTATES UNIT 2 BLK.4 PB 12 PG 64 LOT 33	25
MERRILL DAVID W + NIDIA M 1700 INLET DR NORTH FORT MYERS FL 33903	**16-44-24-03-00004.0340** 1700 INLET DR NORTH FORT MYERS FL 33903	WATERWAY ESTATES UNIT 2 BLK.4 PB 12 PG 65 LOT 34	26
CALLAHAN LEUNA 1708 INLET DR NORTH FORT MYERS FL 33903	**16-44-24-03-00004.0350** 1708 INLET DR NORTH FORT MYERS FL 33903	WATERWAY ESTATES UNIT 2 BLK.4 PB 12 PG 64 LOT 35	27
VAUGHN Y E + BETTY M 1714 INLET DR N FT MYERS FL 33903	**16-44-24-03-00004.0360** 1714 INLET DR NORTH FORT MYERS FL 33903	WATERWAY ESTATES UNIT 2 BLK.4 PB 12 PG 64 LOT 36	28
KRUSE ROBERT A + JUDY A 1127 W RUGELEY CT ADDISON IL 60101	**16-44-24-03-00004.0370** 1720 INLET DR NORTH FORT MYERS FL 33903	WATERWAY ESTATES UNIT 2 BLK.4 PB 12 PG 64 LOT 37	29
TUCKER EVELYN R TR 1728 INLET DR N FT MYERS FL 33903	**16-44-24-03-00004.0380** 1728 INLET DR NORTH FORT MYERS FL 33903	WATERWAY ESTATES UNIT 2 BLK.4 PB 12 PG 64 LOT 38	30
REIZES LESLIE N TR 1177 GEORGE BUSH BLVD STE 308 DELRAY BEACH FL 33483	**16-44-24-03-0030A.0000** 1687 INLET DR NORTH FORT MYERS FL 33903	WATERWAY ESTATES UNIT 2 PB 12 PG 64 TRACT A	31
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	**16-44-24-03-0030B.00A0** 1667 INLET DR NORTH FORT MYERS FL 33903	WATERWAY ESTATES UNIT 2 PB 12 PG 64 TRACT PT B	32

