kwiktag® 022 583 962

# GIS Tracking Sheet

Case No.: DCI2005-000026

Intake Date: 3-10-05

Project Name: Hidden Harbor RPD

STRAP Number(s):

24-46-23-01-00001.0190
24-46-23-01-00002.0050
24-46-23-01-00001.0240
24-46-23-01-00002.0220
24-46-23-01-00001.0200
24-46-23-01-00002.0010, .0040, .0030, .0210
24-46-23-01-00001.0210

Planner Name: Josh Philpott Ext. 8365

**LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING**

Date: 10/11/2005

ArcGIS
**INTAKE:** DC105026

LEGAL SUFFICIENT ☑ YES ☐ NO Initials: LGM

If not, give brief explanation:

**MAP UPDATE following FINAL ACTION**

Date: 15AUG06

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

☐ Administrative Approval ☐ Blue Sheet

Zoning Notes: Z-05-100, DCI2005-00026, 12JUNE06, HIDDEN HARBOR RPD (a.k.a. HARBOR WATCH RPD), REZONE 2.94 ACRES FROM TFC-2 TO RPD TO ALLOW THE DEVELOPMENT OF A 16 UNIT TWO-FAMILY ATTACHED RESIDENTIAL DEVELOPMENT; CONDS

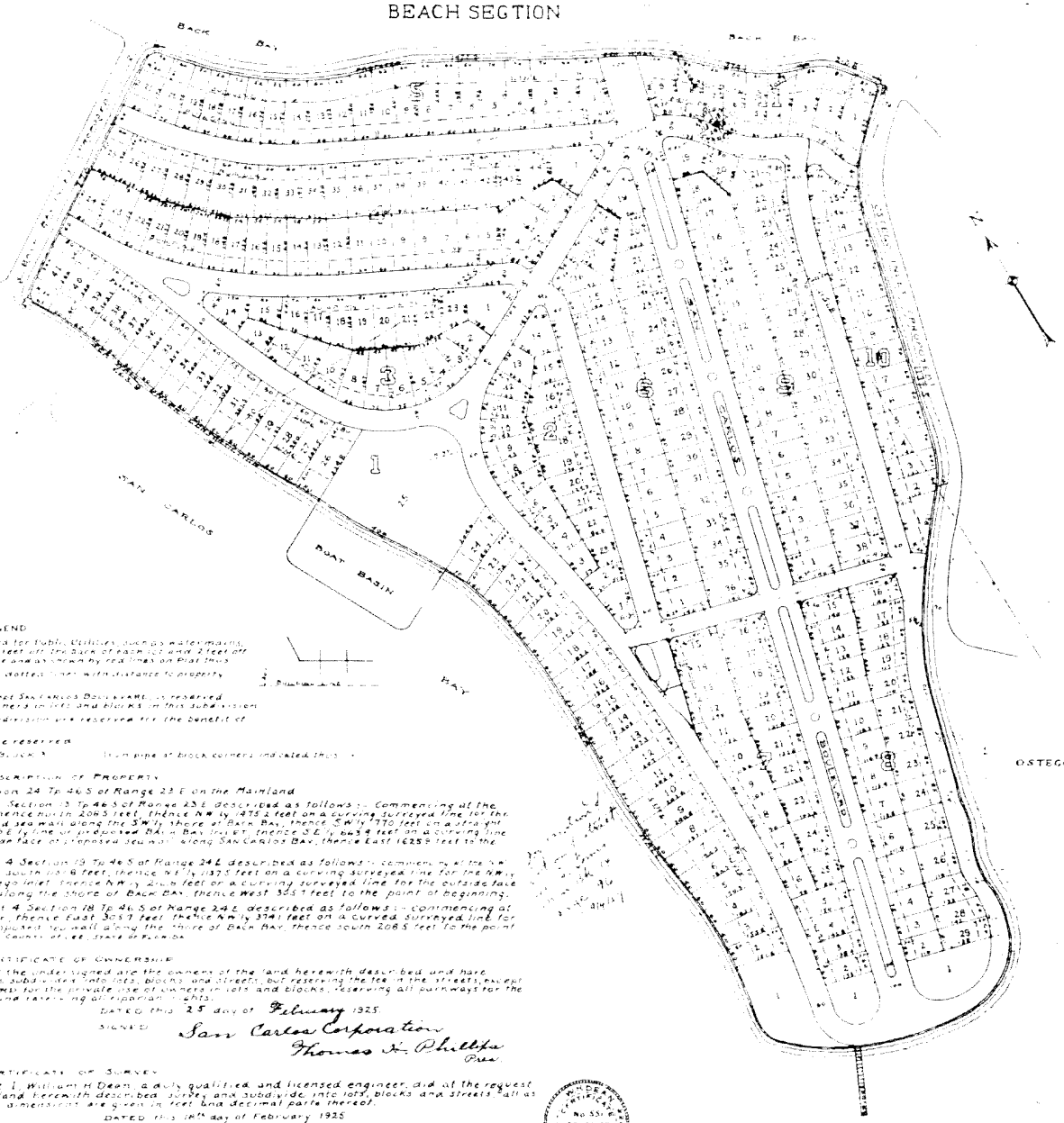
MAP UPDATED ☑YES ☐NO Initials: AMM

If not, give brief explanation: Created RPD:501353

S:\WRITERS\Murphyge\gistracking.wpd

# SAN CARLOS-ON-THE-GULF

## BEACH SECTION




LEGEND

a) 4 feet easement reserved for public utilities such as water mains, gas mains, wires, etc. 2 feet off the back of each lot and 2 feet off the sides of lots, where and as shown by red lines on Plat this

b) Building lines shown by shaded lines with distance to property lines this

c) The fee in all streets except SAN CARLOS BOULEVARD, is reserved for the private use of owners in lots and blocks in this subdivision

d) All parkways in this subdivision are reserved for the benefit of the lot owners.

e) All riparian rights are reserved.

f) There is no Lot 3 of Block 3 Iron pipe at block corners indicated thus ●

DESCRIPTION OF PROPERTY

All of Fractional Section 24 Tp 46 S of Range 23 E on the Mainland

That part of Govt Lot 4 Section 13 Tp 46 S of Range 23 E described as follows:- Commencing at the S.E. Section Corner, thence north 2085 feet, thence N.W. ly 475.2 feet on a curving surveyed line for the outside face of proposed sea wall along the S.W. ly there at Back Bay, thence S.W. ly 770 feet on a straight surveyed line for the S.E. ly line of projected BAY in Bay Inlet, thence S.E. ly 649.9 feet on a curving line surveyed for the outside face of proposed sea wall along San Carlos Bay, thence East 1625.9 feet to the point of beginning.

That part of Govt Lot 4 Section 13 Tp 46 S of Range 24 E described as follows:- commencing at the N.E. cor. on corner, thence South 1318 feet, thence W. ly 1375 feet on a curving surveyed line for the N.W. line of proposed Estero Inlet, thence N.W. ly 200 feet on a curving surveyed line for the outside face of proposed sea wall along the shore of Back Bay, thence West 305.1 feet to the point of beginning.

That part of Govt Lot 4 Section 18 Tp 46 S of Range 24 E described as follows:- commencing at the S.W. Section corner, thence East 305.1 feet, thence N.W. ly 3741 feet on a curved surveyed line for the outside face of proposed sea wall along the shore of Back Bay, thence south 2085 feet to the point of beginning. All in the County of Lee State of Florida.

CERTIFICATE OF OWNERSHIP

This is to certify that the undersigned are the owners of the land hereinafter described, and have caused said land to be subdivided into lots, blocks, and streets, but reserving the fee in the streets, except SAN CARLOS BOULEVARD, for the private use of owners of lots and blocks, reserving all parkways for the benefit of lot owners, and reserving all riparian rights.

DATED this 25 day of February 1925

SIGNED San Carlos Corporation
Thomas J. Phillips
Pres

CERTIFICATE OF SURVEY

This is to certify that I, William H. Dean, a duly qualified and licensed engineer, did at the request of the owners of the land hereinafter described, survey and subdivide into lots, blocks and streets all as shown on this plat. All dimensions are given in feet and decimal parts thereof.

DATED this 26th day of February 1925

SIGNED W. H. Dean

FORT MYERS, FLA.

LAND SURVEYOR No. 55 STATE OF FLORIDA

3187.0

**EXHIBIT "A"**

**DCI2005-00026**

**LEGAL DESCRIPTION:**

LOTS 19 THROUGH 24, BLOCK 1, AND LOTS 1 THROUGH 5 AND 21 THROUGH 23, BLOCK 2, OF SAN CARLOS ON THE GULF AS RECORDED IN PLAT BOOK 6 AT PAGE 6, OF THE PUBLIC RECORDS OF LEE COUNTY, LYING IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA.

CONTAINING 2.94 ACRES, MORE OR LESS.

Applicant's Legal Checked
by Lgm October 11, 2005.

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

WHEREAS, an application was filed by the property owner, Hidden Harbor Inn, LLC, to rezone a 2.94± acre parcel from Two-Family Conservation (TFC-2) to Residential Planned Development (RPD) in reference to Hidden Harbor RPD (a/k/a Harbor Watch RPD); and

WHEREAS, a public hearing was advertised and held on December 15, 2005, March 1, 2006 and March 16, 2006, before the Lee County Zoning Hearing Examiner, Richard Gescheidt, who gave full consideration to the evidence in the record for Case #DCI2005-00026; and

WHEREAS, a second public hearing was advertised and held on June 12, 2006, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 2.94± acre parcel from TFC-2 to RPD, to allow the development of a 16-unit two-family attached residential development. No blasting is proposed. The property is located in the Suburban Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. The development of this project must be consistent with the one page Master Concept Plan (MCP) entitled "Harbor Watch RPD," date stamped "Received June 9, 2006," except as modified by the conditions below. The development is limited to a maximum of 16 residential dwelling units. This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

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

a. Schedule of Uses

Essential Services
Docks
Administrative Offices
Dwelling Units: (maximum of 16 units)
Two-Family Attached
Parking Lot, Accessory
Recreation Facility:
Private On-site
Residential Accessory Uses
Signs, in accordance with Chapter 30
Temporary uses

b. Site Development Regulations

| | |
|---|---|
| Minimum Lot Width: | 60 feet |
| Minimum Lot Depth: | 100 feet |
| Minimum Lot Area: | 6,000 square feet |

Setbacks:
Principal and Accessory Structures:

| | |
|---|---|
| Street: | 25 feet |
| Side: | 15 feet |
| Waterbody: | 25 feet |

| | |
|---|---|
| Maximum Height: | 35 feet |
| Lot Coverage: | 40 percent |
| Open Space: | 45 percent |

c. The project will consist of a condominium development with a total of 16 dwelling units constructed in eight two-unit buildings.

3. Prior to local development order approval, the landscape plans must include:

a. The details on the creation of a 3,600-square-foot (calculated based on 10-foot width and 360 linear footage of shoreline) coastal littoral planting shelf waterward of the existing seawall stabilized with a rip-rap breakwater and native plantings, subject to approval by appropriate permitting agencies. The shape of the littoral planting shelf and the planting plan can be flexible in design, including width and plant types, to accommodate pedestrian access to the waters of San Carlos Bay and to the subject property's dockage from the subject property. The planting plan must include appropriate native

vegetation providing 50 percent coverage at time of planting for the littoral shelf; and

b. A 15-foot-wide buffer landward of the existing seawall. The buffer must be planted with appropriate native vegetation (e.g. sea oats, buttonwood, sea oxeye daisy, etc.) with a minimum 1-gallon container size and 50 percent coverage at time of planting; and

c. Planting of appropriate native vegetation in all surface water management system components, including conveyances, dry detention, and wet detention areas.

4. Prior to local development order approval, the Public Utility easements located along the rear of lots 3 through 5 and 21 through 23, as indicated on the survey by Bean, Whitaker, Lutz and Kareh, Inc. dated September 26, 2005, must be vacated.

5. Approval of this rezoning 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.

6. All stormwater must be managed onsite with no direct outfall or discharge into San Carlos Bay.

7. Prior to issuance of development order approval, Staff will review the existing structures for historical value. Should Historic Preservation, Planning Department, find that the structures are historically significant, Staff will, with the prior approval of the Board of County Commissioners, expeditiously relocate the structures within Lee County.

8. Prior to development order approval allowing vertical construction, the existing drainage outfall structure for San Carlos Drive must be relocated or replaced with a like size and capacity ~~of the existing drainage~~ structure, so ~~as not to~~ that the drainage facility will no longer be located under a proposed structure. Additionally, the applicant must also grant Lee County an easement ~~must be provided,~~ for the operation and maintenance ~~at the expense of Lee County,~~ of the above described drainage structure for San Carlos Drive ~~at the expense of the applicant~~. Lee County will be responsible for costs of operation and maintenance. The applicant will be responsible for costs of relocating the structure, as well as preparation and recording of the replacement easement. The easement must be reviewed and approved by the County Attorney's Office prior to recording.

9. The approved deviation (number 1) from §10-416(d)6 of the Lee County LDC is limited to the areas as shown on the attached MCP, west of San Carlos Drive.

10. The existing structures on the subject property must be removed as a condition of development order approval. For purposes of this condition, the project may be divided into no more than three phases: One phase covering the entirety of the "land parcel," located between South Street and San Carlos Drive; the second phase covering one-half of the "water parcel," located between San Carlos Drive and the San Carlos Bay; and the third phase covering the other half of the "water parcel," located between San Carlos Drive and the San Carlos Bay. If the property owners desire to retain a structure as part of, or subsequent to, development order approval for the third phase, then this Zoning Resolution and the attached MCP must be amended through the public hearing process.

11. 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. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §10-416(d)6 requirement to provide a minimum 30-foot-wide buffer when vehicular asphalt is located within 125 feet from a single-family residential use, to allow a 15-foot-wide buffer. This deviation is APPROVED.

2. Deviation (2) seeks relief from the LDC §34-935(e)4 requirement to provide a minimum building separation of 20 feet for all principal structures on a single parcel, to allow a minimum building separation of 10 feet. This deviation is APPROVED.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

Exhibit A: Legal description of the property
Exhibit B: Zoning Map (with the subject parcel indicated)
Exhibit C: The Master Concept Plan
Exhibit D: Survey date stamped September 26, 2005

The applicant has indicated that the STRAP numbers for the subject property are:
24-46-23-01-00001.0190, 24-46-23-01-00001.0200, 24-46-23-01-00001.0210, 24-46-23-01-00001.0240, 24-46-23-01-00002.0010, 24-46-23-01-00002.0030, 24-46-23-01-00002.0220, 24-46-23-01-00002.0040, 24-46-23-01-00002.0210, 24-46-23-01-00002.0050

SECTION E. FINDINGS AND CONCLUSIONS:

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

2. The rezoning, as approved:

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

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

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

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

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

3. The rezoning satisfies the following criteria:

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

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

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

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

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

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

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

DULY PASSED AND ADOPTED this 12th day of June 2006.

ATTEST:
CHARLIE GREEN, CLERK

BY: Michele D. Cooper
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Tammara Hall
Chairwoman

Approved as to form by:

_____
Dawn E. Perry-Lehnert
County Attorney's Office

RECEIVED
MINUTES OFFICE
mgc
2006 JUN 20 AM 10: 19

**EXHIBIT "A"**

**DCI2005-00026**

**LEGAL DESCRIPTION:**

LOTS 19 THROUGH 24, BLOCK 1, AND LOTS 1 THROUGH 5 AND 21 THROUGH 23, BLOCK 2, OF SAN CARLOS ON THE GULF AS RECORDED IN PLAT BOOK 6 AT PAGE 6, OF THE PUBLIC RECORDS OF LEE COUNTY, LYING IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA.

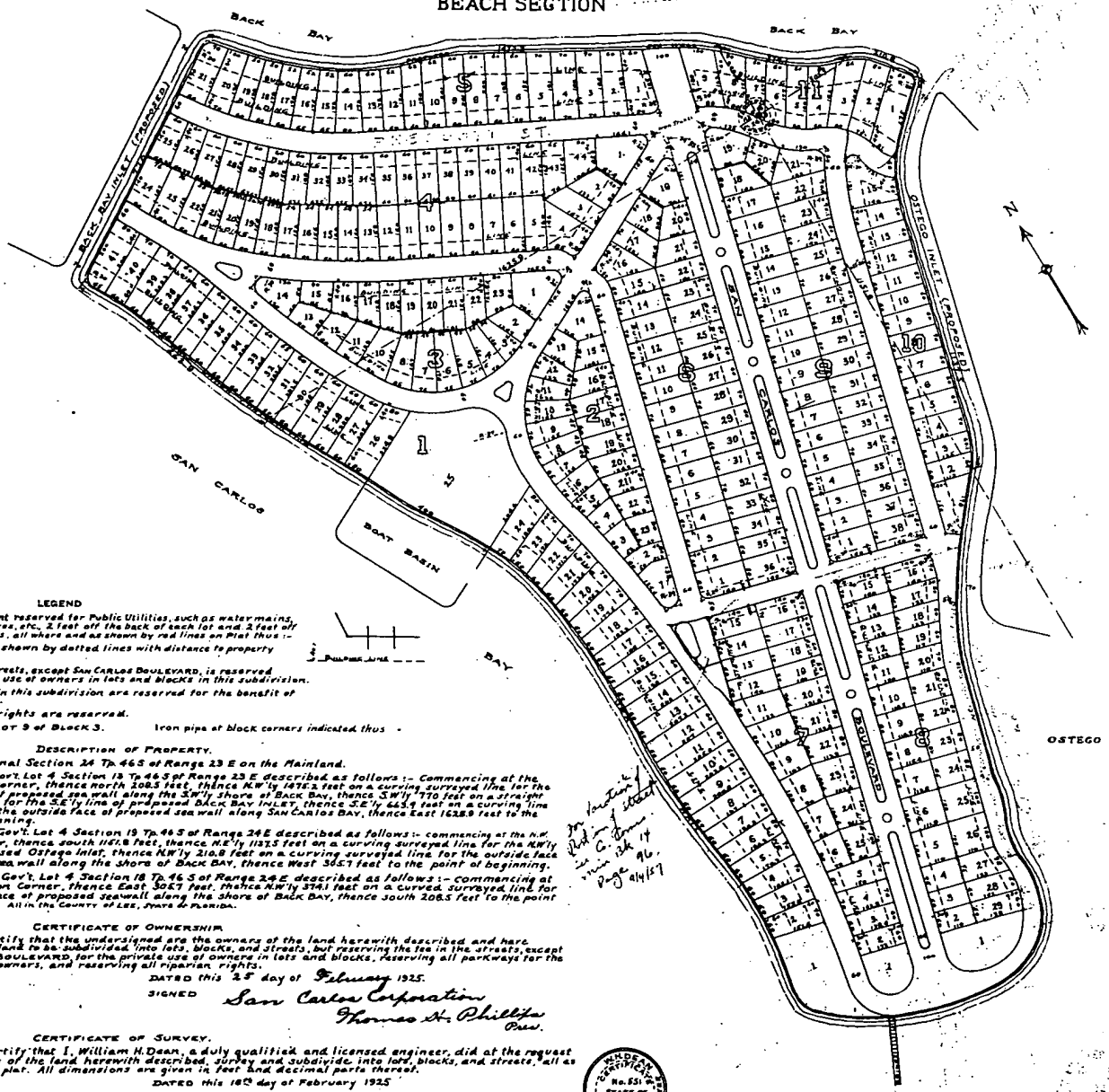
CONTAINING 2.94 ACRES, MORE OR LESS.

**Applicant's Legal Checked**
**by** Lgm October 11, 2005.

S:\Zoning Tables\Legal Review data\Legal Cases\Legal Descriptions\Plats\DCI2005-00026

# SAN CARLOS-ON-THE-GULF

## BEACH SECTION




### LEGEND

(a) 4 feet easement reserved for Public Utilities, such as water mains, gas mains, wires, etc., 2 feet off the back of each lot and 2 feet off the sides of lots, all where and as shown by red lines on Plat thus :–

(b) Building lines shown by dotted lines with distance to property lines, thus :–

(c) The fee in all streets, except SAN CARLOS BOULEVARD, is reserved for the private use of owners in lots and blocks in this subdivision.

(d) All parkways in this subdivision are reserved for the benefit of the lot owners.

(e) All riparian rights are reserved.

(f) There is no LOT 9 of BLOCK 3. Iron pipe at block corners indicated thus •

### DESCRIPTION OF PROPERTY.

All of Fractional Section 24 Tp. 46 S of Range 23 E on the Mainland.

That part of Gov't. Lot 4 Section 18 Tp. 46 S of Range 23 E described as follows :– Commencing at the S.E. Section Corner, thence north 208.5 feet, thence N.W'ly 1476.2 feet on a curving surveyed line for the outside face of proposed sea wall along the S.W'ly shore of BACK BAY, thence S.W'ly 770 feet on a straight surveyed line for the S.E'ly line of proposed BACK BAY INLET, thence S.E'ly 443.4 feet on a curving line surveyed for the outside face of proposed sea wall along SAN CARLOS BAY, thence East 1623.9 feet to the point of beginning.

That part of Gov't. Lot 4 Section 19 Tp. 46 S of Range 24 E described as follows :– commencing at the N.W. section corner, thence south 1161.6 feet, thence N.E'ly 1137.5 feet on a curving surveyed line for the N.W'ly line of proposed Ostego Inlet, thence N.W'ly 218.8 feet on a curving surveyed line for the outside face of proposed sea wall along the shore of BACK BAY, thence West 305.7 feet to the point of beginning.

That part of Gov't. Lot 4 Section 18 Tp. 46 S of Range 24 E described as follows :– commencing at the S.W. Section Corner, thence East 304.7 feet, thence N.W'ly 374.1 feet on a curved surveyed line for the outside face of proposed seawall along the shore of BACK BAY, thence south 208.5 feet to the point of beginning. All in the COUNTY of LEE, STATE of FLORIDA.

### CERTIFICATE OF OWNERSHIP.

This is to certify that the undersigned are the owners of the land herewith described and have caused said land to be subdivided into lots, blocks, and streets, but reserving the fee in the streets, except SAN CARLOS BOULEVARD, for the private use of owners in lots and blocks, reserving all parkways for the benefit of lot owners, and reserving all riparian rights.

DATED this 25 day of February 1925.

SIGNED San Carlos Corporation
Thomas H. Phillips
Pres.

### CERTIFICATE OF SURVEY.

This is to certify that I, William H. Dean, a duly qualified and licensed engineer, did at the request of the owners of the land herewith described, survey and subdivide into lots, blocks, and streets, all as shown on this plat. All dimensions are given in feet and decimal parts thereof.

DATED this 18th day of February 1925

SIGNED W. H. Dean

FORT MYERS - FLA.

