

EXHIBITS

CASE #

DCI 2000-00013

CASE NAME:

KASTAN - SteAmers Hotel

Attach copy of this form to top of packet of exhibits & place exhibits in case file.

ARE THERE ANY BOARD EXHIBITS? YES NO

LOCATION OF BOARDS

If there are any board exhibits, attach another copy of this form to boards for identification purposes.



RESOLUTION NUMBER Z-96-040

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

WHEREAS, Summerlin Associates Partnership filed an application for a rezoning from CC (Community Commercial) to CPD (Commercial Planned Development), in reference to Summerlin-Pine Ridge, Parcels H & I; and

WHEREAS, the subject property is located at 11261 & 11281 Summerlin Sq. Dr., and is described more particularly as:

LEGAL DESCRIPTION: In Section 07, Township 46 South, Range 24 East, Lee County, Florida:

COMMENCE at the Northeast corner of Section 07, Township 46 South, Range 24 East;
THENCE S89°02'39"W, along the North line of the Northeast Quarter (NE¼) of said Section 07 for 1,342.38 feet to the Northwest corner of the East Half (E½) of the Northeast Quarter (NE¼) of said Section 07;
THENCE S01°14'16"E along the West line of the East Half (E½) of said Northeast Quarter (NE¼) for 511.94 feet to an intersection with a line parallel with and 20.00 feet South of as measured at right angles to the North line of that certain parcel of land described as Parcel 1 in Official Record Book 2074 at Page 4358 of the Public Records of Lee County, Florida, and the POINT OF BEGINNING of the herein described parcel of land;
THENCE N89°02'39"E, along said parallel line for 660.00 feet;
THENCE S01°14'16"E for 543.06 feet to an intersection with the aforementioned Parcel 1;
THENCE S89°02'39"W along said South line for 660 feet to an intersection with the West line of the East Half of the Northeast Quarter (NE¼) of said Section 07;
THENCE run N01°14'16"W along said West line for 543.06 feet to the POINT OF BEGINNING.

Tract herein described contains 8.22± acres.

WHEREAS, the applicant has indicated the property's current STRAP numbers are: 07-46-24-00-00005.0010 and 07-46-24-00-00005.0020; and

WHEREAS, Summerlin Associates Partnership, the owner of the subject parcel, authorized Source, Inc. to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was advertised and held on July 16, 1996 before the Lee County Hearing Examiner who gave full consideration to the evidence available; and

WHEREAS, a public hearing was advertised and held on August 19, 1996 before the Lee County Board of County Commissioners who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board **APPROVES with conditions** the requested rezoning from CC to CPD.

SECTION A. CONDITIONS:

The rezoning and Master Concept Plan are subject to the following conditions:

1. The development and use of the subject property is to be in substantial compliance with the approved Master Concept Plan entitled "Summerlin - Pine Ridge Motel" (Job No. 456-02-95, stamped received May 10, 1996) as prepared by Source Inc., except as may be modified by the conditions herein.
2. The number of hotel/motel units may not exceed 240 hotel/motel units and must comply with the parking requirements of LDC Section 34-1802(3). A maximum of ten percent of the total floor area of the principal use on each parcel may be devoted to ancillary and subordinate retail commercial uses contained in the approved Schedule of Uses, in accordance with Section 34-3021(c)(1).
3. The use of a **HOTEL/MOTEL** is the only principal use permitted the property. The uses listed below may only be permitted as ancillary or subordinate uses to the Hotel/Motel principal use.

Accessory Uses and Structures
Administrative Offices
ATM (Automatic Teller Machine)
Bar or Cocktail Lounge
Business Services, Group I
Consumption on Premises
Day Care Center, Adult or Child
Entrance Gate and Gatehouse
Essential Services
Essential Service Facilities, Group I
Parking Lot, Accessory
Personal Services, Group I
Recreation, Commercial: Group II
Recreational Facilities, Private (Indoor or Outdoor)

Rental or Leasing Establishments, Group I
Restaurants, All Groups
Signs, in Conformance with the Land Development Code
Specialty Retail Shops, Groups I and II
Temporary Uses

It will be necessary to amend this planned development in order to allow any of the ancillary uses to become the principal use of the parcel. See LDC Section 34-380(c).

4. The bar or cocktail lounge must be located so there is no indication from the outside of the structure that the bar or cocktail lounge is within the building.
5. Development of the CPD will comply with the following Property Development Regulations:

Minimum Lot Area and Dimensions:

Area: 4 acres
Width: 330 feet
Depth: 528 feet

Minimum Setbacks:

Street: variable according to the functional classification of the street or road
(Section 34-2191 et seq.)
Side: 15 feet
Rear: 25 feet
Water Body: 25 feet

Minimum Building Separation: 20 feet (additional setback of ½ foot for every foot of building height above 35 feet is required)

Maximum Lot Coverage: 40%

Maximum Building Height: 50 feet, not to exceed three stories

6. This zoning approval does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions may be required at the time of local Development Order.
7. Approval of this rezoning does not give the Developer the undeniable right to receive a local Development Order approval that exceeds the Year 2010 Overlay use allocation for the applicable district.

8. Development must comply with all of the requirements of the Lee County Land Development Code in effect at the time of local Development Order approval, except where a deviation is granted as part of the planned development.

SECTION B. DEVIATIONS:

The Master Concept Plan deviates from several Lee County development standards. The proposed deviations are granted or denied as set forth below:

1. Deviation 1 requesting relief from LDC Section 34-1802(3) to allow 1.0 parking space for each hotel/motel unit plus 10% for employee/overflow is **DENIED**.
2. Deviation 2 is **WITHDRAWN**.
3. Deviation 3 is **WITHDRAWN**.

SECTION C. Master Concept Plan:

A one page reduced copy of the Master Concept Plan is attached and incorporated into this resolution by reference.

SECTION D. FINDINGS AND CONCLUSIONS:

The following findings and conclusions were made in conjunction with the approval of the requested CPD rezoning:

1. The applicant has proved entitlement to the rezoning or special exception by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.
2. The requested CPD 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 and natural resources.
3. Approval of the request, as conditioned, will not place an undue burden upon existing transportation or planned infrastructure facilities, and the project will be served by streets with the capacity to carry traffic generated by the development.

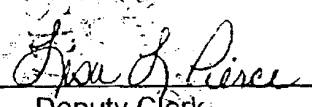
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The proposed use or mix of uses is appropriate at the subject location.
6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards 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.

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

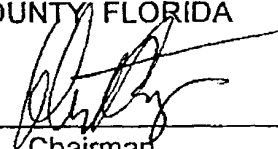
John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Abstain

DULY PASSED AND ADOPTED this 19th day of August, A.D., 1996.

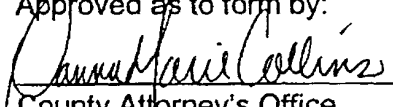
ATTEST:
CHARLIE GREEN, CLERK

BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY FLORIDA

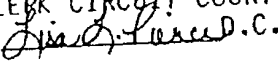
BY: 
Chairman

Approved as to form by:


County Attorney's Office

FILED

AUG 23 1996

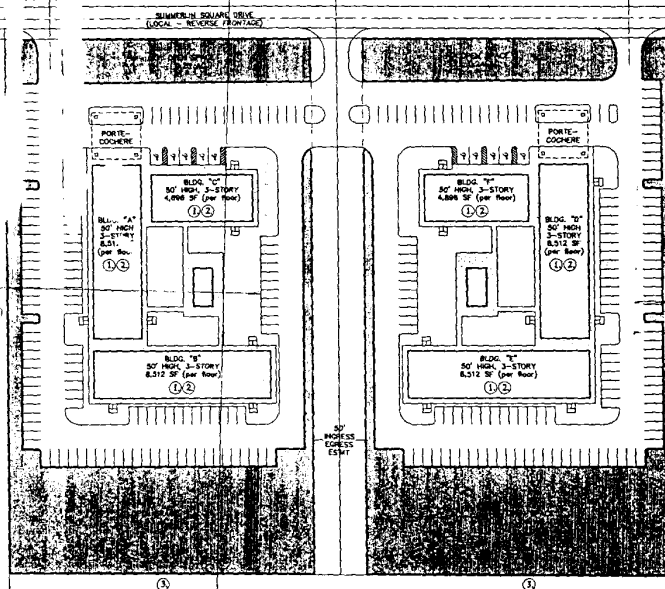
CLERK CIRCUIT COURT
BY:  D.C.

PROJECT NOTES/STANDARDS TO BE APPROVED WITH THIS PLAN

1. Request: Rezone from CC to CPD
2. Parcel Size: 8.22 Acres
3. Permitted Uses: Accessory uses and structures; Administrative offices; ATM (automatic teller machine); Bar or cocktail lounge; Business services, Group I; Consumption on premises; Day care center; Restaurant, bar and banquet; Retail services; Essential services facilities; Group I; Educational, water, recreational, health, fitness and efficiency; Landscaping; Parking lot, accessory; Personal services, Group I; Recreation - commercial, Group I & II; Recreational facilities - private or public, indoor or outdoor; Rental or leasing establishments, Group I; Retail - retail accessory uses; Restaurants, All Groups; Retail; Signs in accordance with chapter 20; Specialty retail shops, Groups I & II; and Temporary uses.
4. Intensity of Use: The primary use proposed for this development is 340 Hotel/motel units (230 units for each development tract). The other uses listed in the schedule of uses shown are intended to be subordinate or auxiliary to the primary hotel/motel use. The other subordinate or auxiliary uses will be limited to a total of 30,000 SF (15,000 SF for each development tract).
5. Open Space Summary is as follows:
Open Space Required @ 30% = 2.47 Acres
Open Space Provided = 2.56 Acres (shown shaded)
6. Maximum building height will be 50 feet high (3 stories), as measured in accordance with LDC Sec. 34-2171.
7. Parking requirements will be those in effect or as approved by deviation at the time of CPD approval, except that subsequent, less stringent parking requirements approved County-wide may replace the initial parking requirements by administrative approval by the Director of LDC.

SCHEDULE OF DEVIATIONS

- ① Deviation from LDC Section 34-102(2) which requires 1.2 parking spaces for each "business" type motel unit and 1.5 parking spaces for each "efficiency" type motel unit, to allow 1.0 parking spaces for each motel unit plus an additional 10% for employee overflow parking.
- ② Deviation from LDC Section 34-102(4) which permits three (3.0) "business" type motel units and two (2.0) "efficiency" type motel units to equal one dwelling unit (as described in the Low plan) to allow thirty (30) motel units per acre.
- ③ Deviation from LDC Section 34-913 which establishes the property development regulations for planned developments, to allow the standards shown on the MCP in the Property Development Regulations table, to replace those standards.



Property Development Regulations

Minimum Lot Size:	4 Acres
Minimum Subordinate Unit Density:	30 units per acre
Minimum Subordinate Commercial Density:	3750 SF per acre
Minimum Lot Width:	130 Feet
Minimum Lot Depth:	528 Feet
Minimum Front Setback:	25 Feet
Minimum Side Setback:	15 Feet
Minimum Rear Setback:	20 Feet
Minimum Water Setback:	25 Feet

APPROVED

Master Concept Plan
Site Plan & LDC Reg. 1 (MCP)
Subject to conditions in Schedule 2, LDC Reg. 1
Issued Date: 11/16/2017, 0:00Z

SUMMERLIN - PINE RIDGE MOTEL CPD - Master Concept Plan

PROJECT # 96-04-201.05Z
PROJECT TYPE 72

RECEIVED
MAY 18 2017
ZONING CODE

EXHIBIT IV-F Master Concept Plan
EXHIBIT IV-G Schedule of Uses
EXHIBIT IV-H Schedule of Deviations

DATE	11/16/2017	BY	Source, Inc.
DATE	11/16/2017	BY	Source, Inc.
DATE	11/16/2017	BY	Source, Inc.
DATE	11/16/2017	BY	Source, Inc.

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

WHEREAS, Bonita Beach Resort & Motel filed an application for a rezoning from Commercial (C-1) to Commercial Planned Development (CPD), in reference to Bonita Beach Resort & Motel; and

WHEREAS, the subject property is located at 26395 Hickory Boulevard, Bonita Springs, Lee County, Florida, and is described more particularly as:

LEGAL DESCRIPTION:

A parcel of land lying in Section 25, Township 47 South, Range 24 East, Lee County, Florida, being more particularly described as follows:

Commence at the Southeasterly corner of Lot 3, Block "J" of BONITA BEACH SUBDIVISION, according to the plat thereof recorded in Plat Book 8, Page 65 of the Public Records of Lee County, Florida;

THENCE run N58°32'00"E, perpendicular to Hickory Boulevard, 100 feet to a point on the Northeasterly right-of-way line of said Boulevard and the POINT OF BEGINNING of the parcel of land herein described;

THENCE Northwestery along the Easterly right-of-way line of said Boulevard 50 feet;

THENCE N58°32'00"E for a distance of 225 feet more or less to the waters of an arm of Estero Bay;

THENCE run Southeasterly along said waters to an intersection with a line 50 feet Northwestery from and parallel to a prolongation of the Northwestery line of Block "J" of said BONITA BEACH SUBDIVISION;

THENCE run S60°00'32"W along said line for 260 feet more or less to the Northeasterly right-of-way line of said Hickory Boulevard;

THENCE N31°28'00"W along the Northeasterly right-of-way line of said Boulevard for a distance of 103.19 feet to the POINT OF BEGINNING.

Containing 0.809 acres more or less (to the Easterly face of seawall); and

WHEREAS, the applicant has indicated the property's current STRAP number is 28-47-25-00-00001.101A; and

WHEREAS, Bonita Beach Resort & Motel authorized Hole, Montes & Associates, Inc. and Henderson, Franklin, Starnes & Holt to act as agents to pursue this zoning application; and

WHEREAS, a public hearing was advertised and held on December 17, 1997 before the Lee County Hearing Examiner, in Case No. 97-07-290.02Z 01.01, who gave full consideration to the evidence available; and

WHEREAS, a public hearing was advertised and held on March 30, 1998 before the Lee County Board of County Commissioners who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on file with the County, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board **APPROVES** the applicant's request for rezoning from C-1 to CPD, as follows:

SECTION A. CONDITIONS:

The rezoning and Master Concept Plan are subject to the following conditions:

1. The development and use of the subject property must be in substantial compliance with the approved Master Concept Plan (MCP) entitled "Bonita Beach Resort & Motel" (Drawing No. SK121597, revised date 03/25/98, stamped received date 03/26/98) as prepared by Hole, Montes & Associates, Inc., except as modified herein. Unless specifically approved as part of this rezoning, development must comply with all applicable local development regulations.
2. On Parcel A, no more than NINE units are allowed: eight hotel/motel units and one caretaker's unit. On Parcel B, a maximum of 2,000 square feet of gross floor area is allowed within this planned development.
3. The following are the only permitted uses within this CPD:

Parcel A

HOTEL/MOTEL

ACCESSORY USES TO THE HOTEL/MOTEL:

Administrative Office

Caretaker's Unit (limited to one)

Boat Docks

Boat Rental

TRANSPORTATION SERVICES, Group I (limited to Water Taxi by vessels with a shallow enough draft not to cause propeller dredging or harm underwater vegetation)

Parcel B

BOAT DOCKS

BOAT RENTAL

CLUBS, Fraternal and Private

PARKING LOT, Commercial (with or without snack bar/recreational building)

RESTAURANT, Group II

PARKS, PRIVATE, Group I

TRANSPORTATION SERVICES, Group I (limited to Water Taxi by vessels with a shallow enough draft not to cause propeller dredging or harm underwater vegetation)

4. Development of the CPD will comply with the following Property Development Regulations:

Minimum Lot Area and Dimensions:

Parcel A

Area: 20,677.8 square feet

Width: 78 feet (avg)

Depth: 224 feet

Parcel B

Area: 17,479.4 square feet

Width: 75 feet

Depth: 207 feet

Minimum Setbacks:

Parcel A

Street: 50 feet (Hickory Boulevard)
15 feet (Melody Lane)
Side: 15 feet
Rear: 25 feet
Water Body: 25 feet

Parcel B

Street: 25 feet
Side: 15 feet [also see Deviation (1)]
Rear: 25 feet
Water Body: 25 feet

Maximum Lot Coverage: 40 percent (Parcel A)
12 percent (Parcel B)

Maximum Building Height: The height of a structure may not exceed 35 feet above the FEMA minimum flood elevation as provided in the SFWMD permit.

5. Boat slips and docks:
 - a. The maximum number of boat rentals is limited to six slips on Parcel "A" and four slips on Parcel "B." The maximum number of boat slips (including rentals) is limited to eight slips on Parcel "A" and six slips on Parcel "B." In order to reduce noise and lighting impacts on the single-family neighborhood, boat rental activities on both Parcels "A" and "B" are limited to the hours between 7:00 a.m. and 10:00 p.m.
 - b. No boats may be moored to the southern side of the docking facility on Parcel "A", abutting the existing Lee County boat ramp, at any time. A permanently attached handrail, including intermediate rail, must be installed along the southern side of this dock. That portion of the existing structure extending beyond the Applicant's riparian rights area must be removed. These modifications must be completed within 90 days of this zoning approval.
6. This zoning approval does not address the mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions may be required at the time of local development order approval consistent with applicable provisions of the LDC.
7. This rezoning approval does not give the Developer an undeniable right to receive local development order approval that exceeds the Year 2010 Overlay use allocation, if such allocation exists, for the applicable district.
8. Buffers:
 - a. Prior to Certificate of Compliance (C.C.) for the first development order for Parcel "A", a 45±-foot-long masonry wall must be installed along the southern property line abutting Melody Lane. Construction of the masonry wall must be completed within 180 days of this zoning approval. The wall must commence at the southeast property corner of Parcel "A" and maintain a height of five feet for its entire length. The wall must have a final finish coat of stucco, paint, or other material to present an attractive appearance as viewed from Melody Lane.

- b. A 10-foot-wide landscaped buffer will be planted between the west side of the entrance to the rear parking lot and the east side of any interconnection between the front parking lot and the one car garage depicted on the MCP. The buffer must contain a combination of LDC approved trees and shrubs, which, within six months of their planting, will be no less than five feet in height and 75 percent opaque when viewed from Melody Lane.
- 9. The following conditions apply to any restaurant use on Parcel "B":
 - a. The hours of operation are limited to 7:00 a.m. to 10:00 p.m.
 - b. Outdoor public address systems and loudspeakers are prohibited.
 - c. All lighting must be directed away from the Bay and adjacent properties.
- 10. The garbage dumpster on Parcel "A" must be located inside the front (westernmost) parking lot. Any variance, deviation or special approval necessary to achieve this location may be obtained through the Administrative Approval process set out in Chapter 34 of the LDC.
- 11. The existing rental sign must be relocated and comply with existing regulations.
- 12. Upon completion of site development, the existing bike path along Hickory Boulevard must be reconstructed and restored to comply with the requirements of LDC s. 10-256.
- 13. Site access to Melody Lane along the south property line of Parcel "A" is limited to the two parking lot accessways depicted on the MCP, and expressly excludes direct access from Melody Lane via any driveway to the existing one car garage attached to the westerly end of the two-story structure.
- 14. Prior to local development order approval, a stop sign must be located at the exit point from each of the parking lot accessways depicted on the MCP, subject to approval from Lee County DOT.

SECTION B. DEVIATIONS:

The Master Concept Plan deviates from several Lee County development standards as set forth below:

Deviation (1), requesting relief from LDC Section 43-935(c)(2), requiring that parking not be closer than 25 feet from the development perimeter, to allow the parking areas to be located as depicted on the Master Concept Plan, is APPROVED.

Deviation (2), requesting relief from LDC Section 34-1802(1)b, requiring a minimum lot width of 100 feet for a hotel/motel, to allow a lot width of 78 feet, is APPROVED.

Deviation (3), requesting relief from LDC Section 34-2013(b)(2), requiring a minimum parking lot entrance width of 25 feet at the street for two-way entrances, to allow the 18± foot-wide entrance into the rear parking area of the hotel/motel from Melody Lane, is APPROVED, provided the entrance is defined by providing the wall/fence and landscaping strip required in Condition 8 above.

Deviation (4), requesting relief from LDC Section 10-415, requiring commercial developments to include landscape strips no less than 10 feet in width adjacent to street rights-of-way, to eliminate or reduce this requirement along certain portions of Melody Lane, is APPROVED for the driveways and parking only, as set out on the Master Concept Plan. This deviation is DENIED as to the 10 foot wide

landscape strip requirement along that portion of Melody Lane abutting the existing (2 story) motel building.

Deviation (5), WITHDRAWN.

Deviation (6), requesting relief from LDC Section 34-2192(a), requiring buildings and structures to be set back from an adjacent street right-of-way or easement a distance of 25 feet, to allow a 15-foot setback for the existing motel building, is APPROVED.

Deviation (7), requesting relief from LDC Section 10-285(a), requiring a minimum connection separation of 125 feet along a local road (Melody Lane), to allow a 105.5 foot separation, is APPROVED.

Deviation (8), requesting relief from LDC Section 10-285(a), requiring a minimum connection separation of 660 feet along an arterial (Hickory Boulevard), to allow a 138.93-foot separation, is APPROVED.

Deviation (9), requesting relief from LDC Section 34-1744b(3), restricting the height of a fence/wall to 3.5 feet within 25 feet of a waterbody, to allow a wall height of 5 feet along the south property line to the edge of the waterbody, is APPROVED.

SECTION C. MASTER CONCEPT PLAN

A one page reduced copy of the Master Concept Plan is attached and incorporated into this resolution by reference, as modified herein.

SECTION D. FINDINGS AND CONCLUSIONS:

The following findings and conclusions were made in conjunction with the approval of the requested rezoning:

1. The Applicant has proven entitlement to the rezoning, as conditioned, by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes or regulations.
2. The CPD zoning, as conditioned:
 - a. will meet or exceed all performance and locational standards set forth for the potential uses allowed by the CPD zoning district;
 - 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 the mix of uses is appropriate at the subject location;
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities, and the development will be served by streets with the capacity to carry traffic it generates; and
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The recommended conditions to the Master Concept Plan and other applicable regulations provide sufficient safeguards to the public interest, and are reasonably related to the impacts on the public interest created by or expected from the proposed development.

4. The approved deviations enhance the achievement of the planned development's objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.
5. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land uses.

The foregoing resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner John E. Manning, and seconded by Commissioner Douglas R. St. Cerny and, upon being put to a vote, the result was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Nay
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 30th day of March, 1998.

ATTEST:
CHARLIE GREEN, CLERK

BY: *Anna J. Pierce*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *John E. Manning*
Vice-Chairman

Approved as to form by:

Robert D. White
County Attorney's Office

RESOLUTION NUMBER Z-98-019

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

WHEREAS, TKW Consulting Engineer, Inc. and Henderson, Franklin, Starnes & Holt, P.A., filed an application to rezone a 4.5 acre parcel from the Agricultural District (AG-2) to Commercial Planned Development (CPD) on behalf of McGregor Point Ltd. Partnership in reference to the Punta Rassa CPD; and

WHEREAS, the public hearing was advertised and held on March 12, 1998, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record (Case No. 97-09-070.03Z 01.01.); and

WHEREAS, a second public hearing was advertised and held on May 4, 1998, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, Hearing Examiner, the documents on the 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 4.5± acres of land in the Suburban and Wetlands Land Use Category from the Agricultural District (AG-2) to Commercial Planned Development (CPD) to permit a 107-unit hotel/motel. The legal description of the subject property is set forth in Exhibit A attached to this resolution.

The Board hereby approves the request pursuant to conditions and deviations set forth in Sections B and C below.

SECTION B. CONDITIONS

1. The development and use of the subject property must be in substantial compliance with the approved Master Concept Plan entitled "November 20, 1997" (Job No.97462.02, last revised 11/4/97, stamped received November 20, 1997), prepared by TKW Consulting Engineers, Inc., except as modified by the conditions herein. Unless specifically approved as part of this resolution, development must comply with all local development regulations.
2. A maximum of 107 hotel/motel units is allowed within this planned development.
3. The approved Schedule of Uses:

ACCESSORY USES AND STRUCTURES

ADMINISTRATIVE OFFICE

CONSUMPTION ON PREMISES (solely in conjunction with the subordinate restaurant use and outdoor tiki hut) (LDC Section 34-1261 *et seq.*)

ENTRANCE GATES AND GATEHOUSE (LDC Section 34-1741 *et seq.*)

ESSENTIAL SERVICES (LDC Sections 34-1611 et seq., and 34-1741 et seq.)
ESSENTIAL SERVICE FACILITIES, Group I [LDC Section 34-622(c)(13)]
HOTEL/MOTEL (*)
PARKING LOT, Accessory to hotel/motel
TIKI HUT, Accessory to hotel/motel

*** SUBORDINATE USES TO A HOTEL/MOTEL MAY ALSO BE PERMITTED**

4. Development of the CPD must comply with the following Property Development Regulations:

Minimum lot area, width, and depth of the single parcel must be consistent with the approved Master Concept Plan. A lot split or subdivision of this parcel is prohibited.

Minimum Setbacks:

Street:	20 feet (private street)
	25 feet (local street)
Side:	40 feet [Section 34-1802(2)(c)]
Rear:	40 feet [Section 34-1802(2)(c)]
Water Body:	50 feet (Gulf of Mexico)
	25 feet (other bodies of water)

The setback of Accessory Uses and Structures must comply with LDC Sections 34-1171 et seq. and 34-2194.

Maximum Lot Coverage:	40 percent
Maximum Building Height:	75 feet

5. The developer must preserve 0.70 acres of indigenous native vegetation mangrove areas (FLUCCS 612) as delineated on the Master Concept Plan. The trimming of mangroves within the indigenous native vegetation preserves is prohibited.
6. No residential land use has been approved as part of this project. Hotel/motel units may not be converted to condominium, timeshare, or residential land uses. Hotel/motel units may not be used as a dwelling units, housing units, or living units as defined by the Lee County Land Development Code (LDC).
7. The developer must contact Lee County Emergency Management to prepare a written hurricane preparation and evacuation/sheltering procedure consistent with LDC Section 10-154(22). This plan must be submitted to Lee County Emergency Management for review and approval prior to approval of a local Development Order.
8. Approval of this CPD zoning request does not address mitigation of the project's vehicular or pedestrian traffic requirements. Additional conditions may be required to obtain a local development order, consistent with local development regulations.
9. This CPD rezoning approval does not give the Developer an undeniable right to receive local development order approvals that exceed the Year 2010 Overlay use allocation, if such allocation exists.

10. Note 7 of the Site Development notes on the Master Concept Plan is not approved. These uses will be regulated consistent with the conditions set forth in Section B.3.
11. If this project stores, manufactures, or uses hazardous materials on the site, the developer must contact a Lee County Office, of Emergency Management, Hazardous Materials representative to discuss the proposed development in relation to the potential type, use, and storage of hazardous materials.
12. Outdoor entertainment is permitted in the pool/patio area under the following conditions:
 - a. Hours of operation: 8:00 a.m. to 10:00 p.m., Sunday through Thursday, and 8:00 a.m. to 12:00 midnight, Friday and Saturday.
 - b. All bands, disc jockeys, and other forms of live entertainment in the pool area must be positioned so that the speakers and broadcasting equipment are directed south or southeast, away from the residential condominiums to the north of this site.
 - c. Permanent public address systems or outdoor speakers in the pool area are prohibited.

SECTION C. DEVIATION

Deviation 1 requesting relief from LDC Sections 34-932(d) and 34-2174, which requires a setback of one-half ($\frac{1}{2}$) the height of the proposed building (37.5 feet) from a street right-of-way or easement to allow a 25-foot setback from Punta Rassa Road, is APPROVED for that portion of the building/pool deck lying adjacent to Punta Rassa Road.

SECTION D. EXHIBITS

All exhibits referenced herein are attached to this resolution and incorporated by reference. The exhibits are as follows:

- | | |
|------------|--|
| Exhibit A. | Legal Description and STRAP number of the property to be rezoned from the Agricultural District (AG-2) to Commercial Planned Development (CPD) |
| Exhibit B. | The Punta Rassa CPD Master Concept Plan |
| Exhibit C. | Area map of Punta Rassa CPD and the 4.5± acres to be rezoned to CPD |

SECTION E. FINDINGS AND CONCLUSIONS

1. The Applicant has proven entitlement to the CPD rezoning, as conditioned, by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes or regulations.
2. The request, as conditioned:
 - a. will meet or exceed all performance and locational standards set forth for the uses allowed by the request;
 - b. is consistent with the densities, intensities, and general uses set forth in the Lee Plan, and is compatible with existing or planned uses in the surrounding area;

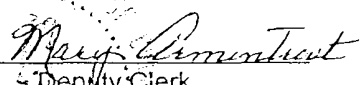
- c. will not place an undue burden upon existing transportation or planned infrastructure facilities, and the development will be served by streets with the capacity to carry traffic it generates; and
 - d. will upgrade and preserve a saltwater wetland on the site.
- 3. As conditioned, the proposed use or mix of uses are appropriate at the subject location, given the high density residential condominiums, hotel/motel, and marina uses on the surrounding properties.
 - 4. The conditions to the concept plan are reasonably related to the impacts anticipated from or generated by the proposed development, and, with other applicable regulations, will provide sufficient safeguard to the public interest.
 - 5. As conditioned, the approved Deviation enhances the achievement of the objectives of the planned development, and preserves and promotes the general intent of LDC Chapter 34, which is to protect the public health, safety and welfare.
 - 6. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

The foregoing resolution was adopted by the Lee County Board of Commissioners by a motion by Commissioner Andrew W. Coy, and seconded by Commissioner Douglas R. St. Cerny and, upon being put to a vote, the result was as follows:

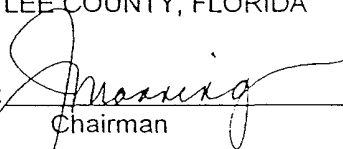
John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Nay
Andrew Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 4th day of May, 1998.

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 MAY 12 1998

MINUTES DEPARTMENT

ma

Attachments:

- Exhibit A. Legal Description and STRAP number of the property.
- Exhibit B. The Punta Rassa CPD Master Concept Plan (Job No. 97462.02, last revised 11/4/97, stamped received November 20, 1997).
- Exhibit C. Sketch/map of the Punta Rassa CPD Parcel, shown shaded in relation to the surrounding area.