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
CALOOSA ISLE YACHT CLUB INC 275 NORTH SWINTON AV DELRAY BEACH FL 33444	**16-44-24-03-0030D.0000** ACCESS UNDETERMINED NORTH FORT MYERS FL 33903	WATERWAY ESTATES UNIT 2 PB 12 PG 64 TRACT D	33
PRESTON DAVID W + KATARINA B 4298 HARBOUR LN NORTH FORT MYERS FL 33903	**16-44-24-05-00001.0010** 4298 HARBOUR LN NORTH FORT MYERS FL 33903	WATERWAY ESTATES U.2 RPLT. BLK 1 PB 17 PG 165 LOT 1	34
CATALANO JOSEPH C + SARA 4294 HARBOUR LN NORTH FORT MYERS FL 33903	**16-44-24-05-00001.0020** 4294 HARBOUR LN NORTH FORT MYERS FL 33903	WATERWAY ESTATES U 2 RPLT BLK 1 PB 17 PG 165 LOT 2	35
COOLEY B E + ELSIE R 4290 HARBOUR LN N FT MYERS FL 33903	**16-44-24-05-00001.0030** 4290 HARBOUR LN NORTH FORT MYERS FL 33903	WATERWAY EST UT 2 RPLT BLK 1 PB 17 PG 165 LOT 3	36
SHELTON TIMOTHY D + THERESA 645 HIGHLAND AV VINE GROVE KY 40175	**16-44-24-05-00002.0090** 4269 HARBOUR LN NORTH FORT MYERS FL 33903	WATERWAY ESTATES U.2 RPLT. BLK.2 PB 17 PG 165 LOT 9	37
KACZMARZ JAMES J 4273 HARBOUR LN NORTH FORT MYERS FL 33903	**16-44-24-05-00002.0100** 4273 HARBOUR LN NORTH FORT MYERS FL 33903	WATERWAY EST U 2 REPLAT BLK 2 PB 17 PG 165 LOT 10	38
GOODWIN APRIL + 4277 HARBOUR LN NORTH FORT MYERS FL 33903	**16-44-24-05-00002.0110** 4277 HARBOUR LN NORTH FORT MYERS FL 33903	WATERWAY EST.U.2 REPLAT BLK.2 PB 17 PG 165 LOT 11	39
COOLEY EDWARD A JR 4285 HARBOUR LN NORTH FORT MYERS FL 33903	**16-44-24-05-00002.0120** 4285 HARBOUR LN NORTH FORT MYERS FL 33903	WATERWAY EST.U.2 REPLAT BLK.2 PB 17 PG 165 LOT 12	40
STAUFFER JOHN W 4286 HARBOUR LN N FT MYERS FL 33903	**16-44-24-05-0030D.0000** 4286 HARBOUR LN NORTH FORT MYERS FL 33903	WATERWAY EST U2 REPLT TR D PB17/165 FM NW COR TR D E 307 SELY 148 ALNG CURVE	41