W. H. DEAN CERTIFICATE No. 651 STATE OF FLORIDA REGISTERED ENGINEER

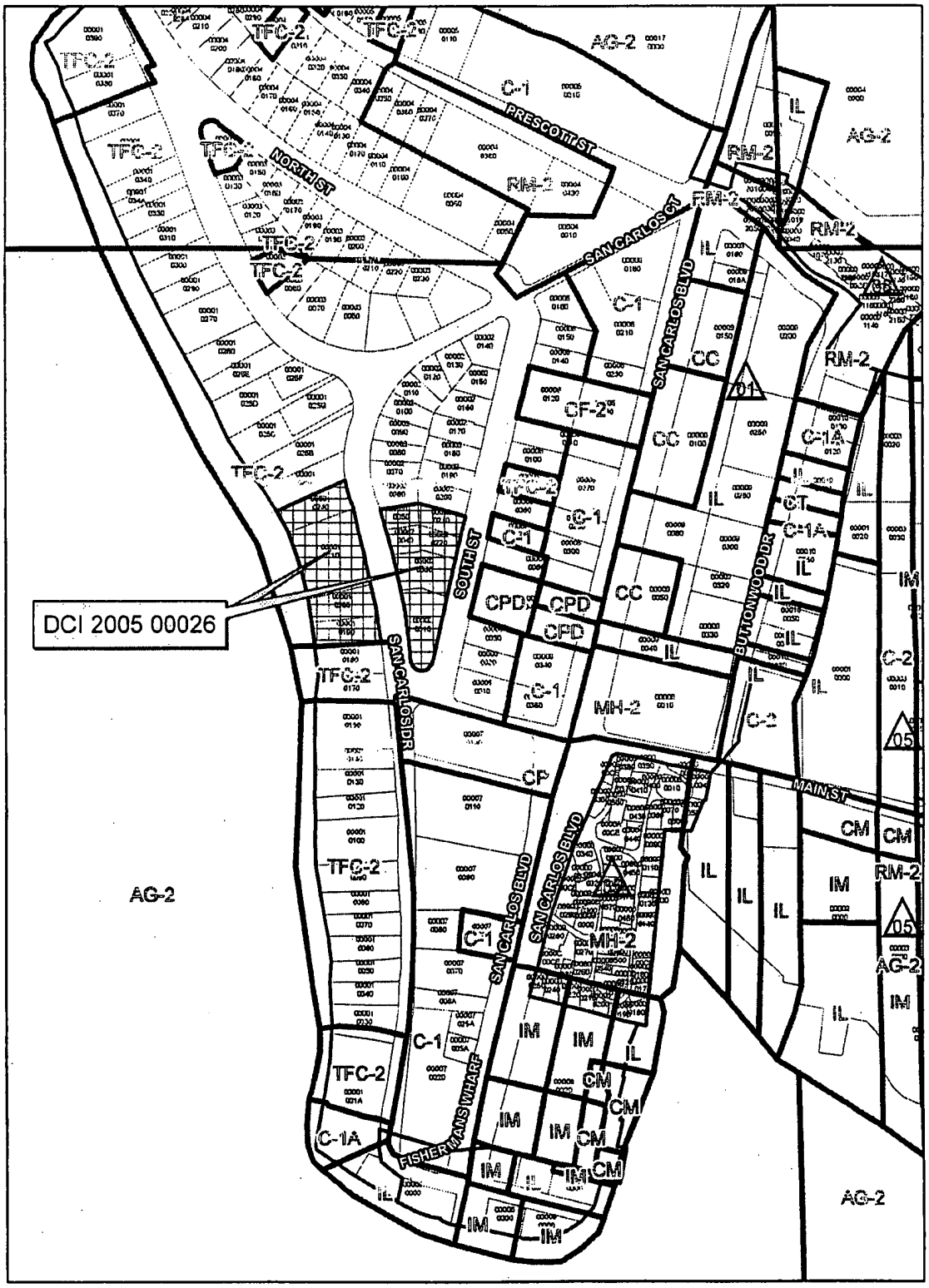
Plat in C. Town in Bk 14 96. Page 414/15

3182.0

Exhibit A
Page 2 of 2

# ZONING INTAKE MAP

11/29/2005




380 190 0 380 Feet

EXHIBIT B

# HARBOR WATCH RPD

## SEC 24, TWP 46 S., RGE 24 E.

### 819 SAN CARLOS DR
### FORT MYERS BEACH, FLORIDA 33931

NOTES:

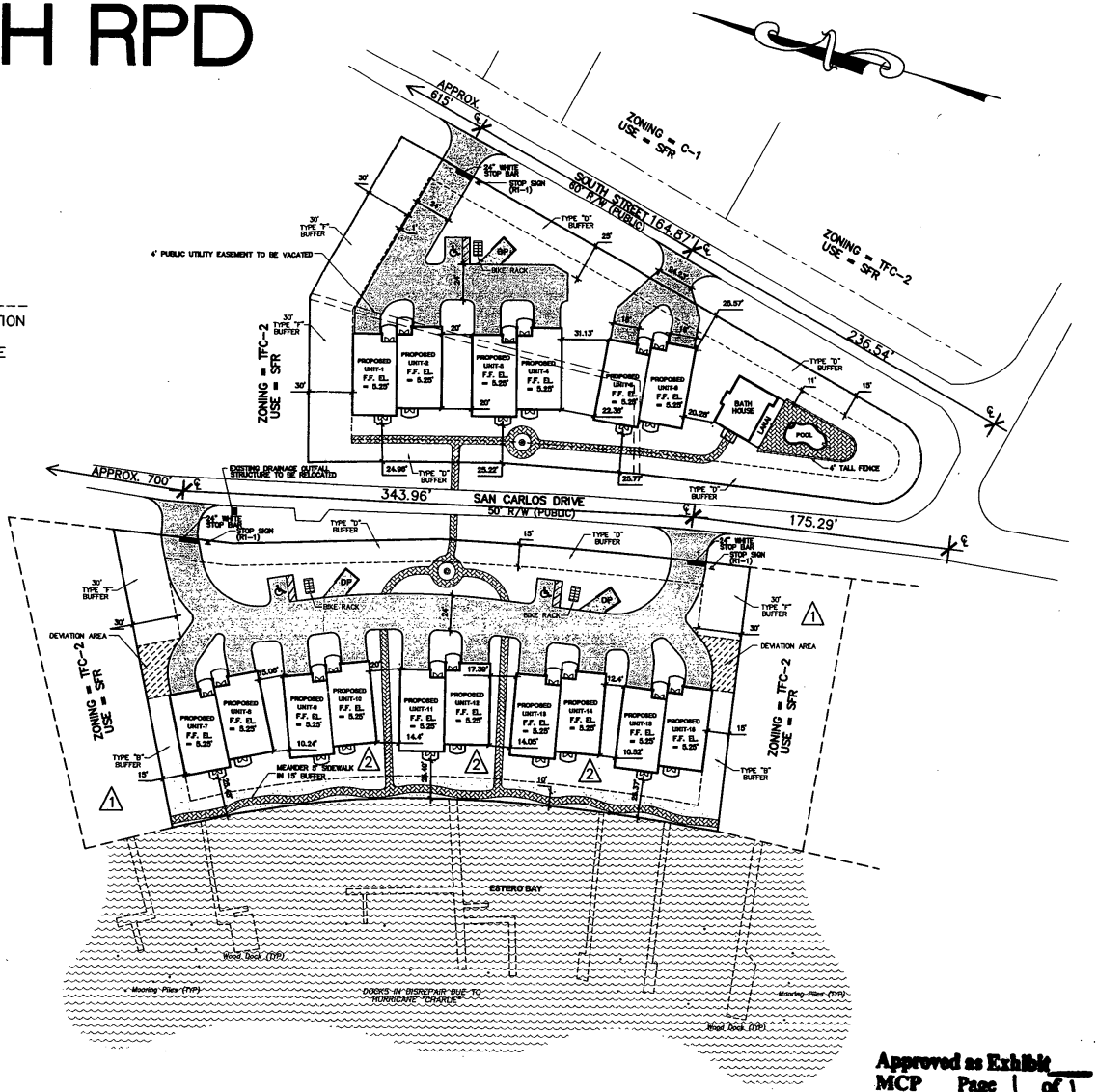
1. THE PROPOSED BUILDINGS ARE TWO HABITABLE STORIES ABOVE FLOOD ELEVATION WITH ALL BUILDINGS OF UNIFORM HEIGHT AND APPEARANCE. GROUND FLOOR AREAS WILL BE AIR CONDITIONED STORAGE, NON-HABITABLE. FIRST HABITABLE FLOOR ELEVATION WILL BE APPROXIMATELY 16.583 NVGD. STRUCTURE HEIGHT LIMITED TO 35' ABOVE MINIMUM FEMA BASE FLOOD ELEVATION, OR APPROXIMATELY 51' NVGD.
2. SCHEDULE OF DEVIATIONS: PLEASE SEE APPROVED RESOLUTION.
3. OPEN SPACE REQUIRED
   Site Area = 128,054 sf (Site Area) x 40% = 51,222 sf
   Open Space Provided = 67,167 sf

DEVIATIONS: 1, 2


ENGINEER: Robert W. Case, P.E.
Land Investment Services, Inc.
2040 Clarke Avenue
Fort Myers, FL 33905
Tel: (239) 693-9244
Fax: (239) 693-9828

PLANNER: Patrick C. Hunt
8363 Caloosa Road
Fort Myers, FL 33912
Tel: (239) 267-5900
Fax: (239) 267-5933

OWNER: Hidden Harbor Inn, LLC
819 San Carlos Dr
Fort Myers Beach, FL 33931


RECEIVED
JUN 0 9 2006

DCI 2005-00026

Approved as Exhibit
MCP Page 1 of 1
Resolution # Z-05-100

CERTIFICATION:
I, the undersigned, hereby certify that the map is true and correct to the best of my knowledge and belief all information required by the requirements of this Land Development Code.

APPROVED
6/9/06
ROBERT W. CASE
FLORIDA P.E. #44643
VALID ONLY WITH EMBOSSED SEAL


Civil Structural Electrical Mechanical
Land Investment Services, P.A.
Residential and Commercial Engineering
21430 Palm Beach Blvd.
Alva, Fla. 33920
Phone: (239) 693-9244
facsimile: (239) 693-9828


| | |
|---|---|
| PLAN TYPE | MASTER CONCEPT PLAN #5 |
| SCALE: | 1"=80' |
| DATE: | MAR 13, 2005 |
| SHEET | 1 OF 1 |
| PROJECT # | HH01 |

# HARBOR WATCH RPD

## *SEC 24, TWP 46 S., RGE 24 E.*

### *819 SAN CARLOS DR*
### *FORT MYERS BEACH, FLORIDA 33931*

NOTES:

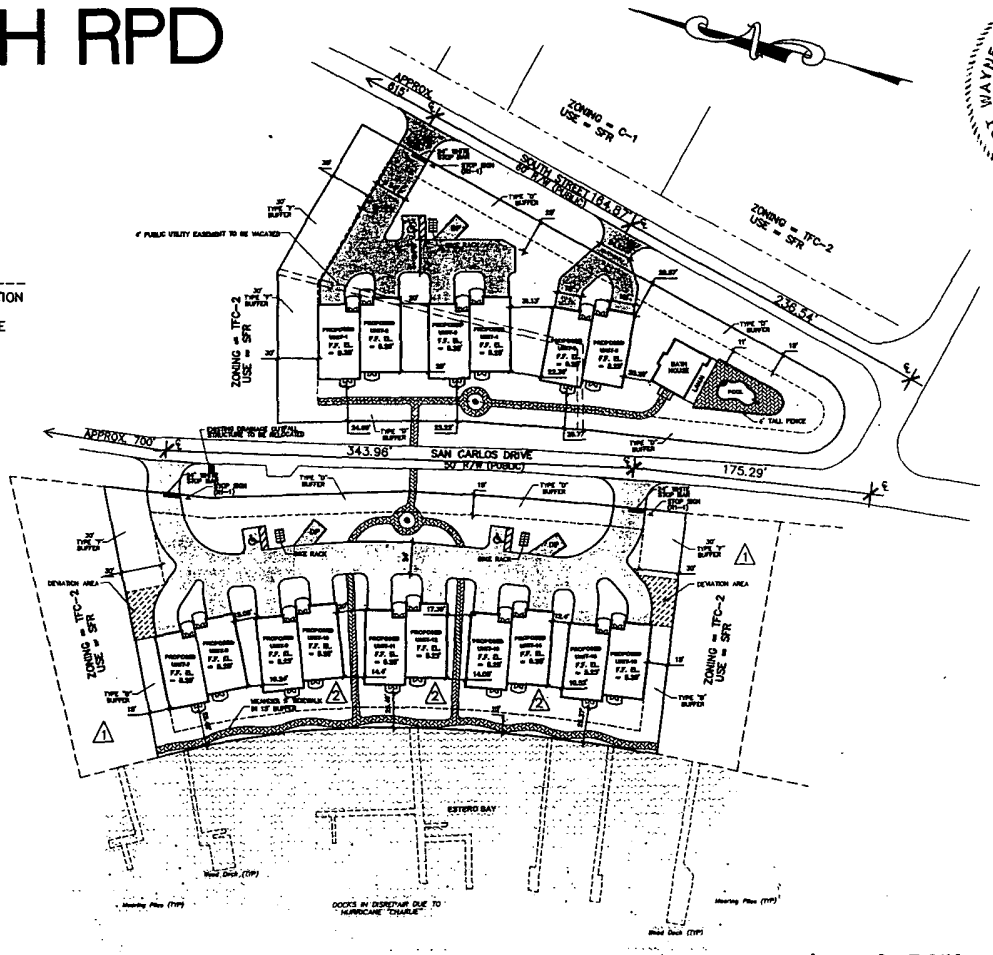
1. THE PROPOSED BUILDINGS ARE TWO HABITABLE STORIES ABOVE FLOOD ELEVATION WITH ALL BUILDINGS OF UNIFORM HEIGHT AND APPEARANCE. GROUND FLOOR AREAS WILL BE AIR CONDITIONED STORAGE, NON-HABITABLE. FIRST HABITABLE FLOOR ELEVATION WILL BE APPROXIMATELY 16.583 NVGD. STRUCTURE HEIGHT LIMITED TO 35' ABOVE MINIMUM FEMA BASE FLOOD ELEVATION, OR APPROXIMATELY 51' NVGD.
2. SCHEDULE OF DEVIATIONS: PLEASE SEE APPROVED RESOLUTION.
3. OPEN SPACE REQUIRED
   Site Area = 128,054 sf (Site Area) x 40% = 51,222 sf
   Open Space Provided = 67,167 sf

DEVIATIONS: ⚠1 ⚠2


ENGINEER: Robert W. Case, P.E.
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Fax: (239) 267-5933

OWNER: Hidden Harbor Inn, LLC
819 San Carlos Dr
Fort Myers Beach, FL 33931


RECEIVED
JUN 09 2006

DCI 2005-00026

Approved as Exhibit
MCP Page 1 of 1
Resolution # Z-05-109

EXHIBIT C

APPROVED
CITY OF FORT MYERS BEACH

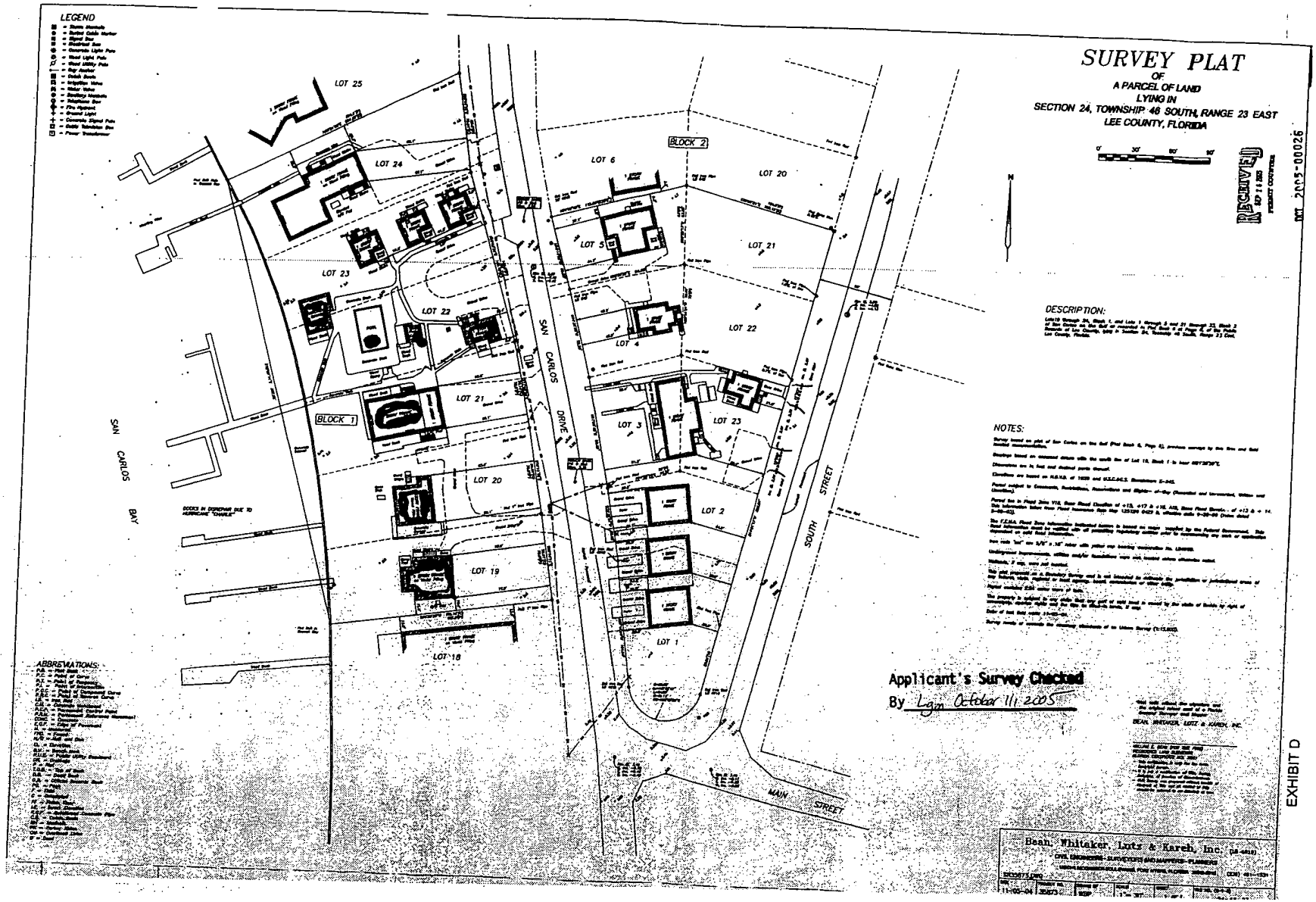
ROBERT W. CASE
FLORIDA LIC. #44643
VALID ONLY WITH EMBOSSED SEAL

Civil Structural Electrical Mechanical

Land Investment Services, P.A.
Residential and Commercial Engineering

21430 Palm Beach Blvd.
Alva, Fla. 33920
Phone: (239) 693-9244
facsimile: (239) 693-9828

| | |
|---|---|
| PLAN TYPE | MASTER CONCEPT PLAN #5 |
| SCALE: | 1"=80' |
| DATE: | MAR 13, 2005 |
| SHEET | 1 OF 1 |
| PROJECT # | HH01 |


LEGEND
SURVEY PLAT
OF
A PARCEL OF LAND
LYING IN
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA
RECEIVED
INT 2005-00026
DESCRIPTION:
NOTES:
ABBREVIATIONS:
Applicant's Survey Checked
By Lgm October 11 2005
Bean, Whitaker, Lutz & Kareh, Inc.
EXHIBIT D
LOT 25
LOT 24
LOT 23
LOT 22
LOT 21
LOT 20
LOT 19
LOT 18
LOT 6
LOT 5
LOT 4
LOT 3
LOT 2
LOT 1
BLOCK 1
BLOCK 2
SAN CARLOS BAY
SAN CARLOS DRIVE
SOUTH STREET
MAIN STREET

# MEMORANDUM
## FROM THE
## DEPARTMENT OF
## COMMUNITY DEVELOPMENT
### ZONING DIVISION

**DATE:** March 14, 2006

**TO:** Richard Gescheidt
Lee County Hearing Examiner

**FROM:** Josh Philpott
DCD/Zoning Senior Planner

**RE:** Hidden Harbor
DCI2005-0026

The applicant and staff have been actively working on the proposed rezoning over the past weeks and many changes have been made which were not included in the previously published staff report. This memorandum is intended to be an informative summary of the changes to the Master Concept Plan and the Staff Report.

The applicant has revised the Master Concept Plan to reduce the maximum number of dwelling units from 18 dwelling units and to change the dwelling unit type from Multi-Family to two-family attached units. Although the reduction in units constitutes a minor change in dwelling units it creates a significant changes in the Master Concept Plan and staff recommendation and conditions relating to the application.

Master Concept Plan

Based on the newly designed Mater Concept Plan and the reduction in total dwelling units staff is recommending **APPROVAL** of the requested rezoning. The previously proposed net density was approximately 6.12 dwelling units per acre and a gross density of approximately 4.35 dwelling units per acre. Staff found that this density was inconsistent with the existing surrounding densities of approximately 4.79 dwelling units per net acre and a gross density (including half the right-of-way) of approximately 3.84 dwelling units per acre. The new Master Concept Plan indicates a total of 16 dwelling units with a net density of 5.44 dwelling units per acre and 3.87 dwelling units per gross acre. If the subject property were to be redeveloped without a rezoning a maximum of 15 dwelling units could be constructed. Staff finds that the proposed rezoning allows for the development of one additional dwelling unit, while providing specific conditions that will enhance the development that would not otherwise be imposed if redeveloped under the existing zoning. Given the existing surrounding densities and the proposed densities, staff finds that the new request will be consistent with the surrounding residential areas.

Deviations

The applicant has requested two deviations that were not included in the previous staff report.

The first deviation is a from Section 10-416(d)6 of the Lee County Land Development Code, which requires a minimum 30-foot wide buffer when vehicular asphalt is located within 125-feet from a single-family residential use, to allow a 15-foot buffer. Staff recommends **APPROVAL** of the requested deviation with the same required plantings being planted within the 15-foot wide buffer. The deviation is also limited to the area which abuts the driveway section of the developments and is not an internal road.

The second deviation is from Section 34-935(e)4 of the Lee County Land Development Code, which requires a minimum building separation of twenty feet for all principal structures on a single parcel, to allow a minimum building separation of 10-feet. Staff recommends **APPROVAL** of the requested deviation. The proposed building separations are similar to the building separations that would be applicable if the property was to be redeveloped under the existing zoning. The property east of San Carlos Drive will be developed with building separations which will meet the requirements of Section 34-935(e)4 of the Lee County Land Development Code.