Exhibit A

LEGAL DESCRIPTION:

PARCEL 1

Beginning at a point 645 West of a point 1,024.73 feet South of the Northeast corner of Lot 3, of Section 09, Township 46 South, Range 23 East, according to United States Official Plat of Survey, running:

THENCE West 500 feet;

THENCE South 245 feet;

THENCE Southeasterly at an angle of 105°10'00" a distance of 518.15 feet;

THENCE North 380 feet, more or less, to the POINT OF BEGINNING.

AND

PARCEL 2

Beginning at the Northeast corner of Government Lot 3 of Section 09, Township 46 South, Range 23 East, Lee County, Florida, run South 1,024.73 feet;

THENCE run West 1,145.90 feet;

THENCE run South 271 feet to a concrete monument marking the Northwest corner of the land hereby conveyed;

THENCE run South to the low water mark of San Carlos Bay;

THENCE run along said low water mark which point lies South (true) of a point on the mainland, which point lies at an angle of 105°10'00" Southeasterly and 518.15 feet from the POINT OF BEGINNING;

THENCE run North (true) to a point by a concrete monument; which point is the Northeast corner of the tract hereby conveyed;

THENCE run Northeasterly at an angle of 74°50'00" to the POINT OF BEGINNING.

AND

PARCEL 3

A strip of land lying and being in Government Lot 3 of Section 09 in Township 46 South, Range 23 East, more particularly described as follows;

Beginning at the Northeast corner of Government Lot 3 in Section 09, Township 46 South, Range 23 East;

THENCE run South 1,024.73 feet;

THENCE run West 1,145.90 feet;

THENCE run South 245 feet to the POINT OF BEGINNING of the strip of land hereby conveyed;

THENCE run South 26 feet to a concrete monument marking the Southwest corner of the strip of land hereby conveyed;

THENCE run Southeasterly at an angle of 105°10'00", 518.15 feet;

THENCE run North (true) 26 feet;

THENCE run Northeasterly at an angle of 74°50'00" along the southern boundary of the tract of land belonging to the grantee, a distance of 518.15 feet to the POINT OF BEGINNING.

Total acreage 4.54± acres

STRAP #09-46-23-00-00005.0000

[illegible]

LABORATORY
SECTION 1: LAMINAR FLOW CABINETS Δ

- ALL LABS USES AS PLANTED OR BENT IN THE COMPOUND DIRECTION (C) DISTANT.
- BUT FOR COOKING, COME
- CONSIDERATION ON + PLACES
- OPTION 1: 10' ROOM AIR FLOW NOISE WITH ANGLAR USES
- OPTION 2: 22' ANGLE FLOWY DIRECTIONAL WITH ANGLAR USES
- OPTION 3: 22,500 SQUARE FEET OF AREA, AND 22,500 SQUARE FEET OF SPACE

DEFINITION

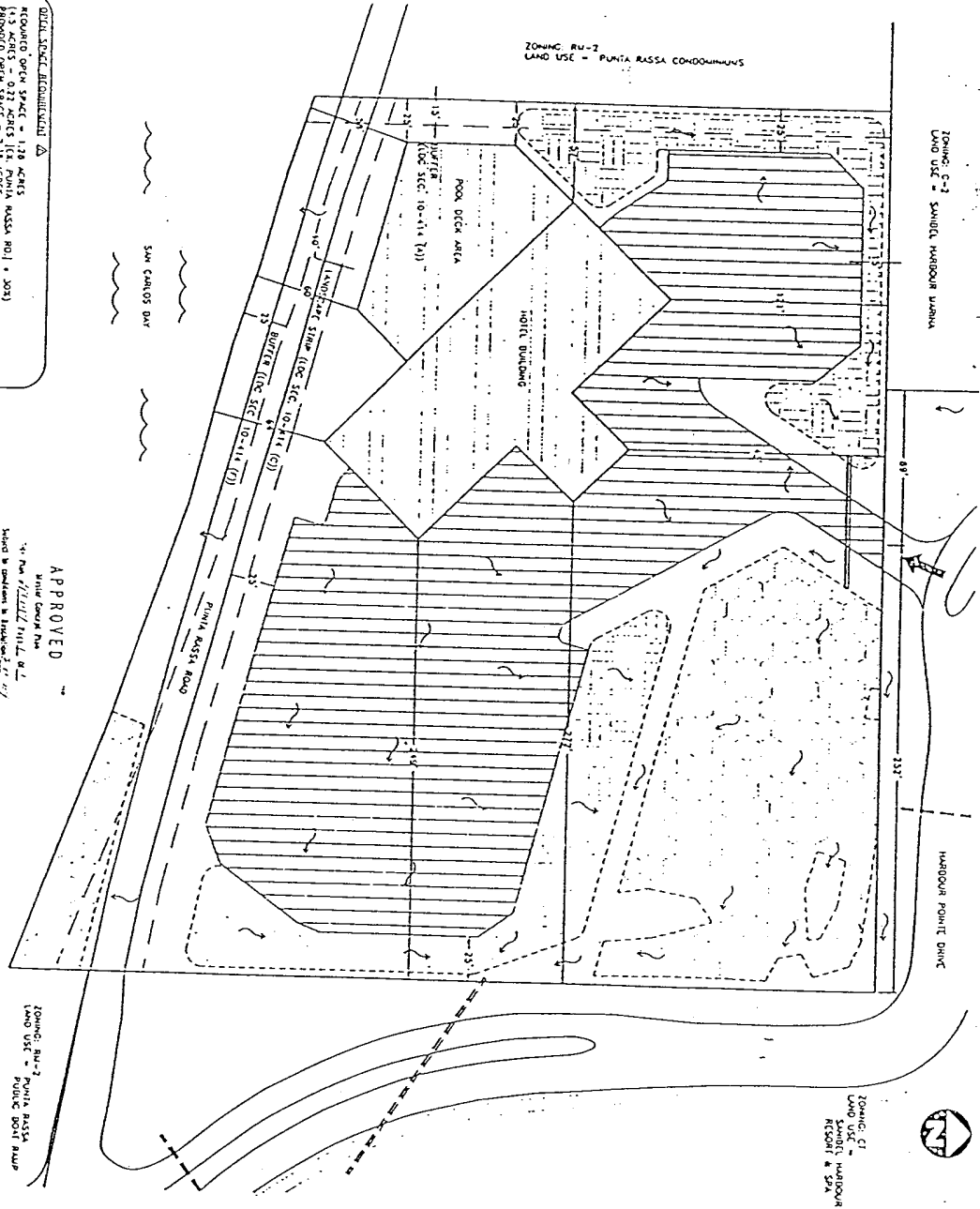
SOLUTION OF POWERS IS AND ASSOCIATION

1. POWER

ROADSIDE PAVING SPACES = 128 SPACES
 .3 SPACES / UNIT * 107 UNITS)

QUARTED MANHOLE PAVING SPACES = 6 SPACES
 MANHOLE SPACE / 33 SPACES * 129 SPACES)

el. LDC See 34-0000(12)el



LAND USE SURVEY Δ	AREA	ELEPHANT
PORT/DOCK	0.32 ACRES	11.6 X
PORT	0.20 ACRES	20.7 X
PORT DOCK/HIGH/RETENTION	0.27 ACRES	11.6 X
DUNIA ASSAM ROAD	1.18 ACRES	25.8 X
CENTRAL SITE OPEN SPACE	0.70 ACRES	13.6 X
WATERHOODS OPEN SPACE	0.70 ACRES	13.6 X
101th ST AREA	4.5 ACRES	100 X

LEGEND

→ PROPOSED PROJECT ACCESS POINT

 PROPOSED DRAINAGE FLOW DIRECTION

 DIRT DETENTION/RETENTION AREA

 HOTEL SITE

 PARKING AREA

 PRESERVED INDIGENOUS WATERS VEGETATION

APPROVED
 Walter Conrad Ruge
 "3" Run 6/11/11 1914.01
 Subject to conditions in Application 2 of 11/11
 Henry Carl 6/11/11 1914.01 11/11

ZONING: RM-2
LAND USE - PUBLIC HOUSING
PUNIA PASSA

ZONING: CT
LAND USE -
SANDIL HARDWARE
RESCUE & SPA

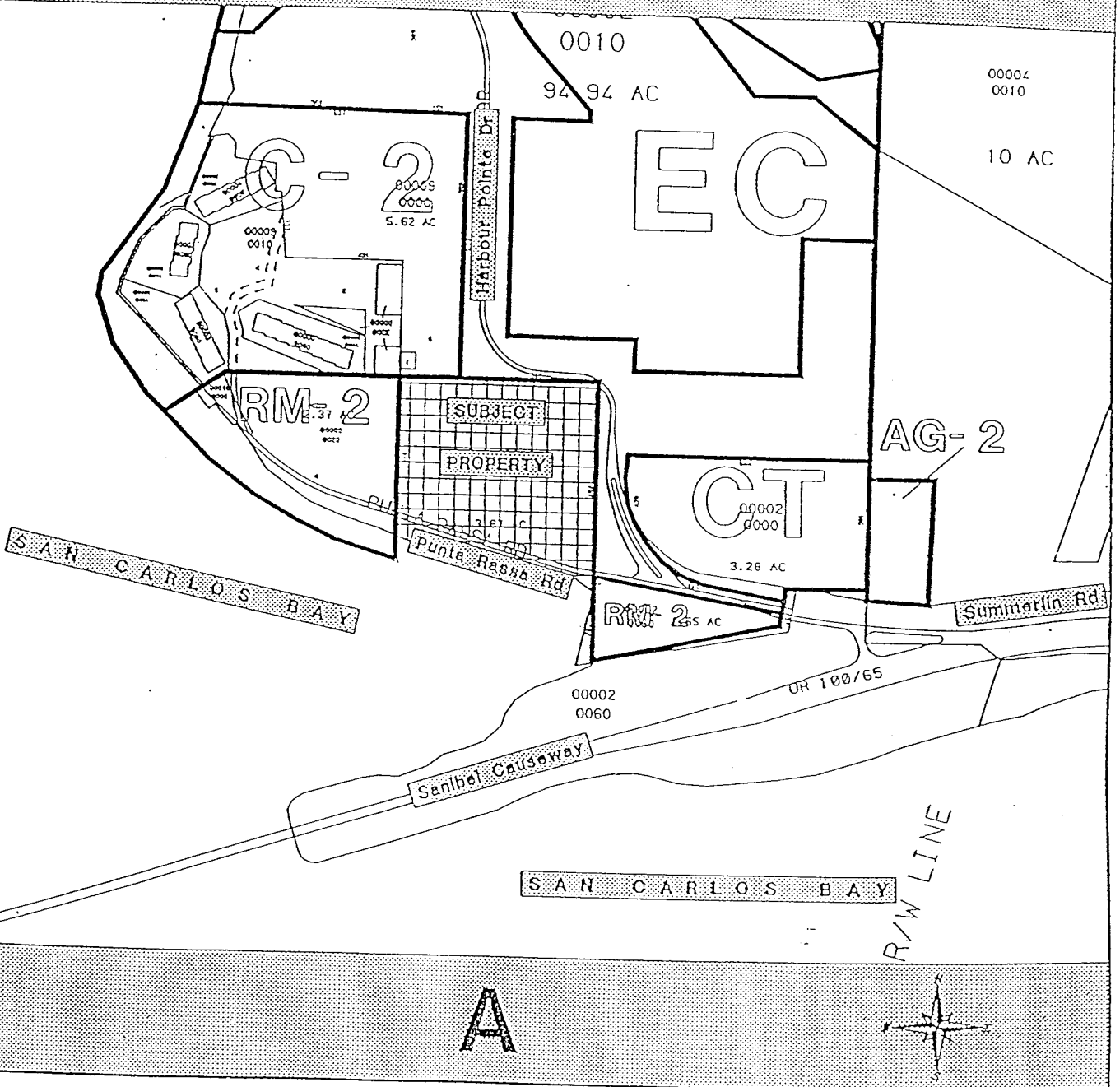
EXISTING DRAINAGE CULVERT
PROJECT # 10-11-11
PROJECT TYPE 1

TKW TKW CONSULTING ENGINEERS, INC.
ENVIRONMENTAL • CIVIL • STRUCTURAL
(941) 278-1992 1400 COLONIAL BLVD., SUITE 250 FORT MYERS, FL 33907

PUNTA RASSA CPD
EXHIBIT IV-K MASTER CONCEPT PLAN

SCALE:	1"=30'
ISSUED DATE	09/05/97
JOB NO.	97462.02
CHECKED BY	WUD
DESIGN BY	DAN

ZONING MAP



RESOLUTION NUMBER Z-99-040

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

WHEREAS, Roberts Development Corporation, filed an application to rezone an approximately 12.96 acre parcel from Agricultural (AG-2) and Commercial (C-2) to Commercial Planned Development (CPD), in reference to Port Sanibel Marina; and

WHEREAS, Roberts Development Corporation, the owner of the subject parcel, authorized Matthew D. Uhle, to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was advertised and held on June 9, 1999, before the Lee County Hearing Examiner who gave full consideration to the evidence in the record for Case # 98-02-184.02Z 02.01; and

WHEREAS, a second public hearing was advertised and held on August 9, 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 the 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 an approximately 12.96 acre parcel from Agricultural District (AG-2) and Commercial District (C-2) to Commercial Planned Development (CPD), in the Suburban and Wetlands Land Use Categories. The legal description of the subject property is set forth in Exhibit A attached to this resolution. The request is hereby APPROVED subject to the conditions and deviations set forth in Sections B and C below.

SECTION B. CONDITIONS:

1. The development of this project must be consistent with the one-page Master Concept Plan entitled "Port Sanibel Marina CPD, Master Concept Plan" stamped received March 29, 1999, last revised 03/25/99, except as modified by the conditions below. This development must comply with all requirements of the Lee County Land Development Code (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

All Parcels

ACCESSORY USES AND STRUCTURES (LDC Sections 34-1171 et seq., 34-2441 et seq., 34-1863, and 34-2141 et seq.)

ENTRANCE GATES AND GATEHOUSE (LDC Section 34-1741 et seq.)

ESSENTIAL SERVICES (LDC Sections 34-1611 et seq., and 34-1741 et seq.)

ESSENTIAL SERVICE FACILITIES [LDC Section 34-622(c)(13)]:

Group I (LDC Sections 34-1611 et seq., 34-1741 et seq., and 34-2141 et seq.)

PARKING LOT: Accessory

SIGNS, in accordance with Chapter 30

Parcel A: Limited to a maximum of 900 square feet of gross floor area

BAIT AND TACKLE SHOP

BOATS: Boat parts store
Boat ramp
Boat rental

MARINA

SPECIALTY RETAIL SHOPS [LDC Section 34-622(c)(47)]: Group II

Parcel B: Limited to a maximum of 99 wet slips

DOCKING AND MOORING FACILITIES

Parcel C: Limited to a maximum of 7,835 square feet of gross floor area

RESTAURANT, Group III: limited to 5,635 square feet of total floor area

COCKTAIL LOUNGE: limited to 700 square feet of total floor area

CONSUMPTION ON PREMISES (LDC Section 34-1261 et seq.)

BOAT SALES OFFICE: limited to 1,500 square feet of total floor area

Parcel D: Limited to a maximum of 50 hotel/motel units

HOTEL/MOTEL (LDC Section 34-1801 et seq.)

CONSUMPTION ON PREMISES (LDC Section 34-1261 et seq.)

Limited to the proposed snack/pool bar within the hotel/motel

Parcel E: Limited to a maximum of 133 dry boat storage spaces

BOAT STORAGE, DRY, LIMITED TO 133 SPACES

Parcel F:

OPEN SPACE

b. **Site Development Regulations**

The approved Property Development Regulations for this CPD are those of the CM - marine commercial district, except as modified in Deviations (1) through (3).

3. Prior to local development order approval, open space must be provided as indicated in the open space table on the Master Concept Plan, counter stamped March 29, 1999.
4. Any street landscape strip trees required in front of the proposed "Lobby Drop Off" area must be consistent with the alternative landscape plan.
5. The development of the dry storage building and hotel/motel must be substantially in conformance with the architectural renderings, prepared by A. Ottich, Genesis and submitted and stamped received on May 21, 1999. Any changes to the architectural design of the buildings must be approved through a public hearing amendment of this approved planned development. This condition relates to the approvals in Deviations (1) and (3).
6. No residential land use has been approved as part of this project. Hotel/motel units may not be converted to condominium, timeshare, or residential land uses. Hotel/motel units may not be used as dwelling units, housing units, or living units as defined by the LDC.
7. The developer must contact Lee County Emergency Management to prepare a written hurricane preparation and evacuation/sheltering procedure consistent with LDC Section 10-154(22). This plan must be submitted to Lee County Emergency Management for review and approval prior to approval of a local development order.
8. The developer must include language in its standard lease agreement for both wet and dry slips that puts renters on notice that failure to comply with all applicable speed limits will constitute a breach of the agreement. The draft lease agreement must be reviewed and approved by the Lee County Attorney's office prior to the issuance of a Certificate of Occupancy for the dry storage building.
9. As part of the first development order for the construction of any use within this planned development, a bikeway/walkway must be provided along the entire length of Port Comfort Road to the point that it changes from a public to a private roadway.
10. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
11. Approval of this rezoning does not give the Developer an undeniable right to receive local development order approval. Future development order approvals must satisfy the requirements of the 2020 Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b), of the Lee Plan.
12. 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.

SECTION C. DEVIATIONS:

Deviation (1) requests relief from LDC Sections 34-874 and 34-935(f)(3)(e), which address the allowed maximum building height within certain zoning districts; to allow a maximum building height of 75 feet for the hotel and 43 feet for the dry storage building. This deviation is hereby APPROVED, SUBJECT TO the development of the buildings being substantially consistent with the architectural renderings noted in Condition 5.

Deviation (2) requests relief from LDC Sections 10-416(d)(9) and 34-874, which require a 25-foot vegetative buffer and 25-foot setback from a natural body of water; to allow a buffer and setback of 10 feet for the hotel/motel and dry storage building. This deviation is hereby APPROVED.

Deviation (3) requests relief from LDC Section 34-2192, which requires a 25-foot setback for a structure from a publicly owned street; to allow a one-foot setback for the port-cochere, a zero-foot setback for the waterfall amenity for the hotel/motel, and a 10-foot setback for the dry storage building. This deviation is hereby APPROVED, SUBJECT TO the development of the buildings being substantially consistent with the architectural renderings noted in Condition 5.

Deviation (4) requests relief from LDC Section 10-416, which requires certain plantings and buffer widths between commercial developments and road rights-of-way; to allow the alternate landscaping and buffering plan submitted on the Master Concept Plan. This deviation is hereby APPROVED.

SECTION D. EXHIBITS:

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

- Exhibit A. The legal description and STRAP number of the subject property.
- Exhibit B. A reduced copy of the Port Sanibel Marina Master Concept Plan.
- Exhibit C. A map depicting the subject parcel (shaded in) in relation to the surrounding area.

SECTION E. FINDINGS AND CONCLUSIONS:

1. The Applicant proved entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and any other applicable code or regulation.
2. The request, as conditioned:
 - a. will meet or exceed 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.

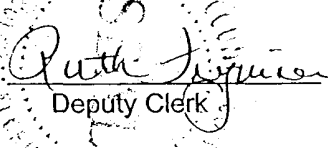
3. The proposed use or mix of uses is appropriate at the subject location.
4. The development will not place an undue burden upon existing transportation or planned infrastructure facilities and it will be served by streets with the capacity to carry traffic generated by the development.
5. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest, and the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
6. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
7. The approved deviations, as conditioned, enhance the achievement of the objectives of the planned development, and preserve and promote the general intent of Chapter 34, Land Development Code, to protect the public health, safety and welfare.

The foregoing resolution was adopted by the Lee County Board of Commissioners by a motion by Commissioner John E. Manning, and seconded by Commissioner Andrew W. Coy and, upon being put to a vote, the result was as follows:

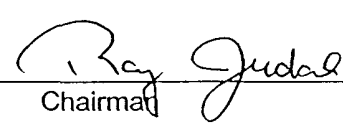
Ray Judah	Aye
John E. Manning	Aye
Douglas R. St. Cerny	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 9th day of August, 1999.

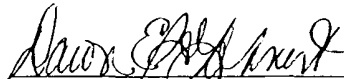
ATTEST:
CHARLIE GREEN, CLERK

BY: 
Deputy Clerk

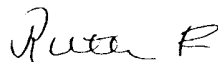
BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Chairman

Approved as to form by:


County Attorney's Office

MINUTES OFFICE



LEGAL DESCRIPTION

EXHIBIT "A"

Description of a portion of those lands described in OR Book 2574, Page 2894 of the Public Records of Lee County, Florida being more particularly described as follows;

Commencing at the northeast corner of Section 10, Township 46 South, Range 23 East, Lee County, Florida; thence along the east line of said Section 10, South 00° 24' 28" East 856.94 feet to the current northwesterly right-of-way line of Summerlin Road (McGregor Boulevard); thence along the said right-of-way line of Summerlin Road (McGregor Boulevard), South 65° 56' 32" West 1461.39 to the east line of the Southwest 1/4 of the Northwest 1/4 of said Section 10, said line being the west line of that land described in OR 892, Page 38 and the Point of Beginning of the lands herein described;

Thence continuing along the said right-of-way of Summerlin Road South 62° 56' 32" West 404.99 feet to the face of a concrete seawall and the mean high water line (1.29 feet NGVD 1929) of Punta Rasa Cove;

Thence continuing along said mean high water line in the following forty-seven (47) described courses;

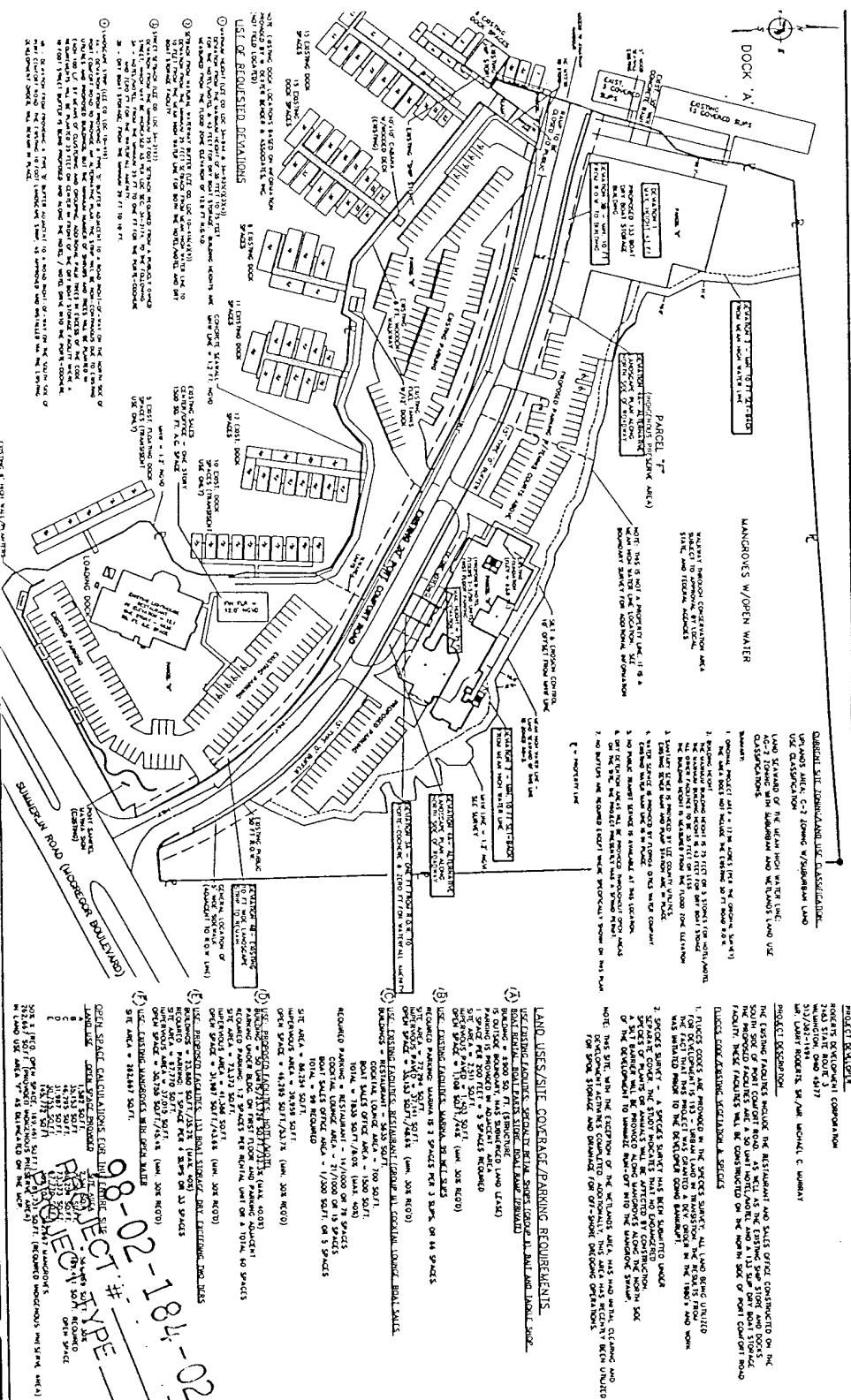
- 1) North 51° 29' 46" West 21.74 feet;
- 2) North 23° 18' 31" West 17.33 feet;
- 3) North 06° 03' 45" East 27.14 feet;
- 4) North 27° 45' 58" West 28.96 feet;
- 5) North 23° 46' 40" West 31.52 feet;
- 6) North 25° 41' 21" West 43.69 feet;
- 7) North 33° 19' 48" West 22.46 feet;
- 8) North 01° 35' 55" East 13.34 feet;
- 9) North 51° 06' 44" East 23.03 feet;
- 10) North 65° 34' 12" East 33.84 feet;
- 11) North 39° 07' 41" East 17.37 feet;
- 12) North 16° 53' 06" East 21.22 feet;
- 13) North 01° 57' 59" East 39.59 feet;
- 14) North 12° 17' 31" West 13.93 feet;
- 15) North 01° 26' 11" East 20.94 feet;
- 16) North 01° 42' 33" East 59.96 feet;
- 17) North 18° 43' 04" West 21.75 feet;
- 18) North 57° 22' 54" West 48.17 feet;
- 19) North 77° 01' 45" West 44.90 feet;
- 20) North 84° 38' 08" West 62.37 feet;
- 21) South 50° 06' 16" West 34.21 feet;
- 22) South 66° 00' 45" West 27.19 feet;
- 23) North 76° 44' 22" West 31.89 feet;
- 24) North 64° 43' 38" West 10.21 feet;
- 25) North 62° 36' 59" West 11.97 feet;
- 26) North 84° 44' 19" West 54.76 feet;
- 27) South 31° 11' 26" West 12.01 feet;
- 28) North 77° 55' 10" West 65.60 feet;

29) North 50° 28' 48" West 248.27 feet;
30) North 39° 11' 04" East 11.81 feet;
31) North 54° 00' 08" West 21.16 feet;
32) South 37° 20' 09" West 10.34 feet;
33) North 51° 53' 45" West 13.25 feet;
34) North 19° 42' 31" East 20.08 feet;
35) North 19° 49' 41" East 35.37 feet;
36) North 19° 06' 32" East 10.44 feet;
37) North 19° 06' 32" East 36.11 feet;
38) North 22° 42' 32" East 13.94 feet;
39) North 21° 28' 15" East 17.07 feet;
40) North 16° 44' 20" East 31.36 feet;
41) North 18° 50' 43" East 17.43 feet;
42) North 19° 55' 08" East 19.36 feet;
43) North 50° 35' 43" East 28.88 feet;
44) North 19° 33' 32" East 28.77 feet;
45) North 10° 33' 29" East 50.24 feet;
46) North 19° 27' 48" East 50.24 feet;
47) North 23° 48' 15" East 16.53 feet to the north line of the South 1/2 of the Northwest 1/4 of the Northeast 1/4 of said Section 10;
Thence along said north line, North 87° 41' 52" East 833.83 feet to the northeast corner of the South 1/2 of the Northwest 1/4 of the Northeast 1/4 of said Section 10;
Thence along the east line of the South 1/2 of the Northwest 1/4 of the Northeast 1/4 of said Section 10, South 00° 24' 28" East 809.61 feet to the northwesterly right-of-way line of said Summerlin Road and the Point of Beginning;

Subject to easements, restrictions, and reservations of record;
Bearings are based on the northwesterly right-of-way line of Summerlin Road as being South 62° 56' 32" East.
Parcel contains 12.96 acres more or less.

STRAP NUMBERS

The applicant has indicated the STRAP #'s of the subject property are 10-46-23-00-00003.0000, 10-46-23-00-00003.0010 & 10-46-23-00-00003.0020.