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	**16-44-24-05-0030D.0020** 1751 DOCKWAY NORTH FORT MYERS FL 33903	WATERWAY EST.UNIT 2 REPLAT PB 17 PG 165 TRACT D	42
MCELHENIE BOB W + DONNA M 4069 MECHANIC RD HILLSDALE MI 49242	**16-44-24-05-0030D.0040** 4266 HARBOUR LN NORTH FORT MYERS FL 33903	WATERWAY ESTATES U2 RPLT PB 17 PG 165 TRACT D PART OF FR N W COR LOT 1	43
HUTSON GEORGE E + BEVERLEY TR 4270 HARBOUR LN NORTH FORT MYERS FL 33903	**16-44-24-05-0030D.0050** 4270 HARBOUR LN NORTH FORT MYERS FL 33903	PARL IN WATERWAY ESTATES UNIT 2 PB 17 PG 165 TRACT D LOT 2	44
BOWNE HARRY 4274 HARBOUR LN NORTH FORT MYERS FL 33903	**16-44-24-05-0030D.0060** 4274 HARBOUR LN NORTH FORT MYERS FL 33903	WATERWAY EST UNIT 2 REPLAT TR D LT 3 DESC IN OR 1361 PG 114	45
VOLL TIMOTHY A + 4278 HARBOUR LN N FT MYERS FL 33903	**16-44-24-05-0030D.0070** 4278 HARBOUR LN NORTH FORT MYERS FL 33903	WATERWAY EST UN 2 REPLAT PT TRACT D PB 17 PG 165 DESC IN OR 1738 PG 3993	46
TANIS ROBERT P TR 4282 HARBOUR LN NORTH FORT MYERS FL 33903	**16-44-24-05-0030D.0100** 4282 HARBOUR LN NORTH FORT MYERS FL 33903	WATERWAY ESTS U-2 REPLAT TR D PB 17 PG 165 DESC OR 1926/2211 AKA LT 5	47
ROZWOOD BERNICE + 1754 DOCK WAY NORTH FORT MYERS FL 33903	**16-44-24-33-00000.0010** 1754 DOCKWAY NORTH FORT MYERS FL 33903	JAMAICAN VILLAS PB 33 PG 118 LOT 1	48
WALLA GEORGE B + CHERYL 1750 DOCKWAY DR NW N FT MYERS FL 33903	**16-44-24-33-00000.0020** 1750 DOCKWAY NORTH FORT MYERS FL 33903	JAMAICAN VILLAS PB 33 PG 118 LOT 2	49
YAHL RICHARD W + CHRISTINE 1744 DOCK WAY NORTH FORT MYERS FL 33903	**16-44-24-33-00000.0030** 1744 DOCKWAY NORTH FORT MYERS FL 33903	JAMAICAN VILLAS PB 33 PG 118 LOT 3	50
VICTOR ROBERT S + JERILYN L 1740 DOCKWAY N FT MYERS FL 33903	**16-44-24-33-00000.0040** 1740 DOCKWAY NORTH FORT MYERS FL 33903	JAMAICAN VILLAS PB 33 PG 118 LOT 4 + 5	51