Utilities

The proposed rezoning will be serviced by Lee County Utilities for both water and sewer services. The existing roads along this portion of San Carlos Island are in the process of being improved to meet the minimum county road standards as outlined in Section 10-296 of the Lee County Land Development Code.

Recommendation

Given the changes in the proposed number of dwelling units and Master Concept Plan configuration staff has changed from a recommendation of denial to a recommendation of approval with conditions. Staff finds that the proposed development will be consistent with the Goals and Objectives of the Lee County Comprehensive Plan and is compatible with the surrounding residential area. Staff now recommends **APPROVAL** of the requested rezoning with the following conditions in ~~strike-through~~ and underline format.

Conditions:

1. The development of this project must be consistent with the one page Master Concept Plan entitled "Harbor Watch RPD," stamped received March 14, 2006; last revised March 13, 2006 except as modified by the conditions below. The development is limited to a maximum of 16 residential dwelling units. This development must comply with all requirements of the Lee County LDC at time of local Development Order Approval, except as may be granted by deviation as part of this planned

development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

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

a. Schedule of Uses

Essential Services
Docks
Administrative Offices
Dwelling Units: (maximum of ~~15~~ 16 units)
~~Duplex~~
~~Single-family~~
Multiple Family
Two-Family Attached
Parking Lot, Accessory
Recreation Facility:
Private On-site
Residential Accessory Uses
Signs, in accordance with Chapter 30
Temporary uses

b. Site Development Regulations

Setbacks:
Minimum Lot Width: 60-Feet
Minimum Lot Depth: 100-Feet
Minimum Lot Area: 6,000 Square-Feet
Principal and Accessory Structures:
Street: 25-Feet
Side: 20-Feet
Waterbody: 25-Feet
Maximum Height: 35-Feet
Lot Coverage: 40-Percent
Open Space: 45-Percent

3. Prior to local development order approval, the landscape plans must include:

i. The details on the creation of a minimum 10-foot wide coastal littoral planting shelf waterward of the existing sea wall stabilized with a riprap breakwater and native plantings, subject to approval by appropriate permitting agencies. The planting plan must include appropriate native vegetation providing a fifty percent coverage at time of planting for the littoral shelf; and

ii. A 10-foot wide buffer landward of the existing seawall. The buffer must be planted with appropriate native vegetation (e.g. sea oats, buttonwood, sea oxeye daisy, etc.) with a

minimum 1-gallon container size and fifty percent coverage at time of planting; and

iii. Planting of appropriate native vegetation in all surface water management system components, including conveyances, dry detention, and wet detention areas.

4. Prior to Local Development Order Approval the Public Utility easements located along the rear of lots 3 through 5 and 21 through 23 as indicated on the survey by Bean, Whitaker, Lutz and Kareh, Inc. dated September 26, 2005, must be vacated.

~~5. Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC Section 34-2174(a).~~

6. 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.

7. All stormwater must be managed ~~completely~~ onsite with no direct outfall or discharge into San Carlos Bay. ~~No stormwater outfall, direct or indirect, may be discharged into San Carlos Bay.~~

8. Prior to issuance of Development Order approval staff will review the existing structures for historical value. Should staff find that the structures are historically significant, staff will expediently relocate the structures within Lee County.

~~9. Prior to local development order approval, the landscape plans must include buffers per Land Development Code Section 10-416(d). Revisions are necessary to the final site design to achieve the buffer required per LDC Section 10-416(d)(6) between proposed access and parking, and the adjacent single family uses.~~

10. Prior to Development Order Approval the existing drainage outfall for San Carlos Drive must be relocated or replaced with a like size and capacity of the existing drainage structure, so as not to be located under a proposed structure. An easement must be provided, for operation and maintenance of the above described drainage structure for the San Carlos Drive, at the expense of the applicant.

11. The approved deviation from Section 10-416(d) of the Lee County Land Development Code is limited to the areas as shown on the attached Master Concept Plan, west of San Carlos Drive.

ATTACHMENTS:

A. Master Concept Plan

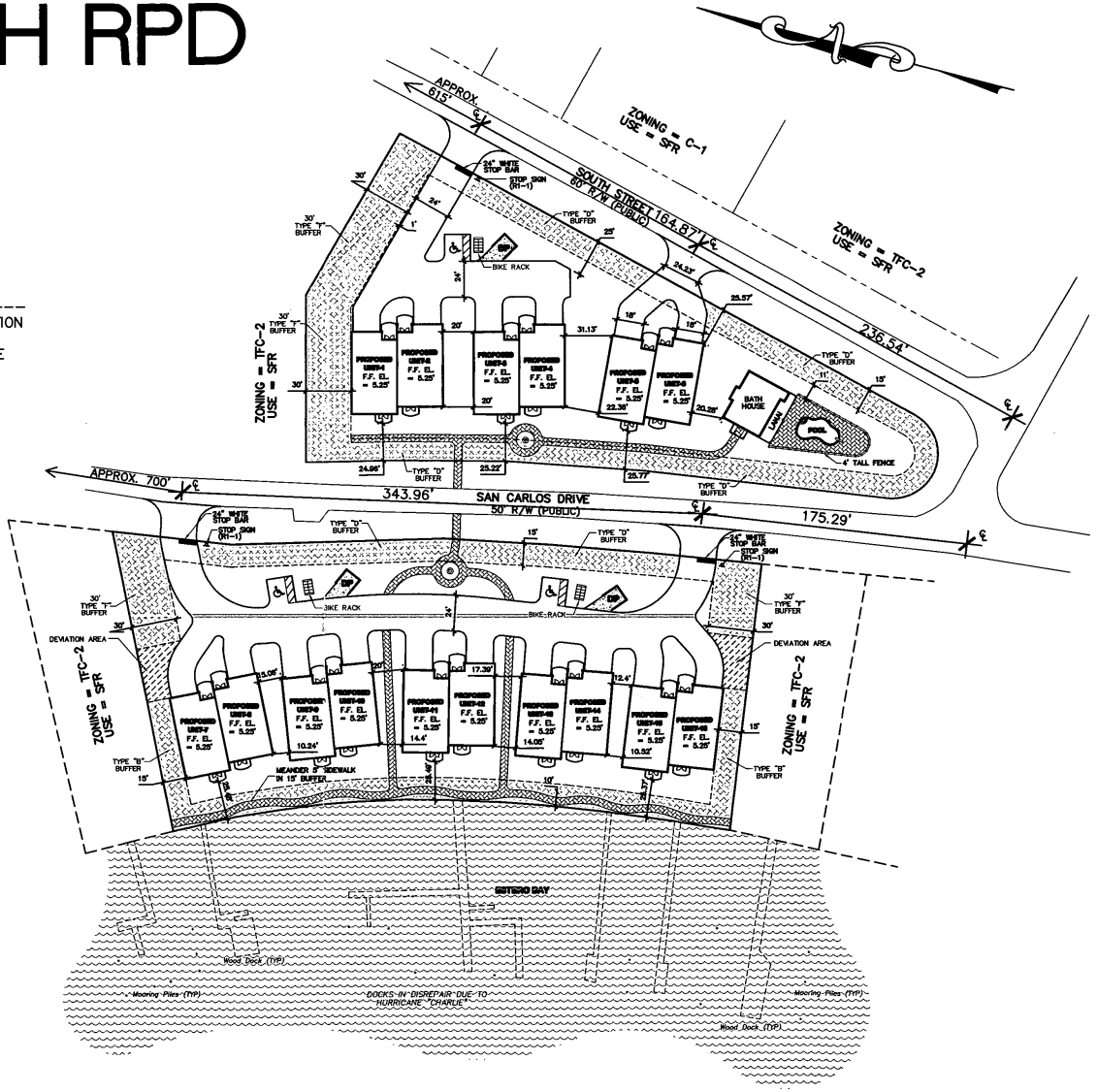
# HARBOR WATCH RPD

## *SEC 24, TWP 46 S., RGE 24 E.*

### *819 SAN CARLOS DR*
### *FORT MYERS BEACH, FLORIDA 33931*

NOTES:

1. THE PROPOSED BUILDINGS ARE TWO HABITABLE STORIES ABOVE FLOOD ELEVATION WITH ALL BUILDINGS OF UNIFORM HEIGHT AND APPEARANCE. GROUND FLOOR AREAS WILL BE AIR CONDITIONED STORAGE, NON-HABITABLE. FIRST HABITABLE FLOOR ELEVATION WILL BE APPROXIMATELY 16.583 NVGD. STRUCTURE HEIGHT LIMITED TO 35' ABOVE MINIMUM FEMA BASE FLOOD ELEVATION, OR APPROXIMATELY 51' NVGD.
2. SCHEDULE OF DEVIATIONS: PLEASE SEE APPROVED RESOLUTION.
3. OPEN SPACE REQUIRED
   Site Area = 128,054 sf (Site Area) x 40% = 51,222 sf
   Open Space Provided = 67,167 sf




ENGINEER: Robert W. Case, P.E.
Land Investment Services, Inc.
2040 Clarke Avenue
Fort Myers, FL 33905
Tel: (239) 693-9244
Fax: (239) 693-9828

PLANNER: Patrick C. Hunt
8363 Caloosa Road
Fort Myers, FL 33912
Tel: (239) 267-5900
Fax: (239) 267-5933

OWNER: Hidden Harbor Inn, LLC
819 San Carlos Dr
Fort Myers Beach, FL 33931

RECEIVED
MAR 14 2006

DCI 2005-00026

CERTIFICATION:
I, the undersigned, hereby certify that the map is correct, and above to the best of my knowledge and belief all information required by the Land Development Code.

APPROVED
3/13/06
ROBERT W. CASE
FLORIDA P.E. #44643
VALID ONLY WITH EMBOSSED SEAL

Civil Structural Electrical Mechanical
Land Investment Services, P.A.
Residential and Commercial Engineering
21430 Palm Beach Blvd. Phone: (239) 693-9244
Alva, Fla. 33920 facsimile: (239) 693-9828

| | |
|---|---|
| PLAN TYPE | MASTER CONCEPT PLAN #5 |
| SCALE: | 1"=80' |
| DATE: | MAR 13, 2005 |
| SHEET | 1 OF 1 |
| PROJECT # | HH01 |

## OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

## ORDER FOR CONTINUANCE

**CASE NUMBER:** **DCI2005-00026**
**APPLICANT:** **HIDDEN HARBOR INN, LCC in ref to HIDDEN HARBOR RPD**
**NEW HEARING DATE:** **MARCH 16, 2006**

This matter was scheduled to be heard on March 1, 2006, at 9:00 A.M., and at, or prior to, that time, it was agreed that continuing the hearing on this matter was in the best interests of all concerned.

Accordingly, this matter is continued to **THURSDAY, MARCH 16, 2006, at 9:00 A.M.**, at the Hearing Examiner's Hearing Room, 1500 Monroe Street, Second Floor, Fort Myers, Florida. Copies of this order will be mailed to the Staff, the Applicant, the Court Reporter, and all hearing participants.

**DONE AND ORDERED this 1st day of MARCH, 2006.**

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

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the aforesaid Order was sent to all hearing participants, officially established as of the above Order date, either by U.S. Mail, Inter-County Mail, or Facsimile Transfer on the 2nd day of March, 2006.

Sharon Szenas, Administrative Assistant

March 2, 2006

## OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

### ORDER FOR CONTINUANCE

**CASE NUMBER:** DCI2005-00026
**APPLICANT:** HIDDEN HARBOR INN, LCC in ref to HIDDEN HARBOR RPD
**NEW HEARING DATE:** FEBRUARY 15, 2006

This matter was scheduled to be heard on December 15, 2005, at 1:00 P.M., and at, or prior to, that time, it was agreed that continuing the hearing on this matter was in the best interests of all concerned.

Accordingly, this matter is continued to **WEDNESDAY, FEBRUARY 15, 2006, at 9:00 A.M.**, at the Hearing Examiner's Hearing Room, 1500 Monroe Street, Second Floor, Fort Myers, Florida. Copies of this order will be mailed to the Staff, the Applicant, the Court Reporter, and all hearing participants.

**DONE AND ORDERED this 15TH day of DECEMBER, 2005.**

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

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the aforesaid Order was sent to all hearing participants, officially established as of the above Order date, either by U.S. Mail, Inter-County Mail, or Facsimile Transfer on the 15th day of December, 2005.

Sharon Szenas, Administrative Assistant

December 15, 2005

RECEIVED
MAY 19 2006
COMMUNITY DEVELOPMENT
REC'D SECOND FLOOR

# OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

## HEARING EXAMINER RECOMMENDATION

| | |
|---|---|
| **REZONING:** | **DCI2005-00026** |
| **APPLICANT:** | **HIDDEN HARBOR INN, LLC, in reference to HIDDEN HARBOR RPD (aka HARBOR WATCH RPD)** |
| **HEARING DATE:** | **DECEMBER 15, 2005** |
| **CONT'D. HRG. DATES:** | **MARCH 1, 2006** |
| | **MARCH 16, 2006** |
| **WRITTEN SUBMISSIONS:** | **MARCH 21, 2006** |
| | **MARCH 23, 2006** |

## I. APPLICATION:

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

Filed by HIDDEN HARBOR INN, LLC, 819 San Carlos Drive, Fort Myers Beach, Florida 33931 (Applicant & Owner); PATRICK HUNT, c/o LAND INVESTMENT SERVICES, 8363 Caloosa Road, Fort Myers, Florida 33912; ROBERT W. CASE, c/o LAND INVESTMENT SERVICES, 2040 Clarke Avenue, Fort Myers, Florida 33901; GREGORY J. DESERIO, R.L.A., c/o DAVID M. JONES, JR. & ASSOCIATES, INC., 2221 McGregor Boulevard, Fort Myers, Florida 33901; BRITT POMEROY, c/o BEAN, WHITAKER, LUTZ & KAREH, INC., 13041-1 McGregor Boulevard, Fort Myers, Florida 33919 (Agents).

Request is to Rezone 2.94+/- acres from Two-Family Conservation (TFC-2) to Residential Planned Development to permit the development of a 16-unit Two-family attached residential development. No blasting is proposed.

The subject property is located at 819 San Carlos Drive, Ft. Myers Beach, Florida, in Section 24, Township 46 South, Range 23 East, Lee County, Florida (District #3).

## II. STAFF REPORT AND RECOMMENDATION: APPROVE WITH CONDITIONS

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

## III. RECOMMENDATION OF HEARING EXAMINER:

The undersigned Lee County Hearing Examiner recommends that the Lee County Board of County Commissioners **APPROVE** the Applicant's request for a rezoning from the TFC-2 zoning district to a Residential Planned Development (RPD) for the real estate described in Section IX. Legal Description WITH THE FOLLOWING CONDITIONS AND DEVIATIONS:

## A. CONDITIONS:

1. The development of this project must be consistent with the one page Master Concept Plan (MCP) entitled "Harbor Watch RPD," date stamped "Received March 14, 2006," last revised March 13, 2006, except as modified by the conditions below. The development is limited to a **maximum of 16 residential dwelling units**. This development must comply with all requirements of the Lee County Land Development Code at time of local Development Order Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

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

a. Schedule of Uses

Essential Services
Docks
Administrative Offices
Dwelling Units: (maximum of 16 units)
Two-Family Attached
Parking Lot, Accessory
Recreation Facility:
Private On-site
Residential Accessory Uses
Signs, in accordance with Chapter 30
Temporary uses

b. Site Development Regulations

Minimum Lot Width: 60 feet
Minimum Lot Depth: 100 feet
Minimum Lot Area: 6,000 square feet

Setbacks:
Principal and Accessory Structures:
Street: 25 feet
Side: 15 feet
Waterbody: 25 feet

Maximum Height: 35 feet
Lot Coverage: 40 percent
Open Space: 45 percent

3. Prior to local Development Order approval, the landscape plans must include:

a. The details on the creation of a 3,600-square-foot (calculated based on 10-foot width and 360 linear footage of shoreline)coastal littoral planting shelf waterward of the existing sea wall stabilized with a rip-rap breakwater and native plantings, subject to approval by appropriate permitting agencies. The shape of the littoral planting shelf and the planting plan can be flexible in design, including width and plant types, to accommodate pedestrian access to the waters of San Carlos Bay and to the subject property's dockage from the subject property. The planting plan must include appropriate native vegetation providing a 50 percent coverage at time of planting for the littoral shelf; and

b. A 15-foot-wide buffer landward of the existing seawall. The buffer must be planted with appropriate native vegetation (e.g. sea oats, buttonwood, sea oxeye daisy, etc.) with a minimum 1-gallon container size and fifty percent coverage at time of planting; and

c. Planting of appropriate native vegetation in all surface water management system components, including conveyances, dry detention, and wet detention areas.

4. Prior to Local Development Order Approval the Public Utility easements located along the rear of lots 3 through 5 and 21 through 23 as indicated on the survey by Bean, Whitaker, Lutz and Kareh, Inc. dated September 26, 2005, must be vacated.

5. Withdrawn by Staff.

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

7. All stormwater must be managed onsite with no direct outfall or discharge into San Carlos Bay.

8. Prior to issuance of Development Order approval Staff will review the exiting structures for historical value. Should Historic Preservation, Planning Department find that the structures are historically significant, with the prior approval of the Board of County Commissioners, Staff will expeditiously relocate the structures within Lee County.

9. WITHDRAWN BY STAFF.

10. Prior to Development Order Approval the existing drainage outfall for San Carlos Drive must be relocated or replaced with a like size and capacity of the existing drainage structure, so as not to be located under a proposed structure. An easement must be provided, for operation and maintenance, at the expense of Lee County, of the above described drainage structure for the San Carlos Drive, at the expense of the applicant.

11. The approved deviation from Section 10-416(d)6 of the Lee County Land Development Code is limited to the areas as shown on the attached Master Concept Plan, west of San Carlos Drive.

12. The existing structures on the subject property must be removed as a condition of Development Order approval. For purposes of this condition, the project may be divided into no more than three phases: One phase covering the entirety of the "land parcel," located between South Street and San Carlos Drive; the second phase covering one-half of the "water parcel," located between San Carlos Drive and the San Carlos Bay; and the third phase covering the other half of the "water parcel," located between San Carlos Drive and the San Carlos Bay. If the property owners desire to retain a structure as part of, or subsequent to, Development Order approval for the third phase, then this Zoning Resolution and the attached MCP must be amended through the public hearing process.

**B. DEVIATIONS:**

Deviation 1 requests relief from LDC Section 10-416(d)6, which requires a minimum 30-foot-wide buffer when vehicular asphalt is located within 125 feet from a single-family residential use, to allow a 15-foot-wide buffer. The Hearing Examiner recommends **APPROVAL** of this Deviation.

Deviation 2 requests relief from LDC Section 34-935(e)4, which requires a minimum building separation of 20 feet for all principal structures on a single parcel, to allow a minimum building separation of 10 feet. The Hearing Examiner recommends **APPROVAL** of this Deviation.

## IV. HEARING EXAMINER DISCUSSION:

This is an application to rezone a ±2.94-acre site, fronting on San Carlos Bay and located at the intersection of San Carlos Drive and Main Street on San Carlos Island, from Two-Family Conservation (TFC-2) to Residential Planned Development (RPD). The parcel is currently located in the Suburban Future Land Use Designation.[1] Approval of this request, for rezoning, would authorize the Applicant to construct 16 dwelling units on the site, in a two-family attached configuration.

The property currently contains 11 single-story structures; either in a single-family or duplex configuration. These structures contain a total of 14 residential dwelling units. The site previously contained five additional structures, which have subsequently been demolished. Most of the existing buildings were constructed in the 1950's, but some were built in the 1970's. At one time, they comprised the Hidden Harbor Inn. It is now closed.

The property consists of 14 lots platted in 1925. Lots in this plat range in size from 60 to 80 feet wide by 150 to 200 feet deep. Most do not comply with the current minimum lot requirements, of the Two-Family Conservation (TFC-2) zoning category. However, they can be redeveloped with 15 single-family residences, without rezoning.

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

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

The surrounding area has a net density of approximately 4.79 dwelling units per acre and a gross density (including half the right-of-way) of approximately 3.84 dwelling units per acre. The proposed net density is approximately 5.44 dwelling units per acre and a gross density of approximately 3.87 dwelling units per acre. This is within the allowable density of the Suburban Future Land Use Designation.

The Master Concept Plan #5, which is the subject of this recommendation, **Exhibit B** attached hereto (dated March 13, 2006, Stamped Received March 14, 2006 by the Permit Counter), proposes to construct 16 dwelling units, in eight 2-family attached structures.[2] Ten (10) units, or five buildings, would be located on the west side of San Carlos Drive, and adjacent to Estero Bay. The remaining six units, in three buildings, are directly across San Carlos Drive, along with a bath house, patio and pool. There will be a boardwalk along Estero Bay, and paver brick side walks connecting across San Carlos Drive.

The residential structures will contain two habitable stories above the flood elevation. The Ground Floor areas may be air-conditioned storage areas, but may not habitable. The first floor elevation will be 16.583 feet above the National Geodetic Vertical Datum (NVGD), or "Sea Level." Maximum height of the structure is 35 feet above the minimum Federal Emergency Management Agency Base Flood Elevation, or approximately 51 feet above the National Geodetic Vertical Datum.

The surrounding neighborhood is primarily single-family residential homes. There are commercial uses east of the site, across South Street. These commercial uses have their primary access off of San Carlos Boulevard. These single-story, single-family residences were originally constructed in the early 1950's, and do not comply with the current building code requirements, with regard to flood elevations. Many of the older homes in the area have been expanded or updated, throughout the years. A few residences in the area have been demolished, to construct new residences. These are *elevated* single-story, single-family residences, which are currently under construction, or have recently been completed.

One of the major concerns to the Public, is drainage on San Carlos Island. Apparently, there is a tendency for San Carlos Drive to flood during heavy rains. This parcel contains one of the three outfalls for the island. That drain runs through the property into San Carlos Bay. There is no easement for the current drain. The Applicant has agreed to relocate or replace the drain, with one of a like size and capacity, not located under any structure, and provide an easement for the operation and maintenance of the drainage facility prior to development order. Finally, those improvements will be undertaken at the Applicant's expense. A condition has been provided herein reflecting that agreement.

Pat Hunt, the Applicant's Engineer, testified regarding the drainage issue. He explained that the South Florida Water Management District required that the site maintain at least 1-inch of water over the entire property, or 2.5 inches times the square footage of the impervious structures or surfaces. A 1-foot-tall berm will be constructed around the site to contain rainfall. It is designed to prevent a discharge of water to adjacent properties or San Carlos

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[2] The original Master Concept Plan called for a single building along San Carlos Bay. It would have been approximately 150-feet long, with a height of up to 45 feet, above the17-foot minimum flood elevation. This would have given the building an elevation of 62 feet above sea level (NGVD), based on measurements on the survey provided by the Applicant. This application was not supported by Staff because of its height and the massive length of the structure.