CONSULT-TECH ENGINEERING, INC.
2400 STATE ROAD 1
FORT MYERS, FL 33901
TEL: 941-933-1100
FAX: 941-933-1101

ROBERTS DEVELOP. CORP.
2400 STATE ROAD 1
FORT MYERS, FL 33901
TEL: 941-933-1100
FAX: 941-933-1101

PORT SANIBEL MARINA CPD
SHEET 1A OF 11
DATE: 08-02-184-02

MASTER CONCEPT PLAN

APPROVED
Master Concept Plan

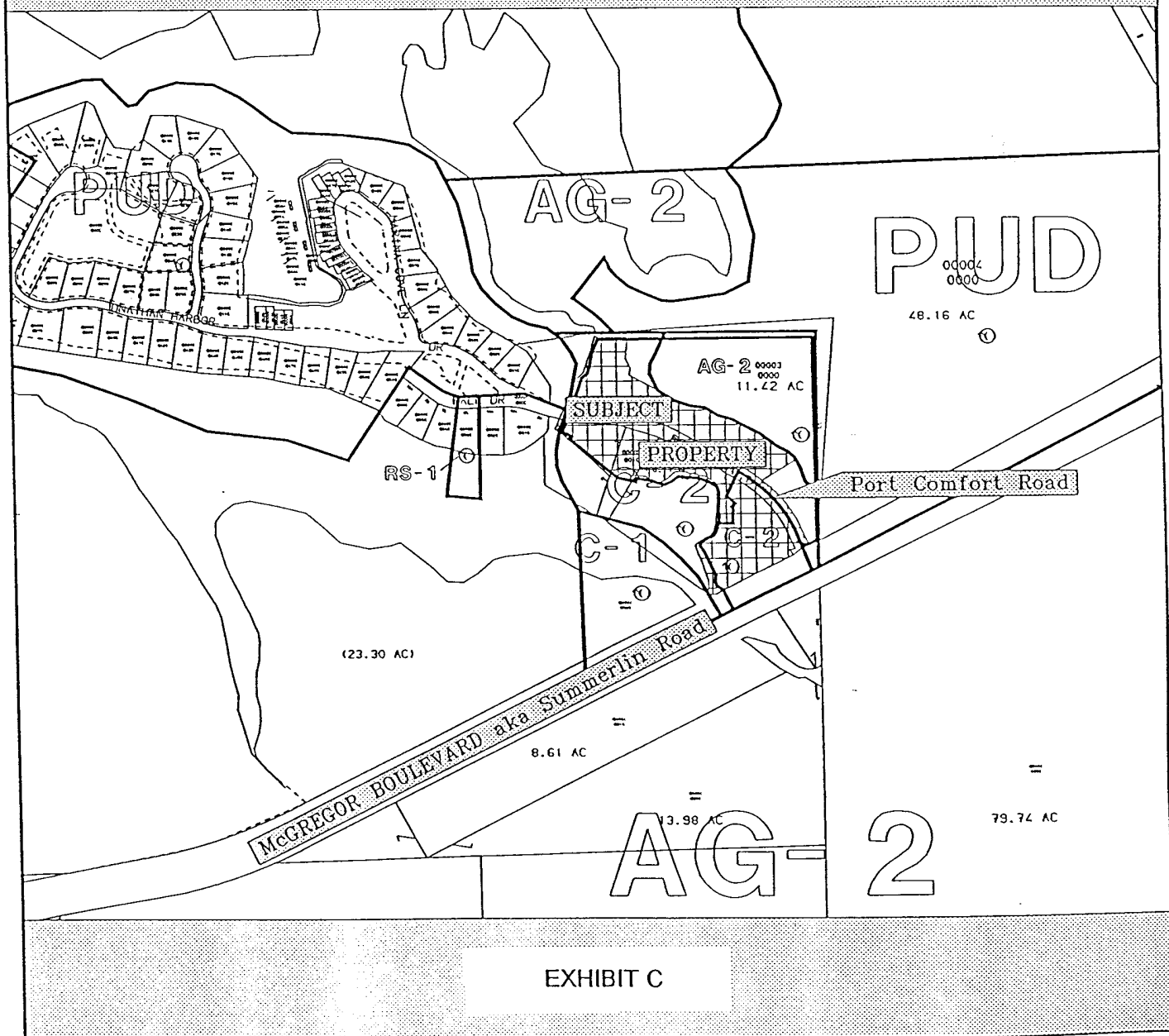
Site Plan # 98-041 Page 1 of 1
Subject to conditions in Resolution 98-041
Zoning Case # 98-02-184-02

EXHIBIT B

RECEIVED
MAR 29 1999
PERMIT COUNTER

08-02-184-02
PROJECT # 13
02.01

ZONING MAP



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

WHEREAS, David M. Jones, Jr. filed an application on behalf of Vincent M. Wolanin, with the consent of David W. Swor, Trustee, the owner of the property, to rezone a 37.43± acre parcel from Agricultural (AG-2) to Residential Planned Development (RPD) and Commercial Planned Development (CPD), in reference to 14900 Summerlin; and

WHEREAS, a public hearing was advertised and held on September 15, 1999 before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #98-01-050.03Z 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 applicant filed a request to rezone a 37.43± acre parcel from AG-2 to RPD and CPD to allow a maximum of 60,000 square feet of commercial floor area, 280 hotel units, and 260 residential units or 324 residential units if the developer utilizes the Affordable Housing Density Bonus Program; with all structures not to exceed 135 feet in height. Pursuant to Administrative Code 11-10, POLICY/PROCEDURE, 3. A., the applicant also requested a new access point along Summerlin Road. The property is located in the Central Urban/Wetlands Land Use Category and is legally described in attached Exhibit A. The request is APPROVED SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. The development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "14900 Summerlin," dated January 6, 1998, and last revised September 10, 1999, except as modified by the conditions below. This development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

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

a. Schedule of Uses

RPD

Accessory Uses and Structures

Assisted Living Facilities: subject to the density equivalents as permitted by LDC §34-1494 and limited to the maximum density allowed for this project.

Accessory uses to include:

Administrative Offices

Caretakers Residence

Daycare Center, Adult Only

Clubs, Private: Accessory uses to include:

Administrative Offices

Consumption on Premises

Food and Beverage Service, Limited (as defined in §34-2, LDC)

Dwelling Units:

Duplex,

Two-family attached,

Townhouse,

Multiple family

Zero Lot Line

Entrance Gates and Gatehouse

Essential Services

Essential Service Facilities, Group I

Excavation, Water Retention

Fences, Walls

Home Care Facility

Model Homes

Model Units

Recreational Facilities, Personal, Private

Residential Accessory Units

Signs, in accordance with LDC Chapter 30

Temporary Real Estate Sales Office

CPD

Accessory Uses and Structures

Administrative Offices

ATM

Banks and Financial Institutions, Groups I and II

Broadcast Studio, Commercial Radio and Television

Business Services, Group I

Cleaning and Maintenance Services

Clubs, Fraternal, Membership Organization, Private

Communication Towers, limited to less than 100 feet in height

Consumption on Premises, limited to an accessory use for Club

Contractors and Builders, Group I
Day Care Center Adult, Child
Drive-Through Facility for any permitted use
Drug Store, Pharmacy
Entrance Gates, gatehouse
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention
Fences, Walls
Food and Beverage Service, Limited
Food Stores, Group I, excluding supermarkets
Gift and Souvenir Shop
Hardware Store
Health Care Facilities, Group III
Helistop
Insurance Companies
Laundry and Dry Cleaning, Group I
Lawn and Garden Supply Store
Medical Office
Motion Picture Production Studio
Nonstore retailers, all groups
Personal Services, Groups I and II (excluding massage parlors)
Pet Services
Photo finishing Laboratory
Place of Worship
Real Estate Sales Office
Recreation Facilities, Commercial, Group I
Recreational Facilities, Private
Religious Facilities
Rental or leasing establishments, Groups I, II and III, excluding recreational vehicles
Repair Shop, Groups I and II
Restaurants, Groups I, II and III
Signs, in accordance with LDC Chapter 30
Specialty Retail Shops, All Groups
Storage, indoor only
Temporary uses, excluding flea markets (LDC §34-3041)

Hotel

Hotel, limited to 280 rooms

Accessory Uses, when located entirely within the principal structure and limited to:

Administrative Offices

ATM

Bar or cocktail lounge

Banks & Financial Institutions, Group I

Banquet Hall

Broadcast Studio, Commercial Radio & Television
 Consumption on Premises
 Daycare Center, Child & Adult
 Gift and Souvenir Shop
 Meeting rooms
 Nightclub
 Package store
 Rental or leasing establishment, Group III, limited to passenger cars
 Restaurants, Groups I, II, and III
 Specialty Retail Shops, Groups I and II
 Communication Towers, maximum 20 feet in height - restricted to the hotel
 roof
 Entrance Gates, gatehouse
 Essential Services
 Essential Services Facilities, Group I
 Excavation, Water Retention
 Fences, Walls
 Recreational Facilities, personal
 Signs, in accordance with LDC Chapter 30

b. Site Development Regulations

RPD:

Duplex

Minimum lot size:	7,500 square feet
Minimum lot depth:	100 feet
Minimum lot width:	75 feet
Maximum height:	2 stories, 35 feet
Maximum lot coverage:	40 percent
Minimum setbacks:	
Front:	In accordance with LDC §34-2192
Side:	7.5 feet; 25 feet if on Development Perimeter
Rear:	20 feet
Waterbody:	25 feet

Two-family attached

Minimum lot size:	12,000 square feet
Minimum lot width:	120 feet (60 feet per unit)
Minimum lot depth:	100 feet
Maximum height:	2 stories, 35 feet
Maximum lot coverage:	45 percent
Minimum setbacks:	
Front:	In accordance with LDC §34-2192

Side:	10 feet; 25 feet if on Development Perimeter
Rear:	20 feet
Waterbody:	25 feet

Townhouse

Minimum lot size:	7,500 square feet
Lot area per unit (sq. ft.):	3,700 square feet
Minimum lot width per unit:	37.5 feet
Minimum lot depth:	100 feet
Maximum height:	2 stories, 35 feet
Maximum lot coverage:	45 percent
Minimum building separation:	20 feet
Minimum setbacks:	
Front:	In accordance with LDC §34-2192
Side:	7 feet; 25 feet if on Development Perimeter
Rear:	20 feet
Waterbody:	25 feet

Zero lot line

Minimum lot size:	4,000 square feet
Minimum lot depth:	80 feet
Minimum lot width:	35 feet
Maximum height:	2 stories, 35 feet
Maximum lot coverage:	50 percent
Minimum building separation:	10 feet
Minimum Setbacks:	
Front:	In accordance with LDC §34-2192
1 st Side:	0 feet
2 nd Side:	12 feet, side entry; 25 feet if on Development Perimeter
Rear:	10 feet; 25 feet if on Development Perimeter
Waterbody:	25 feet

Multiple family

Minimum lot size:	10,000 square feet
Lot area per unit:	3,000 square feet
Minimum lot width:	100 feet
Minimum lot depth:	100 feet
Maximum height:	4 stories, 50 feet; except all buildings exceeding two stories /35 feet must be located internally on the RPD portion of the site to reduce visual impacts to Lakes Park. Only 35-foot-high, or shorter, buildings may

be located along the east and northeast lines (abutting Lakes Park).

Maximum lot coverage: 45 percent

Minimum building separation: 20 feet

Minimum Setbacks:

Front: 25 feet or ½ foot for every foot of height, whichever is greater; 30 feet if on Development Perimeter

Side: 20 feet or ½ foot for every foot of height, whichever is greater; 30 feet if on Development Perimeter

Rear: 20 feet or ½ foot for every foot of height, whichever is greater; 30 feet if on Development Perimeter

Waterbody: 25 feet or ½ foot for every foot of height whichever is greater

Assisted Living Facility

Minimum lot size: 22,500 square feet

Minimum lot depth: 150 feet

Minimum lot width: 150 feet

Maximum height: 4 stories, 50 feet; except all buildings exceeding two stories/35 feet must be located internally on the RPD portion of the site to reduce visual impacts to Lakes Park. Only 35-foot-high, or shorter, buildings may be located along the east and northeast property lines (abutting Lakes Park).

Maximum lot coverage: 50 percent

Minimum building separation: 20 feet

Minimum Setbacks:

Front: 25 feet or ½ foot for every foot of height, whichever is greater

Side: 20 feet or ½ foot for every foot of height, whichever is greater; 30 feet if on Development Perimeter

Rear: 20 feet or ½ foot for every foot of height, whichever is greater; 30 feet if on Development Perimeter

Waterbody: 25 feet

CPD:

Minimum lot size:	20,000 square feet
Minimum lot depth:	100 feet
Minimum lot width:	100 feet
Maximum height:	3 stories, 35 feet
Maximum lot coverage:	45 percent
Minimum building separation:	10 feet
Minimum setbacks:	
Front:	In accordance with LDC §34-2192
Side:	15 feet
Rear:	25 feet
Waterbody:	25 feet

Hotel Site:

Minimum lot size:	20,000 square feet
Minimum lot depth:	100 feet
Minimum lot width:	100 feet
Maximum height:	8 stories, 80 feet
Maximum lot coverage:	45 percent
Minimum setbacks:	
Front:	25 feet or ½ foot for every foot of height, whichever is greater
Side:	20 feet or ½ foot for every foot of height, whichever is greater; 30 feet if on Development Perimeter
Rear:	25 feet or ½ foot for every foot of height, whichever is greater
Waterbody:	25 feet or ½ foot for every foot of height, whichever is greater

3. The development is limited to a maximum density of 181 dwelling units, which is equivalent to seven dwelling units per residential acre. The requested bonus density is denied for this site, given the environmental conditions, storm surge designation and flooding potential, and its location adjacent to Lakes Park.
4. The conversion of dwelling units to ALF beds must be consistent with LDC §34-1494. Units converted in accordance with this section will reduce the maximum units permitted in Condition 3 above.
5. The access road from Summerlin into the proposed RPD/CPD area must be constructed to local road standards. Retail use may not exceed 30,000 square feet of total floor area unless the development also obtains access to Gladiolus Drive via a connection to Elderberry Lane located south of the subject property as shown on the MCP. If the required connection is made, the CPD may be developed with a maximum total of 60,000 square feet of retail uses. In no case will commercial floor area exceed 60,000 square feet.

6. Transportation conditions:
 - a. Prior to local development order approval, the Applicant and his traffic engineer must work with the Lee County Department of Transportation (LCDOT) personnel to develop a performance standard for the Summerlin Road access which would allow the LCDOT to modify the access, if necessary in the future to ensure the safety of the traveling public.
 - b. The connection to Elderberry Lane must be made prior to the issuance of a certificate of compliance for any retail square footage over 30,000 square feet. Additionally, approval of this rezoning is neither a commitment to condemn, nor a reflection of the County's intent to condemn, all or a portion of the right-of-way that may be necessary to establish a connection to, or for, Elderberry Lane.
7. Prior to local development order approval, a protected species survey per LDC §10-473 must be conducted specifically for fox squirrels. If squirrel nests or "day beds" are observed, the survey must determine if these structures are being utilized by fox squirrels. Should fox squirrel use be verified, a management plan meeting the requirements of LDC §10-474 is required.
8. Residential lot lines are prohibited within the designated preserves.
9. Prior to local development order approval, indigenous open space must be delineated on the development order plans per the MCP titled "14900 Summerlin," dated 1/6/98, last revised 9/10/99. An additional 2.09 acres of existing indigenous open space must be delineated on the development order plans.
10. Prior to local development order approval for any phase of the residential development, a restoration plan for the 0.22-acre restored wetland must be provided to the Division of Planning, Environmental Sciences for review and approval. This plan must include restoration and monitoring details meeting the general intent of LDC §14-384.
11. If any of the former Iona drainage district canals (Canal H and Canal H-2) located on the subject site are vacated and relocated, then a new easement must be granted prior to application for a South Florida Water Management District (SFWMD) permit. The new location and maintenance path for each easement must be approved by the Lee County Division of Natural Resources Management.
12. Hurricane Mitigation:
 - a. The Developer must initiate the establishment of a homeowner's or resident's association for purposes of hurricane preparedness and evacuation training. In accordance with Lee Plan Policy 71.1.2, the organization must provide an educational program on an annual basis, in conjunction with the staff of Emergency Management, which will provide literature, brochures and technical assistance for Hurricane Awareness/Preparedness Seminars, describing the risks of natural

hazards. The intent of this recommendation is to provide a mechanism to educate residents concerning the actions they should take to mitigate the dangers inherent in these hazards.

- b. Until such time as the County has instituted a county-wide hurricane impact mitigation policy, the Developer must cooperate with the Division of Public Safety/Emergency Management in determining and participating in a means to lessen those impacts on the County's hurricane preparedness process and public safety. These "means" may include the provision of equipment, monies in lieu of equipment, individual shelter areas (i.e., safe rooms in residences), or such other goods, materials or actions deemed appropriate by Emergency Management that results in the provision of additional shelters, or improvement of roads for use as additional evacuation routes, so long as the means required adequately mitigates the adverse impacts. If the "means" required by Emergency Management is unacceptable to the Developer, then the Developer will have a right of appeal of the Emergency Management decision to the Hearing Examiner as an administrative appeal as set forth in LDC 34-145 (a).
 - 13. The Developer must formulate an emergency hurricane notification and evacuation plan for the development, which must be subject to review and approval by the Lee County Office of Emergency Management (OEM).
 - 14. If access to this development is through a security gate or similar device, which is not manned twenty-four hours a day, it must be equipped with an override switch installed in a glass-covered box to be used by drivers of emergency vehicles to gain entry.
 - 15. The purchaser/end user of each parcel, which will be used to store, manufacture or use hazardous materials, must contact the OEM, Hazardous Materials representative, to discuss the proposed development in relation to the potential type, use, and storage of hazardous materials, which will be located on the premises.
- If required by federal, state and/or local regulations:
- a. The purchaser/end user must prepare or have available material safety data sheets (MSDS) and submit either copies of MSDS or a list of MSDS chemicals to the appropriate fire district and to the Lee County Division of Public Safety.
 - b. The Applicant must establish an emergency notification system to be used in the event of a hazardous material release.
 - 16. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
 - 17. Approval of this rezoning does not give the Developer an undeniable right to receive local development order approval. Future development order approvals must satisfy the

requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).

18. 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.
19. The location of the proposed hotel sign within the northwest preserve must be field staked for Division of Planning, Environmental Sciences verification and approval prior to the issuance of a vegetation removal permit for the 4.76-acre hotel lot. The hotel sign must be located to avoid impact to the health of the indigenous vegetation community. No native trees may be removed to place the sign within the preserve.
20. To help camouflage the 80-foot-high hotel building, Applicant must preserve, maintain, or replace, at a ratio of 1:1, as many as possible of the native trees along the hotel site's north, west, and southwest boundaries, with any tree type permitted in the LDC and which are between 40 and 60 feet in height, or Applicant must install trees of varying heights between 40 and 60 feet and a Type "F" buffer in landscaped areas abutting the north, west and south sides of the hotel prior to the issuance of a certificate of compliance for the hotel. Any sparsely treed areas in the north and west buffers must be supplemented with additional trees and shrubs to hide or camouflage the height and size of this building.

SECTION C. DEVIATIONS:

1. Deviation (1) - WITHDRAWN.
2. Deviation (2), seeks relief from the LDC §10-329(e)(1)(a)(3) requirement that an excavation for water retention be set back a minimum of 50 feet from private property lines under separate ownership, to allow a setback of 25 feet from the north property line. This deviation is APPROVED.
3. Deviation (3) - WITHDRAWN.
4. Deviation (4) - WITHDRAWN.
5. Deviation (5) - WITHDRAWN.
6. Deviation (6), seeks relief from the LDC §10-416(d)(3) requirement to provide a solid wall, berm, or wall and berm combination that is no less than eight feet in height when a proposed commercial use abuts an existing or proposed residential use, to eliminate the required wall and/or berm. This deviation is APPROVED, except that the service areas of the hotel, when located adjacent to the RPD, must be screened by a wall, berm or vegetative buffer at least 10 feet wide with Type "B" plantings, or other alternative landscape plan acceptable to County Staff, in accordance with the requirements of the LDC.

7. Deviation (7) - WITHDRAWN.
8. Deviation (8), seeks relief from the LDC §10-413(c) requirement that at least 50 percent of the required open space be designed to preserve the existing indigenous vegetation, to allow preservation of indigenous vegetation as shown on the MCP, including credit for restored wetlands. This deviation is APPROVED SUBJECT TO compliance with Conditions 10 and 11.
9. Deviation (9) - WITHDRAWN.
10. Deviation (10) - WITHDRAWN.
11. Deviation (11), seeks relief from the LDC §10-285(h) requirement limiting access points on controlled access roads to those that are designated on the access plan resolution adopted by the Board of County Commissioners, to allow a new access point and new median opening as depicted on the MCP in accordance with Lee County Administrative Code AC-11-10. This deviation is APPROVED SUBJECT TO Condition 6.a. Approval of this deviation is based entirely upon the unique traffic conditions and circumstances of this case and is expressly not intended to act as a precedent for future cases.

SECTION D. EXHIBITS:

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

- Exhibit A: The legal description and STRAP number of the property.
- Exhibit B: Zoning Map (subject parcel identified with shading)
- Exhibit C: The Master Concept Plan

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and any other applicable code or regulation.
2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,

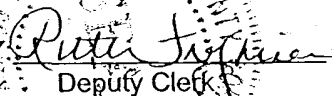
- e. will not adversely affect environmentally critical areas or natural resources.
- 3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations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

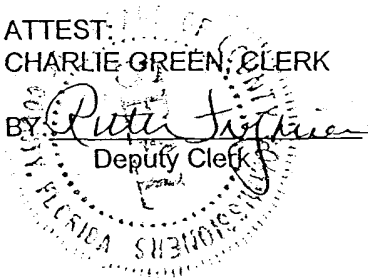
The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Andrew Coy, seconded by Commissioner Douglas R. St. Cerny and, upon being put to a vote, the result was as follows:

Ray Judah	Nay
John E. Albion	Aye
John E. Manning	Absent
Douglas R. St. Cerny	Aye
Andrew Coy	Aye

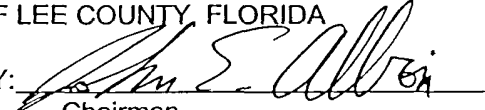
DULY PASSED AND ADOPTED this 15th day of November, 1999.

ATTEST:
CHARLIE GREEN, CLERK

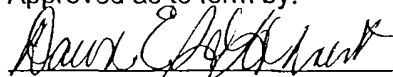
BY: 
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Chairman

Approved as to form by:

 12/1/99
County Attorney's Office

MINUTES OFFICE



FILED DEC 02 1999

EXHIBIT "A"

LEGAL DESCRIPTION

The Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of Section 26, Township 45 South, Range 24 East, Lee County, Florida, less and excepting that portion thereof conveyed to Lee County, a political subdivision of the State of Florida, by virtue of that deed recorded in Official Record Book 1046, Pages 1527 and 1528, of the Public Records of Lee County, Florida.

The applicant has indicated that the STRAP number for the subject property is: 26-45-24-00-00019.0000 & 26-45-24-00-00020.0000



ZONING MAP

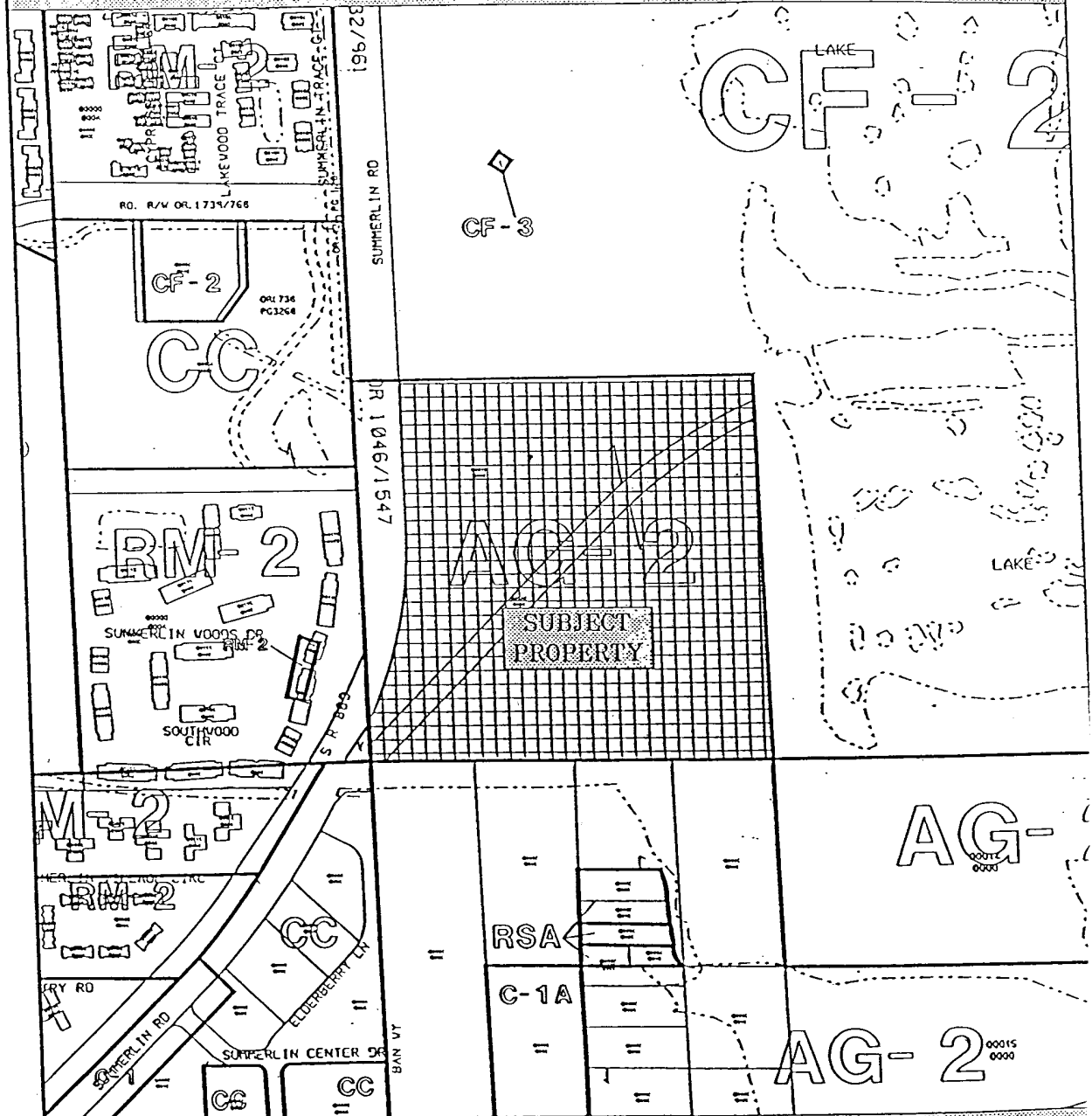


EXHIBIT B

	P	A
the accordance with QD 34-38		

"A = necessary to principle was"

① U.S. Department of State

- Division from the 10/20/80-2083(6) the other new access points and new median openings as specified on the Master Concept Plan in accordance with Lee County Administrative Code 2C-11-10.

100



253.91 Acres $\times .40 = 10.36$ Acres open space
 253.91 Acres $\times .50\% = 5.19$ Acres indigenous
 111.46 Acres $\times .5 = 5.11$ Acres $\times .50\% = 1.77$ Acres indigenous
 Total Open Space Required = 13.82 Acres
 Total indigenous Space Required = 6.91 Acres

Acres Provided in RWD Area = 5.3 Acres of Wetland
22 Acres in Restored Wetlands (Division A)

Acres Permitted = 20.20 ACRES
 Total Indigenous Acre Provided = 6.91 ACRES
 SITE DATA

CONCRETE = 5.2 ACRES
RIGHT OF WAY = 1.50 ACRES (furnish)

WATER DENSITY CALCULATIONS

- **MULTI-FAMILY = 23.97 ACRES**

.....

[illegible]

MS 0067 1490 SUM

FORT MYERS, LEE COUNTY

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

WHEREAS, August Landl, filed an application for a rezoning from Neighborhood Commercial District (CN-2) to Commercial Planned Development (CPD) to permit a maximum of 3,200 square feet of retail space; 1,000 square feet of restaurant use, with a Type 2 COP; and 600 square feet of storage area, with building height not to exceed 35 feet, on 0.69± total acres of land, in reference to Captiva Gallery; and

WHEREAS, Captiva, Ltd., the owner of the subject parcel, authorized August Landl, to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was advertised and held on September 1, 1999, before the Lee County Hearing Examiner who gave full consideration to the evidence in the record for Case # 99-06-164.02Z 01.01; and

WHEREAS, a second public hearing was advertised and held on October 4, 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 the 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 for a rezoning from Neighborhood Commercial District (CN-2) to Commercial Planned Development (CPD) to permit a maximum of 3,200 square feet of retail space; 1,000 square feet of restaurant use, with a Type 2 COP; and 600 square feet of storage area, with building height not to exceed 35 feet, on 0.69± total acres of land in the Outlying Suburban Land Use Category. The legal description of the subject property is set forth in Exhibit A attached to this resolution. The request is hereby APPROVED subject to the conditions and deviations set forth in Sections B and C below.

SECTION B. CONDITIONS:

1. The development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "Captiva Gallery," stamped received June 14, 1999, as prepared by Bean Whitaker, Lutz & Barnes, Inc., except as modified by the conditions below. This development must comply with all requirements of the Lee County Land Development Code (LDC) at time of local development order approval, except as may be granted by deviation as part of this planned development.

The development of this site is limited to the existing 4,800-square-foot building, as depicted on the MCP. This 4,800 square feet may only be used as offered on the MCP: 3,200 square feet for retail use; 1,000 square feet for restaurant use, and 600 square feet for indoor storage. If changes to the MCP or the above described intensities are subsequently pursued, an amendment of this CPD requiring a new public hearing must be held in accordance with the LDC.

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

a. Schedule of Uses

Permitted Uses

HOBBY, TOY AND GAME SHOP, limited to the following:

Art Dealer

HOUSEHOLD AND OFFICE FURNISHINGS, Group I, limited to the following:

Furniture

Carpets and rugs

HOUSEHOLD AND OFFICE FURNISHINGS, Group II, limited to the following:

China, cookware, crockery, and pottery

Cutlery, glassware, and housewares

Fireplace accessories

Lamps, shades and lights

Mirrors and pictures

Accessory Uses to one of the above Permitted Uses

HOBBY, TOY AND GAME SHOP, limited to the following:

Artists' supplies and materials

SPECIALTY RETAIL SHOPS, Group I limited to the following:

Art (including but not limited to Paintings, Sculpture, Crafts [Sales and Display])

Gift shop

Jewelry store

RESTAURANT, Group II (café only), subject to Condition 3 below. (Consumption on Premises, limited to a Type 2 COP license [beer and wine], may be allowed as a subordinate use to this Restaurant use.) No beer or wine may be sold unless it is in conjunction with the service of food.

b. Site Development Regulations

Lot area:	30,000 square feet
Lot width:	150 feet
Lot depth:	200 feet

Setbacks;

Street:	25 feet
Side:	38 feet
Rear:	38 feet
Water Body:	25 feet

Building Height: refer to LDC Section 34-2175(2)

Lot Coverage: 40 percent

c. Hours of Operation

The business' hours of operation will be limited to 9:00 a.m., through 10:00 p.m., Monday through Saturday, and 12:00 p.m. (noon) to 5:00 p.m., Sundays.