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
DODDS ROSEMARY J 1741 DOCKWAY DR NW N FT MYERS FL 33903	**16-44-24-33-00000.0060** 1741 DOCKWAY NORTH FORT MYERS FL 33903	JAMAICAN VILLAS PB 33 PG 118 LOT 6	52
BURK BRIAN + JOANNE 1745 DOCK WAY NORTH FORT MYERS FL 33903	**16-44-24-33-00000.0070** 1745 DOCKWAY NORTH FORT MYERS FL 33903	JAMAICAN VILLAS PB 33 PG 118 LOT 7	53
MARTIN LAWRENCE E JR + SALLY B 1749 DOCKWAY N FT MYERS FL 33903	**16-44-24-33-00000.0080** 1749 DOCKWAY NORTH FORT MYERS FL 33903	JAMAICAN VILLAS PB 33 PG 113 LOT 8	54
JONES GERALD D + MARY SUE 1778 SEAFAN CIR N FT MYERS FL 33903	**21-44-24-00-00004.0000** 1778 SEAFAN CIR NORTH FORT MYERS FL 33903	FR NW COR OF NE1/4 RUN E 1167.2FT TO POB TH CONT E 170FT TH RUN S 315FT TH	55
HONC VINCENT E + ANN MARIE 1246 SW 4TH AVE CAPE CORAL FL 33991	**21-44-24-00-00004.0010** 1778 SEAFAN CIR NORTH FORT MYERS FL 33903	PARL IN NE 1/4 DESC IN OR 2035 PG 1789	56
PENNINGTON RICKEY + JANET 15131 BRIAR RIDGE CIR FORT MYERS FL 33912	**21-44-24-00-00004.0020** 1726 SEAFAN CIR NORTH FORT MYERS FL 33903	PARL IN NE 1/4 AS DESC IN OR 2050 PG 1022 238.56 FT TH RUN S 315 FT	57
HONC VINCENT E 1246 SW 4TH AVE CAPE CORAL FL 33991	**21-44-24-01-00008.0140** 1774 SEAFAN CIR NORTH FORT MYERS FL 33903	FT MYERS GULF ACRES SEC 1 BLK 8 PB 10 PG 66 LOT 14	58
LINTON DONALD + LINDA 1768 SEAFAN CIR N FT MYERS FL 33903	**21-44-24-01-00008.0150** 1768 SEAFAN CIR NORTH FORT MYERS FL 33903	FT MYERS GULF ACRES SEC 1 BLK 8 PB 10 PG 66 LOT 15	59
ELLIOTT SANDRA C + 1758 SEAFAN CIR NORTH FORT MYERS FL 33903	**21-44-24-01-00008.0160** 1758 SEAFAN CIR NORTH FORT MYERS FL 33903	FT MYERS GULF ACRES SEC 1 BLK 8 PB 10 PG 66 LOT 16	60
PENNINGTON RICKEY + JANET 15131 BRIARRIDGE CIR FT MYERS FL 33912	**21-44-24-01-00008.0170** 1750 SEAFAN CIR NORTH FORT MYERS FL 33903	FT MYERS GULF ACRES SEC 1 BLK 8 PB 10 PG 66 LOT 17	61
SHEEHY TIMOTHY W + 3200 VALLEY VIEW DR COLUMBUS OH 43204	**21-44-24-01-00008.018A** 1719 SEAFAN CIR NORTH FORT MYERS FL 33903	FT MYERS GULF ACRES SEC 1 BLK 8 PB 10 PG 66 LOT 18A + PAR DESC OR 1231/0921	62
BIRO TIMEA 1723 SEAFAN CIR NORTH FORT MYERS FL 33903	**21-44-24-01-00008.018B** 1723 SEAFAN CIR NORTH FORT MYERS FL 33903	FT.MYERS GULF ACRES SEC 1 BLK.8 PB 10 PG 66 LOT 18B	63