Bay until that height is exceeded. He pointed out that it would occur during a typical 25 year/2-day storm event. Obviously, that would be a rare event.

The Hearing Examiner accepts the explanation presented to the public participants. The Applicant has made a good faith effort to comply with existing ordinances, and attempted to reduce drainage impacts to neighboring residents.

The other concern of the project, to the Public, is its size. New ordinances are in effect that require all new structures, in the "velocity zone," to be built so that the first horizontal member is above that velocity zone. Existing grades, in the area, vary from 3.5 to 5.5 feet above the National Geodetic Vertical Datum. The velocity zone, or where wave action might be found during a severe storm (hurricane) is 10 feet above that. In essence, wave action may be anticipated 10 feet above the existing road grade. If the minimum roadway grade is 5.5 feet, the 10-foot velocity zone is added to that figure. On top of that, the 35-foot maximum structure height is finally added, for a total of 45 feet. Stated specifically, from the crown of the road to the midpoint of the roof is 45 feet.

This project is significantly taller than the older structures located in the area. However, those older structures do not comply with the current Lee County Codes and Ordinances. If they were demolished and new dwelling units were constructed, or if they were substantially renovated, they would be required to come into compliance with the new codes. Some members of the public had expressed concern that the height of the structure was "overpowering." This perception is understandable. However, the structures are being built in compliance with the current codes, which were amended, not for aesthetic reasons, but in response to weather phenomena and safety concerns. This is the "new look" for residences in the coastal high-hazard area.

Several members of the public suggested that the density be diminished from the proposed 16 units set forth on Master Concept Plan to 15 units. One person suggested moving one building (two units), from the westside of San Carlos Drive, to the eastside. However, there is no evidence showing that the additional building would fit on the parcel east of San Carlos Drive. That parcel is irregularly shaped, in the general form of a triangle. This Hearing Examiner doubts that additional units could be placed on the parcel.

The density issue must be discussed, along with the requested deviation from Section 34-935(e)(4) of the Lee County Land Development Code. That LDC section requires a 20-foot separation between the buildings. The Applicant is requesting a minimum 10-foot separation. This would apply only to the units on the west, or waterside, of the project. The Master Concept Plan calls for a separation of a little more than 10 feet between the two end buildings, and a little more than 14 feet for the three interior buildings (measured at the closest points).

This density issue is specifically related to the five buildings (10 units), located on the westside of San Carlos Drive. Reducing the number of units at that location would not significantly increase in the separation of the buildings or the view of the bay. The proposed units are approximately 35 feet wide. Eliminating one unit would create an approximate 7.5-foot increase in separation between buildings. The Applicant has reduced his request to 16 units from the original 18 units, and has gone from a single structure to five separate structures. Views of the bay will always be limited in the immediate area. Additionally, approximately two-thirds of the property located across San Carlos Drive, whose views are immediately impacted by the requested deviation, are part of this project. The Hearing

Examiner finds that this requested deviation is compatible with the local area, the parcel's future land use designation, and will not negatively impact adjoining land owners.

The other deviation requested is from Section 10-416(d)(6) of the Lee County Land Development Code. That LDC section requires a minimum 30-foot-wide buffer, between the vehicular asphalt and an adjoining parcel, if it is within 125 feet of a residential use. The Applicant has requested a 15-foot-wide buffer. This deviation applies only to the driveways of the two end units on the west side of the site. It does not apply to the internal roadway. The setback of the end structures is 15 feet. That complies with the Lee County Land Development Code, and is not the subject of this deviation. Since all the structures are properly located on the site, the requested deviation does not affect any views or adversely affect adjoining property owners. Therefore, the Hearing Examiner recommends approval of this deviation request.

One significant condition of this recommendation is the creation of a 3,600-square-foot coastal littoral planting shelf, waterward of the existing seawall, and stabilized with a rip-rap littoral planting shelf. A 10-foot-wide buffer is also required landward of the existing seawall. (Refer to Condition 3 herein above) There are docks located seaward of the seawall. They were damaged by the recent hurricane. The Presentation Summary portion of this recommendation, contains the testimony of Joanne Semmer, the Applicant's expert witness for that subject. This Hearing Examiner is intentionally omitting any discussion or comments on that topic. It is not the subject of this proceeding. The testimony clearly reflects that, as of the hearing date, the Applicant did not have a firm idea of what would be done with the docks. That matter will be resolved at a later date, based upon the Applicant's intentions.

There are no traffic issues with respect to this application. Robert G. Rentz, with the Department of Community Development, prepared a memorandum, dated November 21, 2005, that concluded that San Carlos Boulevard, north of Main Street, operates at a Level of Service of "B," and will continue to operate at that Level of Service (LOS), with or without completion of this project.

One or more of the existing structures on the site may have historical value to Lee County. The Applicant's Master Concept Plan requires removal of these buildings. In light of their possible or potential historical significance, the Applicant will afford the County the opportunity to examine them prior to their demolition. If appropriate, the structures may be moved and/or restored, all at Lee County's expense. There is no requirement to maintain historic structures on this site.

The Suburban future land use designation of the Lee Plan has a standard density range of up to six dwelling units per acre. The proposed request, of 3.87 dwelling units per acre, is consistent with the densities allowed in that future land use designation. Therefore, the project is consistent with Policy 1.1.5 of the Lee County Comprehensive Plan, as cited above.

The subject project will not adversely impact the neighboring road network. Central sewer and water lines are available to the site. Community facilities and services, such as schools, emergency medical services, fire and police protection, and other public facilities are existing and available to the site. Public utilities are in the area and have adequate capacity to serve

the site. No aspect of the project will adversely affect the public health, safety, and welfare. The project is consistent with Policy 2.2.1 of the Lee County Comprehensive Plan.[3]

The proposed structures are proportionate in size, in relationship to the subject property and the natural features of the site. Therefore, the proposed Master Concept Plan is consistent with Policy 4.1.1 of the Lee County Comprehensive Plan.[4]

The proposed rezoning is located within the Coastal High Hazard Area, as defined in the Lee County Comprehensive Plan. The proposed development has a density of approximately 3.87 dwelling units per acre, which is within the density range permitted in the Suburban future land use designation. The requested rezoning is consistent with Policy 75.1.5 of the Lee County Comprehensive Plan,[5] at the density proposed by the Applicant.

The Applicant has provided enhancement methods for San Carlos Bay. It is providing a planting shelf along the seaward side of the existing seawall, as well as buffer plantings landward of the seawall. This will mitigate the impacts of the proposed development and enhance the delicate marine resources that the project abuts. The proposed rezoning is, therefore, consistent with Policy 108.1.2 of the Lee County Comprehensive Plan.[6]

The subject project is in an appropriate location within the San Carlos Bay residential community and this Hearing Examiner recommends approval of the Applicant's request, as conditioned herein.

In compliance with Section 3.1 of Lee County Administrative Code AC-2-6, the undersigned Hearing Examiner conducted a site visit to the subject real property prior to issuing this decision.

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

Rezonings and Development-of-Regional-Impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.

[4] **Lee County Comprehensive Plan Policy 4.1.1:**

Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements.

[5] **Lee County Comprehensive Plan Policy 75.1.5:**

Zoning requests located in the Coastal High Hazard Area will be considered for reduced density assignments, in accordance with their future land use category density range. This evaluation should be done in concert with an evaluation of other individual characteristics such as compatibility with existing uses, desired urban form, and availability of urban services.

[6] **Lee County Comprehensive Plan Policy 108.1.2:**

Development affecting coastal and estuarine water resources must maintain or enhance the biological and economic productivity of these resources.

## V. FINDINGS AND CONCLUSIONS:

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

A. That the Applicant has proved entitlement to the rezoning by demonstrating compliance with the Lee County Comprehensive Plan, the Lee County Land Development Code, and any other applicable code or regulation.

B. That the request will meet or exceed all performance and locational standards set forth for the potential uses allowed by the request.

C. That the request is consistent with the densities, intensities and general uses set forth in the Lee County Comprehensive Plan.

D. That the request is compatible with existing or planned uses in the surrounding area.

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

F. That, where applicable, the request will not adversely affect environmentally critical areas and natural resources.

G. That the proposed use is appropriate at the subject location.

H. That the recommended conditions to the Master Concept Plan and other applicable regulations provide sufficient safeguard to the public interest.

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

J. That the two requested deviations enhance the achievement of the objectives of the planned development.

K. That the two requested deviations preserve and promote the general intent of Chapter 34 of the Lee County Land Development Code, to protect the public health, safety and welfare.

L. That the change proposed is within the Suburban Future Urban Area category, and urban services, as defined in the Lee County Comprehensive Plan, are available and are adequate to serve the proposed land use.

## VI. LIST OF EXHIBITS:

Master Concept Plan, entitled "Harbor Watch RPD", prepared by Land Investment Services, Inc., dated November 7, 2005, date stamped "RECEIVED NOV 15, 2005, PERMIT COUNTER" [superceded by Applicant's Exhibit 2] (24" x 36")

**STAFF'S EXHIBITS**

1 Emails expressing concerns from Barry and Carolyn Ahlemeier and Therese Dobrowolski and Chris Hionedes (composite exhibit) [three pages]

2 A diagram/drawing, prepared by Kim Trebatoski, depicting the seawall and planting shelf, for clarification to Condition 3(i) [one page]

3 A memorandum from Kim Trebatoski, Principal Environmental Planner, with Condition 3 revisions and clarifications

4 A memorandum submitted by Dawn E. Perry-Lehnert, Assistant County Attorney, with an additional Condition 12, and a finding to address demolition of the existing structures [post hearing submittal]

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

**APPLICANT'S EXHIBITS**

1 Aerial photograph, dated 2005, depicting the subject property, highlighted in pink, with an overlay of the surrounding uses (color) [20" x 34"]

2 Master Concept Plan #5, entitled "Harbor Watch RPD", Sheet MCP05, prepared by Land Investment Services, Inc., dated March 13, 2006, date stamped "Received March 14, 2006" [24" x 36"]

3 A letter from Richard W. Pringle, dated March 22, 2006, with proposed language for Condition 3(i). [post hearing submittal]

4 A letter from Richard W. Pringle, dated March 23, 2006, with requested changes to the proposed Condition 12 [post hearing submittal]

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

**OTHER EXHIBITS**

**BELL**

1 Aerial photograph, entitled "San Carlos on the Gulf", depicting approximate locations of existing out-falls (one page) [8 ½" x 11"]

## VII. PRESENTATION SUMMARY:

**December 15, 2005**

The Hearing Examiner, Richard A. Gescheidt, explained that the request was to rezone 2.94 acres from the Two-Family Conservation (TFC-2) zoning district, to a Residential Planned Development (RPD). He noted that there were no members of the public present. It was his understanding that the Applicant wished to continue the case.

Attorney Richard Pringle introduced himself for the record. He was present on behalf of the Applicant. He had just recently become involved in the matter. He had forwarded correspondence that morning, which indicated his intention to request a continuance of the hearing, to Josh Philpott, the Planner, with a copy to the Assistant County Attorney.

Monday, of that week , Mr. Philpott had met with him and other Applicant's Representatives to discuss items on the Staff Report. The discussion was very productive, and as result, the Applicant would be submitting some revised documents to the County. Mr. Pringle was very hopeful and encouraged that they would be able to reach some conclusion that might result in an agreement between the parties. He was requesting a continuance of the hearing to give the Applicant the opportunity to submit the changes, and then give Staff an opportunity to review those changes.

The Hearing Examiner noted that members of the public had arrived. He asked the Assistant County Attorney to make her statement. Then he would make a statement and rule on the motion.

Dawn Perry-Lehnert, Assistant County Attorney, introduced herself. She represented the Board of County Commissioners (BOCC) in these proceedings. She was also present to assist Staff, the Applicant, and the Hearing Examiner to insure that the record in this case was complete. She advised the public, that if they wished to participate in this hearing or obtain a copy of the Hearing Examiner's Recommendation, they would need to fill out one of the white public participation forms on the small table located on the side of the room.

Once that form was completed, they were asked to please leave it with the Hearing Examiner at the conclusion of Staff's Presentation, which might not occur today, based on the fact that the Applicants had requested a continuance, and dependent upon the Hearing Examiner's ruling on that motion. Typically, once Staff's presentation was completed, the Hearing Examiner opened the floor to the public. At that point, they would be allowed to participate. That would be their opportunity to address the Hearing Examiner. Any public comment provided to the Hearing Examiner was required to be provided at the podium. If they did provide testimony at this hearing, they would need to give their name and address for the record. If they resided in the area of the subject parcel, they would be asked to explain where they lived in relation to the property that was being rezoned.

The hearing today would not be a final action. The Hearing Examiner would make a Recommendation to the BOCC. Then the BOCC would make a determination of whether or not to grant or deny the rezoning. If they did not speak to the Hearing Examiner during the proceedings for the rezoning, then they would not be allowed to speak to the BOCC. That was how the proceedings worked.

She introduced Josh Philpott, Staff's Zoning Representative, and Pat Hunt and Richard Pringle, the Attorneys and agents for the Applicant.

The Hearing Examiner advised the public that before they arrived, the Applicant had moved for a continuance of the hearing. They were entitled to one continuance as a matter of right and he was granting the continuance. It was his understanding that the parties had agreed to continue the case to February 15, 2006, at 9:00 a.m.

Mr. Pringle said that if that was the next, earliest date, that would work. He and Mr. Philpott had not talked about a specific date. Mr. Philpott noted that he had discussed the date that morning with Mr. Pringle's Staff. He had not had a chance to discuss it with the Applicant yet. The Hearing Examiner noted that it was his understanding that this was the first available date. With that the Hearing Examiner continued the case to February 15, 2006, at 9:00 a.m.

He advised the members of the public that they could either come back for the hearing on February 15, and listen to the hearing, and express their opinions or ask questions at the public portion of that hearing; or since he was continuing the case, he would allow them to address him at this hearing with their comments. If they did address him at this hearing, they would not be able to do so later. He recommended that they come back and hear what everyone had to say first and they would really know what they were talking about, otherwise, they might be guessing.

However, if they couldn't make it back for some reason, and wanted to address him now, then he would let them, with the understanding that they would not have the opportunity again.

There was no one present that wished to speak at that time. Hearing no participants, he noted there would be no public participation at that time. He granted the Applicant's Motion for Continuance. The hearing was then closed.

**March 1, 2006 hearing:**

The Hearing Examiner introduced the case, which was a request to rezone 2.94± acres from TFC to RPD. Before beginning the hearing, the Hearing Examiner noted there seemed to be some question with regard to the Notice that is on the sign of the subject property. He noted he was going to make some inquiries concerning that, but before that he swore everybody in. Anyone that was going to say anything before him, including members of the public and attorneys who are going to testify to facts, were instructed to raise their right hand and take an oath. After the swearing in, he instructed that when they came to the podium the first thing they should do is give him their name, address, and indicate that they have taken an oath. With that in mind, before he asked the County to give their standard instructions, he inquired with regard to the sign that was placed on the property that noticed this hearing. There has been a suggestion that the sign contains the wrong time. He did not know where the suggestion comes from. Dawn Lehnert, County Attorney noted it came from the News-Press.

Attorney Richard Pringle introduced himself, noting he represented the Applicant. The Applicant, Jane Roth, was present, and she had indicated to him earlier that the original zoning hearing sign was modified - - - the Hearing Examiner asked Attorney let Ms. Roth speak. Ms. Roth requested her Project Management do it, because he was the one who physically did it.

Steve DePetro, 3940 Windwood Passage, Bonita Springs, introduced himself, noting he had taken the oath. The Hearing Examiner noted the sign that advertised this hearing that is located on the subject property - what does it say? Mr. DePetro said he believed he changed it. It said March 1, and he changed the date and the time, but the marker had faded. The date was legible, but the time maybe be faded away because the marker ran out of ink, so there could be a problem with the time on the sign. The Hearing Examiner questioned what the sign said. Mr. DePetro noted it read March 1. The Hearing Examiner inquired what time

did it say. Mr. DePetro said he had changed it to 9:00 A.M. The Hearing Examiner questioned when he made that change. He said the signs had been up since the first hearing, and he changed it. The signs had been up since the first hearing, then they were scheduled to come to hearing in February, but he did not change it. The signs have been up almost two months.

The Hearing Examiner inquired if the County Attorney had any questions. She had none. The Hearing Examiner wanted to know what the sign looked like now. Mr. De Petro said unless you looked at it like this (?) you could see the date and the time was 1:00. Ms. Lehnert noted the previous hearing was scheduled at 1:00 P.M. Mr. Hunt noted that Mr. DePetro indicated it was changed to a 9:00 A.M. hearing. The Hearing Examiner noted he could not determine that from his testimony how long that was good for, because he has indicated it is faded.

Mr. Hunt noted he may be walking into an area where he did not know all the answers, but was there a requirement that they modify the signs from the original posted sign. He thought that normally the originally posted sign stayed and that was it. If the hearing was continued, they would have to be at the first hearing to know that. He was not sure they were under an obligation to have made any modifications to the sign in the first place.

The Hearing Examiner noted he did have a point because the hearing was continued twice. Mr. Hunt explained that initially it was to go the second time until February 16, and then it was rolled back to today. Ms. Lehnert said there was no actual hearing, it was just continued on paper. Mr. Hunt agreed. However, the Hearing Examiner reminded them that written notice would have gone out to anyone who was present. Mr. DePetro called up the zoning department and told them he would like to come up and pick up the new signs for the hearing for March 1st, he was told they would not be getting any new signs and to use the signs they had. He was told if he wanted to go out and change the date he could.

Ms. Lehnert said it was not a requirement to give new signs. The controlling ad is in the NewsPress, and they do mail notices to the property owners within the area. She noted there was some confusion here. If the date was changed and the time was not changed, and someone actually looked at that sign, then they got bad information, and if that was the only information they received, which maybe what happened, that could create a problem. She did not believe that they have done anything wrong under the Code, because the controlling ad is the NewsPress.

She did inform them that there was a late-breaking Master Concept Plan that came in. There are a whole set of conditions that have not been published that she did not even think exist yet or have even been written yet. So there are a number of other issues, and the way all this has been put together, maybe the most appropriate thing is to continue this case because of the advertising, because of the fact that they have a MCP that has not been published (she had not seen it yet, but she knew it was out there), there are conditions that have to be rewritten, and she had not seen those. There are also deviations that have been requested that she has not seen.

Ms. Lehnert noted there was no way that the people who are sitting in this audience could know any of this information. They may be able to learn it all here today, as she would. However, she felt there was a number of factors in here that dictate that it may be more appropriate to continue the hearing.

Mr. Roeder noted the County Attorney is correct that the County Staff and the Applicant's representatives have been working out details right up to recently. In fact, the MCP that is on the board that he would discuss later is dated yesterday. These are late-breaking events, there is no question about that. However, Mr. Philpot and he had already agreed to do several things to help everyone through this process.

The first item they have done, he had forwarded the correspondence to the Hearing Examiner, which generally speaking outlines the changes that have occurred. Secondly, the on the record they would present the conditions, and the third item they were going to do to help everyone was to suggest that they hold the written record open for seven days or so, so that Mr. Philpott and he could submit revised written conditions. They had done that in other rezoning hearings successfully when they were negotiating right up to the last minute on changes.

The Applicant has wanted to proceed with the hearing and to proceed with the development project, understanding that they have to get through the rezoning steps before they can do anything else. They have already submitted for a Development Order, pending on waiting to see what happens.

The Hearing Examiner questioned Mr. Philpott as to what conditions, had he agreed to the changes to conditions and were there other conditions still being negotiated. Mr. Philpott noted there were changes to conditions and inclusion of two other conditions that are still in the works that were not in the Staff Report. That was because the new plan was submitted yesterday, and the time frame they would need to get those to him prior to the hearing they had been unable to do that. Ms. Lehnert asked when the new MCP was submitted, and Mr. Philpott noted it was yesterday afternoon. The letter from the Applicant and Mr. Pringle was received in his office yesterday afternoon. The Hearing Examiner said he hadn't seen it until this morning. The Hearing Examiner said in all fairness, and especially in fairness to the public that is here, he could not see continuing this hearing today. He was not so concerned about the notice requirement. He agreed with them that the proper notice probably exists, but he had a problem if someone went out and saw that sign and it did say 1:00 P.M., then there is a misrepresentation of the time.

However, the Hearing Examiner agreed that this case is being continued so that anybody who has been here should know that it was scheduled for 9:00 A. M. this morning. The other thing that bothers him, is that he had not looked at the new proposed MCP. He looked over the letter, but if there are other conditions that haven't been agreed upon, he did not think it was fair to members of the public who are here and want to know what this project is going to be about, and what conditions are on it. They would not be informed of it at the hearing. With all of that in mind, the Hearing Examiner thought it was prudent to continue the case. He asked eveyone to look at their calendars to see how March 17th would be. Mr. Philpott said he could not be there on that day.

After reconvening from a five minute recess, the Hearing Examiner continued the hearing until Thursday, March 16, 2006 at 9:00 a.m.

**March 16, 2006 hearing:**

The Hearing Examiner announced the case and called upon Dawn Perry-Lehnert, Assistant County Attorney, to make her comments. She introduced herself and explained that she represented the Board of County Commissioner (BOCC) in the proceedings. She explained that she was also present to assist the County Staff, the Applicant, and the Hearing Examiner, to ensure that the record was complete. She advised members of the public that if they would like to participate or obtain copies of the Hearing Examiner's Recommendation, they should fill out the white Public Participation forms located in the front of the Hearing Room.

The forms should be presented to the Hearing Examiner and then at the conclusion of Staff's presentation, the Hearing Examiner would open the floor to public participation. It was at that time that they would have the opportunity to address the Hearing Examiner. All public comment would be heard from the podium at the front of the room. When stepping up to the podium, they should state their names and addresses for the record. The Hearing Examiner would also ask them to verify that they had been sworn in. If they resided on property or owned property close to the subject property, they should explain where they lived in relation to the subject property.

Ms. Lehnert explained that this was a rezoning hearing and not a final action on the matter. The Hearing Examiner's Recommendation would be considered by the BOCC at a final public hearing a few weeks after the Recommendation was issued. If they wanted their thoughts considered in the matter, they would need to speak to the Hearing Examiner. If they wished to speak before the BOCC, they were required to speak to the Hearing Examiner in this hearing.

Ms. Lehnert introduced Josh Philpott, the Lee County Staff Planner for the case, Kim Trebatoski, with Environmental Sciences, the Court Reporter, the Applicant's Representatives, and the Hearing Examiner.

Then the Hearing Examiner advised the public that first the Applicant would make a presentation with their witnesses and demonstrative materials and after their presentation, the County would be able to examine those witnesses. Following the Applicant's presentation, County Staff would make a similar presentation though their witnesses and evidence. Then the Applicant would be able to examine those witnesses.