3. The accessory Restaurant, café use is further limited to the following:
 - a. The maximum square footage of the Restaurant may not exceed 1,000 square feet of gross floor area.
 - b. There may not be a separate entrance for the Restaurant use.
 - c. The Restaurant is limited to the same operating hours as the "Permitted" Household and Office Furnishings or Specialty Retail use. The hours of operation are limited to 9:00 a.m. through 10:00 p.m., Monday through Saturday, and 12:00 p.m. (noon) to 5:00 p.m., Sundays.
 - d. No outdoor seating is allowed as part of this use.
 - e. No outdoor speaker system is permitted as part of this planned development.
 - f. This use must be clearly subordinate to a "Permitted" use and public access to this use must not be evident from any abutting street.
 - g. There may be no outside advertising for the accessory restaurant use.
4. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required.
5. Approval of this rezoning does not give the Developer an undeniable right to receive local development order approval. Future development order approvals must satisfy the requirements of the 2020 Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b), of the Lee Plan.

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

SECTION C. DEVIATIONS:

Deviation (1) seeks relief from the LDC §34-2020(2)m.3, requirement to provide one parking space for every 200 square feet of gross floor area (based on small products and commodities use), to allow the calculation of off-street parking to be one parking space for every 400 square feet of gross floor area (based on large products or commodities use) for the retail area only (consisting of 3,200 square feet.) This deviation is APPROVED, SUBJECT TO conditions 1, 2, and 3.

SECTION D. EXHIBITS:

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

Exhibit A. The legal description and STRAP number of the subject property.

Exhibit B. A reduced copy of the Captiva Gallery Master Concept Plan.

Exhibit C. A map depicting the subject parcel (shaded in) in relation to the surrounding area.

SECTION E. FINDINGS AND CONCLUSIONS:

1. The Applicant proved entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and any other applicable code or regulation.
2. The rezoning, as conditioned:
 - a. will meet or exceed 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. The proposed use or mix of uses is appropriate at the subject location.
4. The development will not place an undue burden upon existing transportation or planned infrastructure facilities and it will be served by streets with the capacity to carry traffic generated by the development.
5. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest, and the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

6. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
7. The approved deviation, as conditioned, enhances the achievement of the objectives of the planned development, and preserves and promotes 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 by a motion by Commissioner Andrew W. Coy and seconded by Commissioner John E. Manning and, upon being put to a vote, the result was as follows:

Ray Judah	<u>Nay</u>
John E. Manning	<u>Aye</u>
Douglas R. St. Cerny	<u>Aye</u>
Andrew W. Coy	<u>Aye</u>
John E. Albion	<u>Aye</u>

DULY PASSED AND ADOPTED this 4th day of October, 1999.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Michelle B. Zeisner
Deputy Clerk

BY: Ray Judah
Chairman

Approved as to form by:

Dawn E. [Signature] 10/6/99
County Attorney's Office

FILED OCT 08 1999

MINUTES OFFICE

mgl

EXHIBIT A

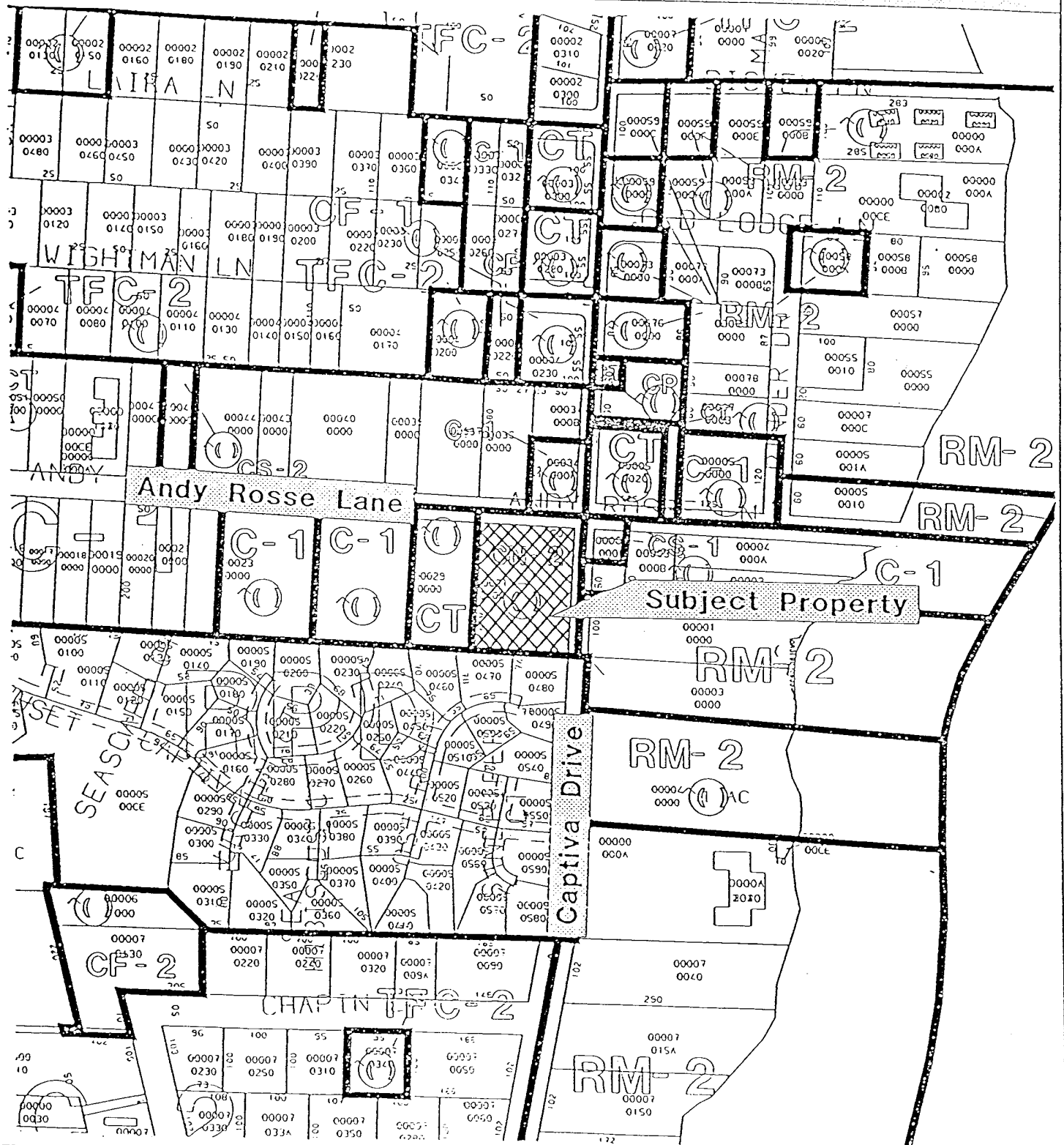
LEGAL DESCRIPTION

Lots 31-33, F.A. LANES 2nd SUBDIVISION OF BAY VIEW ON CAPTIVA, as recorded in Plat Book 3, Pages 21 and 75, of the Public Records of Lee County, Florida, lying in Section 35, Township 45 South, Range 21 East, Lee County, FL.

STRAP NUMBER

The applicant has indicated the STRAP # of the subject property is 35-45-21-03-00031.0000

ZONING MAP



RESOLUTION NUMBER Z-99-072

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

WHEREAS, Peter Dys, Executive Vice President, filed an application on behalf of the property owner, The Christian and Missionary Alliance Foundation, Inc., d/b/a Shell Point Village, to rezone a 58.13±-acre parcel from Residential Planned Development (RPD), Planned Unit Development (PUD), and Agricultural District (AG-2) to Residential Planned Development (RPD), in reference to Shell Point Health Care Facility.

WHEREAS, a public hearing was advertised and held on October 13, 1999, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #99-05-076.03Z 01.01; and

WHEREAS, a second public hearing was advertised and held on December 6, 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 applicant filed a request to rezone a 58.13±-acre parcel from RPD, PUD, and AG-2 to RPD, to permit an Assisted Living and Skilled Nursing Facility consisting of a maximum of 464 beds for a maximum building height of 57 feet and a golf course. 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 deviation 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. Development must be consistent with the one-page Master Concept Plan (MCP) entitled "Shell Point Health Care Facility," stamped received August 25, 1999, last revised August 25, 1999, prepared by Harrop Engineering Company except as modified by the conditions below. Development must comply with the Lee County Land Development Code (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.

The development must also be substantially consistent with the two-page architectural rendering, stamped received September 9, 1999, prepared by RDG Schutte Wilsam Birge. In addition, the project must submit an architectural rendering of the building and ground level views from the north and west depicting the vegetative buffering along the perimeter property lines as required in Condition 10 of this action to ensure adequate visual screening and compatibility of development with the surrounding existing uses.

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

a. Project Intensity

The maximum number of beds allowed within this facility is 464 beds. Subordinate commercial uses described in LDC § 34-3021(c) and allowed within this planned development must conform with requirements for that LDC section.

b. Schedule of Uses

ACCESSORY USES AND STRUCTURES (LDC §§ 34-1171 *et seq.*, 34-2441 *et seq.*, 34-1863, and 34-2141 *et seq.*)

ADMINISTRATIVE OFFICES

ASSISTED LIVING FACILITY (LDC §§ 34-1491 *et seq.*, and 34-1411)

CONTINUING CARE FACILITIES (LDC § 34-1414)

ENTRANCE GATES AND GATEHOUSE (LDC § 34-1741 *et seq.*)

ESSENTIAL SERVICES (LDC §§ 34-1611 *et seq.*, and 34-1741 *et seq.*)

ESSENTIAL SERVICE FACILITIES [LDC § 34-622(c)(13)]: Group I (LDC §§ 34-1611 *et seq.*, 34-1741 *et seq.*, and 34-2141 *et seq.*)

EXCAVATION: Water retention (LDC § 34-1651)

FENCES, WALLS (LDC § 34-1741)

GOLF COURSE

HEALTH CARE FACILITIES [LDC § 34-622(c)(20)]: Groups I and II

PLACE OF WORSHIP (LDC § 34-2051 *et seq.*)

RECREATIONAL FACILITIES: Private, On-Site

RESIDENTIAL ACCESSORY USES [LDC § 34-622(c)(42)] (LDC § 34-1171 *et seq.*)

SIGNS, in accordance with Chapter 30

c. Site Development Regulations

Minimum lot depth	1200 feet
Minimum lot width	1300 feet
Minimum lot area	35 acres

Setbacks:

Street (exterior to development): 200 feet

Street (interior to development):	25 feet
Side:	15 feet
Rear:	20 feet
Water Body:	25 feet

Accessory Use and Structure setbacks must comply with LDC §§ 34-1171 *et seq.* and 34-2194.

Maximum Lot Coverage: 40 percent

Maximum building height: 57 feet (measured as required by LDC § 34-2171)

3. The road connection with Davis Road is restricted to use by delivery vehicles, employees of the Shell Point Development, and as an emergency access for emergency vehicles. Deliveries are restricted to the hours of 8:00 a.m. to 8:00 p.m., Monday through Sunday. The Davis Road connection may not be used as a construction access. All construction traffic must be routed internally. No construction traffic is permitted on Davis or Iona Roads. All other traffic associated with the development must utilize the interior roadways of the Shell Point development to Shell Point Boulevard. The Davis Road access may also be opened if Lee County orders a mandatory evacuation of the area in the event of an emergency.
4. Prior to local development order approval, the developer must submit an alligator management plan that provides for protection of alligators on-site and the installation of signs to prevent inappropriate interaction between people and alligators. The management plan must be submitted to the Division of Planning/Environmental Sciences staff review and approval.
5. Prior to local development order approval, the developer must survey the existing pond for Lee County listed wading bird nests. If Lee County listed wading bird nests are found, the developer must submit a habitat management plan meeting the requirements of LDC § 10-474 for review and approval by the Division of Planning/Environmental Sciences. If nests are not found, no further management is required.
6. The Developer must comply with the gopher tortoise management plan included in the Shell Point Environmental Assessment and Protected Species Survey dated March 4, 1999, counter stamped July 22, 1999.
7. Prior to local development order approval, the developer must survey the property to confirm the status of the potential Big Cypress fox squirrel nests. If active nests are located, then the Developer must submit a Big Cypress fox squirrel management plan meeting the requirements of LDC § 10-474 to the Division of Planning/Environmental Sciences for staff review and approval.

8. Prior to local development order approval (so long as the bald eagle remains a federally protected species, or is protected pursuant to the Lee Plan), the Developer must submit a bald eagle management plan approved by the U.S. Fish and Wildlife Service to the Division of Planning/Environmental Sciences. The Management Plan must include visual screening of heavy use areas, such as golf tees and greens, within view of the eagle's nest. The management plan must include details of how the exotic removal will be conducted within the primary zone.

Every reasonable effort must be made in the design of the golf course to direct play away from the nesting area and to preserve existing large native trees within the golf course for perch trees.

9. Prior to local development order approval, the developer must submit a restoration plan generally following LDC § 14-384 requirements to the Division of Planning/Environmental Sciences staff for review and approval. The plan must include the species, number, and size of native vegetation to be planted, and an exotic removal plan.
10. A Type "D" buffer (with double the number of trees for a standard Type "D" buffer) must be established along the eastern perimeter of the project from the access road to the northern boundary of the subject parcel. Use of existing indigenous native vegetation within these areas is encouraged to help establish this buffer as soon as possible. Specific types of vegetation will be determined at the time of local development order, but must consist of material which provides an opaque visual screen along these perimeter property lines. Trees required in this buffer must be consistent with the plant material standards of LDC § 10-420(c), except the maximum required plant height is increased from 10 feet to 15 feet and the minimum crown spread is increased from four feet to five feet.
11. The former IDD canal crossing the subject property must be relocated, and new easements granted prior to issuance of any local development order. If the relocation is not approved, prior to the development of this site, the MCP must be revised pursuant to the LDC.
12. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
13. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).

SECTION C. DEVIATION:

Deviation (1) requests relief from the LDC § 10-415(b) provision requiring large developments with existing indigenous native vegetation to provide 50 percent of their open space percentage

requirements through the onsite preservation of existing indigenous native vegetation, to allow a maximum of 30 percent of the required open space percentage to be provided as indigenous native vegetation. This deviation is APPROVED, SUBJECT TO Condition 9.

SECTION D. EXHIBITS:

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

- Exhibit A: The legal description and STRAP number of the property.
- Exhibit B: Zoning Map (subject parcel identified with shading)
- Exhibit C: The Master Concept Plan

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and any other applicable code or regulation.
2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve

the proposed land use.

5. The approved deviation, as conditioned, enhances achievement of the planned development objectives, and preserves and promotes 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 Ray Judah, seconded by Commissioner John E. Manning and, upon being put to a vote, the result was as follows:

John E. Albion	Aye
Ray Judah	Aye
John E. Manning	Aye
Douglas R. St. Cerny	Aye
Andrew Coy	Aye

DULY PASSED AND ADOPTED this 6th day of December, 1999.

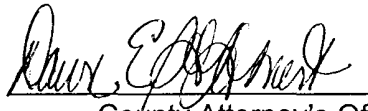
ATTEST:
CHARLIE GREEN, CLERK

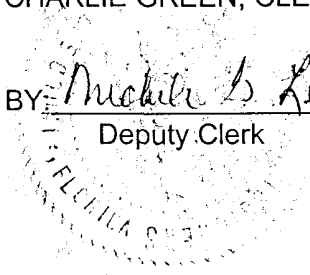
BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Chairman

Approved as to form by:

 12/7/99
County Attorney's Office


FILED DEC 14 1999

mgl
MINUTES OFFICE

EXHIBIT "A"

LEGAL DESCRIPTION

THE EAST ½ OF GOVERNMENT LOT 4, SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23
EAST, LEE COUNTY, FLORIDA

AND

THE WEST ½ OF GOVERNMENT LOT 3, SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23
EAST, LEE COUNTY, FLORIDA

LESS

THE EAST THIRTY THREE FEET, THEREOF, FOR ROAD RIGHT-OF-WAY PURPOSES
ALSO LESS

THE NORTH TWENTY FIVE FEET, THEREOF, FOR ROAD RIGHT-OF-WAY PURPOSES
AND

THE NORTH ONE HALF (N ½) OF THE WEST ONE HALF (W ½) OF THE SOUTHEAST
QUARTER

(SE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION 2,
TOWNSHIP 46 SOUTH, RANGE 23 EAST, LYING AND BEING IN LEE COUNTY, FLORIDA

LESS

THE EAST THIRTY THREE FEET, THEREOF, FOR ROAD RIGHT-OF-WAY PURPOSES
AND

THE SOUTH ONE HALF (S ½) OF THE WEST ONE HALF (W ½) OF THE SOUTHEAST
QUARTER

(SE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION 2,
TOWNSHIP 46 SOUTH, RANGE 23 EAST, LYING AND BEING IN LEE COUNTY,
FLORIDA

LESS

THE EAST THIRTY THREE FEET, THEREOF, FOR ROAD RIGHT-OF-WAY
PURPOSES

The applicant has indicated that the STRAP numbers for the subject property is 02-46-23-00-00005.0000, 02-46-23-00-00005.0040, 02-46-23-00-00002.0000, 02-46-23-00-00003.0000:

[illegible]

EXHIBIT B

RESOLUTION NUMBER Z-96-054

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

WHEREAS, Woo Jin Jung filed an application for a rezoning from Agricultural (AG-2) to Commercial Planned Development (CPD), in reference to New Life Fitness World; and

WHEREAS, the subject property is located 7401 Gladiolus Drive, and is described more particularly as:

LEGAL DESCRIPTION: In Section 35, Township 45 South, Range 24 East, Lee County, Florida:

A parcel of land in the Northeast Quarter (NE¼) of Section 35, Township 45 South, Range 24 East, Lee County, Florida, more particularly described as follows:

TRACT 1:

Commencing at the Northwest corner of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of Section 35, Township 45 South, Range 24 East;

THENCE run N00°05'40"W for 654.95 feet;

THENCE run Easterly along the North line of said fraction of the section for 772.3 feet to the POINT OF BEGINNING of the lands herein described;
From said POINT OF BEGINNING, thence deflect 102°30'00" to the right and run Southwesterly for 200.0 feet;

THENCE deflect 77°30'00" to the right and run Westerly, parallel with said North line for 315 feet more or less to centerline of SR 865 (Gladiolus Drive);

THENCE run Northeasterly along said centerline to an intersection with said North line of said fraction of the section;

THENCE run Easterly along said North line for 265 feet more or less to the POINT OF BEGINNING. Subject to the right-of-way for SR 865 and the right-of-way of the former County Road (Gladiolus Drive).

TRACT 2:

Commencing at the Northwest corner of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of Section 35, Township 45 South, Range 24 East;

THENCE run N00°05'40"W for 654.95 feet;

THENCE run Easterly along the North line of said fraction of the section for 772.3 feet to the POINT OF BEGINNING of the lands herein described;

From said POINT OF BEGINNING, THENCE deflect 102°30'00" to the right and run Southwesterly for 200.0 feet;
THENCE deflect 102°30'00" to the left and run Easterly for 320 feet more or less to the centerline of the Iona Drainage District Canal "I";
THENCE deflect Northeasterly and run along the centerline of said canal for 203 feet more or less, to an intersection with the North line of said fraction of the section;
THENCE deflect Westerly and run along the North line of said fraction of the section for 350 feet, more or less, to the POINT OF BEGINNING.
Subject to the right-of-way of Iona Drainage District Canal "I".

TRACT 3:

Commencing at the Northwest corner of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of Section 35, Township 45 South, Range 24 East;
THENCE run N00°05'40"W along the West line of said fraction of the section, for 459.67 feet;
THENCE run S89°43'45"E along a line parallel to the North line of said fraction of the section, for 789.96 feet;
THENCE run S19°01'30"W for 466.15 feet to the POINT OF BEGINNING of the lands herein described;
From said POINT OF BEGINNING, run N19°01'30"E for 466.15 feet;
THENCE run S89°43'45"E for 260 feet more or less to the center of the waters of the existing canal in the Iona Drainage District Canal "I";
THENCE run Southwesterly along the centerline of the waters of the existing drainage canal for 550 feet more or less to a point where a line bearing S70°58'30"E from the POINT OF BEGINNING, intersects said waters of the canal;
THENCE run N70°58'30"W for 240 feet more or less to the POINT OF BEGINNING.
Herein described parcel contains 5.38 acres, more or less.

WHEREAS, the applicant has indicated the property's current STRAP number is: 35-45-24-00-00015.002A; and

WHEREAS, Woo Jin Jung, the owner of the subject parcel, authorized Source, Inc. to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was advertised and held on September 3, 1996 before the Lee County Hearing Examiner who gave full consideration of the evidence available; and

WHEREAS, a public hearing was advertised and held on October 7, 1996 before the Lee County Board of County Commissioners who gave full and complete consideration to the

recommendations of staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board **APPROVES** with conditions the requested rezoning from AG-2 to CPD.

SECTION A. CONDITIONS:

The rezoning and Master Concept Plan (MCP) are subject to the following conditions:

1. The development and use of the subject property must be in substantial compliance with the approved Master Concept Plan entitled "New Life Fitness World, Commercial Planned Development, Master Concept Plan" (Job No. 485-01-96, File Name NEWLIFE2.DWG, stamped received June 28, 1996) prepared by Source, Inc., except as modified by the conditions herein.
2. The total gross floor area within this CPD may not exceed 24,000 square feet. As committed to on the MCP, a maximum of 20 percent of the total floor area of the principal use may be devoted to the approved ancillary and subordinate uses.
3. The approved Schedule of Uses is as follows:

The use of **Recreation, Commercial (Group IV, Health Club only)** is the only principal use of the property permitted.

All uses listed below may only be permitted as ancillary or subordinate uses to and in conjunction with the principal use of a Health and Fitness Club. All ancillary commercial activities [identified with an asterisk (*) prior to the use] customarily conducted within a building must be totally within the building housing the principal use and available only to members of the health and fitness club. These commercial ancillary, subordinate uses must not be evident from any abutting street.

ACCESSORY USES AND STRUCTURES

- (*) ADMINISTRATIVE OFFICES
- BOAT RAMP AND DOCK (limited to members of the Health and Fitness club and subject to Condition 5)
- (*) BOAT RENTAL (limited to boats or watercraft using the above approved Boat Ramp or Dock further limited in Condition 5)
- (*) BUSINESS SERVICES, Group I
- (*) CLOTHING STORES, GENERAL
- (*) CLUB, Private
- ENTRANCE GATE AND GATEHOUSE
- ESSENTIAL SERVICES

- ESSENTIAL SERVICE FACILITIES, Group I
- EXCAVATION, Water Retention
- (*) FOOD AND BEVERAGE SERVICE, LIMITED
- (*) FOOD STORES, Group I
- (*) GIFT AND SOUVENIR SHOP
- (*) HEALTH CARE FACILITIES, Group I
- (*) LAUNDRY & DRY CLEANING, Group I
- PARKING LOT, Accessory
- (*) PERSONAL SERVICES, Groups I and II
- (*) RECREATION, COMMERCIAL, All Groups (except Health Club)
- (*) RECREATIONAL FACILITIES, Commercial
- (*) RESTAURANTS, Groups I and II
- (*) SCHOOLS, COMMERCIAL
- SIGNS, In accordance with the Lee County Land Development Code
- (*) SPECIALTY RETAIL SHOPS, Groups I and II
- (*) STORAGE, OPEN (limited to boats associated to the use of Boat Rental with all storage limited to the rear of the site and not evident from any abutting streets)

4. Development of the CPD will comply with the following Property Development Regulations:

Minimum Lot Area and Dimensions:

Area: 1.5 acres
 Width: 195 feet
 Depth: 240 feet

Minimum Setbacks:

Street: variable according to the functional classification of the street or road
 (Section 34-2191 et seq.)
 Side: 15 feet
 Rear: 25 feet
 Water Body: 25 feet

Maximum Lot Coverage: 40 percent

Maximum Building Height: 35 feet

5. If required by the provisions of Chapter 380, Florida Statutes, the Developer must obtain a determination from the Florida Department of Community Affairs of project status as a Development of Regional Impact prior to the issuance of any local development approval or permit for a boat ramp or dock.

6. Except where necessary for public safety, all mangroves on site must be preserved, and cannot be pruned, trimmed, or otherwise altered without previous written approval of the appropriate local and state agencies.
7. Prior to local Development Order approval the Developer must establish more accurate tree locations. Minor adjustments must be made to the parking area if doing so will result in the preservation of the native trees.
8. This zoning approval does not address the mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions may be required at the time of local Development Order approval.
9. Approval of this rezoning does not give the Developer the undeniable right to receive local Development Order approval that exceeds the Year 2010 Overlay use allocation for the applicable district.
10. 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 deviation as part of this planned development.
11. If the Applicant and his successors request that the access road shown on the MCP be dedicated to and accepted by the County for maintenance, and request that impact fee credits be credited for the dedication and construction, only that portion of the area shown as access right-of-way that is deemed necessary to the function of the access road (as determined by the Director of the Department of Transportation) will be eligible for credits.

SECTION B. DEVIATIONS:

The Master Concept Plan deviates from several Lee County development standards. The deviations are granted as set forth below:

1. Deviation (1) requests relief from LDC Section 34-2020(4)m to allow off-street parking to be calculated at one (1) parking space for each 150 square feet of total floor area. The requested deviation is **APPROVED subject to the condition that the 1.5-acre tract reserved for future development is set aside and only used for overflow parking if the demand should arise.**
2. Deviation (2) requests relief from LDC Section 34-935 to allow pavement to be located within 15 feet of a development perimeter boundary. The requested deviation is **APPROVED.**

SECTION C. Master Concept Plan:

A one page reduced copy of the Master Concept Plan is attached and incorporated into this resolution by reference.

SECTION D. FINDINGS AND CONCLUSIONS:

The following findings and conclusions were made in conjunction with the approval of the requested rezoning:

1. The applicant has proved entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.
2. The requested CPD zoning:
 - a) meets the locational standards set forth in the Lee Plan for the potential primary use proposed by this request. Ancillary and subordinate uses do not have to meet the locational standards;
 - b) is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c) is compatible, as conditioned, with existing or planned uses in the surrounding area; and
 - d) will not adversely affect, as conditioned, environmentally critical areas and natural resources.
3. Approval of the request will not unduly burden 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.

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

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Absent

DULY PASSED AND ADOPTED this 7th day of October, A.D., 1996.

ATTEST:
CHARLIE GREEN, CLERK

BY: *David S. Pierce*

Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *John E. Manning*

Chairman

Approved as to form by:

James J. [Signature]
County Attorney's Office

FILED

OCT 9 1996

CLERK CIRCUIT COURT
BY *lp* D.C.

Kay

RESOLUTION NUMBER Z-99-068

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

WHEREAS, an application was filed by the property owner, Thomas Nacos, to rezone a 34.6± acre parcel from Agricultural (AG-2) to Commercial Planned Development (CPD), in reference to C.P.C. Properties, 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 # 99-04-047.03Z 01.01; and

WHEREAS, a second public hearing was advertised and held on December 6, 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 rezone a 34.6± acre parcel from AG-2 to CPD, to permit a maximum of 100,000 square feet of retail uses, 300 hotel/motel rooms, and 10,000 square feet of office uses, and a "to be determined" number of residential units, not to exceed 60 feet in height within a maximum of five stories. The property is located in the Outlying Suburban and Wetlands 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 entitled "C.P.C. Properties, Inc., Lee County, Florida," stamped received August 6, 1999, last revised August 4, 1999, except as modified by the conditions below. This development must comply with all requirements of the 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. Commercial Schedule of Uses: The following are the permitted uses and structures for the Commercial ("C") designated parcels on the MCP:

Accessory Uses and Structures

Administrative Offices

ATM (Automatic Teller Machine)

Banks and Financial Establishments, Group II

Broadcast Studio, Commercial Radio and Television

Business Services, Group I—excluding: bail bonding and blood donor stations; and Group II

Clothing Stores

Consumption on Premises

Contractors and Builders Group I

Cultural Facilities

Day Care Center, Adult, Child

Department Store

Drive-Through Facility for any Permitted Use

Dwelling Units, Townhouses and Multiple-Family

Entrance Gates and Gatehouses

Essential Services

Essential Service Facilities, Group I

Excavation, Water Retention

Fences, Walls

Food and Beverage Services

Food Stores, Group I and II

Health Care Facility, Group III

Hobby, Toy, Game Shops

Hotel, Motel (Limited to a maximum of 300 rooms); and the accessory uses are limited to:

Administrative Offices

ATM

Bar or Cocktail Lounge, limited to one only

Banquet Hall

Consumption on Premises, limited to one only; consumption on premises is prohibited within 500 feet of a religious facility, school (noncommercial), day care center (child), or park.