63 RECORDS PRINTED

LEE COUNTY
SOUTHWEST FLORIDA

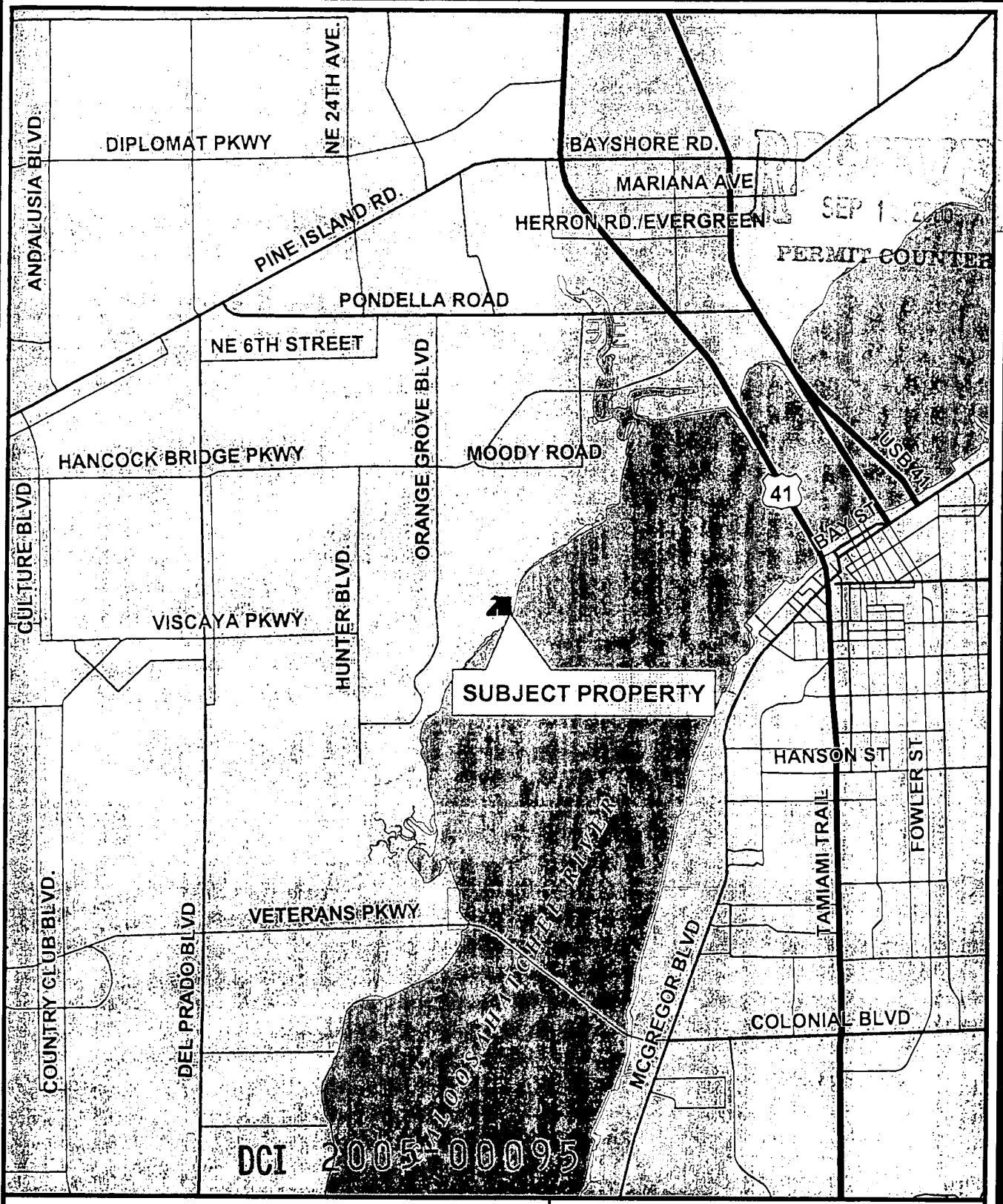
COURTESY NOTICE TO ADJACENT PROPERTY OWNERS OF RECEIPT OF ZONING APPLICATION

Date:	September 26, 2005
Case Number:	DCI2005-00095
Case Name:	CALOOSA ISLE YACHT CLUB
Request:	Rezone 5.77+/- acres from Commercial Planned Development (CPD) to Commercial Planned Development (CPD) to permit the redevelopment of Caloosa Isle Marina to allow a total of 334 boat slips (Wet and Dry), a 7,000 square-foot restaurant and approximately 7,500 square-feet of ancillary uses. Deviations have been requested from parking, waterbody setbacks, and building periemter planting requirements.
Location:	1687 Inlet Drive(US41 North to Hancock Bridge Rd/Left to Orange Grove/Left to Inlet Drive), in S16-T44S-R24E, Lee County, FL.
Location Map:	SEE REVERSE
PROPERTY OWNER'S REPRESENTATIVE:	ROBIN MEYER VANASSE & DAYLOR LLP 239-437-4601
Lee County Planner:	Josh Philpott (239) 479-8365

The file may be reviewed Monday through Friday between the hours of 7:30 a.m. and 4:30 p.m. at the Lee County Development Services Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/479-8585 for additional information.

This is a courtesy notice. A public hearing date has not yet been set. You will receive another notice once the hearing date and time have been established.

LVV



Caloosa Isle Yacht Club

Exhibit 6-B

Location Map

PH-3.F

N
W E
S

5,000 0 5,000 Feet

Date: 07-14-05

Marine Holdings, LLC
c/o RL Opportunities

10580 Landau Lane
Bonita Springs, FL 34135

Vanasse Daylor

Urban Planning
Landscape Architecture
Civil Engineering
Traffic Engineering
Environmental Science
FL 366

Sources: Lee County Property Appraiser
It is the end user's responsibility to verify the data contained hereon.

Project Number: 80899
FILE: \\vanday_server\gis\Projects\800\808\80899\Planning\80899-Locmap-a.mxd