Then the proceeding would be opened to public participation. It was at that point in time that the public could come forward and ask questions and make comments with regard to the application. That was the only time that it would be appropriate for the public to participate in the proceeding. He asked that all cell phones and pagers be turned off at that point, so as not to disturb the meeting. He asked them to refrain from speaking to one another so that participants could be heard.

At that point, he placed all participants under oath. He asked that all participants give their name and address and indicate that they were under oath prior to giving testimony.

Richard Pringle, the Attorney for the Applicants, Larry and Jane Ross, in regards to the Hidden Harbor/Harbor Watch Residential Planned Development (RPD) application, introduced himself for the record. Larry and Jane Ross were longtime residents and had owned the property, which they had assembled over time. It had been used in the past for resort-type rentals. Jane Ross would be speaking later in the hearing.

The planner in this case for the Applicant was Bob Case, also a longtime County resident, and past County employee. He had been qualified on numerous occasions as an expert witness in zoning matters and he asked that Mr. Case be recognized and qualified as an expert in planning matters for this hearing. The Hearing Examiner wanted to do that just prior to Mr. Case's testimony. Mr. Pringle advised the Hearing Examiner that he might not actually have to testify at the hearing, because County Staff representatives and Mr. Pringle had worked out deviations and conditions and recommendations. So he might not have to say much.

The other expert present at the hearing was Pat Hunt, an engineer, and also a longtime County resident, and past County employee. He had also been qualified on numerous occasions as an expert witness. He asked that Mr. Hunt also be qualified as an expert witness in the event that he had to testify in engineering matters.

The other individual present on behalf of the Applicant who might or might not have to testify was Joanne Semmer, who would assist with the permitting for the dockage and the littoral planting. She had experience in testifying in matters as well.

Mr. Pringle stated that he was a Land Use Attorney here in town, who had been practicing for 18 years in Fort Myers, at Strayhorn and Strayhorn. He represented quite a few clients in Land Use matters. He was also the County Attorney in Glades County, where he was involved in Land Use matters as well. He commented that Glades County needed to get some Development Regulations that were similar to Lee County. He had a much more difficult time in hearings there than he hoped to have in this hearing.

The property was a 2.94 acre parcel. He pointed out the parcel, which was shaded in pink, on an aerial photograph exhibited in the Hearing Room. It fronted on San Carlos Bay and then on both sides of San Carlos Drive. The parcel was separated by San Carlos Drive. It was in Lee County near the Matanzas Pass Bridge. The property was currently zoned Two-Family Conservation (TFC-2). There were structures on the property that had been rented by Larry and Jane Ross in the past as resort-type rentals on a weekly, monthly, and seasonal basis.

The Comprehensive Plan designation was Suburban and they were within the six-unit per acre density requirement. He thought they had a little less than four units per acre at this point. The property was generally in an area developed as Single-Family and as Two-Family units on either side. Most of the parcels in the area had been developed. There were a few vacant parcels left. They were also starting to see some redevelopment of parcels and Larry and Jane Ross were in effect leading the charge in that regard with the request they were making.

They wanted to rezone their property to provide for 16 residential units. Initially they had requested a higher density than that in their initial application. Through discussions with County Staff, they had agreed to a reduction to16 units for the site. Ten of the units would be on the parcel fronting San Carlos Bay and six units would be on the gulf water parcel together with the pool and a gazebo or cabana related to the pool use.

After hearing no objections, the Hearing Examiner admitted the aerial photograph, referred to by Mr. Pringle, into evidence and labeled it, Applicant's Exhibit 1.

The next document Mr. Pringle referred to was the Master Concept Plan (MCP), #5, dated March 13, 2006, date stamped received "March 14, 2006" by the Permit Counter. It was also exhibited in the Hearing Room. He asked that it be admitted into the record and labeled as Applicant's Exhibit 2. After hearing no objection, the Hearing Examiner admitted it and marked it as such.

He planned to briefly discuss the rezoning application. He would get quickly to the discussion of the conditions and deviations and approvals they agreed upon with Staff and the Applicant. Larry and Jane Ross initially applied for the approval of 18 units. The structures were planned to be very normal looking condominium-type structures that were about 240 feet long and facing the water. The idea was to replace the hodgepodge of structures (some of which still existed) that were on the site with new residential units, versus the rental units that were on the site before.

When the initial application was submitted, there was resistance by County Staff to the density and to the use of the traditional condominium-type structure, which were the long structures facing the water that blocked views of the water. In response they had quite a few meetings and ended up with the design as could be seen on the MCP, where the long structures were divided into two-family units and view corridors were created in-between the two-family units, which also, by the way, provided some separation for fire-safety purposes. They ended up agreeing to a reduction of the total density down to the 16 units and that was necessary to get the building separations on the MCP, which had been introduced as Exhibit 2.

Initially, they had not requested any deviations, because of the way the initial layout was done with the long single structures. At the time, it was Mr. Case's opinion that none were required. When they went to the concept of building the two-family-unit buildings, they realized that in order to get everything on the site, they would need some deviations. So they had requested two deviations. One was from the setback and buffering requirements next to asphalt areas.

There was a small "hashed" area in two places on the MCP that was approximately 30 feet in length next to the driveways into the end units, where they could not accomplish the 30-foot buffer area. The 30-foot buffer area was only required next to asphalt, not next to the building. They needed a 15-foot setback along the building. So the only area of question was there. They had also been able to leave the 30-foot buffer requirement along the parcel that he pointed out. So those two areas were the only two requiring deviations. The request was for a deviation to reduce the width to 15 feet at the most narrow point. They would still have all of the vegetative buffering that was normally required for the 30-foot-wide strip, they would just pack it a little bit tighter. There would be a double-row vegetative hedge to block the view there. That was one of the deviations. It was from Section 10-416 subparagraph d, subparagraph 6.

The other deviation that was being requested was from the building separation. When they went from the program of having all the units in one long building, to having the units in separated two-family-unit buildings; they ended up with a building separation requirement that they could not meet. The requirement was that they have a 20-foot separation between the buildings. They were able to provide 10- to 12-foot separations, and sometimes up to15-foot building separations.

The building separations, even at the smaller dimensions, satisfied fire codes requirements for separation. They also benefitted, in that they created some corridors views of San Carlos Bay, which was something that the County really wanted to accomplish. That was the second Deviation. That was from Section 34-935(e)(4) of the Code.

He pointed out the only area for which the deviation was being requested. Some of the separations between the buildings were as narrow as 10 to 11 feet and some were as wide as 20 feet.

In considering those Deviations, Staff had recommended approval in their Staff Report. There were now nine proposed Conditions to the approval, which were listed by Mr. Philpott in his Staff Report addendum, dated March 14, 2006. The Conditions listed there were Conditions they had worked on for some time. They had negotiated the terms of those Conditions. He planned to go through them for the Hearing Examiner and for the record. The first Condition required the Applicant to develop the parcel as described in the MCP, entitled Harbor Watch RPD, stamped received, March 14, 2006, and last revised March 13, 2006, with the Conditions that were outlined. There was some discussion about the Schedule of Uses. Multi-Family was added as an allowed use since the last report, and since they did have multiple units on that parcel, they would comply with the site development regulations and they were not a problem.

At the bottom of the third page, there was discussion about the landscaping condition. There was a minimum 10-foot-wide coastal littoral planting shelf, waterward of the seawall that was required. There had been concerns on the part of the Applicant in the past about that. There had been some discussions between Environmental Sciences and the Applicant's representative, Ms. Semmer, about that requirement. They agreed to that requirement. He believed that Environmental Science's representative would be discussing that during Staff's presentation.

In essence, they agreed that the 10-foot littoral shelf planting was something they would attempt to get permitted through the State agencies. Everyone understood that it might or might not be permittable through the State agencies. If it was, they would do it and if it was not permittable, then the County recognized that they didn't have to do it in that instance. However, they would use their best efforts to accomplish that.

In addition there would be a 10-foot-wide buffer landward of the existing seawall that ran along the water as well. They had agreed to that and there was a description there of the type of vegetation that would be included in that 10-foot strip. Also the third element of this Condition 3 related to the planting of native vegetation and surface water management systems and things like that, all of which they agreed to.

The next Condition related to the vacation of some easements located along lot lines. It was an old subdivision and there were lots that fronted South Street and San Carlos Drive. The lot line generally ran through an area he pointed out on the exhibit. He also pointed out a lot on the end. There was possibly a public utility easement, because there was a survey that was prepared that showed them. Those public utility easements ran through an area he pointed out. So they agreed to vacate those public utility easements after they make positively sure they are there. That was Condition 4.

Condition 5, was deleted. They agreed to Condition 6, which essentially stated that they would address vehicular traffic, and pedestrian traffic impacts at the point of applying for the Development Order. They acknowledged that they had to take care of that.

The next Condition related to storm water management. They had agreed that they would treat and manage their storm water surface water on site. They would not have direct outfall into San Carlos Bay.

The next Condition related to the County's ability to examine the structures that were still remaining on the site for historical value. They agreed that they could come take a look at that.

The next condition that was initially included or proposed had been deleted, that was Condition 9. They had requested a Deviation to that requirement.

Condition 10, was a new condition, because there was an underground drainage pipe that ran from San Carlos Drive to San Carlos Bay underneath the property. They had agreed to relocate that pipe if it was necessary and lay beneath one of those buildings. They would relocate it in like kind and size and condition if it was necessary. He said there was currently a committee or group that was working on drainage in the whole area and the streets in that area, so there would be some discussions with them as well about the location of that pipe and that drainage point.

Then the last item related to the second Deviation. There was not a problem with that one.

Those were the Deviations that had been discussed and generally agreed to between County Staff and the Applicant. Based on the negotiated Conditions and the revision of the site plan of the MCP, Mr. Philpott was now recommending approval of their modified rezoning request and the Deviations that they had requested. There were also letters of support of the request by the Applicant, from residents in the area, that he believed were in the file.

In conclusion, in light of all of the information that he had submitted and the other evidence that would be heard from the experts, in the event they had to supplement his testimony, he asked the Hearing Examiner to find their revised request was consistent with the Comprehensive Plan. He also asked the Hearing Examiner to recommend approval of the modified request to the BOCC. He also asked to reserve the right to respond to comments made by the public and County Staff. With that, he offered to answer any questions.

The Hearing Examiner referred to Condition 4. He wanted to know if there other easements other than public utility easements on the property. Mr. Pringle said there were no others found. The Hearing Examiner referred to Condition 8, which mentioned historic structures and that Staff would expediently relocate the structures within Lee County. He wanted to know if that would be at the County's expense.

Mr. Philpott explained that it was a condition that was drafted with respect to the Historic Department and Planning and their interest in possibly preserving some of them. He wasn't sure about how the Historic Department relocated structures and how the expense would be handled.

Ms. Lehnert said that she understood that if the County undertook the relocation of a historical structure, it would be similar to a Capital Improvement Program (CIP) activity. That meant it would need to go to the BOCC for their approval for the expenditure of the County's funds. She did not know if the Historic Preservation Department, or Gloria Sago, had the ability to make the decision and then make the expenditure. She suggested that they go to the Historic Preservation Staff. She thought they should consider adding a phrase that said "with prior approval from the BOCC". They would need additional approval to be able spend County money. There was no objection to that. Mr. Pringle indicated that it had always been his understanding that if the County decided that they wanted to move the structures, it would be a County expense.

The Hearing Examiner wanted that clear from the onset. He didn't want there to be confusion later. He didn't read it that way, but he wanted it clear that the Applicant would not incur the cost. Mr. Pringle indicated that the Applicant had never intended to incur the cost. The Hearing Examiner indicated that was consistent with Staff's opinion.

Mr. Pringle made one other comment regarding that condition. Even though it didn't say it, they understood that any review by the County Staff of the historic structures would occur quickly and the determination would be made expeditiously. They planned on moving forward with their Development Order review and approval process as soon as they got through this process. He didn't know if they needed a time frame or a time limit on it.

Ms. Lehnert said they could not speak for another department. That department knew the case was in and hadn't gone out to review it. She didn't know why.

The Hearing Examiner asked Mr. Pringle if he thought there were any historic structures on the property. He answered that based on his understanding in talking to Mr. Ross, the three structures that were there were in bad condition as a result of the recent hurricanes. They are not currently being used. They were vacant as a result of the damage by the storm. Permits were issued for demolition because of their condition and some had been demolished.

He suggested that it would be appreciated if the word "expeditious" was added for the review by County Staff, although he knew there couldn't be any limitations applied.

The Hearing Examiner agreed to consider that and added that he thought it was a reasonable request. He was curious, because "historical significance" was a vague term. What is historically significant to some people, is junk to other people. Mr. Pringle said that frankly, he did not know whether the conditions of the structures would even allow them to be moved, after the storm damage that had occurred.

Mr. Pringle made a clarification. He believed he had referred to Mr. Case as the planner and engineer and he was actually the engineer and Mr. Hunt was the planner. He would offer them to be qualified if they were called upon to testify. The Hearing Examiner advised him at that point that if the witnesses were called by way of rebuttal, they were really only supposed to testify as to rebuttal issues. So if he had any issues he wanted to bring forth

to the public now, he should do so, because the scope of their testimony might be limited later in the hearing.

He was not aware of any items that they needed to testify to at this time, in addition to what he had already presented as evidence.

Then Staff was called upon to give their presentation. Josh Philpott introduced himself for the record. He was a Senior Planner with the Zoning Division, and had previously been tendered as an expert witness in planning and zoning, his resume was on file with the Hearing Examiner's Office, and he asked to be accepted as an expert witness for this hearing. After hearing no objections, he was accepted as such.

As a brief introduction to the surrounding neighborhood and the subject property, he explained that the subject property was approximately 2.94 acres, located at the intersection of South Road and Main Street and San Carlos Drive. Part of the subject property was located west of San Carlos Drive and east of San Carlos Bay. The remainder was the peninsula created from the South Drive and San Carlos Drive intersection.

Currently, the subject property consisted of 14 platted lots. He believed they were platted in 1941. They were substandard lots that didn't meet current zoning requirements. There was one lot that did meet it. It was the northern portion of the subject property. It was approximately 80-foot-wide. The remaining lots either were narrow, or did not have the lot area and depth.

The surrounding area was zoned TFC-2. North of the subject property there were single-family and two-family attached units. The majority of the residents in the area were single families, due to the lots being substandard in size. Throughout the area, the lot sizes varied. Most of the interior lots were smaller in size. The lots along the bay side had larger lot widths, but some had been divided and would not meet lot area requirements.

To the south of the subject, it was zoned TFC-2. There was a mixture of single-family homes and two-family attached homes and mobile home units. To the east of South Street were commercial uses, which were currently vehicle storage or parking areas, and outdoor storage. There were commercial restaurants that fronted on San Carlos Boulevard. Also there was a commercial parking area that was currently he believed a "park and ride" location owned by Lee County.

To the west of the subject property was San Carlos Bay. It was located in the Suburban Future Land Use category, which allowed a maximum density of six units per gross acre. The Applicant, originally proposed 18 multi-family units, constructed in three buildings. Two of the buildings were located along San Carlos Bay and basically encompassed a majority of the western portion of the property. There was also one building located east of San Carlos Drive with a pool facility.

The original buildings were included multi-family units, which were excessively long buildings and had a maximum height of 35 feet. Staff found that the proposed design of the structures was inconsistent with the surrounding development of single-family and two-family attached homes. Through the process they had worked with the Applicant to provide for two-family units, which allowed for the building to be broken up and provide view corridors between the residences.

The Applicant also reduced the maximum height from 45 feet to 35 feet. This would eliminate the canyon effect, which would have occurred through that portion of San Carlos Drive, on the east and west side, should the original buildings have been constructed. The Applicant had redesigned the site to include two-family attached units, which provided for building separations between the buildings and view corridors that essentially broke the building up.

The maximum height was 35 feet, which was consistent with the maximum height permitted in a TFC-2 zoning district with all of the development around it. Most of the structures were constructed lower. However, if they were to be redeveloped, they would be permitted to go to 35 feet in height.

As far as the building separations went, they had requested a Deviation from Section 34-935(e)4, which required buildings in Planned Developments for principal structures on one parcel to be a minimum of 20 feet building separation. In this case, Staff recommended approval. One of the main reasons, was because the way the lot was configured now, there were two large lots on either side, but there were no lot lines. It would be classified multi-family because of the principal structures on one single lot. However, if they were to develop this as individual lots without the common interest or element, they would not be required to have the 15-foot buffer. It was not uncommon to see five or six-foot separations between residential structures in Planned Developments. So Staff saw this as a plus because they would get the buffers, which would not be required if they redeveloped under other zoning.

Due to the lot lines and the non-conforming lots that existed now, the structures could be built to within ten percent of the lot width. Depending on the lot size, since they varied, it would be similar in setbacks, ranging from 12 to 14 feet. The deviation was to allow 10-foot building separations. However, that 10-foot building separation was the most narrow point on these two buildings. One was 10.24 and one was 10.25. However, because of the pie-shaped lot, there were wider separations of 14, 14.5, 17, and 20 feet.

Staff and the Applicant had worked together to come up with a design that Staff had recommended approval of, with conditions. One of the issues, he felt needed to be addressed, was the density on the subject property. Currently the surrounding area was developed with approximately 4.79 per net acre, which was just the lot itself and 3.84 dwelling units per gross acre, which included half of the adjacent right-of-way. In this case, the parcels had an abundant source of right-of-way adjacent to it. With three sides of one parcel having South Road, Main Street, and San Carlos Drive adjacent. The surrounding area was developed at 4.79 dwelling units per net acre and 3.84 dwelling units per gross acre. The proposed density was approximately 3.87 dwelling units per gross acre, which was 3/100's of a unit per acre more dense than the surrounding area and approximately .7 units per acre per net acre. The lot itself was .7 units an acre. Staff found that proposed density was consistent with the surrounding area and a minimal increase in gross density and net increase of approximately .7 units an acre. Staff found it was consistent.

If the property were to be redeveloped, it would be permitted to allow for 15 residential dwelling units. Staff was agreeable to a total of 16 dwelling units. Due to the fact that all of the conditions that would not apply if they were to be redeveloped including the conditions on the waterward buffer and the landward buffer and the adjacent buffers along the side property lines.

Due to their size, there would not be requirements of minimum open space and those types of things, so Staff found that the Conditions were a great improvement over what could occur if it were to redevelop under their current zoning. Staff recommended approval of 16 dwelling units per acre.

There was an error in Condition 3 (2). It read a 10-foot-wide buffer landward of the existing seawall. That buffer had been revised to include a 15-foot-wide buffer and was addressed on the Master Concept Plan (MCP). This was due to the proposed 5-foot sidewalk that would basically be located within the buffer.

The Hearing Examiner wanted to know if he was correct that the Applicant agreed that paragraph 3, subparagraph 2, should be amended to reflect a 15-foot-wide buffer landward of the existing seawall. Mr. Pringle agreed that 15-foot-wide was what it was supposed to be.

Then Mr. Philpott addressed the drainage on the property. He stated that obviously on-site water management would have to be dealt with at the time of local Development Order and they would have to manage their storm water as required through South Florida Water Management Permits through the Development Order process and they would have to manage that on site. This property also basically had impacts for the surrounding neighborhood. The reason he said that was because there was an existing outfall that basically allowed for storm water for one of three outfalls for the existing San Carlos Island. It had an outfall that basically ran through the property. There was a drain to the north of property and just west of San Carlos Drive. The drainage pipe ran underground and had an outfall into San Carlos Bay. The pipe currently exists without an easement. There was no easement to allow for maintenance or operation of that drain.

One of the conditions of the Staff Report was to address this. That was Condition 10, which stated that "Prior to Development Order Approval the existing drainage outfall for San Carlos Drive must be relocated or replaced with a like size and capacity of the existing drainage structure, so as not to be located under a proposed structure. An easement must be provided, for operation and maintenance of the above described drainage structure for the San Carlos Drive, at the expense of the applicant." The Applicant agreed to that Condition, to provide for that easement and operation of maintenance of the drainage structure.

Condition 11, applied to a buffer deviation. As shown on the MCP, the Applicant had requested a deviation from Section 10-416(d)6 of the LDC, which required one of two buffers. Whenever vehicular use asphalt was located within 125 feet of a single-family use, they could construct either a buffer with a wall 25 feet from the property line or a 30-foot-wide buffer with planting. The Applicant proposed to use the 30-foot-wide buffer with it coming down in two sections adjacent to the driveway for the end units on the west side of San Carlos Drive. The same plantings would be required and by putting them closer together would help shield for lighting for these parcels. Again, if they were developed as two-family attached units, with individual lot lines, no buffers would be required in those locations and the 15-foot building setback would not be required, it would be whatever the TFC-2 zoning required or should they go through an RPD, what it required. Staff recommended approval and did find the proposed rezoning was consistent with the Goals and Objectives of the Lee Plan.

Kim Trebatoski with Environmental Sciences was present if there was need for her testimony.

Mr. Pringle had two points of clarification to make. On Condition item two, which discussed the limits that applied to the project, subsection "B', Site Development Regulations, it referred to the side setback and a 20-foot-setback, which should actually be 15-feet. Mr. Philpott, said that the conditions were basically struck-through and underlined from the original conditions with the original MCP. The original MCP did provide for a 20-foot side setback and that was where that came from. Unfortunately, he didn't change it when they received the new MCP. So it should be a 15-foot-setback.

The other point of clarification was with regard to Condition 10. He wanted to clarify the expense that the Applicant was expecting to incur related to the relocation of the pipe. They were expecting to incur the expense of the preparation of the easement and the recording of the easement and all of that and they were also expecting to incur the expense of the actual relocation of the pipe. Once the pipe was relocated, however, the operation and the maintenance and the use of it from San Carlos Drive, even though it did not directly benefit the Applicant's property, it was tied into San Carlos Drive and so from the point that they moved it, they were not expecting to be responsible for maintenance of it.

Mr. Philpott said that would be done as part of the drainage for the right-of-way. Mr. Pringle indicated they would move it and pay for the easement being recorded. That was also the Hearing Examiner's understanding. Other than those two points, he had no other questions or comments.

The Hearing Examiner noticed that the MCP showed some docks that were apparently in a state of disrepair. He wondered what would happen to them. Mr. Pringle indicated that Joanne Semmer could respond to that. She was their dockage expert. The Hearing Examiner asked for that to be done in the rebuttal period, because members of the Public might also have some questions related to that and she could address those also.

Mr. Philpott had letters of no objection and letters of concern in the file. He could make copies and distribute those to the Assistant County Attorney, the Hearing Examiner and the Applicant. He also had copies of two e-mails that were received that morning. He had copies for the Assistant County Attorney, the Hearing Examiner, and the Applicant. After hearing no objection, the e-mails were admitted into evidence subject to the usual objections as hearsay. He explained to the members of the Public that when letters were written and e-mails were sent as opposed to personally appearing in the hearing, there was a hearsay problem, in that nobody could examine the person or their intentions. It presented a problem in the hearings. He might read them, but they were not given the usual weight as if someone came in. He admitted the emails as Staff's Composite Exhibit 1.