Gift and Souvenir Shop

Meeting Room

Package Store

Recreation Facilities, Private

Restaurants, Groups I, II and III

Specialty Retail Shops, Groups I & II

Household and Office Furnishings, Groups I and II

Insurance Companies

- Laundry or Dry Cleaning, Group I
- Lawn and Garden Supply Store
- Library
- Medical Office
- Non-Store Retailers, All Groups
- Package Store
- Paint, Glass and Wallpaper
- Parking Lot:
 - Accessory
 - Commercial
 - Garage, Public
 - Temporary
- Personal Services, All Groups
- Pet Service
- Pet Shop
- Plant Nurseries
- Police or Sheriff's Station
- Printing and Publishing
- Real Estate Sales and Rental
- Recreation Facilities, All Groups
- Rental and Leasing Establishments, Group I, II and III
- Repair Shops, Groups I and II
- Restaurant(s) (includes outdoor seating)
 - Groups I, II, III and IV
- Retail and Wholesale Sales
- Signs
- Social Services:
 - Groups I and II (Social Service Centers only)
- Specialty Retail Shops, All Groups
- Storage, Indoor Only
- Studios
- Theater, Indoor
- Time Share Units
- Transportation Services, Group II
- Used Merchandise Store: Groups I and II
- Variety Store
- Wholesale Establishment, Group III

Conservation Schedule of Uses: The following are the permitted uses for the Conservation ("CO") designated parcels on the MCP:

- Interpretive centers, rain shelters, gazebos
- Mitigation Activities
- Nature and foot trails including boardwalks and jogging paths
- Other activities for recreation, conservation, and observation when approved by the Director of the Lee County Department of Community Development

Paths, boardwalks and bridges to provide access from the uplands to the wetlands
equipment, and to allow fishing piers and observation tower
Recreational shelters, restroom facilities, passive parks, and picnic areas
Signs
Water Management Facilities
Wildlife Management

- b. Site Development Regulations are limited to those found on the MCP in the table entitled "Property Development Regulations," except that:

General Project Square Footage Limitations:

- (1) Maximum overall commercial development is limited to 100,000 square feet of retail commercial uses, 10,000 square feet of office uses, and 300 hotel/motel rooms, except as limited in item (2) below; OR a combination of a minimum of 50,000 square feet of retail commercial uses, a maximum of 35 multi-family dwelling units, 10,000 square feet of office uses, and 300 hotel/motel rooms.
- (2) This project can be comprised of medical, general office, retail, or service uses (in compliance with the schedule above), or any combination of those uses, up to the maximum square footage, provided all limiting conditions and parking, open space, buffering, and water management requirements are met.
- (3) All special setback or development regulations contained in the LDC (as it may be amended) for any specific use must be met; and
- (4) Maximum building height may not exceed 45 feet or three stories for any use other than the hotel/motel use, which is limited to a maximum of 60 feet or five stories, whichever is less. However, no non-commercial building taller than two stories is permitted within 125 feet of the RM-2¹ property line, and no retail or service building or hotel/motel taller than two stories is permitted within 200 feet of the RM-2 property line; and
- (5) The regulations contained herein supersede the Site Development Conditions contained on the MCP.

3. The following conditions address environmental issues:

- a. The open space and indigenous table on the MCP, counter stamped 08/06/99, is

¹ As used throughout this Resolution, the phrase "RM-2 property line" refers to that portion of the eastern boundary line of the subject property abutting the RM-2 zoned property as depicted on attached Exhibit B.

hereby adopted. Existing indigenous vegetation requirements will be met by the 12.06 acres shown as "Conservation Area" on the MCP. An additional 30 percent general (non-indigenous) open space must be provided based on the commercial development tracts, and 40 percent general (non-indigenous) open space must be provided for any residential development.

- b. Prior to local development order approval, the 12.06-acre "Conservation Area" shown on the MCP counter stamped August 6, 1999 must be delineated as indigenous open space on the development order plan.
 - c. Prior to local development order approval, details of any proposed uses within the indigenous preservation area must be submitted for review and approval by Division of Planning/Environmental Sciences Staff.
4. The following conditions are to help mitigate potential hurricane damage and/or loss of life, as well as to ensure compliance with Lee Plan objectives.
- a. Prior to approval of a local development order to allow the hotel use the Developer must:
 - 1. Provide an educational program for staff of the hotel/motel on an annual basis, in conjunction with the staff of Emergency Management, which will provide literature, brochures and speakers for Hurricane Awareness/Preparedness Seminars, describing the risks of natural hazards. The intent of this recommendation is to provide a mechanism to educate staff concerning the actions they should take to mitigate the dangers inherent in these hazards.
 - 2. Formulate an emergency hurricane notification and evacuation plan for the development, which will be subject to review and approval by the Lee County Office of Emergency Management.
 - b. The Developer must cooperate with the Division of Public Safety/Emergency Management in determining and participating in a means to lessen the impacts on the County's hurricane preparedness process and public safety. These "means" could include the provision of equipment, monies in lieu of equipment, individual shelter areas (i.e., safe rooms in residences), or such other goods, materials or actions deemed appropriate by Emergency Management that results in the provision of additional shelters, or improvement of roads for use as additional evacuation routes. The choice of "means" will rest with the Developer, so long as the choice adequately mitigates the adverse impacts.
5. Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC § 34-2174(a), except as set out in Paragraph 2.b.(4) above.

6. The following conditions are to help mitigate potential traffic hazards:
 - a. Access to Summerlin Road at the project's entrance must be consistent with the access management procedures in effect at the time of development order approval. Approval of a median opening on Summerlin is neither expressed or implied as a result of this zoning action. Current access management rules provide for a western directional left turn movement and right-in/right-out access connection to Summerlin Road aligned with the access connection to the Sanibel Factory Stores; and
 - b. If a frontage road connection to the signalized Summerlin Road/McGregor Boulevard intersection is required by Lee County in the future, Applicant will participate in any MSBU or other financing mechanism to provide the frontage road extension in equal shares with the adjacent/abutting property owners having access to the frontage road and being benefitted by its extension.
 - c. As part of the first phase of development for any portion of this project, the Developer must provide sufficient storage length for queued vehicles waiting to exit to Summerlin Road by revising the access road to show it wrapped around the two outparcels at the access to Summerlin Road or some other design solution acceptable to Lee County.
7. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
8. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).
9. 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.
10. The consumption on premises use must comply with the following:
 - a. Consumption on premises within the hotel/motel and any restaurant on this site must be located at least 200 feet from the RM-2 property. If the site is developed with the "town center" concept, consumption on premises uses may be located (internally) adjacent to the multi-family dwelling units, but still must meet the 200-foot setback from the RM-2 property.
 - b. Any consumption on premises not in conjunction with a full service restaurant or the hotel/motel must be located at least 300 feet from the RM-2 property.
 - c. Outside consumption on premises, whether in conjunction with hotel/motel or

restaurant, is prohibited within 300 feet of the RM-2 property.

- d. Consumption on premises in outdoor seating areas must cease at 11:00 p.m., Sunday through Thursday nights, and 12:00 midnight, on Friday and Saturday nights.
11. Outside speakers systems, loud speakers or public address systems associated with any drive-thru use must be located a minimum of 200 feet from the RM-2 property, and must be directed away from the RM-2 property.

SECTION C. DEVIATIONS:

1. Deviation (1), seeks relief from the LDC §34-1263 requirement to provide a 500-foot minimum separation distance between any residential unit and consumption on or off premises, to allow a zero-foot separation distance between any residential unit and consumption on or off premises within the subject property or adjacent to it. This deviation is hereby APPROVED, SUBJECT TO Condition 10 above.
2. Deviation (2) was WITHDRAWN by the Applicant.
3.
 - a. Deviation (3a), seeks relief from the LDC §10-328(a) requirement to provide a 20-foot-wide lake maintenance easement, to allow a zero-foot setback that would permit the hotel and restaurant decks to be constructed to the water's edge. This deviation is hereby APPROVED, SUBJECT TO the condition that the Developer must provide adequate assurances at time of development order (which will be subject to further review and approval by legal staff) that maintenance of any bulkheaded areas will be provided by boat, with all costs absorbed by the appropriate entity, whether the Developer or a property owners' association; and the 20-foot-wide lake maintenance easement must be provided in all areas other than the hotel and restaurant decks.
 - b. Deviation (3b), seeks relief from the LDC §34-2194(b) requirement that building and structures to be set back 25 feet from water bodies, to allow zero-foot setbacks for the hotel and restaurant decks from the water's edge. This deviation is hereby APPROVED, SUBJECT TO the condition that the Developer must provide adequate assurances at time of development order (which will be subject to further review and approval by legal staff) that maintenance of any bulkheaded areas will be provided by boat, with all costs absorbed by the appropriate entity, whether the Developer or property owners' association; and the 20-foot-wide lake maintenance easement must be provided in all areas other than the hotel and restaurant decks.
4. Deviation (4), seeks relief from the LDC §10-296(d) Table 4(7)(c) requirement that wearing surfaces of local and access streets for Category A development be 1½-inch asphaltic concrete, to allow cement, concrete and/or decorative pavers. This deviation is hereby

APPROVED, SUBJECT TO the conditions that the streets will be privately maintained, and the alternate cross-section must be structurally equivalent to the standard cross-section, subject to review and approval prior to development order approval.

5. Deviation (5) - WITHDRAWN AT HEARING.
6. Deviation (6), seeks relief from the LDC §10-416(d)(3) Buffer Type "F," requirement to provide a 30-foot-wide minimum buffer comprised of 10 trees per 100 linear feet and a hedge, to allow the existing conservation area to serve as the required buffer. This deviation is hereby APPROVED.

SECTION D. EXHIBITS:

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

- Exhibit A: The legal description and STRAP number of the property.
- Exhibit B: Zoning Map (subject parcel identified with shading)
- Exhibit C: The Master Concept Plan

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.

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

John E. Albion	Aye
Douglas R. St. Cerny	Aye
Andrew Coy	Aye
Ray Judah	Nay
John E. Manning	Aye

DULY PASSED AND ADOPTED this 6th day of December, 1999.

ATTEST:
CHARLIE GREEN, CLERK

BY: Mickie B. Leisner

Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: John E. Albion

Chairman

Approved as to form by:

Dawn E. Albion 12/16/99
County Attorney's Office

FILED DEC 17 1999

MINUTES OFFICE

EXHIBIT "A"

LEGAL DESCRIPTION

Parcel 1:

A parcel of land lying in the Northeast Quarter (NE1/4) of Section 11, Township 46 South, Range 23 East, Lee County, Florida described as follows:

Commencing at a found concrete monument marking the north quarter corner of said Section 11, thence S 00° 38' 25" E for 210.00 feet to the southerly right-of-way of Summerlin Road (SR No. 869) (215 feet wide); thence N 89° 14' 48" E along said southerly right-of-way for 1327.27 feet to the Point of Beginning. From said Point of Beginning thence S 00° 45' 54" E for 1139.64 feet to a found concrete post stamped F-642; thence S 89° 38' 48" W for 664.88 feet; thence N 0° 42' 11" W for 1135.00 feet to said southerly right-of-way line of Summerlin Road; thence N 89° 14' 48" E for 663.63 feet to the Point of Beginning.

Tract contains 17.3 acres, more or less.

Subject to a 40 feet frontage road easement over and across the north 40 feet of the hereinabove described parcel.

Also subject to easements, setbacks, restrictions, reservations, and rights of way of record.

AND

Parcel 2:

A parcel of land lying in the Northeast Quarter (NE1/4) of Section 11, Township 46 South, Range 23 East, Lee County, Florida, described as follows:

Commencing at a found concrete monument marking the north quarter corner of said Section 11, thence S 00° 38' 25" E for 210.00 feet to the southerly right-of-way of Summerlin Road (SR No. 869) (215 feet wide); thence N 89° 14' 48" E along said Southerly right-of-way for 663.64 feet to the Point of Beginning. From said Point of Beginning thence S 0° 42' 11" E for 1135.00 feet; thence S 89° 38' 48" W for 664.88 feet; thence N 00° 38' 25" W for 1130.36 feet to the said southerly right-of-way of Summerlin Road; thence 89° 14' 48" E for 663.48 feet to the Point of Beginning.

The applicant has indicated that the STRAP number for the subject property is: 11-46-23-00-00003.0000 & 11-46-23-00-00003.0010

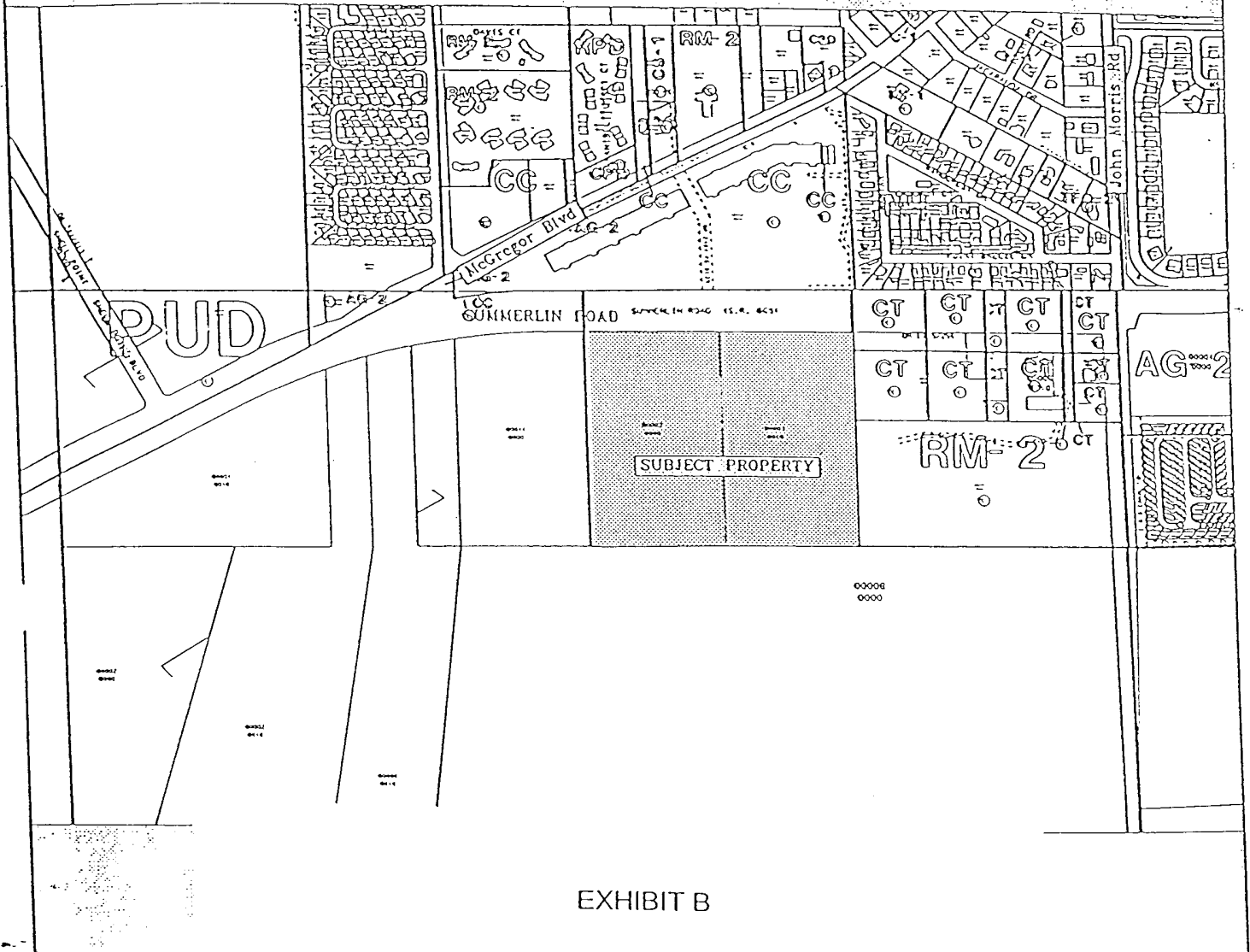


EXHIBIT B

To Lee County Hearing Examiner:

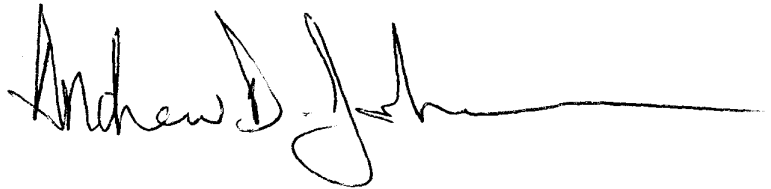
I, ANDREW D. JENSEN who owns property at, 958 SAN CARLOS CT.
Am against rezoning from a Residential Two Family Conservation District (TFC-2) and
Commercial District (C-1) to Commercial Planned Development (CPD) to permit a
maximum of a 60 unit Hotel/Motel with a 3,174 square foot Restaurant/Bar/Lounge with
a maximum building height not to exceed 60 feet.

The subject property is located at 19220 San Carlos Blvd. The subject property also
borders South Street a residential neighborhood.

I would like to preserve our neighborhood as residential without commercial intrusion.

I am authorizing BARBARA WHITE to represent me at the
Lee County Hearing Examiner's public hearing at 1:00 pm on June 28, 2000.

Thank you for your time, sincerely,



WHITE
EXHIBIT # 1
DCI 2000-00013

To Lee County Hearing Examiner:

I, Kelly Linskey-Johnson who owns property at, 958 San Carlos Ct
Am against rezoning from a Residential Two Family Conservation District (TFC-2) and
Commercial District (C-1) to Commercial Planned Development (CPD) to permit a
maximum of a 60 unit Hotel/Motel with a 3,174 square foot Restaurant/Bar/Lounge with
a maximum building height not to exceed 60 feet.

The subject property is located at 19220 San Carlos Blvd. The subject property also
borders South Street a residential neighborhood.

I would like to preserve our neighborhood as residential without commercial intrusion.

I am authorizing Barbara White to represent me at the
Lee County Hearing Examiner's public hearing at 1:00 pm on June 28, 2000.

Thank you for your time, sincerely,

Kelly Linskey-Johnson

To Lee County Hearing Examiner:

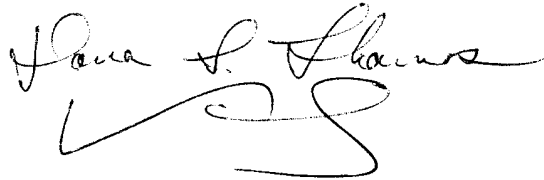
I, Walter Dana Thomas who owns property at, 801 San Carlos Dr.
Am against rezoning from a Residential Two Family Conservation District (TFC-2) and
Commercial District (C-1) to Commercial Planned Development (CPD) to permit a
maximum of a 60 unit Hotel/Motel with a 3,174 square foot Restaurant/Bar/Lounge with
a maximum building height not to exceed 60 feet.

The subject property is located at 19220 San Carlos Blvd. The subject property also
borders South Street a residential neighborhood.

I would like to preserve our neighborhood as residential without commercial intrusion.

I am authorizing Barbara White to represent me at the
Lee County Hearing Examiner's public hearing at 1:00 pm on June 28, 2000.

Thank you for your time, sincerely,

A handwritten signature in cursive script, appearing to read "Walter Dana Thomas", with a large, stylized flourish underneath.

Barbara
White

To Lee County Hearing Examiner:

I, Mike Jackson who owns property at, 8625 San Carlos Dr.
Am against rezoning from a Residential Two Family Conservation District (TFC-2) and
Commercial District (C-1) to Commercial Planned Development (CPD) to permit a
maximum of a 60 unit Hotel/Motel with a 3,174 square foot Restaurant/Bar/Lounge with
a maximum building height not to exceed 60 feet.

The subject property is located at 19220 San Carlos Blvd. The subject property also
borders South Street a residential neighborhood.

I would like to preserve our neighborhood as residential without commercial intrusion.

I am authorizing BARBARA White to represent me at the
Lee County Hearing Examiner's public hearing at 1:00 pm on June 28, 2000.

Thank you for your time, sincerely,

Michael W Jackson

To Lee County Hearing Examiner:

I, Karen SCHOLZ who owns property at, 955 San Carlos Dr.
Am against rezoning from a Residential Two Family Conservation District (TFC-2) and
Commercial District (C-1) to Commercial Planned Development (CPD) to permit a
maximum of a 60 unit Hotel/Motel with a 3,174 square foot Restaurant/Bar/Lounge with
a maximum building height not to exceed 60 feet.

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borders South Street a residential neighborhood.

I would like to preserve our neighborhood as residential without commercial intrusion.

I am authorizing Barbara White to represent me at the
Lee County Hearing Examiner's public hearing at 1:00 pm on June 28, 2000.

Thank you for your time, sincerely,

Firestone & Cimring
Advertising**FAX**

DATE: 27 June 2000
TIME: 2pm
TO: Donna Nadeau
FAX NO.: 335-8072
FROM: Karen Scholz
PAGES: 1 + Cover
RESPONSE: YES

NO

FIRESTONE & CIMRING ADVERTISING
31 BARKLEY CIRCLE, SUITE 2A
FORT MYERS, FL 33907
(941) 939-3213 • FAX (941) 939-2358

MEMO

Re)
Case #
DCI 2000-00013

To Lee County Hearing Examiner:

I, Mary Lou Smith who owns property at, 19281 San Carlos Blvd
Am against rezoning from a Residential Two Family Conservation District (TFC-2) and
Commercial District (C-1) to Commercial Planned Development (CPD) to permit a
maximum of a 60 unit Hotel/Motel with a 3,174 square foot Restaurant/Bar/Lounge with
a maximum building height not to exceed 60 feet.

The subject property is located at 19220 San Carlos Blvd. The subject property also
borders South Street a residential neighborhood.

I would like to preserve our neighborhood as residential without commercial intrusion.

I am authorizing Barbara White to represent me at the
Lee County Hearing Examiner's public hearing at 1.00 pm on June 28, 2000.

Thank you for your time, sincerely,

To Lee County Hearing Examiner:

I, Susan Weed who owns property at, 14281 San Carlos Blvd
Am against rezoning from a Residential Two Family Conservation District (TFC-2) and
Commercial District (C-1) to Commercial Planned Development (CPD) to permit a
maximum of a 60 unit Hotel/Motel with a 3,174 square foot Restaurant/Bar/Lounge with
a maximum building height not to exceed 60 feet.

To Lee County Hearing Examiner:

I, Joseph J. Catalogna who owns property at 941 SAN CARLOS DR #2
FT MYERS BEACH
Am against rezoning from a Residential Two Family Conservation District (TFC-2) and
Commercial District (C-1) to Commercial Planned Development (CPD) to permit a
maximum of a 60 unit Hotel/Motel with a 3,174 square foot Restaurant/Bar/Lounge with
a maximum building height not to exceed 60 feet.

The subject property is located at 19220 San Carlos Blvd. The subject property also
borders South Street a residential neighborhood.

I would like to preserve our neighborhood as residential without commercial intrusion.

I am authorizing BARBARA White to represent me at the
Lee County Hearing Examiner's public hearing at 1:00 pm on June 28, 2000.

Thank you for your time, sincerely,

Joseph J. Catalogna

To Lee County Hearing Examiner:

I, Timothy R. Wildey who owns property at, 941 San Carlos Dr #1
Am against rezoning from a Residential Two Family Conservation District (TFC-2) and
Commercial District (C-1) to Commercial Planned Development (CPD) to permit a
maximum of a 60 unit Hotel/Motel with a 3,174 square foot Restaurant/Bar/Lounge with
a maximum building height not to exceed 60 feet.

The subject property is located at 19220 San Carlos Blvd. The subject property also
borders South Street a residential neighborhood.

I would like to preserve our neighborhood as residential without commercial intrusion.

I am authorizing Barbara White to represent me at the
Lee County Hearing Examiner's public hearing at 1:00 pm on June 28, 2000.

Thank you for your time, sincerely,

REF: CASE number DCI 2000-00013

To Lee County Hearing Examiner:

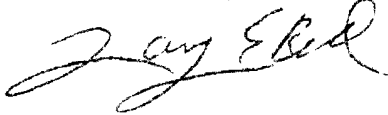
I, LARRY E. Bell who owns property at, 906 SAN CARLOS DRIVE
Am against rezoning from a Residential Two Family Conservation District (TFC-2) and
Commercial District (C-1) to Commercial Planned Development (CPD) to permit a
maximum of a 60 unit Hotel/Motel with a 3,174 square foot Restaurant/Bar/Lounge with
a maximum building height not to exceed 60 feet.

The subject property is located at 19220 San Carlos Blvd. The subject property also
borders South Street a residential neighborhood.

I would like to preserve our neighborhood as residential without commercial intrusion.

I am authorizing BARBARA WHITE to represent me at the
Lee County Hearing Examiner's public hearing at 1:00 pm on June 28, 2000.

Thank you for your time, sincerely,



DATE: JUNE 26, 2000

REF: CASE number DC1 2000-00013

To Lee County Hearing Examiner:

I, Gayle A. Bell who owns property at, 906 San Carlos Drive
Am against rezoning from a Residential Two Family Conservation District (TFC-2) and
Commercial District (C-1) to Commercial Planned Development (CPD) to permit a
maximum of a 60 unit Hotel/Motel with a 3,174 square foot Restaurant/Bar/Lounge with
a maximum building height not to exceed 60 feet.

The subject property is located at 19220 San Carlos Blvd. The subject property also
borders South Street a residential neighborhood.

I would like to preserve our neighborhood as residential without commercial intrusion.

I am authorizing Barbara White to represent me at the
Lee County Hearing Examiner's public hearing at 1:00 pm on June 28, 2000.

Thank you for your time, sincerely,

Gayle A. Bell

DATE: June 26, 2000

Larry & Gayle Bell

906 San Carlos Drive
Ft. Myers Beach, FL 33931

Phone: 941-765-7894
FAX: 941-765-7897
Email: LarryandGayle@aol.com

COPY to:

*Donna Nadeau
941-335-8072*

Facsimile

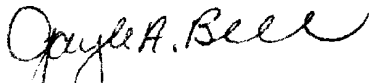
To: Alvin "Chip" Block
Lee County Development Office
Fax: 479-8313
From: Larry and Gayle Bell
Date: June 26, 2000
Ref: **Case Number DCI 2000-00013**
Pages: 3, including this cover page

While we are not adjacent property owners to the property in question, we are located in the residential area on San Carlos Island. With such a small area, we feel any commercial zoning changes has the potential of impacting all island residents.

We strongly object to the rear entrance being opened up onto South Street. This is a residential area and feel the commercial traffic making deliveries, employees arriving for work, excessive noise, bar patrons leaving at night, etc. pose a threat to the community and the safety of the children and its residents. We also feel with Fantasy's located directly next door, that this could potentially further attract undesirable people to our community.

Thank you for your consideration. It is our hope that this zoning request be denied.

Sincerely,


Gayle A. Bell

To Lee County Hearing Examiner:

I, Eucalie Bosworth who owns property at, 864 San Carlos Drive
Am against rezoning from a Residential Two Family Conservation District (TFC-2) and
Commercial District (C-1) to Commercial Planned Development (CPD) to permit a
maximum of a 60 unit Hotel/Motel with a 3,174 square foot Restaurant/Bar/Lounge with
a maximum building height not to exceed 60 feet.

The subject property is located at 19220 San Carlos Blvd. The subject property also
borders South Street a residential neighborhood.

I would like to preserve our neighborhood as residential without commercial intrusion.

I am authorizing Barbara White to represent me at the
Lee County Hearing Examiner's public hearing at 1:00 pm on June 28, 2000.

Thank you for your time, sincerely,

Cheryl Roberts POA

CIVIC ASSOCIATION hosts tax face-off

By CHARLIE LOUCKS
Observer Staff Writer

County Commissioner Ray Judah was near apologetic in a Fort Myers Beach Civic Association meeting last week, as he faced off with civic leader Steve Maxwell in a forum on the proposed one-cent sales tax increase in Lee County.

"I find myself in rather awkward position, being up here, only from the standpoint that it's not that I don't recognize the importance of the one-cent local option sales tax," said Judah. "But it's that I probably share the same concerns that you have. The skepticism is, 'Why are we even in a situation where we have to consider an increase in taxes?'"

Judah said that even though the other commissioners have voted against impact fees that could have funded new projects in the past, he has always voted in favor of them. "There's been a lot of four-to-one votes. I've been on the short end, but quite frankly, I feel very proud of trying to hold the line and being the conscience on the board to manage growth. One of the reasons we get into a situation where we have to come up with additional

revenue to accommodate growth and development is it's not managed."

Judah called the other commissioners reluctant to address the idea of increasing impact fees, which many feel is the better alternative to a sales tax increase—and said people would be led to wonder, "Why for ten years didn't the board increase those builder impact fees and be able to pay for the needed road construction in this county, as we're growing at some 16,000 new residents each year. Why in heck didn't they decide to incrementally increase builder impact fees over the last ten years and keep up with growth, and make sure that development growth pays its proportionate fair share because of the impact that it creates on this community?"

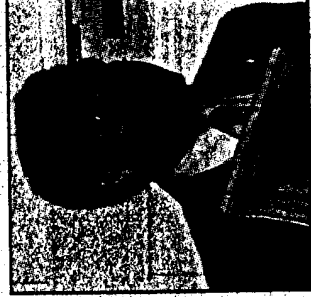
"I asked the same question for the last ten years and every time I would bring it up, in terms of going forward to hire consultants to do the necessary analysis and study so that we could indeed show an increase in impact fees, I couldn't even get a second."

Judah distributed a sales tax fact sheet that included basic information about the proposed new sales tax, commonly asked questions, and

See Tax, page 3A



CHARLIE LOUCKS
Ray Judah



CHARLIE LOUCKS
Steve Maxwell



Lee County Deputy Pat Healey and Jeff Trusal, who was busy pulling over impatient drivers on San Carlos Boulevard.

Island-bound traffic is snarled this time of year, especially at the foot of the Sky Bridge, as drivers coming on to Estero Island see the pattern and take advantage of that nice, clear right turn lane. However, when they get to the bridge and attempt to merge left, many are confronted with the sight of a Lee County deputy waving them over. "We usually issue them warning tickets," said Deputy Jeff Trusal.

The ticket for the offense is \$86. Traffic is supposed to be merged into the left lane about 200 feet before the bridge, where the right of line on the road becomes solid. "It's right before Steamers," said Trusal.

COMMISSIONER
ANDY COY
ON THE SALES TAX
—PAGE 7A

Thanks to the readers who responded to our phone poll on the proposed one-cent sales tax increase in Lee County. The results were:

YES	1
NO	38

To Lee County Hearing Examiner:

I, KAREN Houghwout who lives at, 844 San Carlos Dr., Ft. Myers Bch.
Am against rezoning from a Residential Two family conservation District (TFC-2) and
Commercial District (C-1) to commercial Planned Development (CPD) to permit a
maximum of a 60 unit Hotel/Motel with a 3,174 square foot Restaurant/Bar/Lounge with
a maximum building height not to exceed 60 feet.

The subject property is located at 19220 San Carlos Blvd. The subject property also
borders South Street a residential neighborhood.

I would like to preserve our neighborhood as residential without commercial intrusion.

I am authorizing Robert Gutierrez of 845 South Street, Fort Myers Beach, Fl, to speak for
me to the Lee county Hearing Examiner.

I am also documenting that I want to retain my right to speak to the Lee County
Commissioners at the Commissioners Meeting.