15-44-24-04-0000A.00CE
BUTTONWOOD HARBOR OWNERS ASSN

16-44-24-02-00000.0080
CAMERON ROBERT E + CARMEN A
4133 ERINDALE DR
NORTH FORT MYERS, FL 33903

16-44-24-02-00000.0090
EAGLE GREGORY W + CATHY E
4134 ERINDALE DR
NORTH FORT MYERS, FL 33903

16-44-24-03-00002.0010
RUDICH ALEX E
1709 INLET DR
NORTH FORT MYERS, FL 33903

16-44-24-03-00002.0020
KIDD DARRELL E + JACQUELINE
1715 INLET DR
N FT MYERS, FL 33903

16-44-24-03-00002.0030
HAVENER WILLIAM R + MARY F
1723 INLET DR
N FT MYERS, FL 33903

16-44-24-03-00002.0040
ZELLERS WILLIAM R TR 1/2 INT +
942 GREEN MEADOWS ST
CANNELTON, IN 47520

16-44-24-03-00002.0050
SCHESCHOWITZ GERTRUDE
923 SE 30TH LN
CAPE CORAL, FL 33904

16-44-24-03-00002.0060
BROWNELL HAROLD T + DANA
1741 INLET DR W
FT MYERS, FL 33903

16-44-24-03-00004.0010
PERRI SYLVIA V L/E
4300 HARBOUR LN
NORTH FORT MYERS, FL 33903

16-44-24-03-00004.0020
HUDSON PHIL + GWEN
4302 HARBOUR LN
NORTH FORT MYERS, FL 33903

16-44-24-03-00004.0030
MENGLER FRANK + ANNE MARIE
RR 3
BREWSTER, NY 10509

16-44-24-03-00004.0040
MCCORMICK ROBERT L + JOANNE C
4310 HARBOUR LN
N FT MYERS, FL 33903

16-44-24-03-00004.0050
LUBOVICH RONALD P SR +P
2828 BRANSFORD AVE
NASHVILLE, TN 37204

16-44-24-03-00004.0060
STANFIELD VICKY J
4322 HARBOUR LN
NORTH FORT MYERS, FL 33903

16-44-24-03-00004.0070
WEINBERG KARIN J
337 TUNNEL RD
ASBURY, NJ 08802

16-44-24-03-00004.0080
LETOURNEAU JENNIFER +
4334 HARBOUR LN
NORTH FORT MYERS, FL 33903

16-44-24-03-00004.0190
ENGH DAVID A + DAWN ELLIS
4383 HARBOUR TERR
N FT MYERS, FL 33903

16-44-24-03-00004.0200
BIGLEY ROBERT H + VIRGINIA R
4377 HARBOUR TERR
NORTH FORT MYERS, FL 33903

16-44-24-03-00004.0210
ANDERSON RONALD R + LESLIE F
4371 HARBOUR TER
NORTH FORT MYERS, FL 33903

All data is current at time of printing and subject to change without notice.

16-44-24-03-00004.0220
HOWARD ROBERT + EDDA
4351 HARBOUR LN
NORTH FORT MYERS, FL 33903

16-44-24-03-00004.0230
BROWN D C + REBECCA
4327 HARBOUR LN
NORTH FORT MYERS, FL 33903

16-44-24-03-00004.0240
RITTER P W + JUDITH
1706 MARINA TERRACE
N FT MYERS, FL 33903

16-44-24-03-00004.0250
BAUMAN JOHN W + JESSIE M
1710 MARINA TERR
NORTH FORT MYERS, FL 33903

16-44-24-03-00004.0260
MORRISSETTE PAUL
1716 MARINA TER
NORTH FORT MYERS, FL 33903

16-44-24-03-00004.0270
GULF COAST RECYCLING
1028 SE 12TH AV
CAPE CORAL, FL 33990

16-44-24-03-00004.0280
REESE KARL J
1727 MARINA TER
NORTH FORT MYERS, FL 33903

16-44-24-03-00004.0290
PULTRONE DANTE
1721 MARINA TERR
N FT MYERS, FL 33903

16-44-24-03-00004.0300
SLOAN PAUL A
1715 MARINA TER
NORTH FORT MYERS, FL 33903

16-44-24-03-00004.0310
KOSHKO JANE
1709 MARINA TER
N FT MYERS, FL 33903

16-44-24-03-00004.0320
SCHWING DAVID F + VERDENA P
1703 MARINA TER
N FT MYERS, FL 33903

16-44-24-03-00004.0330
KING KEITH
4309 HARBOUR LN
NORTH FORT MYERS, FL 33903

16-44-24-03-00004.0340
MERRILL DAVID W + NIDIA M
1700 INLET DR
NORTH FORT MYERS, FL 33903

16-44-24-03-00004.0350
CALLAHAN LEUNA
1708 INLET DR
NORTH FORT MYERS, FL 33903

16-44-24-03-00004.0360
VAUGHN Y E + BETTY M
1714 INLET DR
N FT MYERS, FL 33903

16-44-24-03-00004.0370
KRUSE ROBERT A + JUDY A
3470 CARPENTER RD
YPSILANTI, MI 48197

16-44-24-03-00004.0380
TUCKER EVELYN R TR
1728 INLET DR
N FT MYERS, FL 33903

16-44-24-03-00004.0390
PATTERSON CLARENCE SR + EDITH
4312 S PACIFIC CIR
N FT MYERS, FL 33903

16-44-24-03-00004.0400
HART BRIAN A + SHELLEY A
10375 WEEDEN PL
LITTLETON, CO 80124

16-44-24-03-00004.0520
BEDNARSKY FRANK
3666 10TH ST
WAYLAND, MI 49348

All data is current at time of printing and subject to change without notice.