Kim Trebatoski, Principal Environmental Planner, with the Lee County Division of Environmental Sciences, introduced herself for the record and said that she had been declared an expert witness in the past in the LDC, the Lee Plan, and environmental issues. She wanted to clarify for the record, since not all present were cognizant of her background. Her master's degree was in coastal resource management and that was a pertinent issue today, so she wanted to reiterate that. At this time, she asked to be accepted as an expert witness in relation to environmental matters on this project. After hearing no objection, she was accepted as an expert witness in environmental matters related to the Lee Plan and this application.

She first thanked the Applicant. She had talked with Mr. Case several times. They worked through questions about some of her conditions that were recommended. After sitting down and talking with the owner in person, they were able to come to clear understanding of their objectives and of environmental sciences objectives and blend them together in a positive format. The project currently had a seawall along the bay side. Under current regulations, seawalls were not allowed on natural bodies of water, but this was an older seawall that had been in existence and as projects came in for redevelopment, Environmental Sciences Staff took a look at what they could do to bring the projects up to more current best management practices that would occur along coastal areas.

It was at that point that they contacted Mr. Case and Mr. Hunt, and discussed with them the potential of having a buffer both landward of the seawall to enhance that area and a possibility of a creation of a planting shelf on the waterward side to serve a number of purposes. When those types of planting areas were established, people typically used rip-rap to form the outer waterward edges of the planting shelf. They backfilled with appropriate sand material that would be similar to material in the area. It all went through State permitting and the County for proper review. Then between the rip-rap and the seawall planting created a situation that diversified the habitat. The rip-rap actually helped to disburse wave action energy. It absorbed the energy instead of reflecting it. On a seawall that energy was reflected. So there was a storm protection benefit and a habitat benefit. There were also some water quality benefits when there were plantings waterward and seaward of the seawall. So that was why Environmental Sciences Staff had taken the opportunity to negotiate and work on something they thought would benefit both the project and the public in the long run.

She didn't want a misunderstanding that they were asking for a 10-foot rectangular area. That was not the intent. They intended to work with the Applicant as they came in for Development Order and most likely some rebuilding dock permits, to have something that worked well for them and was a benefit to it. There was an issue raised that some people that visited the area and lived in the area did like to go over the top of the seawall and into the shallow area. It was fairly shallow water next to that area. Staff's intention was never to preclude a way for people to use that for swimming or whatever. She put together a drawing to submit as a clarification for condition 3(i).

Ms. Lehnert wanted to know if she wanted it entered as an exhibit, because there would need to be a reference in Condition 3 for this exhibit as an attachment to the resolution. Ms. Trebatoski did. So this exhibit would follow along with any resolution, so that it proceeded forward with final design, these would help the Development Order reviewers. The Hearing Examiner, asked if there were objections to admitting it into the record as an exhibit to Condition 3(i) of the proposed exhibits. In other words Condition 3 (i) would be amended to refer to this.

Ms. Trebatoski clarified that if the amendment referred to it, she wanted to make clear that these weren't the only two options, that final design should meet the intent of what was illustrated. The Hearing Examiner said he would include language that this was illustrative of the intent.

Mr. Pringle had not had an opportunity to see the drawing or have Ms. Semmer see it. They wanted that opportunity. They asked to review it and answer by close of business the following day. The record was left open for the Applicant to submit comments on it. He admitted it as an exhibit to the hearing, after hearing no objection. It was entitled "Hidden

Harbor RPD" Staff Exhibit Condition 3(i). It was admitted as Staff's Exhibit 2 as a hearing exhibit, for the purpose of also tentatively being an exhibit to Condition 3(i). He would keep the record open until close of business the following day, so that the Applicant could submit comments on the exhibit.

Ms. Lehnert wanted to know for the benefit of Staff and herself that since he was leaving the record open for them to submit comments, in the event that they didn't like it or decided to submit their own exhibit, she wasn't sure what that did to Ms. Trebatoski's department's ability to comply. The Hearing Examiner would keep the record open until the close of business one week from the day of the hearing, which was March 23, 2006. The Applicant would be given until the close of business on Monday to submit any comments with regard to this exhibit and then Staff would be given the opportunity to submit comments or responses as they saw fit, on or before the close of business on March 23, 2006. All were in agreement. He said it would give everyone the chance to digest what was in there.

Ms. Trebatoski wanted the public to know that it would not be right angled at property lines, it would be soft angles up and around. It didn't need to be perfectly straight lines. It would meander. There would be potential for pedestrian access. They were trying to do something that was an improvement. The other little depictions were of the existing docks. They wanted to plant under the existing docks. Typically when people came in for restructuring or building new docks, and they were doing habitat enhancement, that would be all rip-rap under the dock and then there subwater plants and critters self generated in there. The other clarification was that there were no specifics to the planting plan in the condition.

She left it open for the Applicant to design. It could range from mangrove type plantings to other types like Black-needle rush, which was a herbaceous plant. They could mix them when they went in with planting shelves to State agencies. When planting mangroves, arrangements could be made as to whether they would be maintained as hedges or as trees. There was a variety of options there. When she was in Sarasota, she saw that the County was softening a lot of their shorelines. She saw both mangroves and some with all low herbaceous. Either one of those actually provided good habitat and good water quality improvements. They wanted to leave that open for a design that the Applicant wanted. They had been there and part of the neighborhood and would design something that would enhance their project and not harm the neighborhood. She didn't want to dictate the final design. That was really what she wanted to testify to, that they were not trying to harm the area, rather they were trying to help improve the area.

She wanted it on the record that they were open to flexibility of design, so that they had that when it came in for final permitting.

The Hearing Examiner also commented that with regard to keeping the record open, he wanted Ms. Lehnert and Mr. Pringle to feel free to include if they so desired any change to the language of 3(i) with respect to this exhibit.

There were no questions for Ms. Trebatoski at that time so the matter was opened to Public participation. He requested that they must fill out a public participation form and present a copy to him. If they desired to speak before the BOCC when this matter came before the BOCC they must have made some sort of reasonable presentation here. By reasonable, he meant they had to say more than their name. This was their opportunity to get their message across or ask any questions that they had.

He called Ronald Lea. Mr. Lea introduced himself and said that he lived at 807 San Carlos Drive. His property abutted the proposed development. For the record his property was at the south end of the proposed waterfront development. He could not support the proposed rezoning for several reasons. The waterfront property consisted of six lots and five of them were 60-foot lots. They had TFC-2 written all over them, but basically they were non-conforming TFC-2 lots and the use of three of them had been single-family homes. The 70-foot lot, which gave them a total front footage of 370 feet. The MCP proposed 5 roughly 59-foot-wide buildings, which fit, but were squeezed into the 370 feet. That was about as dense as you could get. He explained that they achieved it because the site development regulations required a 20-foot side setback at either end of the property. He checked with zoning downstairs and was told that 20 feet was their number. That number was also in Mr. Philpott's original recommendation.

The present recommendation said 20-foot side setback. The MCP reduced that to 15-foot. The LDC required a minimum building separation of 20 feet. They were asking for a variance, which would give them 10 feet between two buildings and 14 feet between the other two buildings. That was much closer together than the required separation. The LDC required a minimum 30-foot buffer when vehicular asphalt (parking lot or driveway) was located adjacent to a single-family residence. The MCP showed a buffer as narrow as 15 feet on either end of the property.
To put it in perspective, just four of the five buildings would be higher and wider than the 230-foot-long by 52-foot-high building that they were presently in.

The other problem he had was that they were talking about 1.4 acres of impervious surface created by this development. A two-inch rain on that surface area would create 75,905 gallons of water. He suggested they go back to the original recommendation by the Department of County Development, which he quoted, "the subject property is not the appropriate location for inclusion of intensive multi-family development in the heart of a single-family residential community. The road network on this portion of San Carlos Island is inadequate to handle the increased traffic generated from a multi-family development. The Applicant could construct a minimum of 15 dwelling units on the site with the existing zoning and platted lots. Any further increase in density and intensity would be inconsistent with the Lee County Comprehensive Plan. Therefore, Staff has recommended denial of the Applicant's request." He would support 15 units on the property, four buildings on the waterfront, and seven units or 3.5 buildings on the land across San Carlos Boulevard. By putting four buildings and eight units on the waterfront, it would give them 20 feet between the buildings and the opportunity to put in a 20-foot setback and it would surely be a lot different from a running line of buildings that was 290 feet long.

He also commented on the plantings along the front. His parents built one of the houses that had been demolished. In fact all of the historic buildings along the front had been demolished already. They built the house In 1965 or 1966 and lived in it until the late 1990s when his mother passed away. He had lived in the house next door to that since 1980 (25 years). The curb continued around and there was an area that happened to be a collection point for all of the trash that came out of San Carlos Bay. Almost daily, he picked up as much as he could to stop any restriction of flow. If they left any thing to accumulate there, everything backed up. He was sure the Applicant could tell them that they got a line of grasses and trash that they had wash away with a boat to get rid of it. Any plantings would unfortunately stop all of that stuff and it would be a problem. They already had a problem without any plantings. On his dock, they had to actually take out the pilings that were close

to the seawall for that reason. They stopped trash and it began to build up behind it. Unfortunately that had become more and more of a problem on Fort Myers Beach. He didn't think it would become less of a problem.

Mr. Pringle asked at what point Mr. Case should offer his rebuttals. The Hearing Examiner advised him that after public participation was completed, he would let him have rebuttal time. There were no questions for the witness.

Scott VanSelow was called next. He lived at 908 San Carlos Drive and was under oath. Generally speaking, he was in favor of the project. He did have concerns from Therese Dobrowolski and Chris Hionedes who said in brief they were concerned with any new development along San Carlos Drive that should be in accordance with the County requirements for setbacks with no greater density than the property had before and believed that would mean no more than 15 units with 20-foot setbacks and at least 20 feet between units. They were also concerned about the proposed heights overpowering all of the properties around it. They were hopeful that more reasonable limits could be placed on this development for the neighborhood. He knew some of these issues had been addressed about the water.

They were concerned about the runoff that this additional development may cause for nearby. It would be overwhelming to San Carlos Drive drainage. When they first heard about the development, they were told that they would provide their own runoff capacity and that the street runoff or outfall that was currently provided by the property would remain in tact for the street. He wanted to be sure that this was the case and they had already addressed that.

In addition he requested that a study be completed to assess the added drainage that would be needed if thousands of square feet of absorbing surfaces are lost to the added buildings, where only raised cottages previously stood. That was signed by Therese and Chris. The Hearing Examiner wanted to know if he had any comments himself. His comments were basically regarding the water runoff, however, he was not too concerned with that now since Staff had addressed it. As far as the setbacks were concerned, the neighbors say so in that would probably be more prevalent than his comments. He was completely on the other end away from the property. Generally speaking, he liked the project. He did think the neighbors had a right to have their space.

The Hearing Examiner noted that he was reading something from someone else, and he didn't want to give him the impression that it gave them the right to appear before the BOCC. He appeared. Ms. Lehnert concurred.

Joanne Semmer was called forward. She introduced herself for the record and gave her address as 37A Nancy Lane, Fort Myers Beach, which was also San Carlos Island, but she was also a consultant. The Hearing Examiner and Ms. Lehnert asked her whether she was speaking as an individual or on behalf of the Applicant. She was speaking as an individual. He wanted to make it clear that if she was speaking on behalf of the Applicant, or representing the Applicant, she would have to identify herself as such. Ms. Lehnert advised her that from the BOCC standpoint that if she presented herself as a resident before the BOCC as a resident and was speaking as a resident, she would be allowed to speak as a resident, if she attempted to get up as resident and did her job as a consultant, then she would be told it was inappropriate to do so.

For the record the Hearing Examiner would not treat it as an appearance on behalf of the public. Mr. Pringle advised that she would however, respond to the question about the dockage and appear as a rebuttal witness.

Steve DiPietro was called forward. He had taken the oath. The Hearing Examiner pointed out that he was an Applicants representative. He wanted to reserve his right to speak at the BOCC. He didn't want to make a statement. He thought the Hearing Examiner said that. The Hearing Examiner wanted to know if he would talk in his individual capacity or as a representative of the Applicant. He wanted to speak as a representative of the Applicant. The Hearing Examiner and Mr. Pringle both informed him that he could not speak in the public portion.

Jane Ross was called, but was the Applicant, so could not speak during the public portion either.

Larry Bell was called next. He lived at 906 San Carlos Drive and had been sworn. He wanted to read into the record a letter that was sent to them by an individual that could not be present. It had been notarized. He wanted to know if it was permissible. The Hearing Examiner advised him that he could read it, but just because it was notarized, it didn't mean that much to him, because it didn't afford the Applicant the opportunity to cross examine that individual. That was his problem with letters. Mr. Bell explained that the individual was going to be present at the last meeting, and it was cancelled, and he lived in Arizona. The Hearing Examiner said that he would let him read it, but again the problem he would have would be that he would not be able to appear before the BOCC.

Mr. Bell explained that the letter did not necessarily reflect their interests, but he had been asked to read it. It was from Don Proudfoot, reference, Jane Ross, Larry Ross rezoning Harbor Watch Residential Plan.

"To Whom it May Concern: I own the property located at 845 San Carlos Drive, Fort Myers Beach, Florida, which is next to the property owned by Jane and Larry Ross referenced above. I also own the property located at 865 San Carlos Drive. I do not approve of this project for various reasons. Some of which are: the proposed height of the buildings, the proposed set-offs to my property, the original project indicated more land than is being currently proposed for the density of this project. Respectfully submitted, Donn Proudfoot."

He wanted to know if they wanted copies. The Hearing Examiner said no that it was in the record by his reading of it. The Hearing Examiner wanted to know if he had anything he wanted to say himself. Basically Mr. Bell said they were in favor of the project. They thought it would add a lot to their island and they were looking forward to it. They did however have some concerns, which he wanted to bring forward. Density was one of the issues. It had been brought up several times that morning. The original zoning request was for 18 units. They were grand-fathered and allowed 15 units.

They wanted to keep the density at the amount allowed of 15 units at this area, as it was located in a coastal high-hazard area. The original plan called for 20-foot side setbacks, which was standard. Designs submitted on March 14, 2006, called for a 15-foot setback. They wanted to keep the side setback at a standard width of 20 feet area to be bermed and landscaped to provide transition to nearby homes. Then he wondered if there was confusion, because they had asked for 35 feet in height. They understood the flood elevation requirements were 17 feet for a total of 52 feet. By the time they took in the height of the

building's roof and the peak of the roof, they could be talking about anywhere from 55 to 60 feet in the air. That was much higher than anything else on the island. The general area was surrounded by the residential single-family or duplexes. The massive size of the buildings and height would tend to dwarf other houses in the area and they did not feel it was compatible to the area. They strongly requested that the height be more in line with the newer two-story overparking type single-family/duplex residences in the community.

The next point would be distance between the buildings. They felt as others had said that it should be 20 feet. Code requirements were that buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC Section 34-21749(A), they had requested the deviation to be only 10 feet. That would keep the distance between the buildings at a standard of 20 feet. They had concerns regarding storm water runoff and sheetflow and the possibility of overtaxing current drainage systems with the addition of approximately 60,000 square feet of impervious surface. They wanted to see the Developer's Plan for handling this excess water.

The next point concerned the MSTBU and existing outfall. The current project showed buildings on top of the existing drainage. Since there were only three outfalls serving San Carlos Drive, it was critically important to maintain this outfall. It might be possible to move the drainage pipe collection basin and existing outfall in the seawall. Project engineers would need to determine the feasibility of this. There was a pending MSTBU project to upgrade the San Carlos Drive/San Carlos Court, with underground drainage and curbs, approved by the BOCC on August 23, 2005. It was important that this project be coordinated with a project engineer for the MSTBU and that it was done so in a timely manner as this project was in progress. Expenses to move the drainage line, should be at the expense of Hidden Harbor and Harbor Watch Developers and not the community. The current designs had 10 units on the water and 6 on the street. They wanted to see as a proposed compromise that the project was amended to eight units on the water and seven units on the street. This would allow the needed space for side setbacks and for the distance between the buildings to be increased to a standard level.

The Hearing Examiner asked him if he really had questions with regard to the runoff from the drainage from the roadway, now that there had been some explanation of it. He wanted to know if they should address it in rebuttal or not. They proposed to move to move that pipe at the Applicant's expense and provide a similar. He didn't know if he had a genuine concern or if they were taking up so much square footage of building which was currently not under a building format. He wanted to know where the 60,000 plus gallons of water would go. Because right now it absorbed into the ground. The Hearing Examiner explained that there were two drainage issues. One was from the street and one was from the property itself. The proposal was that the Applicant would have to take care of the water on-site. The rain that fell on the property, must be taken care of on-site and that was determined at the time of the final Development Order. The other issue was the drainage that currently existed on San Carlos Boulevard where there was no easement for it but there was current drainage that went through the property. His question to him was that the Applicant agreed to replace that pipe if need be so that it was not under a building, and give the County an easement. He wanted to know if Mr. Bell still had an issue regarding that drainage. He did. He wanted to know about the 60,000 plus gallons of water was taken into consideration for replacing the same sized pipe that was there now. The Hearing Examiner would have the Applicant address that in rebuttal.

Barbara Lea came forward. Ms. Lehnert pointed out that she spoke at the last hearing. She said she had and had a previous commitment for today but had changed it. She did speak at that meeting so that she would be eligible to speak before the BOCC, but since she was here again today, she completed the form again.

Gayle Bell, also spoke at the last meeting. She wanted to know if she could speak again. He asked if she had anything to say other than what she said at the last meeting. She did. Ms. Lehnert pointed out that she talked about drainage and height at the last meeting. The Hearing Examiner wanted to know if those issues had changed on the new MCP. Ms. Bell said that at the previous hearing they did not have the opportunity to see the new MCP. The Hearing Examiner said he would give her a few minutes. That was all she needed. She wanted to clarify one thing regarding the pipe and the MSTBU. She appreciated the Applicant's willingness to provide the easement and relocate the pipe. She did talk to the project engineer the previous day and his biggest concern was not just that aspect but to totally coordinate it with his project so that if the placement and location of it so that it fell appropriately and so forth. She did support the proposals of holding with the original density of 15 units. She thought it fit the community better and allowed for the setbacks and spaces between the buildings to be more proportionate. These were going to be giant buildings, in basically a community that was single-family homes in appearance. She thought it should be compatible as much as possible. She applauded the Larry and Jane Ross for their pioneering spirit. She thought it would be good in the end. She just wanted the details looked at more closely.

No additional members of the public wished to speak. So the public participation portion of the hearing was closed. He asked the Applicant to commence rebuttal and Staff if they deemed it necessary. At that point they took a 10-minute break.

When they were back on the record, the Hearing Examiner noted they had concluded the public portion of the hearing. They were now in the rebuttal stage. Mr. Pringle intended to call Mr. Hunt to rebut issues related to density. He also intended to call Mr. Case.

Mr. Pringle explained that Mr. Hunt had been qualified previously before the Hearing Examiner as an expert witness in planning matters. Mr. Pringle asked that Mr. Hunt be qualified as an expert witness for this hearing. The Hearing Examiner asked Mr. Hunt to give his name and address and indicate whether he had taken an oath. Patrick Hunt introduced himself and gave his address as 8363 Caloosa Road, Fort Myers, Florida 33912. After hearing no objection, he was accepted as an expert witness in land use matters relative to Lee County.

Mr. Hunt had comments in rebuttal regarding the proposed density on the project. The Staff Report originally indicated that they wanted to limit the density to 15 units an acre. They went into some depth in their report as to how they calculated gross and net density on a per acre basis. He did not hear in their testimony, what he based his calculations on. Using the gross density including all of the land that the Applicants owned and including the half of the road right-of-way and the frontage individual parcel his calculation was that 21.77 units could be developed at the maximum density, without bonus density on this in a Suburban district. They were not asking for that.

Before this application was submitted, they had 21 units on the property. Those 21 units were built on the lots and there were two remaining vacant lots. On the waterfront property they had proposed ten units on the plan and Staff had recommended approval on this. Some of the residents had objected to this. There remains one large single-family house. The Applicant lived in that house. There were three single-family cottages remaining. There were two single-family cottages that were removed. There were two rental units that were removed and a motel office that was removed. There was an additional single-family cottage, which was removed. An additional structure served as a meeting place for the motel. It was removed. There were pending demolition permits for the remaining cottages on the landward parcel. So there were a total of 21 units before any of the demolition began on this property.

They were requesting 16 units. Ten units on the waterfront would be no different from what was previously there. They had set the buildings back further and were not at their minimum setbacks anywhere on the property on the street setback. They were setback an additional distance from the street.

The buildings were not unlike buildings that couldn't be developed without an RPD request. The reason they were in for an RPD was because they wanted to build the buildings on the waterfront. They didn't ask for permission to modify the existing structures. The structures were severely damaged. They came in with a whole new plan. The height limitation on San Carlos Island was 35 feet above flood elevation. Any of the neighbors that had come forward and objected, could submit plans tomorrow to tear down their houses and completely rebuild their structures and build buildings more than 15 feet taller than what they were proposing. He explained that 35 feet plus 17 feet was 52 feet. Their structures right now had the top of the tie beam at 32 feet above ground and 37 feet above NTBD. Half of the height of the roof was to be included on a hip roof by the flood elevation definition. Accessory structures (non-habitable space) could exceed that.

The structures were really not unlike what would be seen in the future in this neighborhood. Everything around and includi ng this property was TFC-2 with the exception of the commercial properties, which were adjacent to San Carlos Boulevard. The zoning map that was attached to the original Staff Report showed all of the zoning districts. TFC-2 had a 10-foot side setback. RPD would limit them to the additional side setback. The 15 feet they were proposing on the side, was a deviation for the buffer requirement. They were trying to be good neighbors. They were trying to establish the proper buffers and were trying to get the buildings located in a reasonable manner. The original request was for two large mono-structures. They then revised it to two-family attached structures.

Ms. Lehnert noted that he had mentioned that there was an existing one single-family residence located on the waterward side. He clarified that there were four units.

There were four that had remained on the waterfront site. She asked to be shown what remained. She noted that there was not a condition with respect to the removal of the existing structures and there should be one.

She didn't want to make them do something that they had already done, so she asked for him to explain what was there. The Hearing Examiner admonished them and said that he wanted this witness to testify and walk up to the map exhibited. The Hearing Examiner understood that there were basically two parcels there on either side of the roadway. He wanted what was currently existing on both sides described. Mr. Hunt could not describe it,

he said he needed to have the Applicant give that information as to which specific structure had been removed and which specific structure remained at this time.