Thank you for your time, sincerely,


6/17/00

R. GUTIERREZ
EXHIBIT # 1
DCI 2000-00013

To Lee County Hearing Examiner:

I, Reginald Houghwot who lives at, 844 SAN CARLOS DR. Ft. MYERS Bch.
Am against rezoning from a Residential Two family conservation District (TFC-2) and
Commercial District (C-1) to commercial Planned Development (CPD) to permit a
maximum of a 60 unit Hotel/Motel with a 3,174 square foot Restaurant/Bar/Lounge with
a maximum building height not to exceed 60 feet.

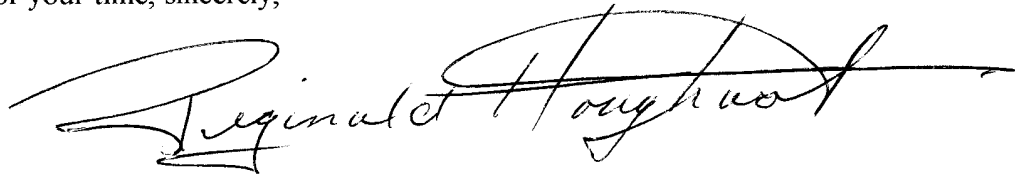
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Commissioners at the Commissioners Meeting.

Thank you for your time, sincerely,

A handwritten signature in cursive script that reads "Reginald Houghwot". The signature is written in dark ink and has a long, sweeping horizontal line extending to the right from the end of the name.

6-17-00

To Lee County Hearing Examiner:

I, DONNA ROSS who lives at, 834 San Carlos DR.
Am against rezoning from a Residential Two family conservation District (TFC-2) and F171B
Commercial District (C-1) to commercial Planned Development (CPD) to permit a
maximum of a 60 unit Hotel/Motel with a 3,174 square foot Restaurant/Bar/Lounge with
a maximum building height not to exceed 60 feet.

The subject property is located at 19220 San Carlos Blvd. The subject property also
borders South Street a residential neighborhood.

I would like to preserve our neighborhood as residential without commercial intrusion.

I am authorizing Robert Gutierrez of 845 South Street, Fort Myers Beach, FL, to speak for
me to the Lee county Hearing Examiner.

I am also documenting that I want to retain my right to speak to the Lee County
Commissioners at the Commissioners Meeting.

Thank you for your time, sincerely,

Donna Ross
6-17-00

To Lee County Hearing Examiner:

I, DAVID N ROSS who lives at, 834 SAN CARLOS DR.
Am against rezoning from a Residential Two family conservation District (TFC-2) and
Commercial District (C-1) to commercial Planned Development (CPD) to permit a
maximum of a 60 unit Hotel/Motel with a 3,174 square foot Restaurant/Bar/Lounge with
a maximum building height not to exceed 60 feet.

The subject property is located at 19220 San Carlos Blvd. The subject property also
borders South Street a residential neighborhood.

I would like to preserve our neighborhood as residential without commercial intrusion.

I am authorizing Robert Gutierrez of 845 South Street, Fort Myers Beach, Fl, to speak for
me to the Lee county Hearing Examiner.

I am also documenting that I want to retain my right to speak to the Lee County
Commissioners at the Commissioners Meeting.

Thank you for your time, sincerely,

David N. Ross 6-17-2000

To Lee County Hearing Examiner:

I, Kent E. Wilson who lives at, 975 SAN CARLOS CT.
Am against rezoning from a Residential Two family conservation District (TFC-2) and
Commercial District (C-1) to commercial Planned Development (CPD) to permit a
maximum of a 60 unit Hotel/Motel with a 3,174 square foot Restaurant/Bar/Lounge with
a maximum building height not to exceed 60 feet.

The subject property is located at 19220 San Carlos Blvd. The subject property also
borders South Street a residential neighborhood.

I would like to preserve our neighborhood as residential without commercial intrusion.

I am authorizing Robert Gutierrez of 845 South Street, Fort Myers Beach, FL, to speak for
me to the Lee county Hearing Examiner.

I am also documenting that I want to retain my right to speak to the Lee County
Commissioners at the Commissioners Meeting.

Thank you for your time, sincerely,

Kent E. Wilson 6/17/2000

To Lee County Hearing Examiner:

I, Maryuri Kirkland who lives at, 944 San Carlos Dr
Am against rezoning from a Residential Two family conservation District (TFC-2) and
Commercial District (C-1) to commercial Planned Development (CPD) to permit a
maximum of a 60 unit Hotel/Motel with a 3,174 square foot Restaurant/Bar/Lounge with
a maximum building height not to exceed 60 feet.

The subject property is located at 19220 San Carlos Blvd. The subject property also
borders South Street a residential neighborhood.

I would like to preserve our neighborhood as residential without commercial intrusion.

I am authorizing Robert Gutierrez of 845 South Street, Fort Myers Beach, FL, to speak for
me to the Lee county Hearing Examiner.

I am also documenting that I want to retain my right to speak to the Lee County
Commissioners at the Commissioners Meeting.

Thank you for your time, sincerely,

Maryuri Kirkland
6/17/00

To Lee County Hearing Examiner:

I, Mildred Ferris who lives at, 938 San Carlos Dr.
Am against rezoning from a Residential Two family conservation District (TFC-2) and
Commercial District (C-1) to commercial Planned Development (CPD) to permit a
maximum of a 60 unit Hotel/Motel with a 3,174 square foot Restaurant/Bar/Lounge with
a maximum building height not to exceed 60 feet.

The subject property is located at 19220 San Carlos Blvd. The subject property also
borders South Street a residential neighborhood.

I would like to preserve our neighborhood as residential without commercial intrusion.

I am authorizing Robert Gutierrez of 845 South Street, Fort Myers Beach, Fl, to speak for
me to the Lee county Hearing Examiner.

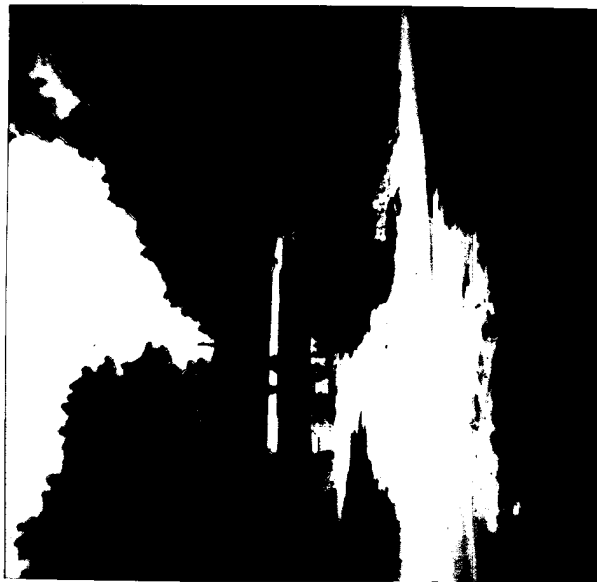
I am also documenting that I want to retain my right to speak to the Lee County
Commissioners at the Commissioners Meeting.

Thank you for your time, sincerely,

Mildred Ferris 6/17/00



882 Moose 856
South St



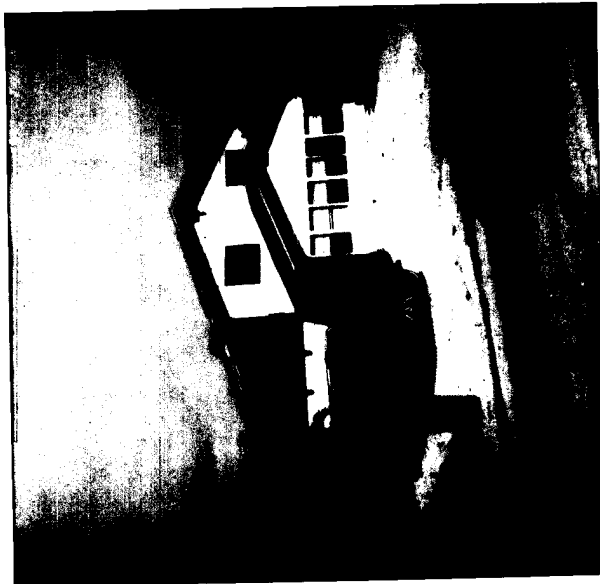
849 South St



845 South St



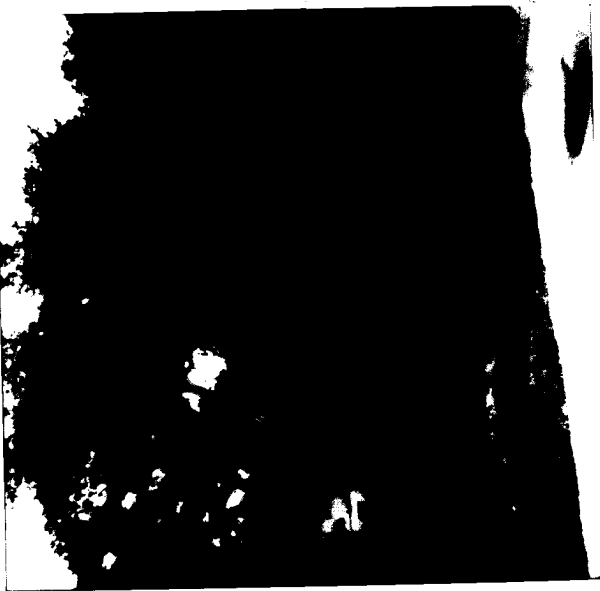
847 South St



843 South St



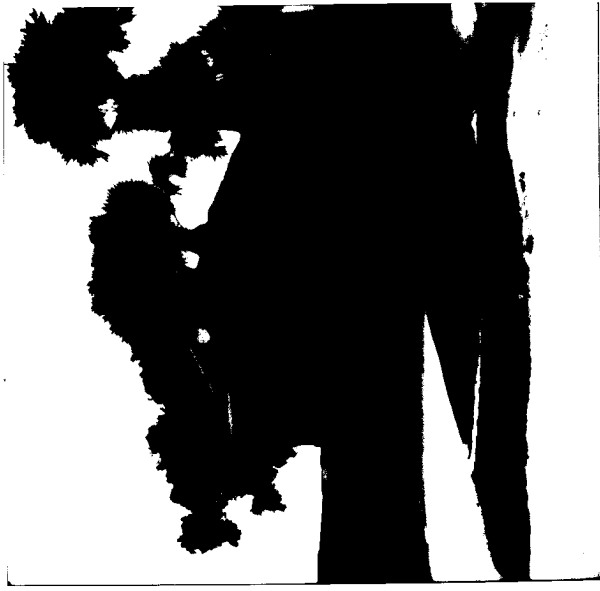
838 South St



846 South St



855 859
South St



810 858
South St



Front Yard 845 South
Looking AT Steamers Dock
Building

To Lee County Hearing Examiner:

I, LINDA M. PRIMICH who owns property at, 900 SAN CARLOS DR
Am against rezoning from a Residential Two Family Conservation District (TFC-2) and
Commercial District (C-1) to Commercial Planned Development (CPD) to permit a
maximum of a 60 unit Hotel/Motel with a 3,174 square foot Restaurant/Bar/Lounge with
a maximum building height not to exceed 44 feet.

The subject property is located at 19220 San Carlos Blvd. The subject property also
borders South Street a residential neighborhood.

I would like to preserve our neighborhood as residential without commercial intrusion.

I am authorizing Mari Gutierrez to represent me at the
Lee County Hearing Examiner's public hearing at 1:00 pm on June 28, 2000.

Thank you for your time, sincerely,

Linda M. Primich
6/27/00

M. GUTIERREZ
EXHIBIT # 1
DCT 2000-00013

To Lee County Hearing Examiner:

I, Ted Primich who owns property at, 900 SAN CARLOS DR.
Am against rezoning from a Residential Two Family Conservation District (TFC-2) and
Commercial District (C-1) to Commercial Planned Development (CPD) to permit a
maximum of a 60 unit Hotel/Motel with a 3,174 square foot Restaurant/Bar/Lounge with
a maximum building height not to exceed 44 feet.

The subject property is located at 19220 San Carlos Blvd. The subject property also
borders South Street a residential neighborhood.

I would like to preserve our neighborhood as residential without commercial intrusion.

I am authorizing Mari Gutierrez to represent me at the
Lee County Hearing Examiner's public hearing at 2:00 pm on June 28, 2000.

Thank you for your time, sincerely,

Ted Primich
6/27/2000

To Lee County Hearing Examiner:

Scott Van Selow who owns property at, 908 San Carlos Dr
Am against rezoning from a Residential Two Family Conservation District (TFC-2) and
Commercial District (C-1) to Commercial Planned Development (CPD) to permit a
maximum of a 60 unit Hotel/Motel with a 3,174 square foot Restaurant/Bar/Lounge with
a maximum building height not to exceed 60 feet.

The subject property is located at 19220 San Carlos Blvd. The subject property also
borders South Street a residential neighborhood.

~~I~~ would like to preserve our neighborhood as residential without commercial intrusion.

I am authorizing Gayle Bell to represent me at the
Lee County Hearing Examiner's public hearing at 1:00 pm on June 28, 2000.

Thank you for your time, sincerely,

Scott Van Selow 6/27/00

BELL
EXHIBIT #1
DCI 2000-00013

To Lee County Hearing Examiner:

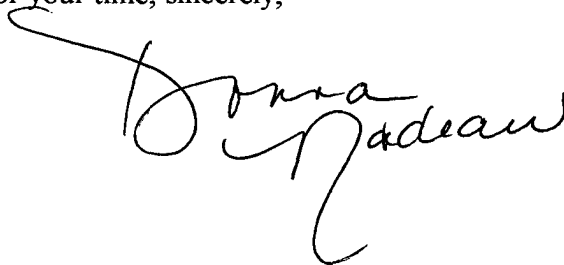
I, Donna Nadeau who owns property at, 847 South St.
Am against rezoning from a Residential Two Family Conservation District (TFC-2) and
Commercial District (C-1) to Commercial Planned Development (CPD) to permit a
maximum of a 60 unit Hotel/Motel with a 3,174 square foot Restaurant/Bar/Lounge with
a maximum building height not to exceed 60 feet.

The subject property is located at 19220 San Carlos Blvd. The subject property also
borders South Street a residential neighborhood.

I would like to preserve our neighborhood as residential without commercial intrusion.

I am authorizing Tom Nadeau to represent me at the
Lee County Hearing Examiner's public hearing at 1:00 pm on June 28, 2000.

Thank you for your time, sincerely,



NADEAU
EXHIBIT #2
DE 2000-00013

To Lee County Hearing Examiner:

I, Donald S. Canby who owns property at, 840 SAN CARLOS DR.
Am against rezoning from a Residential Two Family Conservation District (TFC-2) and
Commercial District (C-1) to Commercial Planned Development (CPD) to permit a
maximum of a 60 unit Hotel/Motel with a 3,174 square foot Restaurant/Bar/Lounge with
a maximum building height not to exceed 44 feet.

The subject property is located at 19220 San Carlos Blvd. The subject property also
borders South Street a residential neighborhood.

I would like to preserve our neighborhood as residential without commercial intrusion.

I am authorizing Tom Nadeau to represent me at the
Lee County Hearing Examiner's public hearing at 1:00 pm on June 28, 2000.

Thank you for your time, sincerely,

To Lee County Hearing Examiner:

I, Don Ann Canby who owns property at, 840 San Carlos Dr
Am against rezoning from a Residential Two Family Conservation District (TFC-2) and
Commercial District (C-1) to Commercial Planned Development (CPD) to permit a
maximum of a 60 unit Hotel/Motel with a 3,174 square foot Restaurant/Bar/Lounge with
a maximum building height not to exceed 44 feet.

The subject property is located at 19220 San Carlos Blvd. The subject property also
borders South Street a residential neighborhood.

I would like to preserve our neighborhood as residential without commercial intrusion.

I am authorizing John Madraw to represent me at the
Lee County Hearing Examiner's public hearing at 1:00 pm on June 28, 2000.

Thank you for your time, sincerely,

**** Fax Report ****

Check condition of remote machine.

Date	Jun 28 '00 09:44
Location	1 219 267 2797
Time	00'43
Pages	00
Result	R.3.3

Susan,

Can you fax your's again.

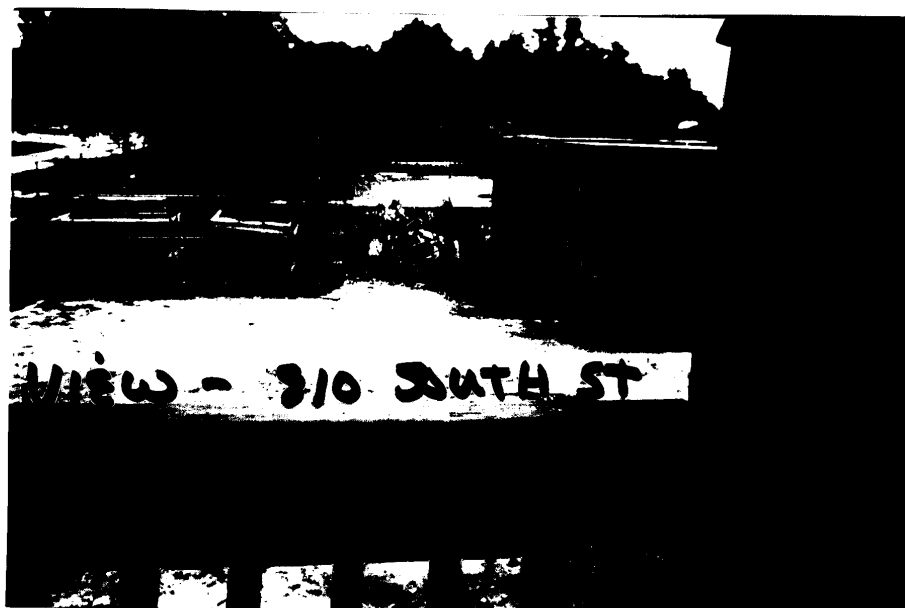
It cut off on the bottom.

1-219-267-2797

2x

2





NAPIE
EXHIBIT #
DI2000-

Don't

DEVELOPMENT SERVICES DIVISION
DRI SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution FROM: Michael P. Pavese DATE: December 10, 2001

Pamela Houck- Xmittal sheet only
Dawn Perry-Lehnert, CAO
DS Reviewer - Don Blackburn
Paul O'Connor, Planning
Andy Getch, Lee County DOT
Kim Trebatoski, Planning
Stephanie Keyes, Lee County School District
Brad Vance, Natural Resources

PROJECT NAME: Stoneybrook DRI

CASE #'s DRI2000-00013 and DCI2000-00046

INFORMATION SUMMARY:

- ☐ To update your file
☒ Please provide substantive comments

RESPONSE REQUIRED BY: December 26, 2001

Additional Comments:

cc: DRI File/DCI File/ZONE File



BOARD OF COUNTY COMMISSIONERS

479-8360

Writer's Direct Dial Number: _____

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

December 10, 2001

**Ms. Carron Day, AICP
WilsonMiller
4571 Colonial Boulevard, Suite 100
Fort Myers, Florida 33912-1062**

**RE: US Homes Stoneybrook DRI NOPC and RPD Amendment;
File #'s DRI2000-00013 and DCI 2000-00046**

Dear Ms. Day:

The Development Services Division has reviewed the information provided on June 27, 2000, and supplemented on April 13, 2001, August 22, 2001, October 17, 2001, and November 20, 2001, for the above referenced zoning application. The application is now sufficient and the formal request has been drafted from your application as follows:

- 1) An amendment to the Stoneybrook DRI Development Order #3-8384-40, as amended, and DRI Map H, as amended, to decrease the total number of multiple family units from 640 to 500, to decrease the total number of single family units from 1200 to 1085, and to add 36,200 square feet of retail floor area and 40,000 square feet of office floor area; and
- 2) A determination as to whether the proposed changes constitute a substantial deviation under the provisions of Section 380.06(19), Florida Statutes and require further Development of Regional Impact review; and
- 3) Amend an existing Residential Planned Development (RPD) to rezone approximately 21.1± acres from RPD to Commercial Planned Development (CPD) to permit the development of a fire station and commercial and office uses all not to exceed 55 feet in height.

Please review this language carefully, and notify me in writing by December 21, 2001, 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 February 20, 2002. 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.

U:\200112\DR20000.001\3\SUFFCYLTR.WPD

P.O. Box 398, Fort Myers, Florida 33902-0398 (941) 335-2111
Internet address <http://www.lee-county.com>

AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

Ms. Carron Day
Re: Stoneybrook DRI/RPD Amendment
December 10, 2001
Page 2

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.

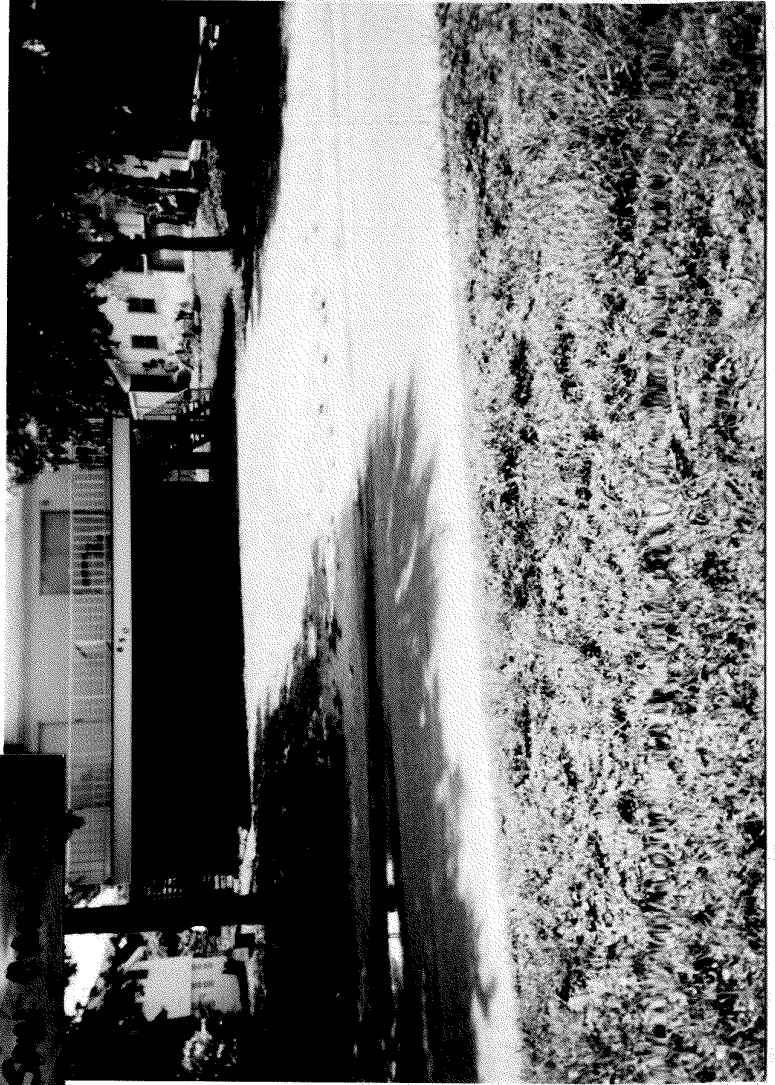
Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division



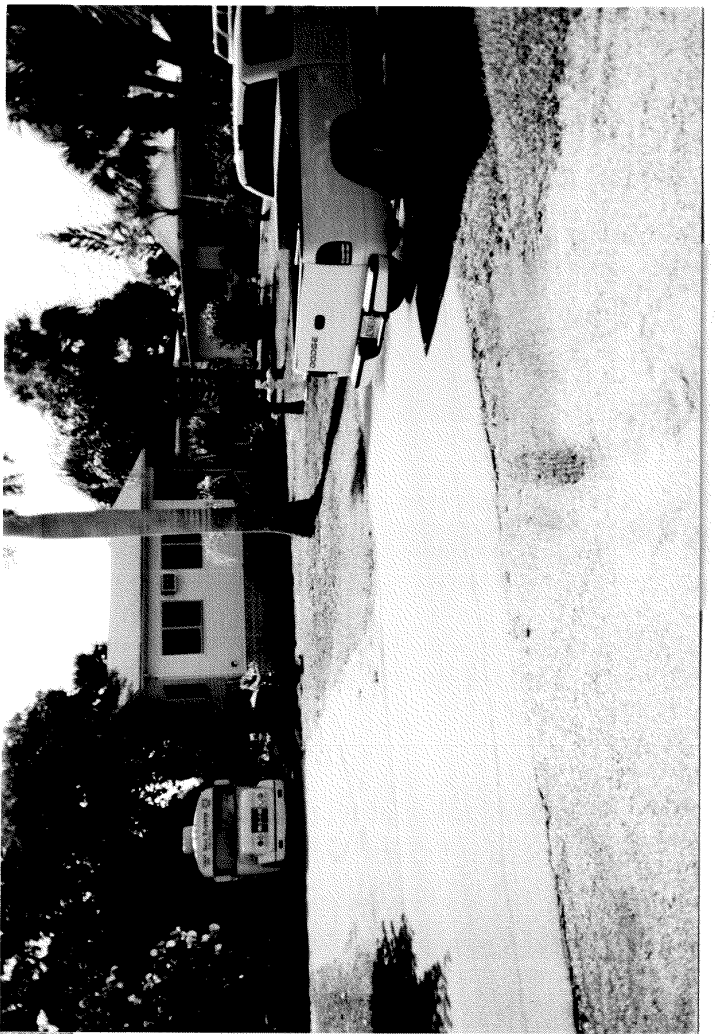
Michael P. Pavese
Principal Planner

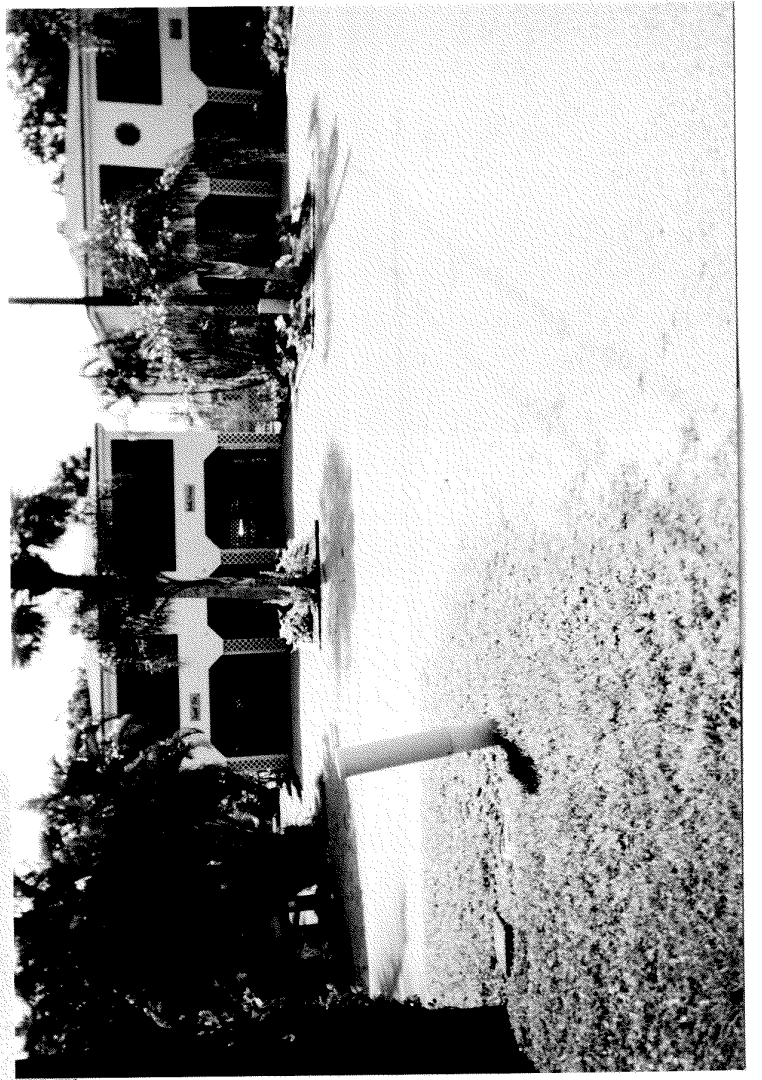
cc: Pamela Houck, Division Director
Dawn Perry-Lehnert, CAO
Andy Getch, Lee County DOT
Don Blackburn, Development Services
Paul O'Connor, Planning
Kim Trebatoski, Planning
Stephanie Keyes, Lee County School District
Brad Vance, Natural Resources
Dan Trescott, Southwest Florida Regional Planning Council
Zoning/DRI/DCI Files