16-44-24-03-0030B.00A0
LEE COUNTY
P O BOX 398
FORT MYERS, FL 33902

16-44-24-03-0030D.0000
REIZES LESLIE N
1177 GEORGE BUSH BLVD STE 308
DELRAY BEACH, FL 33483

16-44-24-05-00001.0010
WALKER KATARINA B PRESTON
PCCS
4600 BAINBRIDGE BLVD
CHESAPEAKE, VA 23320

16-44-24-05-00001.0020
CATALANO JOSEPH C + SARA
4294 HARBOUR LN
NORTH FORT MYERS, FL 33903

16-44-24-05-00001.0030
COOLEY B E + ELSIE R
4290 HARBOUR LN
N FT MYERS, FL 33903

16-44-24-05-00002.0090
SHELTON TIMOTHY D + THERESA
645 HIGHLAND AV
VINE GROVE, KY 40175

16-44-24-05-00002.0100
KACZMARZ JAMES J + LINDA J
4273 HARBOUR LN
N FT MYERS, FL 33903

16-44-24-05-00002.0110
KRZAK DAVID + GUYNELL
1933 SE 32ND ST
CAPE CORAL, FL 33904

16-44-24-05-00002.0120
COOLEY EDWARD A JR
4285 HARBOUR LN
NORTH FORT MYERS, FL 33903

16-44-24-05-0030D.0000
STAUFFER JOHN W
4286 HARBOUR LN
N FT MYERS, FL 33903

16-44-24-05-0030D.0020
LEE COUNTY
P O BOX 398
FORT MYERS, FL 33902

16-44-24-05-0030D.0040
MCELHENIE BOB W + DONNA M
4069 MECHANIC RD
HILLSDALE, MI 49242

16-44-24-05-0030D.0050
HUTSON GEORGE E + BEVERLEY TR
4270 HARBOUR LN
NORTH FORT MYERS, FL 33903

16-44-24-05-0030D.0060
BOWNE HARRY
4274 HARBOUR LN
NORTH FORT MYERS, FL 33903

16-44-24-05-0030D.0070
VOLL TIMOTHY A +
4278 HARBOUR LN
N FT MYERS, FL 33903

16-44-24-05-0030D.0100
TANIS ROBERT P TR
4282 HARBOUR LN
NORTH FORT MYERS, FL 33903

16-44-24-33-00000.0010
ROZWOOD BERNICE +
1754 DOCK WAY
NORTH FORT MYERS, FL 33903

16-44-24-33-00000.0020
WALLA GEORGE B + CHERYL
1750 DOCKWAY DR NW
N FT MYERS, FL 33903

16-44-24-33-00000.0030
YAHL RICHARD W + CHRISTINE
1744 DOCK WAY
NORTH FORT MYERS, FL 33903

16-44-24-33-00000.0040
VICTOR ROBERT S + JERILYN L
1740 DOCKWAY
N FT MYERS, FL 33903

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16-44-24-33-00000.0060
DODDS ROSEMARY J
1741 DOCKWAY DR NW
N FT MYERS, FL 33903

16-44-24-33-00000.0070
BURK BRIAN + JOANNE
1745 DOCK WAY
NORTH FORT MYERS, FL 33903

16-44-24-33-00000.0080
MARTIN LAWRENCE E JR + SALLY B
1749 DOCKWAY
N FT MYERS, FL 33903

21-44-24-00-00004.0000
JONES GERALD D + MARY SUE
1778 SEAFAN CIR
N FT MYERS, FL 33903

21-44-24-00-00004.0010
HONC VINCENT E + ANN MARIE
1246 SW 4TH AVE
CAPE CORAL, FL 33991

21-44-24-00-00004.0020
PENNINGTON RICKEY + JANET
15131 BRIAR RIDGE CIR
FORT MYERS, FL 33912

21-44-24-01-00008.0140
HONC VINCENT E
1246 SW 4TH AVE
CAPE CORAL, FL 33991

21-44-24-01-00008.0150
LINTON DONALD + LINDA
1768 SEAFAN CIR
N FT MYERS, FL 33903

21-44-24-01-00008.0160
ELLIOTT SANDRA C +
1758 SEAFAN CIR
NORTH FORT MYERS, FL 33903

21-44-24-01-00008.0170
PENNINGTON RICKEY + JANET
15131 BRIARRIDGE CIR
FT MYERS, FL 33912

21-44-24-01-00008.018A
SHEEHY TIMOTHY W +
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COLUMBUS, OH 43204

21-44-24-01-00008.018B
BIRO TIMEA
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