Ms. Lehnert's concern was that in part of the application, they were required to provide an affidavit to the County indicating what was going to happen with the existing structures, whether they would remain or not and what the intent was. At this point, her cause for concern, was that it was indicated that one of them was a single-family residence that the property owners were living in. It gave her concern, because they could be approving something that could be partially built or partially not built. She didn't know what was happening with the existing structures. They just needed to know to make it clear. She was not saying that they were being disingenuous. She just needed to know. Mr. Hunt responded that Phase 1 was the waterfront lots. It was the first phase of construction. So all the houses on the waterfront lots would be removed.

The Hearing Examiner suggested that the County Attorney and the Attorney for the Applicant submit to him an additional condition if they can't agree with respect to demolishing the existing structures on the subject property and if they are not to be demolished, what they proposed doing with them. He couldn't see that occurring based on their MCP. He wondered if that would be sufficient. All were in agreement.

Mr. Philpott mentioned that during testimony, Mr. Hunt had spoken about the side setback for TFC-2. He believed he said it was 10 feet, however, he referred to Section 34-695 of the LDC, and asked Mr. Hunt to read what the side setback for TFC-2 was. It was 7.5 feet for a single-family or duplex structure.

The Hearing Examiner wanted to clarify something. He wanted to know how tall the structures would be in relation to the existing roadbed. He thought that would be what it was measured from, however, flood elevation was measured from mean sea-level. So the Hearing Examiner asked how tall the buildings would actually be. Mr. Hunt said there was a drawing, which was submitted for the Development Order, which showed the elevations of the buildings. He had a reduced copy that he read from. It said that the top of the tie beam on the second habitable story over parking, which was in effect a third story above ground, was 32 feet above ground level. Ms.Lehnert wanted to know where that was measured from. She explained that they typically measured from the crown of the road. That was the easiest place. She thought if he gave the Hearing Examiner that number, it might make more sense.

Mr. Pringle interjected that Mr. Case had planned to respond to that. So the Hearing Examiner said Mr. Case could respond to that.

Bob Case was called next as a rebuttal witness and to discuss the issue related to building height and also the setbacks in an RPD, control of the surface water, and coordinating with the engineer on the MSTBU.

Mr. Case introduced himself and gave his address as 2040 Clark Avenue, Fort Myers, Florida. He was under oath. He wished to be declared an expert witness, in civil and structural engineering and had previously been declared an expert witness in this forum. His resume was on file with the Hearing Examiner's Office. After hearing no objection, he was accepted as such.

There seemed to be confusion on how the building height was measured. Mr. Case said that in dealing with the structural aspects of structures typically located at the beach, this came up on a regular basis. These structures were located in what was called a "velocity zone". That zone varied in this particular area from B-15 to B-17, and that was measured as NGVD, which was basically feet above sea level. The County addressed the '"velocity zone" in Chapter 6, Article 4, Division 3, Section 6-472 and it was also addressed as part of the Federal Emergency Management Program. All structures in velocity zones, had to have the first horizontal bearing member located above that velocity zone designation. That was not the finished floor that was first supporting member. In this particular area, the existing grades varied from 3.5 to 5.5 feet NGVD. By referencing it as a velocity zone, the Federal map, basically indicated that there would be wave action up to elevation 15. He believed a part of this right along the coast was elevation 17, which was anticipated by the Federal Government in a worst case scenario, that there would be waves basically 10 feet above the road. Any structure that was to be reconstructed or built new in velocity zone, would have to have its first horizontal support being located at that required elevation. That meant that typically they measured building height from that elevation, because they were not allowed to build habitable structures below that. Unfortunately, the case in most areas, was that most of the existing structures there did not currently meet the FEMA requirement. If they were destroyed in a hurricane or they were to be reconstructed, they would have to be elevated to the correct elevation. In essence these structures were two-stories above the minimum base flood elevation. To obtain a building permit from the building department, the first elevation would be required to be put at a minimum of 15-foot NGVD.

It seemed high. It was the requirement of the Federal Government. The maps were completely in flux and were typically changing on a regular basis, and there was a tremendous amount of discussion on Fort Myers Beach about building height at this time. The Hearing Examiner understood everything he said, but he was trying to get some clarity for the public more than for himself. For the public, he wanted to know the maximum height the building would be if measured from the crown of the road. Mr. Case explained that the minimum roadway elevation was 5.5 feet then 10 feet would be added to that and then 35 feet would be added for a total of 45 feet above the crown of the road to approximately halfway up the roof. So in reality it might be slightly more or less. The Hearing Examiner wanted that clarification for the public.

Mr. Pringle believed Mr. Case would also speak to some other topics including discussion regarding questions regarding surface water management.

Mr. Case explained that the project would be required to obtain a Lee County Development Order. As part of attaining the Development Order, the County Staff enforced the requirements of the South Florida Water Management District. That requirement was to maintain on site, at least one inch of water over the entire property or 2.5 inches times the percent of imperviousness. Imperviousness would be anything that was a roof, asphalt, or concrete. In other words, it wasn't grass and it wouldn't soak into the ground. In order to accommodate that requirement, which was the same requirement whether it was a commercial or industrial or whatever type of project. They would construct a one-foot-high berm around the entire project. There would be an outfall control structure located to discharge water into San Carlos Drive. That was a mandatory requirement from the County that at a certain point, when the water level during a certain storm event needed to discharge off the property. They were not allowed to discharge any water onto any adjacent property or into San Carlos Bay until that point occurred, which was typically a 25-year, 3-day storm. Also it was important to note that one of the requirements and reasons for that was so that

any oils, runoffs, or fertilizers that were applied to the property were not runoff directly into the bay. Probably unlike the current condition that when the yards were fertilized and it rained, it ran off into the bay. That could not happen on this project. They were required to maintain the drainage system for perpetuity.

That pretty much accommodated that. There was another question regarding off-site drainage along the roadway. He had conversations with the engineer for the MSTU, which Ms. Ross had become a part of at considerable expense to her to improve the roadway drainage and pavement in that area. The drainage engineer was currently still designing the project. Mr. Case indicated to him that they would be more than glad to work with him and make sure that the two projects matched and coordinate the two. The outfall pipe was probably an historical outfall pipe that was put along the roadway years ago when they had localized flooding along the road. Obviously there was no easement for that. As part of the coordination with the road drainage person, they would relocate that wherever they wished, as long as it did not cause a conflict with the buildings and the necessary easements.

Another important thing to note was that in a realistic situation, there would be a certain amount of water impounded from a freshwater storm event, which was a summer rain or whatever. The County was fully aware that it was quite possible that this road would be submerged during a major event. After that point, all bets were off as to what would happen, because surface water would not be a problem, if it was inundated with 10 feet of saltwater. There was a requirement to maintain that and it was always going to be the requirement for the County. They would be providing that and were also providing landscape buffers around the entire property. If she developed it as simply detached, or residential or duplex structures, she would not have to provide any buffers whatsoever. She would not have to provide any drainage or storm water management for any of the lots whatsoever. So in order to accommodate the requirement and work out a deal with Staff, she in essence was providing a tremendous amount of resources on the property based upon what could happen today, in order to get the appropriate density along the saltwater lots. His personal opinion was that it was an enhancement to the property and he didn't think there should be a problem with the drainage on any of the neighbors. The requirement for on-site storage was strict enough to prevent that from happening. However, in a certain storm event, if the waves were high enough, that would be completely inundated.

Regarding setbacks, applying for a permit for a residential structure on any one of those lots, the first floor would be at elevation 15 and it could be built as close as 7.5 feet to the property line, which was not what they were doing at this time.

They were coordinating with the engineer regarding MSTU. Obviously it was beneficial to both parties to work that out to make sure the road matched the development and that the development was an enhancement to the roadway drainage and that project.

Mr. Pringle asked Mr. Case to briefly discuss what would happen with regard to surface water drainage and it's impact on the neighbors if these individual lots were developed, versus this being developed as an RPD project.

Mr. Case explained that if the lots were individually developed, they would not be required to obtain a Development Order from Lee County and therefore would not be required to provide any surface water management whatsoever. That had to do with it being residential zoning currently. When they applied for a Development Order, it was looked at as a commercial project and all the much more strict requirements came into play at the time it

was looked at as a commercial project. There was no question that today, they could go down and apply for building permits on every single one of the lots and not do any landscaping or any drainage and it would still be 15-foot above grade.

Mr. Pringle explained that previously there was a reference to the dockage and Joanne Semmer was present to testify to that. She had previously been qualified by the Hearing Examiner's Office as an expert witness for other cases. He submitted her as an expert witness related to the dockage issues and the submerged lands and water related environmental issues. Joanne Semmer introduced herself for the record and gave her address as 1130 Main Street, Fort Myers Beach. She had been sworn. The Hearing Examiner asked in what areas she had previously been declared an expert witness in this forum. She said she had been previously been declared an expert witness in submerged land issues and dock issues, primarily for Channel Mark Restaurant, located on San Carlos Island. He understood that she desired to be declared an expert witness beyond the scope of the restaurant. She explained it was for dockage and submerged land issues. Mr. Pringle said she did. After hearing no objection, she was declared an expert witness in those areas.

She was also a licensed marine contractor and program manager for Waterfronts Florida for San Carlos Island, which was a Department of Community Affairs program for waterfront redevelopment. She had been chairman of the San Carlos Island CRA and was now president of the San Carlos Island CRC, which all worked toward waterfront redevelopment.

Currently they did not have a firm idea on what would be done with the docks for this project, so they would be permitting to repair what was there now to protect their vested rights. In the meantime, they would be working with Staff to come up with an acceptable design for the new docks. They did have some concerns about the littoral shelf because of the way the island bowed in there as Mr. Lai was saying. They had concerns about accretion and erosion and the collection of debris and the possibility that it might start to fill in that channel there in the front if there was any type of accretion. The Hearing Examiner stated that it went beyond the scope of this proceeding. He was just curious as to what would happen with the docks and that really wasn't part of this proceeding, but some members of the public might be interested in it, but he didn't know that they needed to at this point in time go into the problems with the dockage, because it wasn't the subject of this proceeding.

Mr. Pringle asked Ms. Semmer to limit her comments to the dockage that was being replaced and the initial plans for development of the dockage to support this development in the future.

Ms. Semmer said they planned for the immediate future to pull permits to repair what was there now and what was existing and in the meantime would work on plans to design docks that would enhance.

Mr. Pringle was considering calling one other rebuttal witness, Jane Ross, with regard to a reference that a member of the public made regarding there not being any other development on the island similar to this.

Ms. Ross gave her name and said she resided at 829 San Carlos Drive on the subject property. She had been sworn. Mr. Pringle asked if she was aware of any other developments similar in nature to this development on the island. She was. On the other side of San Carlos Drive there was a development called Sportsman's Cove adjacent to the Mark restaurant. It was a condominium and she believed it had two floors above parking. The one she was in was two floors above parking. It had dockage with it.

Ms.Lehnert wanted to know why the dockage was an issue. She wondered if each one of the units would be entitled to a dock. The Hearing Examiner said that was not before him. He said the dockage was not an issue with respect to anything in the application. He asked the question only because he perceived that someone in the public would ask what would happen to the dock. That was all that his concern was. Mr. Pringle said his purpose in referring to it was simply to draw the similarity between this project, which was a waterfront project condominium with dockage related or assigned to it and the Sportsman's Cove Project was similar in nature. Ms. Lehnert was just making sure.
The Hearing Examiner wanted to make sure there wasn't going to be a debris field out there.

Mr. Philpott noted that it was stated that TFC-2 required a side setback of 7.5 feet. That was absolutely true according to 34-695 of the LDC, however, on non-conforming lots of record, as outlined in the LDC, they are permitted a side setback of 10 percent of the lot width or 5 feet, whichever was greater. In this case the lots were 70 feet wide. Street frontage was 70 feet wide, which allowed for essentially an additional .5 foot if they were to be redeveloped. Also the height he thought had been clearly outlined. They would be 35 feet in this case being measured from flood elevation ranging from 15 to 17 feet above sea level or NGBD. Building separation in this application was somewhat different than it would be if was essentially developed as two-family attached, as could be seen, on the MCP it was one single lot. There were two-family attached units, which would function as two-family attached, however, they put them on one lot, which classified each structure as a principal structure and a minimum 20-foot building separation, however, should they have developed them with lot lines and deeded them individually and not had common ownership, the building separations would be addressed as part of the property development regulations as outlined in the Staff Report. One of the things outlined was the 20-foot side setbacks. That was done due the original plan having 20-foot side setbacks against the adjacent residential uses, however, the Lee County LDC did allow for buildings and RPDs to have 15-foot side setbacks. It was outlined in Section 935 of the LDC regarding setbacks from the property lines. So the proposed site plan was consistent with the LDC and the Lee County Comprehensive Plan and Staff recommended approval.

Mr. Pringle did not call Ms. Ross to speak earlier and he intended to do that. She desired to speak to the BOCC. Ms. Lehnert interjected that Ms. Ross would only be able to have Mr. Pringle as her representative or her speak not both. That was the rule. If an Applicant was represented by counsel, then counsel or the consultant would speak, she would not get to speak. Mr. Pringle understood. She still wanted to speak today with the understanding that she could not speak before the BOCC.

The Hearing Examiner allowed it. She was already sworn. She said she wanted to say that most of the public that had spoken here today had known her for quite some time. When she and Larry first purchased the resort, and she used the term loosely, the cottages were in terrible disrepair and the property was in terrible disrepair. They had worked hard to build it up and make the neighborhood more proud of them, because she had lived there on the property and intended to live there after they built this still live there and be her home. She wanted it to be the jewel of San Carlos Island. That was why they had worked so hard and had given in and had many sleepless nights. She really thought this would be a contribution of a good part to San Carlos Island and she wanted to be able to say "this is my home and I'm proud of it".

The Hearing Examiner closed the hearing, but left the record open until 5:00 p.m. on Thursday, March 23, 2006 for the previously described items.

## VIII. OTHER PARTICIPANTS AND SUBMITTALS:

### ADDITIONAL APPLICANT'S REPRESENTATIVES:

1. Robert W. Case, Land Investment Services, 2040 Clarke Avenue, Fort Myers, Florida 33905

2. Steve DiPietro, Hidden Harbor, LLC, 820 San Carlos Drive, Fort Myers Beach, Florida 33931

3. Patrick Hunt, Site Concepts, 8363 Caloosa Road, Fort Myers, Florida 33912

4. Richard Pringle, Esquire, c/o Strayhorn & Strayhorn, P. O. Box 1545, Fort Myers, Florida 33902-0398

5. Jane Ross, Hidden Harbor, LLC, 829 San Carlos Drive, Fort Myers Beach, Florida 33931

6. Joanne Semmer, 1130 Main Street, Fort Myers Beach, Florida 33931

### ADDITIONAL COUNTY STAFF:

1. Dawn Perry-Lehnert, Assistant County Attorney, P. O. Box 398, Fort Myers, Florida 33902-0398

2. Kim Trebatoski, Principal Environmental Planner, P.O. Box 398, Fort Myers, Florida 33902-0398

### PUBLIC PARTICIPATION:

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

**For: NONE**

**Against:**

1. Barbara K. Lea, 807 San Carlos Drive, Fort Myers Beach, Florida 33931

2. Ronald Lea, 807 San Carlos Drive, Fort Myers Beach, Florida 33931

**General:**

1. Gayle Bell, 906 San Carlos Drive, Fort Myers Beach, Florida 33931

2. Larry E. Bell, 906 San Carlos Drive, Fort Myers, Florida 33931

3. Scott VanSelow, 908 San Carlos Drive, Fort Myers, Florida 33931

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

**For:**

1. Gregory Condo, 960 San Carlos Court, Fort Myers Beach, Florida 33931

2. Thomas D. Harrison, 789 San Carlos Drive, Fort Myers Beach, Florida 33931

3. Michelle Robbins, 944 San Carlos Drive, Lots 27 & 28, Fort Myers Beach, Florida

4. Ron Robbins, 948 San Carlos Drive, Lot 26, Fort Myers Beach, Florida 33931

**Against:**

1. Therese Dobrowolski and Chris Hionedes, 932 San Carlos Drive, Fort Myers, Beach Florida 33931

2. Donn Proudfoot, 854 San Carlos Drive, Fort Myers Beach, Florida 33931

3. Dennis & Connie Shirley, 805 San Carlos Drive, Ft. Myers Beach, Florida 33931

## IX. LEGAL DESCRIPTION:

See Exhibit A (scanned legal description).

## X. UNAUTHORIZED COMMUNICATIONS:

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

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

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

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

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

## XI. HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS:

A. This recommendation is made this 19th day of May, 2006. Notice or copies will be forwarded to the offices of the Lee County Board of County Commissioners.

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

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

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

## XII. COPIES OF TESTIMONY AND TRANSCRIPTS:

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

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

**EXHIBIT "A"**

**DCI2005-00026**

**LEGAL DESCRIPTION:**

LOTS 19 THROUGH 24, BLOCK 1, AND LOTS 1 THROUGH 5 AND 21 THROUGH 23, BLOCK 2, OF SAN CARLOS ON THE GULF AS RECORDED IN PLAT BOOK 6 AT PAGE 6, OF THE PUBLIC RECORDS OF LEE COUNTY, LYING IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA.

CONTAINING 2.94 ACRES, MORE OR LESS.

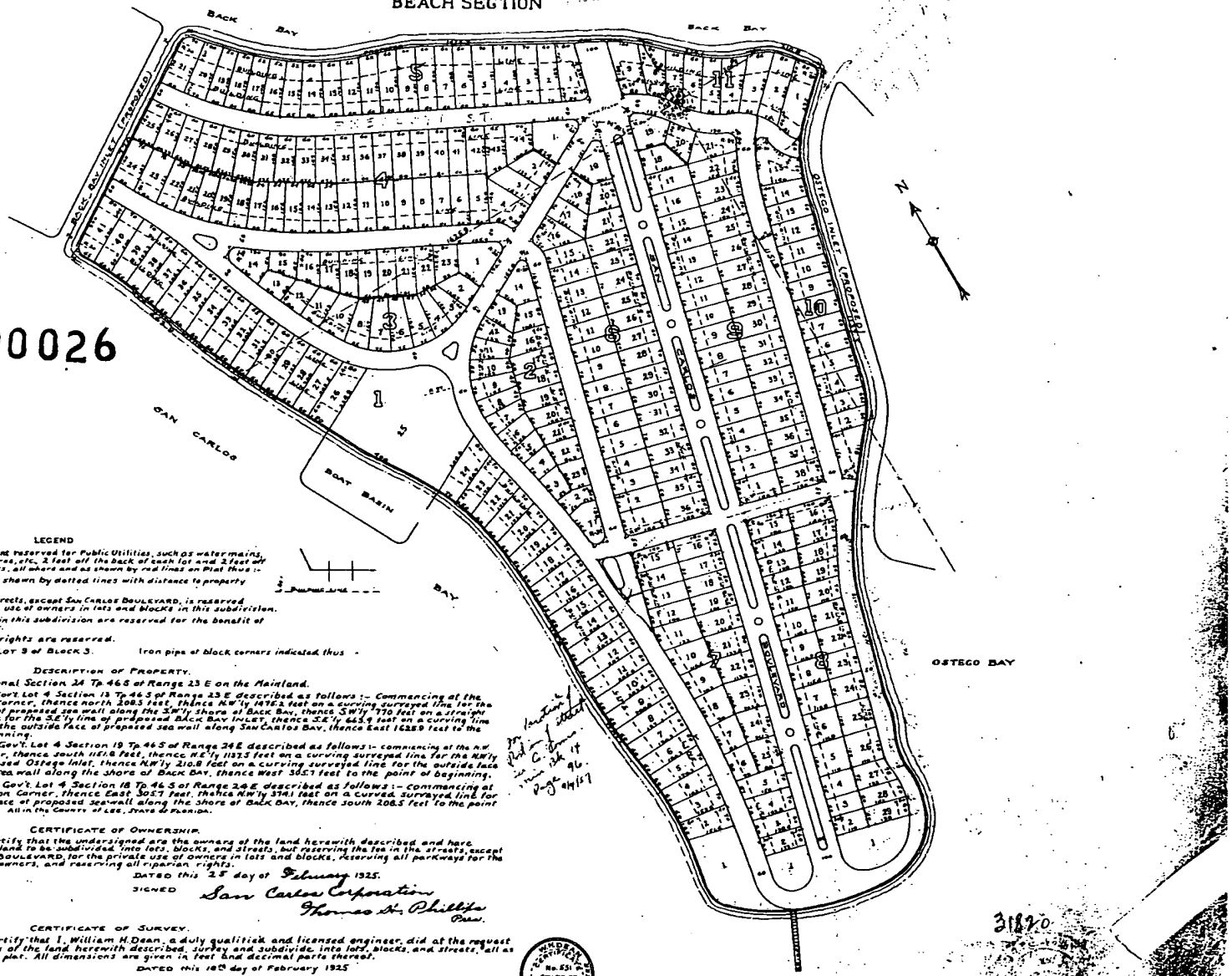
**Applicant's Legal Checked**
**by** Lgm October 11, 2005.

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DCI 2005-00026

# SAN CARLOS-ON-THE-GULF

## BEACH SECTION




LEGEND

(a) 4 feet easement reserved for Public Utilities, such as water mains, gas mains, wires, etc., 2 feet off the back of each lot and 2 feet off the sides of lots, all where and as shown by red lines on Plat thus :-

(b) Building lines shown by dotted lines with distance to property lines, thus :-

(c) The fee in all streets, except San Carlos Boulevard, is reserved for the private use of owners in lots and blocks in this subdivision.

(d) All parkways in this subdivision are reserved for the benefit of the lot owners.

(e) All riparian rights are reserved.

(f) There is no Lot 9 of Block 3. Iron pipe at block corners indicated thus .

DESCRIPTION OF PROPERTY.

All of Fractional Section 24 Tp 46 S of Range 23 E on the Mainland.

That part of Gov't Lot 4 Section 13 Tp 46 S of Range 23 E described as follows :- Commencing at the S.E. Section corner, thence north 2085 feet, thence N.W'ly 1478.2 feet on a curving surveyed line for the outside face of proposed sea wall along the S.W'ly shore of Back Bay, thence S.W'ly 770 feet on a straight surveyed line for the S.E'ly line of proposed Back Bay Inlet, thence S.E'ly 663.4 feet on a curving line surveyed for the outside face of proposed sea wall along San Carlos Bay, thence East 1628.9 feet to the point of beginning.

That part of Gov't Lot 4 Section 19 Tp 46 S of Range 24 E described as follows :- commencing at the N.W. Section corner, thence south 1158.8 feet, thence N.E'ly 1183.5 feet on a curving surveyed line for the N.W'ly line of proposed Ostego Inlet, thence N.W'ly 210.8 feet on a curving surveyed line for the outside face of proposed sea wall along the shore of Back Bay, thence West 585.7 feet to the point of beginning.