NAPIER
EXHIBIT # 2
DCI 2000-00013











2

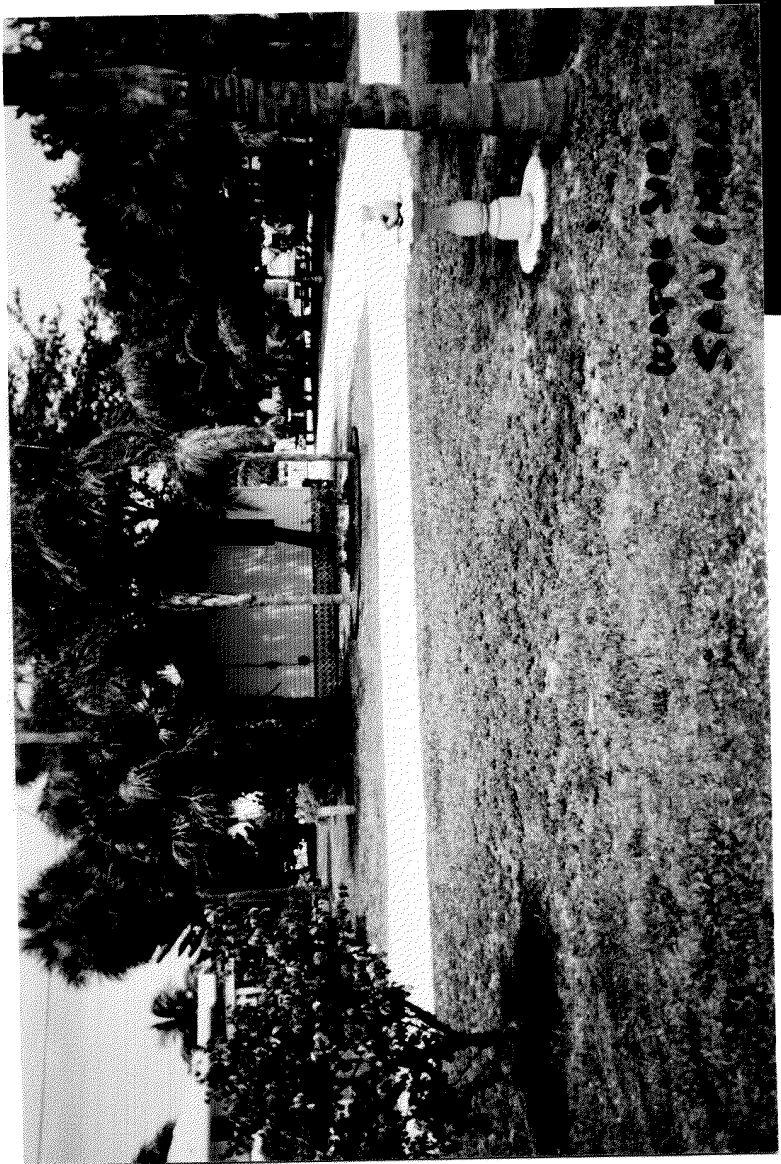






















21

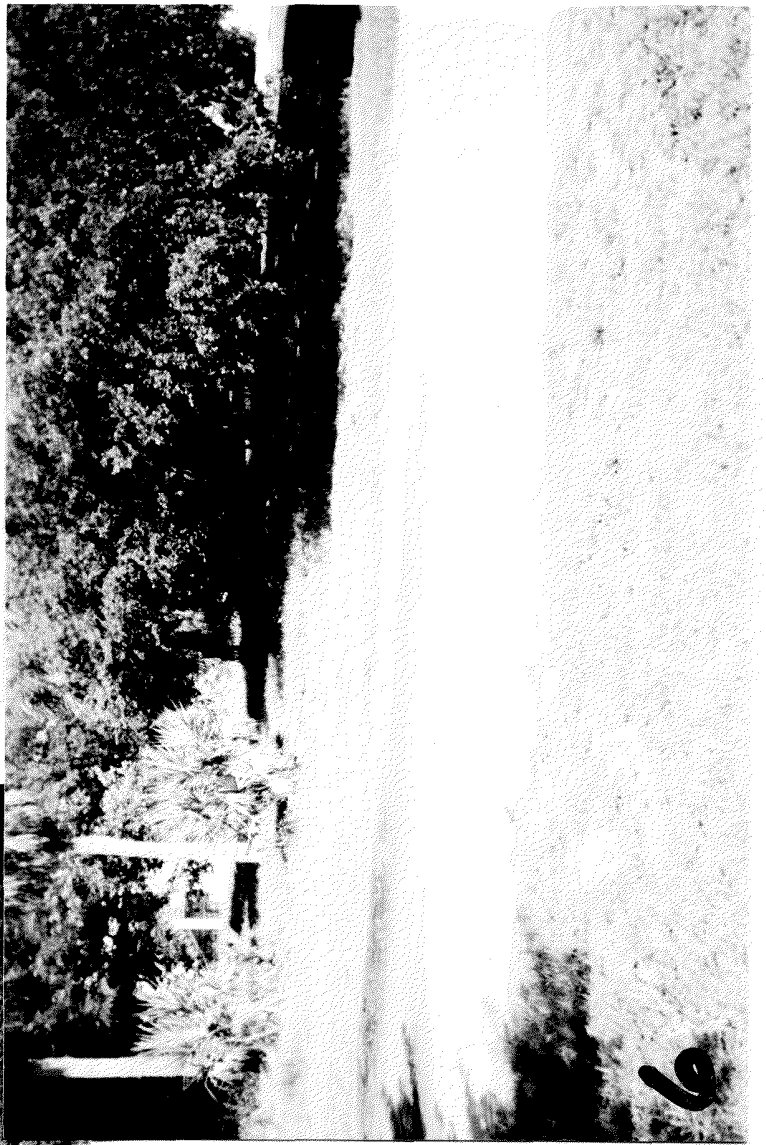


SOUTH SIDE
15 # 1705

13

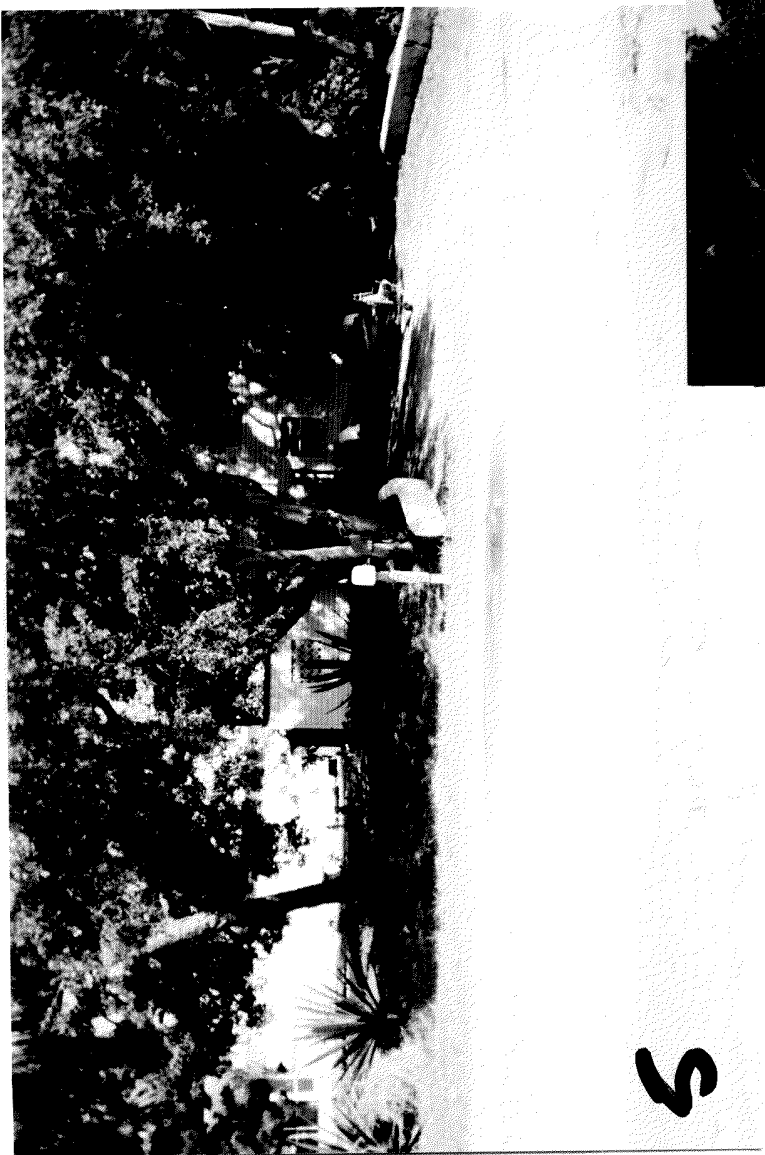








5







To Lee County Hearing Examiner:

I, David L. Widmer ^{have} Sunnyland Court #3
who owns property at, 1924 San Carlos Blvd.
Am against rezoning from a Residential Two Family Conservation District (TFC-2) and
Commercial District (C-1) to Commercial Planned Development (CPD) to permit a
maximum of a 60 unit Hotel/Motel with a 3,174 square foot Restaurant/Bar/Lounge with
a maximum building height not to exceed 60 feet.

The subject property is located at 19220 San Carlos Blvd. The subject property also
borders South Street a residential neighborhood.

I would like to preserve our neighborhood as residential without commercial intrusion.

I am authorizing Margaret Napier to represent me at the
Lee County Hearing Examiner's public hearing at 1:00 pm on June 28, 2000.

Thank you for your time, sincerely,

NAPIER
EXHIBIT #3
DCI 2000-00013
PR 1

To Lee County Hearing Examiner:

I, James L. Widener ^{leave} Sunnyland Court #18
who owns property at, 19241 San Carlos Blvd
Am against rezoning from a Residential Two Family Conservation District (TFC-2) and
Commercial District (C-1) to Commercial Planned Development (CPD) to permit a
maximum of a 60 unit Hotel/Motel with a 3,174 square foot Restaurant/Bar/Lounge with
a maximum building height not to exceed 60 feet.

The subject property is located at 19220 San Carlos Blvd. The subject property also
borders South Street a residential neighborhood.

I would like to preserve our neighborhood as residential without commercial intrusion.

I am authorizing Margaret Napier to represent me at the
Lee County Hearing Examiner's public hearing at 7:00 pm on June 28, 2000.

Thank you for your time, sincerely,

To Lee County Hearing Examiner:

I, Irene L. Wilmer ^{Lee County Court #33} who owns property at, 19241 San Carlos Blvd.
Am against rezoning from a Residential Two Family Conservation District (TFC-2) and
Commercial District (C-1) to Commercial Planned Development (CPD) to permit a
maximum of a 60 unit Hotel/Motel with a 3,174 square foot Restaurant/Bar/Lounge with
a maximum building height not to exceed 60 feet.

The subject property is located at 19220 San Carlos Blvd. The subject property also
borders South Street a residential neighborhood.

I would like to preserve our neighborhood as residential without commercial intrusion.

I am authorizing Margaret Napier to represent me at the
Lee County Hearing Examiner's public hearing at 1:00 pm on June 28, 2000.

Thank you for your time, sincerely,

To Lee County Hearing Examiner:

I, Turner Widner who owns ~~property~~ at, Lease #20
Am against rezoning from a Residential Two Family Conservation District (TFC-2) and
Commercial District (C-1) to Commercial Planned Development (CPD) to permit a
maximum of a 60 unit Hotel/Motel with a 3,174 square foot Restaurant/Bar/Lounge with
a maximum building height not to exceed 60 feet.

The subject property is located at 19220 San Carlos Blvd. The subject property also
borders South Street a residential neighborhood.

I would like to preserve our neighborhood as residential without commercial intrusion.

I am authorizing Margaret Motter to represent me at the
Lee County Hearing Examiner's public hearing at 1:00 pm on June 28, 2000.

Thank you for your time, sincerely,

ms

To Lee County Hearing Examiner:

I, June Willoughby who owns property at, 760 SAN CARLOS DR
777 SAN CARLOS DR
Am against rezoning from a Residential Two Family Conservation District (TFC-2) and
Commercial District (C-1) to Commercial Planned Development (CPD) to permit a
maximum of a 60 unit Hotel/Motel with a 3,174 square foot Restaurant/Bar/Lounge with
a maximum building height not to exceed 60 feet.

The subject property is located at 19220 San Carlos Blvd. The subject property also
borders South Street a residential neighborhood.

I would like to preserve our neighborhood as residential without commercial intrusion.

I am authorizing Margaret Napier to represent me at the
Lee County Hearing Examiner's public hearing at 1:00 pm on June 28, 2000.

Thank you for your time, sincerely,

June Willoughby

To Lee County Hearing Examiner:

I, Mary R. CARR who owns property at, 749 SAN CARLOS Dr.
Am against rezoning from a Residential Two Family Conservation District (TFC-2) and
Commercial District (C-1) to Commercial Planned Development (CPD) to permit a
maximum of a 60 unit Hotel/Motel with a 3,174 square foot Restaurant/Bar/Lounge with
a maximum building height not to exceed 60 feet.

The subject property is located at 19220 San Carlos Blvd. The subject property also
borders South Street a residential neighborhood.

I would like to preserve our neighborhood as residential without commercial intrusion.

I am authorizing Margaret Zapier to represent me at the
Lee County Hearing Examiner's public hearing at 1:00 pm on June 28, 2000.

Thank you for your time, sincerely,

FDX 10:59a 24- 79

Name	MARGARETT NAPIER	Phone #	941.463.9172
Address	810 SOUTH ST	Race	UNK Hgt 00
City/St/Zip	FT MYERS BEACH FL	Sex	UNK Wgt 000
SS #	000.00.0000	Eyes	UNK
Date of Birth	00/00/0000	Hair	UNK
Place of Birth		Residence	UNK
Danger Code		Drivers Lic #	
Area/Business			

Reference#0003461885

CR-Number	Date	Time	Sig	Zne	Status	Location	Receive
00-141015	06/19/00	21:26	13P	34	11	810 SOUTH ST	21:26:28

Signal Desc SUSPICIOUS PERSON Released to dispatch 21:26:56

ADVS MALE FELL FRM FENCE AND IS LAYING ON THE GROUND

XST MAIN COMPL ADVS THE LOT TO THE LFT OF HER IS FENCED IN AND A WM APP
ROX 30YOA UNKWN DESCRIP IS INSIDE THE FENCE TRYING TO CLIMB OUT COMPL

10-39 LEE CONTROL

ADVS LEE CONTROL WHEN DEP IS 10-97

Deputy Name	Dispatch	Arrived	Closed	Released	Time Spent
GALLOWAY TIMOTHY K	21:31:46	21:40:07	00:00:00	21:50:06	18.3
** BUCKLEY JODY L	21:32:11	21:32:13	21:51:16	00:00:00	19.0
MASCHMEIER MICHAEL G	21:32:19	21:38:35	00:00:00	21:51:16	18.9
				Total	56.2

Communications Position 01 Hit any key

NAPIER
EXHIBIT # 4
DET 2000-00013

FDX 10:59a 24- 79

Name	MARGARETT NAPIER	Phone #	941.463.9172
Address	810 SOUTH ST	Race	UNK Hgt 00
City/St/Zip	FT MYERS BEACH FL	Sex	UNK Wgt 000
SS #	000.00.0000	Eyes	UNK
Date of Birth	00/00/0000	Hair	UNK
Place of Birth		Residence	UNK
Danger Code		Drivers Lic #	
Area/Business			

Reference#0003461885

CR-Number	Date	Time	Sig	Zne	Status	Location	Receive
98-000836	01/02/98	11:41	045	35	05	810 SOUTH ST	11:41:23
Signal Desc	TRAFFIC					Released to dispatch	11:41:28
XST SAN CARLOS	ADV LST WK THE COUNTY PUT UP BARRIERS TO MAKE						
SOUTH ST A ONE WAY ST	CARS ARE DRIVING BY	MOVING THE BARRIERS AND					
DRIVING IN COMPL YARD AND DRIVE WAY							
Deputy Name	Dispatch	Arrived	Closed	Released	Time Spent		
** POLACZYK HEIDI A	11:55:58	12:04:14	12:14:04	00:00:00	18.1		
				Total	18.1		

Communications Position 02 Hit any key

FDX 10:57a 24- 79

Name	JOSEPH NAPIER	Phone #	941.463.9172
Address	810 SOUTH ST	Race	UNK Hgt 00
City/St/Zip	FT MYERS BEACH FL	Sex	UNK Wgt 000
SS #	000.00.0000	Eyes	UNK
Date of Birth	00/00/0000	Hair	UNK
Place of Birth		Residence	UNK
Danger Code		Drivers Lic #	
Area/Business			

Reference#0003470747

CR-Number	Date	Time	Sig	Zne	Status	Location	Receive	16:39:48
98-021202	02/04/98	16:39	013	35	05	810 SOUTH ST		
Signal Desc	SUSPICIOUS VEHICLE					Released to dispatch	16:39:57	
REF TO S13 RED SPORTS VEH POSS FIERO PARKED IN DRIVEWAY NO OCCUPANTS								
UNK 28 XMAIN ST								
COMPL IS IN UNIT 1 2ND FLOOR								
Deputy Name	Dispatch	Arrived	Closed	Released	Time Spent			
** BOND FREDRICK E	16:44:32	16:48:02	17:15:42	00:00:00	31.1			
				Total	31.1			

Communications Position 06 Hit any key

FDX 10:57a 24- 79

Name	JOSEPH NAPIER	Phone #	941.463.9172
Address	810 SOUTH ST	Race	UNK Hgt 00
City/St/Zip	FT MYERS BEACH FL	Sex	UNK Wgt 000
SS #	000.00.0000	Eyes	UNK
Date of Birth	00/00/0000	Hair	UNK
Place of Birth		Residence	UNK
Danger Code		Drivers Lic #	
Area/Business			

Reference#0003470747

CR-Number	Date	Time	Sig	Zne	Status	Location	Receive	16:24:51
98-112441	06/30/98	16:24	043	35	15	810 SOUTH ST		
Signal Desc	HARRASSMENT					Released to dispatch	16:24:55	
Deputy Name		Dispatch	Arrived	Closed	Released	Time Spent		
** BOND FREDRICK E		16:27:32	16:34:36	16:47:04	00:00:00	19.5		
					Total	19.5		

Communications Position 08 Hit any key

FDX 10:58a 24- 79

Name	JOSEPH NAPIER	Phone #	941.463.9172
Address	810 SOUTH ST	Race	UNK Hgt 00
City/St/Zip	FT MYERS BEACH FL	Sex	UNK Wgt 000
SS #	000.00.0000	Eyes	UNK
Date of Birth	00/00/0000	Hair	UNK
Place of Birth		Residence	UNK
Danger Code		Drivers Lic #	
Area/Business			

Reference#0003470747

CR-Number	Date	Time	Sig	Zne	Status	Location	Receive
98-219662	12/24/98	18:35	022	35	10	MAIN ST&SOUTH ST	18:35:27
Signal Desc	DISTURBANCE						Released to dispatch 18:35:30
REF WM + WF LSW WHI COLTHING BOTH ON BIKES MALE SUBJ IS TRYING TO PULL F							
EMALE OFF HER BIKE BOTH STAT 10 ON BIKES SOUTH TO MAIN TOWARDS THE MARINA							
COMPL WAS WATCHING FROM BALCONY							
CAN NO LONGER SEE SUBJS							

Deputy Name	Dispatch	Arrived	Closed	Released	Time Spent
** BUCKLEY JODY L	18:39:48	18:51:00	18:56:09	00:00:00	16.3
				Total	16.3

Communications Position 06 Hit any key

FDX 10:58a 24- 79

Name	JOSEPH NAPIER	Phone #	941.463.9172
Address	810 SOUTH ST	Race	UNK Hgt 00
City/St/Zip	FT MYERS BEACH FL	Sex	UNK Wgt 000
SS #	000.00.0000	Eyes	UNK
Date of Birth	00/00/0000	Hair	UNK
Place of Birth		Residence	UNK
Danger Code		Drivers Lic #	
Area/Business			

Reference#0003470747

CR-Number	Date	Time	Sig	Zne	Status	Location	Receive	19:08:24
99-010783	01/17/99	19:08	045	35	10	MATANZAS BRIDGE		
Signal Desc	TRAFFIC					Released to dispatch	19:08:31	
SIDE OF BRIDGE LEE CONT 10-39								
REF TO SIG 04 VERSIS BICYCLE AT FOOT OF BRIDGE + UNK INJURIES ON BEACH								
Deputy Name		Dispatch	Arrived	Closed	Released	Time Spent		
** BUCKLEY JODY L		19:10:03	19:14:07	19:19:43	00:00:00	9.6		
					Total	9.6		

Communications Position 04 Hit any key

FDX 11:00a 24- 79

Name	MARGARETT NAPIER	Phone #	941.463.9172
Address	810 SOUTH ST	Race	UNK Hgt 00
City/St/Zip	FT MYERS BEACH FL	Sex	UNK Wgt 000
SS #	000.00.0000	Eyes	UNK
Date of Birth	00/00/0000	Hair	UNK
Place of Birth		Residence	UNK
Danger Code		Drivers Lic #	
Area/Business			

Reference#0003461885

CR-Number	Date	Time	Sig	Zne	Status	Location	Receive
99-074352	04/15/99	10:26	014	34	05	810 SOUTH ST	10:26:17
Signal Desc	INFORMATION						Released to dispatch

10:26:23

REF TO S39 TO FENCE

DECLINED ARO XMAIN

Deputy Name	Dispatch	Arrived	Closed	Released	Time Spent
** BECKER JODY A	10:32:46	10:39:17	11:00:35	00:00:00	27.8
				Total	27.8

Communications Position 06 Hit any key

FDX 10:56a 24- 79

Name	JOSEPH NAPIER	Phone #	941.463.9172
Address	810 SOUTH ST	Race	UNK Hgt 00
City/St/Zip	FT MYERS BEACH FL	Sex	UNK Wgt 000
SS #	000.00.0000	Eyes	UNK
Date of Birth	00/00/0000	Hair	UNK
Place of Birth		Residence	UNK
Danger Code		Drivers Lic #	
Area/Business			

Reference#0003470747

CR-Number	Date	Time	Sig	Zne	Status	Location	Receive
00-014635	01/18/00	22:10	033	34	11	19240 SAN CARLOS BLVD	22:10:54
Signal Desc	NUISANCE					Released to dispatch	22:10:59

LOUD MUSIC COMING FROM THE BUSN ON GOING COMP WILL SEE DEP

Deputy Name	Dispatch	Arrived	Closed	Released	Time Spent
** ASHLEY CHRISTOPHER T	22:19:56	22:21:52	22:31:01	00:00:00	11.0
				Total	11.0

Communications Position 15 Hit any key

HEARING EXAMINER
1500 MONROE STREET
FORT MYERS FL. 33901

PETITION

THE UNDERSIGNED PETITION THE LEE COUNTY HEARING EXAMINER IN FAVOR OF THE
REZONING OF THE STEAMERS SEAFOOD PROPERTY, CASE# DCI 2000-00013.
THE PROPOSED PROJECT FOR A 60 ROOM HOTEL AND RESTAURANT, WOULD BE A GREAT
ASSET TO THE COMMUNITY.

NAME

ADDRESS

PHONE

JOE VILLERS	1200 MAIN ST FT. MYERS FL	463-7000
BRETT HUGHES	813 ARLINGTON AVE LEHIGH ACRES FL	461-9365
Scott E. Snyder	6648 Magnolia St Myers	561-6802
John Green	19241 San Carlos Blvd -	941-4626358
Gerald Huataya	19 Helen Lane Main St	941-463-7972
STEPHEN R MILEY	1156 MAIN ST	463-2217
CHARLES G. MARTIN	12090 CYPRESS DR. SW	482-8117 3390
J. A. McPartland	19122 Dogwood Rd -	267-2868
Mary Lane	1725 Main St. FMB	463-7213
May Hayes	1711 MAIN ST. FMB.	463-2223
Keith A. Beecham	218 PRIMO DR. FMB	765-9032
Wilma Hoffman	218 PRIMO DR FMB	765-9032
Myra A. Wilkins	538 Estero Blvd. #803 FMB	463-4838
Rahnet m Blake	1635 Henderson Ave Ft Myers	332-7266
DENNIS DUBSON	5911 Tona. Cyp Canal	242-0120
Dennis Boddison	12221 M ^c Gregor FT Myers	481-9839
Chad Hontz	50 Emily Ln. F.M.B.	765-1902

APPLICANT'S EXHIBIT
#1
DCI 2000-00013

HEARING EXAMINER
1500 MONROE STREET
FORT MYERS FL. 33901

PETITION

THE UNDERSIGNED PETITION THE LEE COUNTY HEARING EXAMINER IN FAVOR OF THE
REZONING OF THE STEAMERS SEAFOOD PROPERTY, CASE# DCI 2000-00013.
THE PROPOSED PROJECT FOR A 60 ROOM HOTEL AND RESTAURANT, WOULD BE A GREAT
ASSET TO THE COMMUNITY.

NAME

ADDRESS

PHONE

JULIAN MUNOZ	784 OAK ST FMYERS Bch	(941) 218-0558
Linda Clayton	205 MIRAMAR ST	463-7086
Jim Wits	205 Miramar ST	463-7086
Jim McLeod	6852 Juffen Blvd	
Paul Allen	PO 4014 FMB	7656422
Art Edlebeck	1180 Main St	463-7024
May Ostocki	83 Blackboard Way	463-5476
John F. Ostocki	83 Blackboard Way FMB	463-5476
Cricket Curtis	896 NORTH ST	765-5544

HEARING EXAMINER
1500 MONROE STREET
FORT MYERS FL. 33901

PETITION

THE UNDERSIGNED PETITION THE LEE COUNTY HEARING EXAMINER IN FAVOR OF THE
REZONING OF THE STEAMERS SEAFOOD PROPERTY, CASE# DCI 2000-00013.
THE PROPOSED PROJECT FOR A 60 ROOM HOTEL AND RESTAURANT, WOULD BE A GREAT
ASSET TO THE COMMUNITY.

NAME	ADDRESS	PHONE
SVART C. G...	18015 N. CAKLOSL # 70	454-7313
DAVID R. MORNINGSTAR	703 Fishermans Wharf #38	463-4571
DANIEL Trudell	703 Fishermans Wharf #02	224-4354
Chas Brown	127 Chaper	—

HEARING EXAMINER
1500 MONROE STREET
FORT MYERS FL. 33901

PETITION

THE UNDERSIGNED PETITION THE LEE COUNTY HEARING EXAMINER IN FAVOR OF THE
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THE PROPOSED PROJECT FOR A 60 ROOM HOTEL AND RESTAURANT, WOULD BE A GREAT
ASSET TO THE COMMUNITY.

NAME	ADDRESS	PHONE
John A. Sumner	1130 Main St.	463-2568
Joby Miller	1130 Main St	463-2588
Carl Whately	702 Fishermans Wharf	B# 463-6119
Edna P. Pomeroy	4803 SANGER CT	549-2376
Wendy McCarthy	5740 Landers St.	463-6956
Patrick McQuinn	12934 Sandpoint Ct.	454-8179
Jim Aders	15106 Pats of Lora	81-7311
John Smith	1195 Main St MB	218 4907
Bob Smith	3 Red Pain water Dr. F.M.	
Gally Smith	" " "	" "
Angew Herbst	1195 Main St.	826-2731
Cherika R. Russell	11360 CAPISTRANO CT.	466-0279
Albert C. Farnow	15041 Shamrock Dr.	433-0256
Cheri Bragg	1130 Main Street	
Margie Jiles	39 Nancy Lane	463-3146
W. L. L.	702 Fishermans Wharf	463 6119
W. L. L.	" "	" "
Bob L. L.	1130 Main St.	463-3146
Cathy M. Shipley	1130 Main St.	463-3146
Leslie H. Emery	702 FISHERMANS WHARF	910-7868
John A. Cameron	3850 ARLINGTON ST, FT MYERS	
Harry Cameron	" "	" "

HEARING EXAMINER
1500 MONROE STREET
FORT MYERS FL. 33901

PETITION

THE UNDERSIGNED PETITION THE LEE COUNTY HEARING EXAMINER IN FAVOR OF THE
REZONING OF THE STEAMERS SEAFOOD PROPERTY, CASE# DCI 2000-00013.
THE PROPOSED PROJECT FOR A 60 ROOM HOTEL AND RESTAURANT, WOULD BE A GREAT
ASSET TO THE COMMUNITY.

NAME

ADDRESS

PHONE

Ron Darling	19051 San Carlos Blvd.	463- 5731 9363
Shirley White	19051 San Carlos Blvd	463-9363
Ed & Beale	19011 San Carlos Blvd	463-1994
Karen Arnold	89001 SAN CARLOS BLVD	463-0117
Ray Dashiell	19201 San Carlos	765-4345
Pam Allen	255 Delmar Cove	463-5171
Marquitta Huskye	861 South St	463-2410
	19011 San Carlos	463-0817
Marquitta Burns	861A South St	463-2411
Charles G. Lee	893 So. St.	989-1255
Joseph W. Butler		765-1779 855 Santa St
Robert L. Lallo		463-5265 921 North St.
John W. Lallo		463 5265 921 North St.

PETITION

NAME	ADDRESS	PHONE
DARRELL HANSON	1834 Woodring Rd Sanibel	395-7633
MICHAEL KRESTER	5363 Palmetto Jr. 7MI3, FL	463-5876
Matt Hanson	850 Third St., Ft. Myers Beach	463-4714
James Morrison	4821 Coral Rd FMB	765-5975
Bobbie Hanson	1834 Woodring Rd. Sanibel	395-7633
Jimmy B. De Baeu	426 SE EL DARADO C.C.	945 6502
Robert E. STEWART	11204 N. HERMITAGE Rd. FT MYERS	466-5694
Michael Ojima	2500 MAIN ST. FMB FL	463-3695
Richard Giroux	5325 Colonnade CT. C.C. FL	540-8711
Normi Jones	15673 Tana Rd. Ft. Myers	590-9374
Alan Bennett	3802 NW 10TH ST Cape Coral	282-1264

HEARING EXAMINER
1500 MONROE STREET
FORT MYERS FL. 33901

PETITION

THE UNDERSIGNED PETITION THE LEE COUNTY HEARING EXAMINER IN FAVOR OF THE
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THE PROPOSED PROJECT FOR A 60 ROOM HOTEL AND RESTAURANT, WOULD BE A GREAT
ASSET TO THE COMMUNITY.

NAME

ADDRESS

PHONE

Joanne James	37A Nancy Ln. F.M.B.	463-9326
Betty Goodhue	874 Oak St. F.M.B.	463-6487
W. Kemper	1130 MAIN ST FMB	463-2588
Andrea Bianchi	752 San Carlos Dr FMB	463-2588
W. F.	27924 QUINN ST Bonh	495-3157
D. G. Lee	1100 Main St.	463-3656
Mr. M. Lee	12420 BLASINGIM RD FM	277-0564
Key	1130 MAIN ST FMB	463-2588
Cindy Sheppard	1130 Main St. FMB	463-2588

HEARING EXAMINER
1500 MONROE STREET
FORT MYERS FL. 33901

PETITION

THE UNDERSIGNED PETITION THE LEE COUNTY HEARING EXAMINER IN FAVOR OF THE
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THE PROPOSED PROJECT FOR A 60 ROOM HOTEL AND RESTAURANT, WOULD BE A GREAT
ASSET TO THE COMMUNITY.

NAME	ADDRESS	PHONE
Dennis Henderson	19241 San Carlos Blvd	941-463-3341
George Mala	1300 Main St.	941-765-1828
Jimmy Wood Walker	1300 Main St	941-765-1828
Chris K...	815 B...	941-765-1828
Bill H...	815 " "	941-765-1828
Randy Henderson	815 " "	941-463-3341
Kenny Vag Garsel	Lot 31 Sunnyland	
Barbara Barker	1300 Main St	765-3341
Christine Sala	1200 Main St.	765-0439
Daleen Cameron	17232 White Water St.	482 5372
Joan Foster	1219 Vesper Dr.	225-6643

HEARING EXAMINER
1500 MONROE STREET
FORT MYERS FL. 33901

PETITION

THE UNDERSIGNED PETITION THE LEE COUNTY HEARING EXAMINER IN FAVOR OF THE
REZONING OF THE STEAMERS SEAFOOD PROPERTY, CASE# DCI 2000-00013.
THE PROPOSED PROJECT FOR A 60 ROOM HOTEL AND RESTAURANT, WOULD BE A GREAT
ASSET TO THE COMMUNITY.

NAME

ADDRESS

PHONE

Mary Ryland 212 Innis St. FMB 765-4048

Bud Benson 927 Prescott St. FMB 463-5082

Cindi Benson 927 Prescott St. FMB 463-5082

Sam & Debra 961 San Carlos Ct FMB 765-1795

Sam Ry 64 Oyster Bay Lane FMB 463-5714

LOUISE BARGENT 64 OYSTER BAY FMB 463-5714

Scott 937 Prescott Ln FMB 33931

Christie Condon 937 Prescott Ave FMB 76 33931

Cheryl Sattler 890 North Street FMB 463192

John A. 934 Prescott St FMB 463152

Debbie Gray 934 Prescott St FMB 33931.

John 938 Prescott FMB 765-3544

Bill Cort 960 San Carlos Ct. 218 5432

Leonard Hughes 855 South St. 765-1779 FMB

Patti Zenger 927 PRESCOTT B. FMB. 765-4102

William Hays 880 Buttonwood 463-1115

Suzanne Thompson 880 Buttonwood Dr. 765-0920 (H)

John Conway 212 Lakemo Circle 4632661

RICHARD TUTHILL
838 SOUTH STREET
FT. MYERS BEACH, FL. 33931

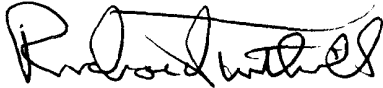
MAY 25, 2000

HEARING EXAMINER
1500 MONROE STREET
FT. MYERS FL. 33901

DEAR HEARING EXAMINER:

I AM IN FAVOR OF THE PROPOSED HOTEL AND RESTAURANT TO BE
CONSTRUCTED OVER THE EXISTING STEAMERS SEAFOOD SITE. I
UNDERSTAND THAT IT WILL HAVE 60 ROOMS, A RESTAURANT, AND BE
APPROXIMATLY 60 FEET TALL.

SINCERELY

A handwritten signature in black ink, appearing to read "Richard Tuthill", written over a horizontal line.

RICHARD TUTHILL



HEINZ MARINE ELECTRONICS, INC.

19190 SAN CARLOS BOULEVARD • SUITE 2
FORT MYERS BEACH, FL 33931
TELEPHONE: 941-463-3500
FAX: 941-463-3545

SALES & DOCKSIDE SERVICE
CUSTOM INSTALLATIONS

AUTHORIZED DEALER
MAJOR BRANDS

HEINZ BUHRIG, President

JUNE 5, 2000

HEARING EXAMINER
1500 MONROE STREET
FT. MYERS FL. 33901

DEAR HEARING EXAMINER:

I AM IN FAVOR OF THE PROPOSED HOTEL AND RESTAURANT TO BE
CONSTRUCTED OVER THE EXISTING STEAMERS SEAFOOD SITE. I
UNDERSTAND THAT IT WILL HAVE 60 ROOMS, A RESTAURANT, AND BE
APPROXIMATLY 60 FEET TALL.

SINCERELY

Roxanne Buhrig

GEORGE BELESLIN
805 SAN CARLOS DR.
FT. MYERS BEACH, FL 33931

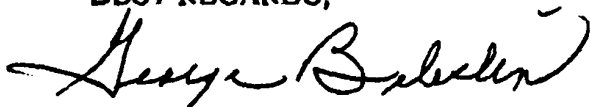
MAY 12, 2000

HEARING EXAMINER OF LEE COUNTY
1500 MONROE STREET
FORT MYERS, FLORIDA 33901

DEAR HEARING EXAMINER

THE PROPOSED REZONING OF THE PROPERTY AT STEAMERS
SEAFOOD WOULD BE A PLUS FOR OUR COMMUNITY. IT WILL ADD
TO OUR ALREADY DIVERSE COMMERCIAL INTERESTS WITH
MINIMAL IMPACT ON THE NEARBY RESIDENTIAL AREAS. A
STRONG AND THRIVING COMMERCIAL DISTRICT IS CRUCIAL IN
CREATING STABLE RESIDENTIAL COMMUNITIES.

BEST REGARDS,

A handwritten signature in black ink, appearing to read "George Beleslin", written in a cursive style.

GEORGE BELESLIN

THOMAS NADEAU
843 SOUTH STREET
FT. MYERS BEACH, FL. 33931

MAY 25, 2000

HEARING EXAMINER
1500 MONROE STREET
FT. MYERS FL. 33901

DEAR HEARING EXAMINER:

I AM IN FAVOR OF THE PROPOSED HOTEL AND RESTAURANT TO BE
CONSTRUCTED OVER THE EXISTING STEAMERS SEAFOOD SITE. I
UNDERSTAND THAT IT WILL HAVE 60 ROOMS, A RESTAURANT, AND BE
APPROXIMATLY 60 FEET TALL.

SINCERELY

A handwritten signature in dark ink, appearing to read 'TN', followed by a long horizontal flourish.

THOMAS NADEAU

DENNIS HENDERSON PRES
SUNNYLAND COURT INC.
19241 SAN CARLOS BLVD.
FT. MYERS BEACH, FL. 33931

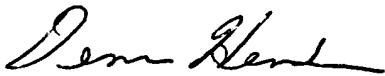
MAY 25, 2000

HEARING EXAMINER
1500 MONROE STREET
FT. MYERS FL. 33902

DEAR HEARING EXAMINER:

I AM IN FAVOR OF THE PROPOSED HOTEL AND RESTAURANT TO BE
CONSTRUCTED OVER THE EXISTING STEAMERS SEAFOOD SITE. I
UNDERSTAND THAT IT WILL HAVE 60 ROOMS, A RESTAURANT, AND BE
APPROXIMATLY 60 FEET TALL.

SINCERELY

A handwritten signature in cursive script, appearing to read "Dennis Henderson", written in black ink.

DENNIS HENDERSON

William J. Semmer
1130 Main Street
Fort Myers Beach, Florida 33931

May 25, 2000

Hearing Examiner Of Lee County
1500 Monroe Street
P.O. Box 398
Fort Myers, Florida 33902

Dear Hearing Examiner

As a neighboring property owner I am writing this letter in support of the rezoning at Steamers Seafood. I feel that the project will be a positive addition to our community and contribute to a strong and stable economy.

Thank You,

A handwritten signature in black ink, appearing to read 'W. Semmer', written over a horizontal line.

William J. Semmer

GSF, INC. D.B.A.
CITGO By The Bridge
19201 San Carlos Blvd.
Ft. Myers Beach, FL. 33931

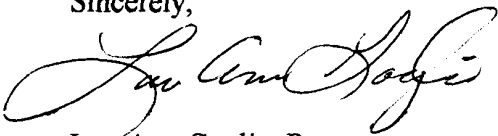
May 5, 2000

Lee County Hearing Examiner
1500 Monroe Street
Ft. Myers FL 33902

Dear Hearing Examiner:

As an owner and operator of a business on San Carlos Island , I am truly in favor of the rezoning necessary to provide for the hotel and restaurant as proposed at the Steamers Seafood property. I feel that this will greatly enhance our community and be good for the general welfare of our area.

Sincerely,

A handwritten signature in cursive script, reading "Lou Ann Gaglio".

Lou Ann Gaglio, Pres.

GREGORY CONDOS
853 SOUTH STREET
FT. MYERS BCH., FL 33931

MAY 22,2000

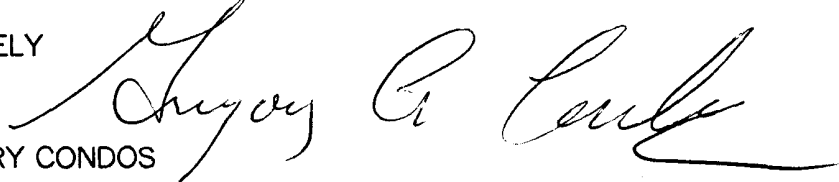
HEARING EXAMINER
1500 MONROE STREET
FORT MYERS, FL 33902

DEAR HEARING EXAMINER:

THIS LETTER IS IN SUPPORT OF THE PROPOSED REZONING OF THE
STEAMERS SEAFOOD PROPERTY. I FEEL THAT IT WOULD BE AN ASSET TO
BOTH OUR RESIDENTIAL AND COMMERCIAL COMMUNITIES IN HELPING TO
CREATE A STRONG AND STABLE ECONOMY IN OUR COMMUNITY.

SINCERELY

GREGORY CONDOS



765-0880



RAY GLODEN
960 SAN CARLOS CT
FT. MYERS BEACH FL 33931

MAY 22, 2000

LEE COUNTY HEARING EXAMINER
1500 MONROE STREET
FORT MYERS FL. 33901

DEAR HEARING EXAMINER:

I AM WRITING THIS LETTER IN SUPPORT OF THE REZONING AT STEAMERS
SEAFOOD. I FEEL THAT THE PROJECT HAS STRONG MERITS AND WILL BE
AN ASSET TO OUR COMMUNITY. THANK YOU FOR ALLOWING ME TO
EXPRESS MY FEELINGS.

VERY TRULY YOURS,

A handwritten signature in cursive script that reads "Ray Gloden". The signature is written in dark ink and is positioned above the printed name.

RAY GLODEN

19200 San Carlos Blvd.
Fort Myers Beach, Florida
May 17, 2000

Lee County Hearing Examiner
1500 Main Street
Fort Myers, FL 33902

Re: Rezoning of Steamers Seafood property, 19220 San Carlos Blvd.

Dear Hearing Examiner,

In regards to the rezoning of the Steamers Seafood property, I am in favor of the proposal and feel the project will enhance the San Carlos Island business community and provide attractive tourist accommodations on this island.

I feel by having accommodations available on San Carlos Island also relieves Estero Blvd. of additional traffic.

Sincerely yours,


Edward Keohane



Gleisle Lumber & Millwork, Inc.

P.O. Box 5079

Ft. Myers Beach, FL 33932

(941) 463-6857 Fax: (941) 463-7875

JUNE 5, 2000

HEARING EXAMINER
1500 MONROE STREET
FT. MYERS FL. 33901

DEAR HEARING EXAMINER:

I AM IN FAVOR OF THE PROPOSED HOTEL AND RESTAURANT TO BE
CONSTRUCTED OVER THE EXISTING STEAMERS SEAFOOD SITE. I
UNDERSTAND THAT IT WILL HAVE 60 ROOMS, A RESTAURANT, AND BE
APPROXIMATLY 60 FEET TALL.

SINCERELY

James E. Gleisle, Pres.



OSTEGO BAY ENVIRONMENTAL, INC.

research • permitting • planning • inspections • marine services

1130 Main Street • San Carlos Island, Florida 33931
Phone 941.463.2588 • Fax 941.463.0865

May 25, 2000

Hearing Examiner Of Lee County
1500 Monroe Street
P.O. Box 398
Fort Myers, Florida 33902

Dear Hearing Examiner

As a property owner and business owner on San Carlos Island I support the rezoning of the Steamers Seafood property. I feel the property has strong merits and will be an asset our our community.

Thank You,


Joanne James

DIANE KIRKPATRICK
849/851 SOUTH STREET
FORTR MYERS BEACH FL. 33931

JUNE 22, 2000

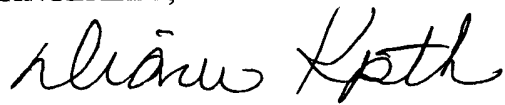
HEARING EXAMINER
1500 MONROE STREET
FT. MYERS, FL. 33901

RE: DCI 2000-00013

DEAR HEARING EXAMINER:

HAVING RECENTLY SIGNED A PETITION OPPOSED TO THE PROJECT AT
STEAMERS, I FEEL THAT I WAS MISINFORMED ABOUT THE NATURE OF
THE PROJECT. I AM NOW IN FAVOR OF THIS PROJECT, HAVING A BETTER
UNDERSTANDING OF THE TOTAL PLAN

SINCERELY,

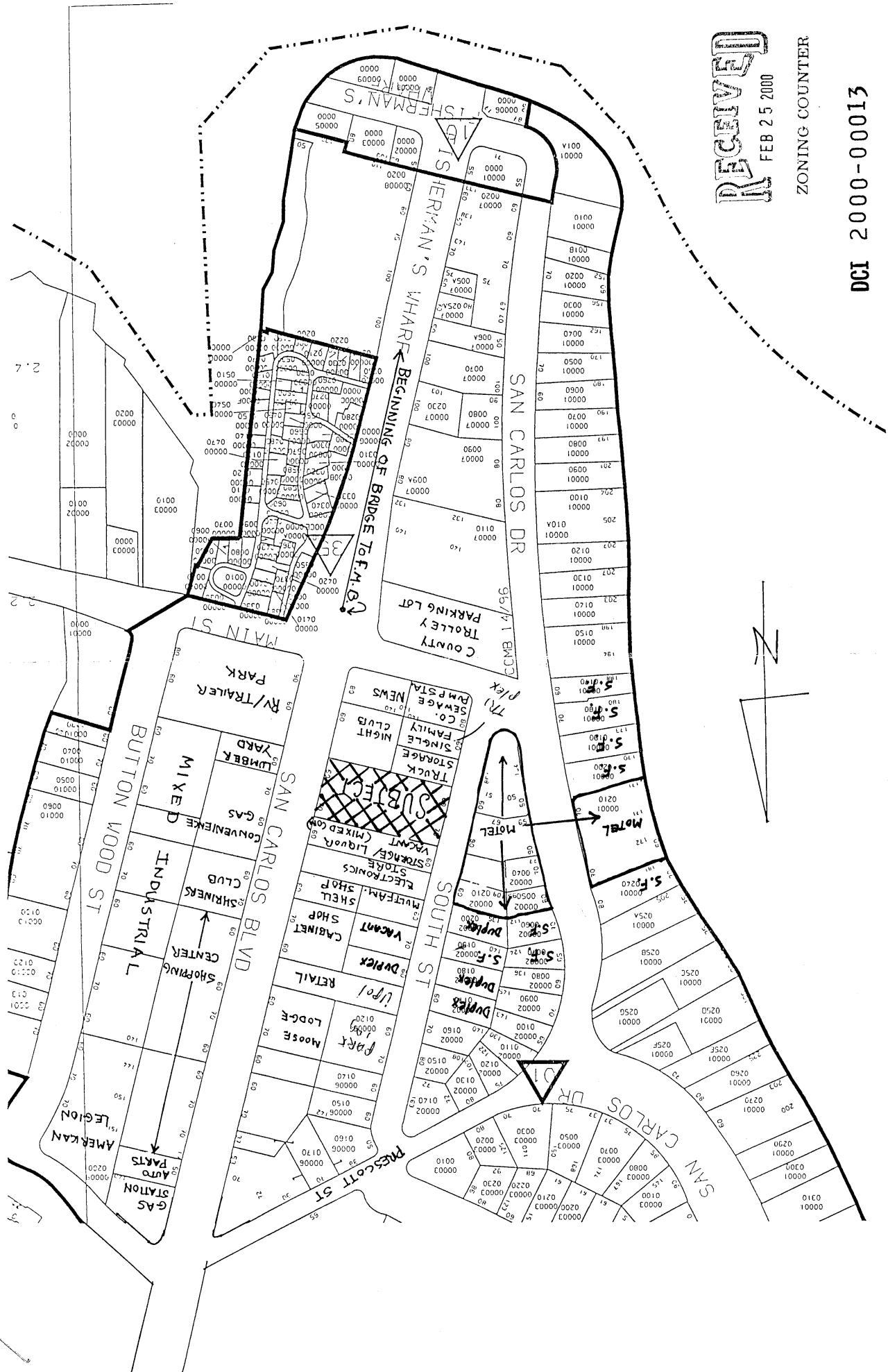
A handwritten signature in black ink, appearing to read "Diane Kirkpatrick". The signature is fluid and cursive, with the first name "Diane" written in a larger, more prominent script than the last name "Kirkpatrick".

DIANE KIRKPATRICK

APPLICANT'S EXHIBIT
#3
0000-00013

FEB 25 2000

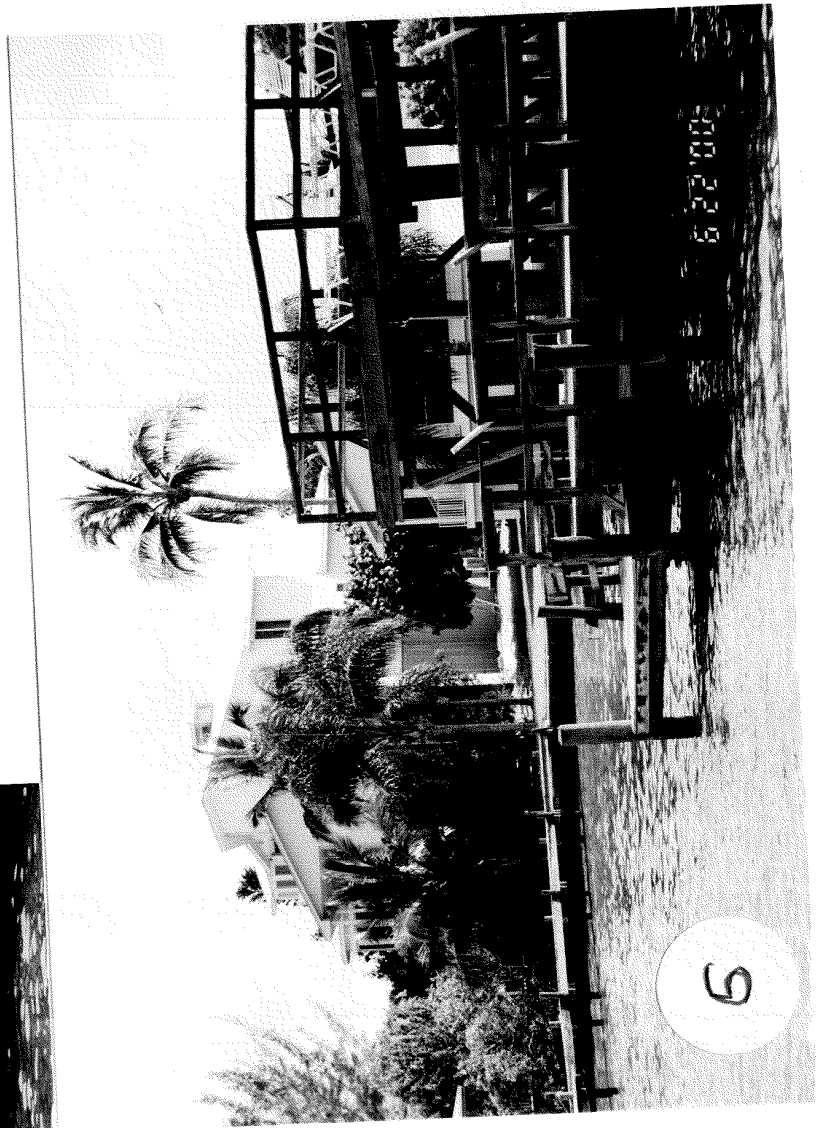
DCI 2000-00013

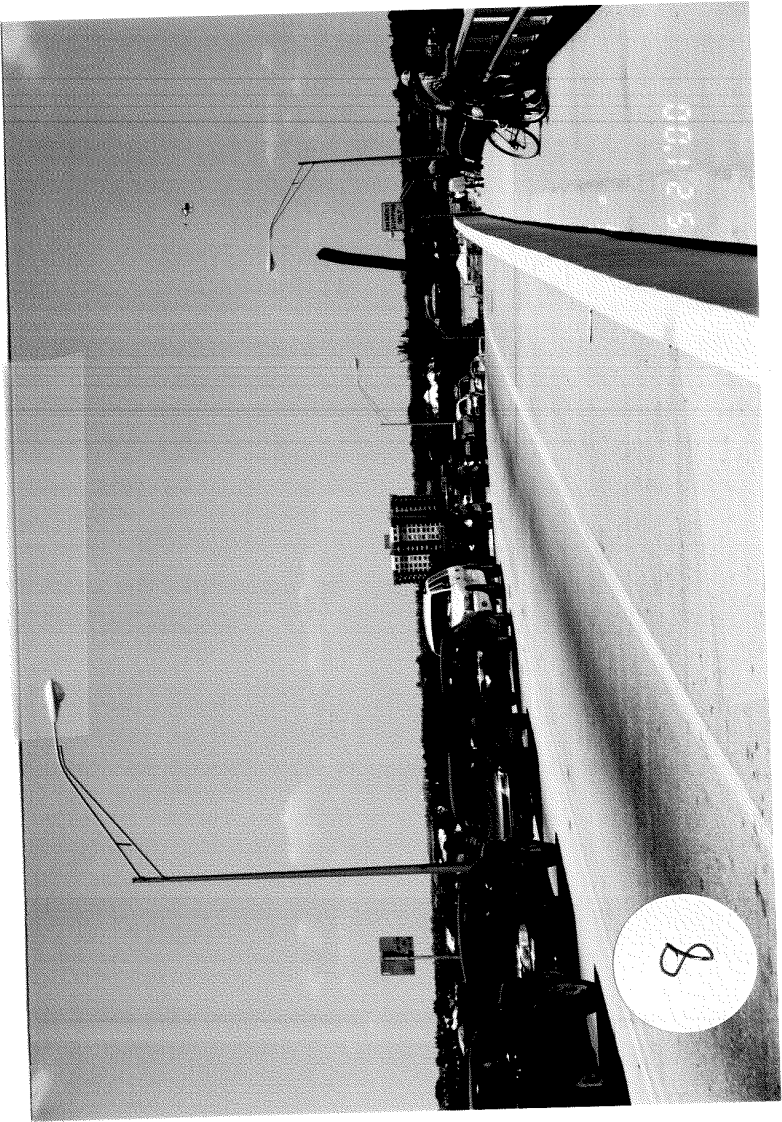




APPLICANT'S EXHIBIT
 # 4
 DCF 2000-00013

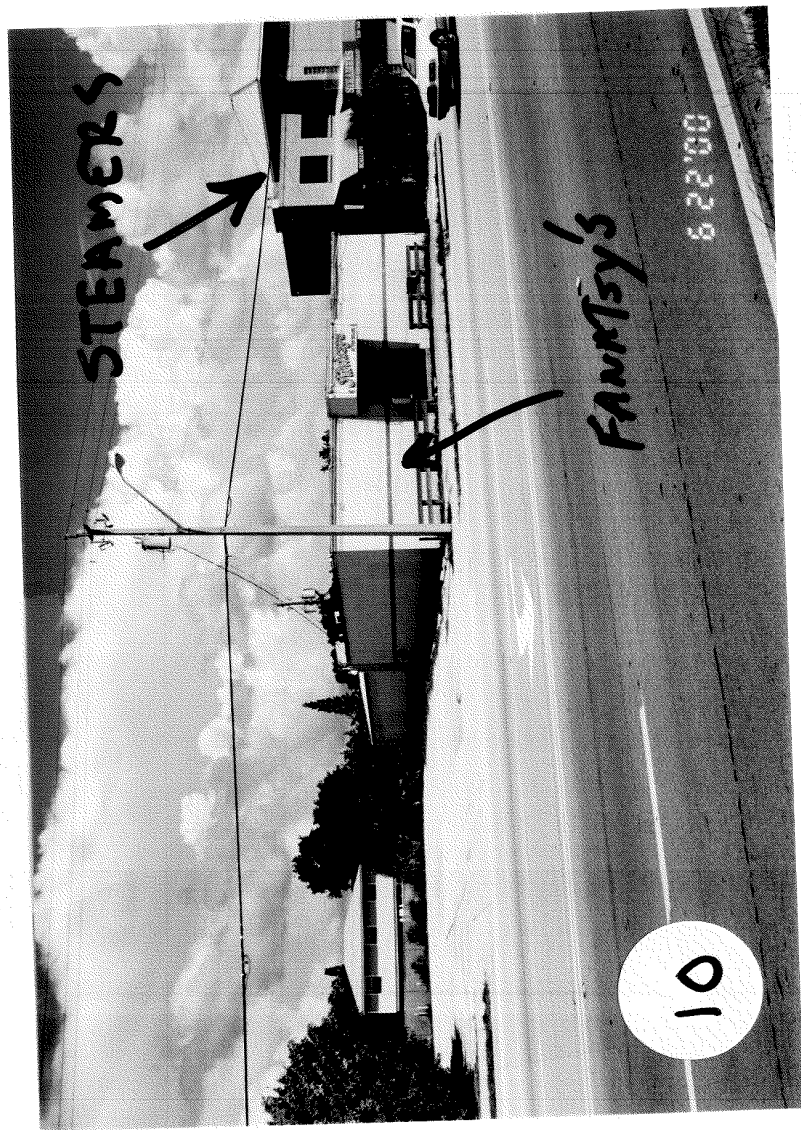








9



10

Photos

1-3 Newby houses along S. St
4 Taken from corner of new-
bldg toward house on 2nd St.

5+6 Newer 2-3 Story
houses in area

7 11 Story Boardwalk
next to 2 Story

8 Looking north from top bridge
11 Story Boardwalk on left
top of second story Steamers

9 Snuffery at County parking
lot

10 Steamers



Fort Myers Beach Fire Control District

3043 Estero Boulevard • P.O. Box 2880
Fort Myers Beach, Florida 33932

BOARD OF COMMISSIONERS

Sally Smith - Chairman

Betty Goodacre - Vice-Chairman

Ronald W. Kidder - Sec./Treas.

Jack J. Heyman - Commissioner

Gordon (Flip) Harby - Commissioner

FIRE CHIEF

Stephen J. Markus

June 8, 2000

Mr. Nick Kastan
Steamers Seafood
19220 San Carlos Boulevard
Fort Myers Beach, FL 33931

Dear Mr. Kastan:

After reviewing the plans for the proposed development for a hotel/restaurant that will be four (4) stories above the existing building at the Steamers Seafood site, the Fort Myers Beach Fire Control District has no objection to a zero (0) foot setback along the South boundary line providing the following safety and fire requirements are met.

This will include a sprinkler system in the building, a fire alarm system and providing access to the building from South Street.

If you have further questions, please do not hesitate to call.

Sincerely,

A handwritten signature in cursive script that reads "David M. Collins".

David M. Collins
Fire Inspector

DMC:nam

APPLICANT'S EXHIBIT

#5
DCF 2000-00013

"Providing Tomorrows Quality Service Today"

Phone (941) 463-6164 • FAX (941) 463-6761



TED B. TREESH

Senior Transportation Consultant

EXPERIENCE

Relative Experience: Mr. Treesh is a Senior Transportation Consultant with more than 10 years experience in the area of transportation engineering and transportation planning. Specifically, he has expertise in the areas of traffic impact studies, corridor planning studies, traffic signal justifications studies and traffic signal systems analysis. Mr. Treesh has served as Project Manager on numerous transportation planning studies. He has performed capacity evaluations of signalized and unsignalized intersections, evaluated development plans in terms of traffic circulation and safety, making recommendations for improvements to parking areas and on-site design to accommodate development traffic.

Traffic Impact Analysis: Managed and conducted traffic impact studies of numerous land uses ranging in size from 1,400 acres to less than 1 acre. Land uses analyzed include shopping centers, mixed use developments, medical office buildings, residential developments, industrial developments, and office buildings. Conducted capacity analyses of critical intersections, utilizing the Highway Capacity Software (HCS), and recommended appropriate geometric improvements to accommodate development, as well as, non-development traffic. Evaluated development plans in terms of traffic circulation and safety, making recommendations for improvements to parking and on-site design to accommodate development traffic. Accepted as an expert witness in transportation and testified before Planning Commissions, Zoning Boards, Village Boards, and City Councils, as well as, neighborhood and local organizations. Studies completed in the metropolitan Chicago area, southeast Wisconsin, St. Louis metropolitan area, Ohio, Kentucky, and Indiana.

Traffic Signal Justification Studies:

Performed traffic signal justification studies for private developments, as well as, for public streets on both state and local roadways.

Traffic Signal Systems: Assisted in the analysis and development of a coordinated traffic signal system to alleviate congestion and reduce vehicle emissions. Analysis of existing traffic volumes, flow patterns, and signal spacing was completed utilizing the progression programs SYNCHRO and PASSER II-90 to develop an optimum signal progression program.

Transportation Planning: Project Manager on the Daniels Parkway corridor study for the Lee County Department of Transportation. Also served as project consultant on Strategic Regional Arterial (SRA) corridor projects conducted by the Illinois Department of Transportation and the Chicago Area Transportation Study. These projects involved analyses and recommendations of proposed roadway geometrics, right-of-way requirements, cost estimates and access management alternatives for future planning.

Parking: Analyzed and designed parking configuration for neighborhood shopping center and various small retail developments. Also analyzed existing parking facilities, identified internal deficiencies and made recommendations for improvement. Performed numerous parking studies including downtown areas to determine peak parking demand and characteristics.

Trip Generation Research: Involved in research to better quantify the trip generation of various land uses in the Chicagoland area. These land uses include gas stations with car washes, small retail centers anchored by a convenience store, and residential developments. Involvement includes methodology, data collection, and analysis of statistical data.

PROFESSIONAL POSITIONS

Metro Transportation Group, Inc. -
Florida Office
Senior Transportation Consultant
1999 - Present

Woolpert, LLP
Dayton, Ohio
Project Manager
1997 - 1999

Metro Transportation Group, Inc.
Senior Transportation Consultant
1990 - 1997

EDUCATION

Purdue University
West Lafayette, Indiana
Bachelor of Science - Civil Engineering

AFFILIATIONS

Institute of Transportation Engineers

Transportation Research Board

Urban Land Institute