That part of Gov't Lot 4 Section 18 Tp 46 S of Range 24 E described as follows :- commencing at the S.W. Section Corner, thence East 305.7 feet, thence N.W'ly 374.1 feet on a curved surveyed line for the outside face of proposed sea-wall along the shore of Back Bay, thence South 208.5 feet to the point of beginning. All in the County of Lee, State of Florida.

CERTIFICATE OF OWNERSHIP.

This is to certify that the undersigned are the owners of the land herewith described, and have caused said land to be subdivided into lots, blocks, and streets, but reserving the fee in the streets, except San Carlos Boulevard, for the private use of owners in lots and blocks, reserving all parkways for the benefit of lot owners, and reserving all riparian rights.

DATED this 25 day of February 1925.

SIGNED San Carlos Corporation
Thomas S. Phillips
Pres.

CERTIFICATE OF SURVEY.

This is to certify that I, William H. Dean, a duly qualified and licensed engineer, did at the request of the owners of the land herewith described, survey and subdivide, into lots, blocks, and streets, all as shown on this plat. All dimensions are given in feet and decimal parts thereof.

DATED this 18th day of February 1925

SIGNED Wm H Dean

FORT MYERS - FLA.

WILLIAM H. DEAN CERTIFICATE No. 551 STATE OF FLORIDA REGISTERED ENGINEER

31820

# SURVEY PLAT

OF

A PARCEL OF LAND

LYING IN

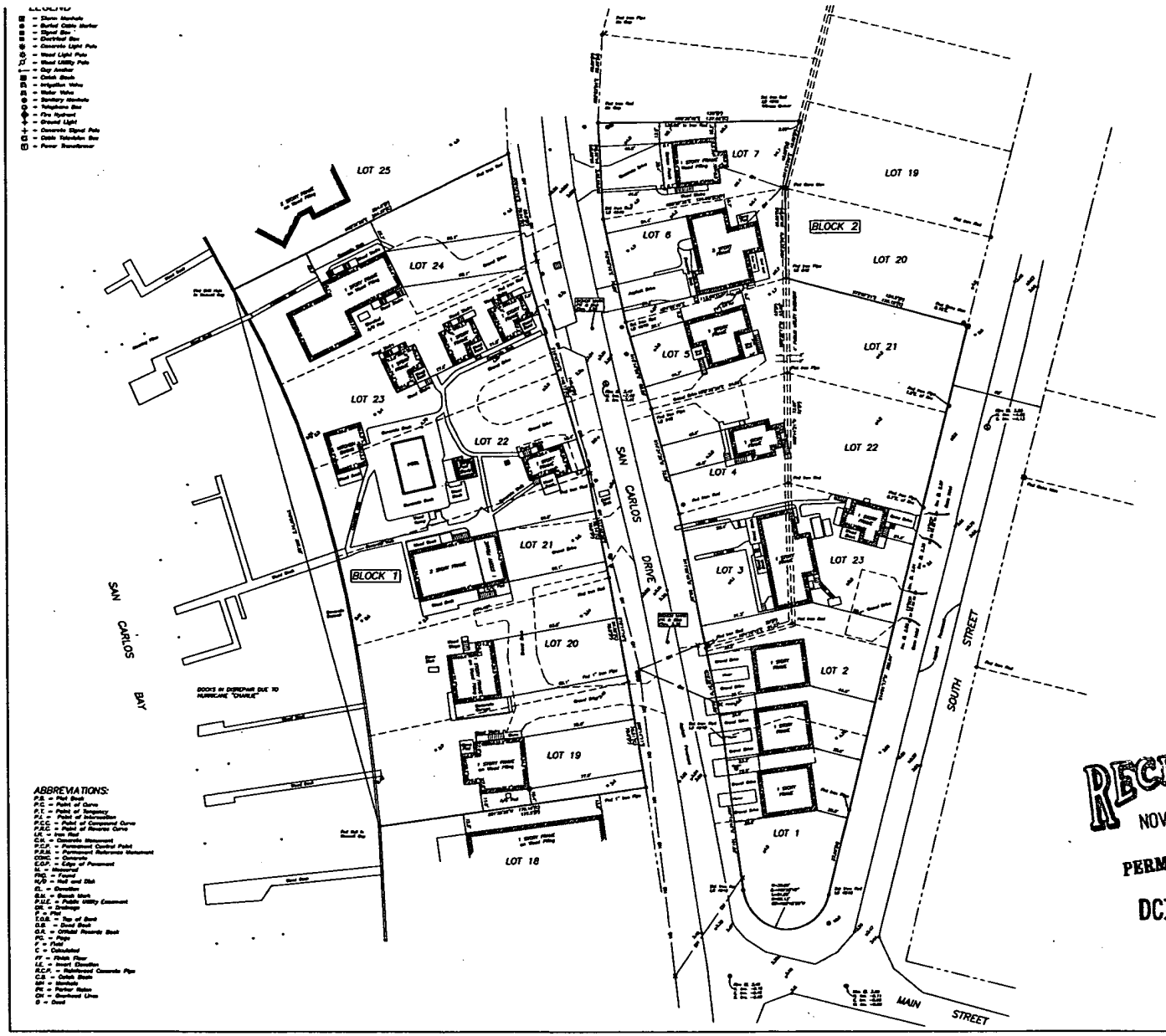
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST

LEE COUNTY, FLORIDA

0' 30' 60' 90'

Applicant's Survey Checked

By Lam 11/22/2005




DESCRIPTION:

Lots 19 through 24, Block 1, and Lots 1 through 7 and 21 through 23, Block 2 of San Carlos on the Gulf, as recorded in Plat Book 6 at Page 43 of the Public Records of Lee County, being in Section 24, Township 46 South, Range 24 East, Lee County, Florida.

NOTES:

Survey based on plat of San Carlos on the Gulf (Plat Book 6, Page 43, previous surveys by title firm and field located improvements.

Bearings based on centerline station with the south line of Lot 19, Block 1 to bear N81°26'30"E.

Dimensions are to field and deduced points thereof.

Elevations are based on N.G.V.D. of 1929 and U.S.C.&G.S. Benchmark C-243.

Parcel subject to Easements, Restrictions, Reservations and Rights-of-Way (Recorded and Unrecorded, Written and Unwritten).

Parcel lies in Flood Zone V10, Base Flood Elevation of +15, +17 & +18, A10, Base Flood Elevation of +13 & + 14, Title Information taken from Flood Insurance Rate Map 125124 0420 D, effective date 9-28-05 (Index dated 9-28-05).

The F.E.M.A. Flood Zone Information indicated hereon is based on maps supplied by the Federal Government. This flood information must be verified with all permitting regulatory entities prior to commencing any work or application dependent on said flood information.

Iron rods "set" are 5/8" x 18" rebar with yellow cap bearing corporation no. LB4018.

Underground improvements, utilities and/or foundations were not located unless otherwise noted.

Wetlands, if any, were not located.

This plat prepared as a Boundary Survey and is not intended to delineate the jurisdiction or jurisdictional areas of any federal, state, regional or local agency, board, commission or other entity.

Parcel contains 3.26 acres more or less.

The property is subject to any claim that any part of said land is owned by the state of Florida by right of sovereignty, riparian rights and the title is subject to such.

Date of last field work: 9-26-05.

Survey meets or exceeds the minimum standards of an Urban Survey (1:10,000).

ABBREVIATIONS:

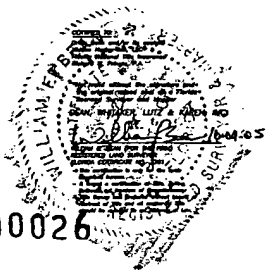
POB = Point Of Beginning
POC = Point Of Commencement
PCC = Point Of Curvature
PRC = Point of Reverse Curve
PT = Point Of Tangency
PI = Point Of Intersection
R = Radius
Δ = Delta
L = Length
CH = Chord
CB = Chord Bearing
RAD = Radial
NR = Non Radial
PSM = Permanent Reference Monument
PCP = Permanent Control Point
FCM = Found Concrete Monument
FIR = Found Iron Rod
FIP = Found Iron Pipe
SIR = Set Iron Rod
SIP = Set Iron Pipe
FND = Found
SET = Set
R/W = Right-of-Way
P.U.E. = Public Utility Easement
D.E. = Drainage
E.O.W. = Edge Of Water
C.L.F. = Chain Link Fence
C.B.S. = Concrete Block Stucco
P.O.L. = Pole
U.E. = Utility
U.G.E. = Underground Electric Line
O.H.W. = Overhead Wires
C.M.P. = Corrugated Metal Pipe
C.B. = Catch Basin
M.H. = Manhole
P.M. = Parking Meter
C.O. = Cleanout
D.I. = Drop Inlet
W = Water
S = Sewer
E = Electric
T = Telephone
G = Gas
C = Cable
F = Fence
O/H = Overhead Lines
D = Deed

RECEIVED

NOV 18 2005

PERMIT COUNTER

DCI 2005-00026




Bean, Whitaker, Lutz & Kareh, Inc. (LB 4018)

CIVIL ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS

12091-1 MORRISON BOULEVARD, FORT MYERS, FLORIDA 33913-6910 (239) 481-1331

| SR35873.DWG | | | | | |
|---|---|---|---|---|---|
| DATE | PROJECT NO. | DRAWN BY | SCALE | SHEET | FILE NO. (S-T-R) |
| 9-26-05 | 35873 | WBP | 1"= 30' | 1 OF 1 | 24-46-23 |

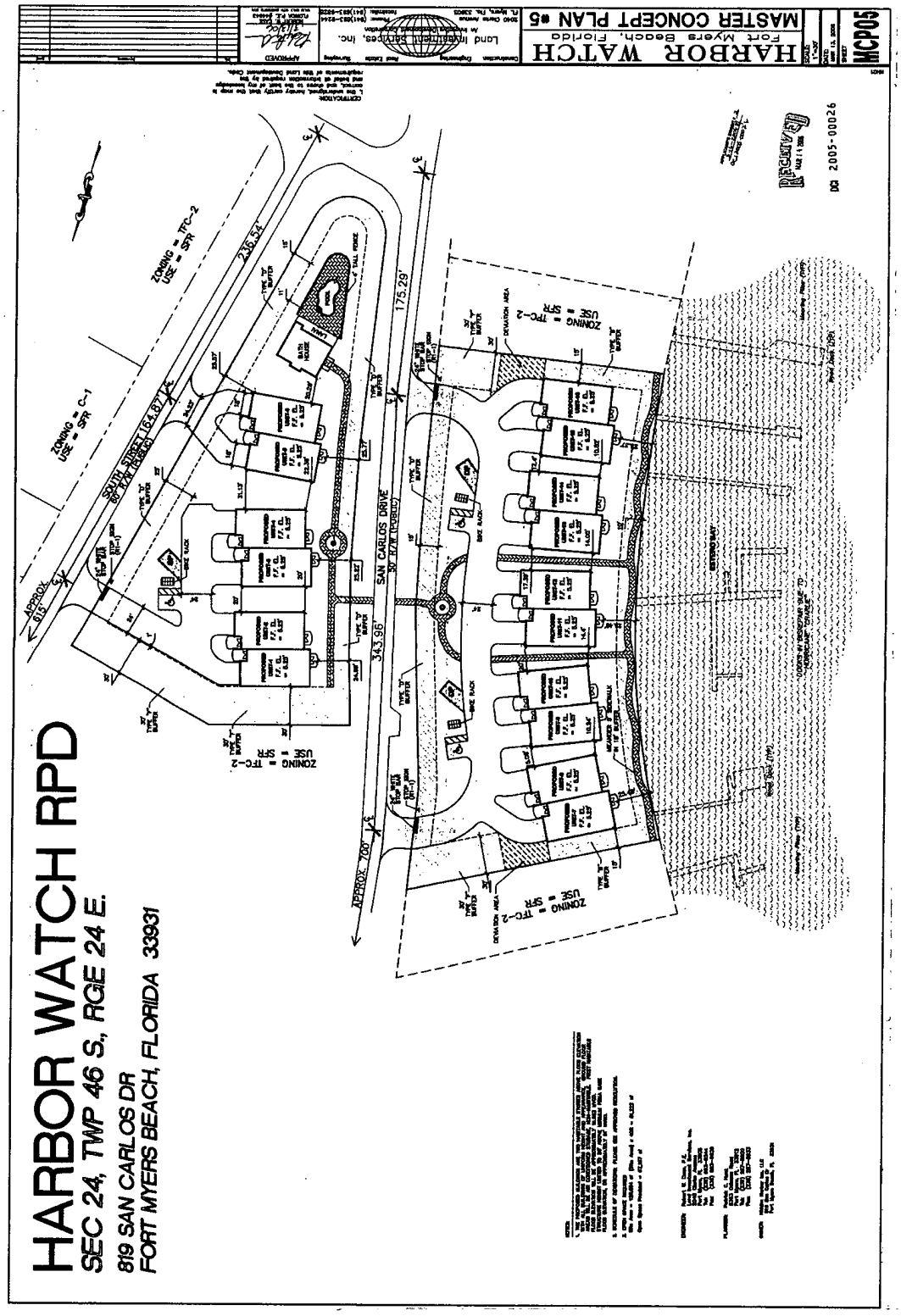

HARBOR WATCH RPD
SEC 24, TWP 46 S., RGE 24 E.
819 SAN CARLOS DR
FORT MYERS BEACH, FLORIDA 33931
HARBOR WATCH
Fort Myers Beach, Florida
MASTER CONCEPT PLAN #5
MCP05
SAN CARLOS DRIVE
SOUTH STREET
ZONING = TFC-2
USE = SFR
ZONING = C-1
USE = SFR
APPROX. 700'
343.96'
175.29'
236.54'
164.87'
RECEIVED
2005-00026

EXHIBIT B

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

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

a. Signs for case #DCI2005-00026 must be posted by **Tuesday, November 29, 2005**.
b. The sign must be erected in full view of the public, not more than five (5) feet from the nearest street right-of-way or easement.
c. The sign must be securely affixed by nails, staples or other means to a wood frame or to a wood panel and then fastened securely to a post, or other structure. The sign may not be affixed to a tree or other foliage.
d. The applicant must make a good faith effort to maintain the sign in place, and readable condition until the requested action has been heard and a final decision rendered.
e. If the sign is destroyed, lost, or rendered unreadable, the applicant must report the condition to the Zoning Division, and obtain duplicate copies of the sign from the Zoning Division.

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

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

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

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

---

### AFFIDAVIT OF POSTING NOTICE

STATE OF FLORIDA
COUNTY OF LEE

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

RECEIVED
DEC 12 2005
PERMIT COUNTER

Mary Jane Ross
SIGNATURE OF APPLICANT OR AGENT
Mary Jane Ross
NAME (TYPED OR PRINTED)
829 San Carlos Dr
ST. OR PO BOX
Ft. Myers Bch FL 33931
CITY, STATE & ZIP

#DCI2005-00026/HIDDEN HARBOR RPD/12/15/2005/JSS

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to and subscribed before me this 9th day of December 2005, 2005, by Jane Ross, personally known to me or who produced _____ as identification and who did/did not take an oath.

D. J. Petruccelli
Signature of Notary Public
D. J. Petruccelli
Printed Name of Notary Public

My Commission Expires:
(Stamp with serial number)

D. J. Petruccelli
Commission #DD223136
Expires: Jul 01, 2007
Bonded Thru
Atlantic Bonding Co., Inc.

**LEE COUNTY, FLORIDA**

**ZONING DIVISION**

**STAFF REPORT**

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

**CASE NUMBER: DCI2005-00026**

**HEARING EXAMINER DATE: December 15, 2005**

APPLICATION SUMMARY:

Applicant: Hidden Harbor Inn, LLC in ref to Hidden Harbor RPD

Request: Rezone 2.94+/- acres from Two-Family Conservation (TFC-2) to Residential Planned Development to permit the development of an 18-unit multi-family residential development located at 819 San Carlos Drive. No blasting is proposed.

Location: The subject property is located at 819 San Carlos Drive, Ft. Myers Beach, FL 33931, in S24-T46S-23E, Lee County, FL. (District #3)

Future Land Use Plan Designation, Current Zoning and Use of Subject Property:

| | |
|---|---|
| Future Land Use: | Suburban |
| Current Zoning: | Two-Family Conservation (TFC-2) |
| Current Use: | Mixed Single and Two-Family Residential and Vacant Land |

| Existing Zoning & Land Use | | Future Land Use |
|---|---|---|
| North: | Single-Family Residence Zoned Two-Family Conservation (TFC-2) | Suburban |
| East: | South Street then mixed Commercial and Residential uses zoned Commercial Planned Development (CPD) and Commercial (C-1) | Urban Community |
| South: | Main Street then Lee County Park and Ride Parking Lot zoned Commercial Parking (CP) | Urban Community |
| West: | San Carlos Bay | |

Size of Property: 2.94± acres

RECOMMENDATION:

Staff recommends **DENIAL** of the Applicant's request for rezoning from Two-Family Conservation (TFC-2) to Residential Planned Development to permit the development of an 18-unit multi-family residential development.

Should the Hearing Examiner find the request appropriate for approval, Staff recommends the following conditions.

Conditions

1. The development of this project must be consistent with the one page Master Concept Plan entitled "Harbor Watch RPD," stamped received November 15, 2005; last revised November 7, 2005 except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local Development Order Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

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

   a. Schedule of Uses

   Essential Services
   Docks
   Administrative Offices
   Dwelling Units: (maximum of 15 units)
   - Duplex
   - Single-Family
   - Two-Family Attached

   Parking Lot, Accessory
   Recreation Facility:
   - Private On-site

   Residential Accessory Uses
   Signs, in accordance with Chapter 30
   Temporary uses

   b. Site Development Regulations

   Setbacks:

   | | |
   |---|---|
   | Minimum Lot Width: | 60-Feet |
   | Minimum Lot Depth: | 100-Feet |
   | Minimum Lot Area: | 6,000 Square-Feet |
   | Principal and Accessory Structures: | |
   | Street: | 25-Feet |
   | Side: | 20-Feet |
   | Waterbody: | 25-Feet |
   | Maximum Height: | 35-Feet |
   | Lot Coverage: | 40-Percent |
   | Open Space: | 45-Percent |

3. Prior to local development order approval, the landscape plans must include:

   A. The details on the creation of a minimum 10-foot wide coastal littoral planting shelf waterward of the existing sea wall stabilized with a riprap breakwater and native plantings. The planting plan must include appropriate native vegetation providing a fifty percent coverage at time of planting for the littoral shelf; and

B. A 10-foot wide buffer landward of the existing seawall. The buffer must be planted with appropriate native vegetation (e.g. sea oats, buttonwood, sea oxeye daisy, etc.) with a minimum 1-gallon container size and fifty percent coverage at time of planting; and

C. Planting of appropriate native vegetation in all surface water management system components, including conveyances, dry detention, and wet detention areas.

4. Prior to Local Development Order Approval the Public Utility easements located along the rear of lots 3 through 5 and 21 through 23 as indicated on the survey by Bean, Whitaker, Lutz and Kareh, Inc. dated September 26, 2005, must be vacated.

5. Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC Section 34-2174(a).

6. 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.

7. All stormwater must be managed completely onsite. No stormwater outfall, direct or indirect, may be discharged into San Carlos Bay.

8. Prior to issuance of Development Order approval staff will review the exiting structures for historical value. Should staff find that the structures are historically significant, staff will expediently relocate the structures within Lee County.

9. Prior to local development order approval, the landscape plans must include buffers per Land Development Code Section 10-416(d). Revisions are necessary to the final site design to achieve the buffer required per LDC Section 10-416(d)(6) between proposed access and parking, and the adjacent single family uses.

Deviations

No deviations have been requested as part of this application.

Findings and Conclusions:

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

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

2. The requested zoning:

   a) does not meet or exceed all performance and locational standards set forth for the potential uses allowed by the request;

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

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

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

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

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

5. The proposed use or mix of uses is not 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.

Introduction

The subject property consists of approximately 2.94 acres located at the intersection of San Carlos Drive and Main Street on San Carlos Island. The property was originally recorded as 14 lots in 1925 in Plat Book 14 in Page 6 of Plat Book 6, as recorded in the official record books of Lee County. The subject property is currently developed with 11 single-story, single-family and duplex residential structures with a total 14 residential dwelling units. There were an additional 5 structures on the subject property until the applicant obtained demolition permits and removed the structures in application numbers DEM2005-00483, DEM2005-00484 and DEM2005-00485. Most of the existing structures currently onsite were constructed in the 1950's with a few of the residences being built in the 1970's. The dwelling units were previously used as rental units as part of the Hidden Harbor Inn, which has recently ceased to operate.

The applicant is requesting to demolish the remaining structures onsite and construct an 18-unit multifamily residential development. The residential dwelling units are intended to be constructed in 3 buildings with 2-stories over one story of parking. The proposed buildings will be approximately 45-feet tall. Each proposed building will have their own access point and parking areas but will share a recreational facility which will be located just north of Main Street between South Street and San Carlos Drive. The proposed recreation area will include a pool and patio. The applicant has also acquired permits through the Florida Department of Environmental protection to rebuild the existing docks which were damaged in Hurricane Charley.

Master Concept Plan

The Master concept Plan shows the proposed 18-unit residential multi-family development. The site is divided into three areas, each of which will be constructed with one structure and have

one access point. The area east of San Carlos Drive will be accessed from South Street and will be developed with an 8-unit multi-family building and the community pool and patio. The area west of San Carlos Drive will have two multi-family structures as well as four docks which will extend into San Carlos Bay. The applicant is proposing to construct a boardwalk along the waterfront and paver brick side walks to connect to the property across San Carlos Drive.

Although the applicant has not requested any deviations, the Master Concept Plan does not completely comply with the Lee County Land Development Code. Section 10-416(d)6 of the Lee County Land Development Code states:

> (6) If roads, drives, or parking areas are located less than 125 feet from an existing single-family residential subdivision or single-family residential lots, a solid wall or combination berm and solid wall not less than eight feet in height must be constructed not less than 25 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 lineal feet or a 30-foot wide Type F buffer with the hedge planted a minimum of 20 feet from the abutting property. Where residences will be constructed between the road, drive or parking area and the existing residential subdivision or lots, the wall or wall and berm combination are not required.

The current Master Concept Plan does not comply with this section and only provides for a Type C buffer as outlined in Section 10-416 of the Lee County Land Development Code.

Section 10-296 of the Lee County Land Development Code requires that internal accessways and drives that will provide for two-way traffic must have a minimum pavement width of 24-feet. The Master Concept plan provides a maximum of 20-feet for two way traffic.

Staff finds that the applicant would be required to request deviations from Chapter 10 of the Lee County Land Development Code in order to approve the current Master Concept Plan configuration. Staff would not support any deviations relating to the redevelopment of the site without adequate information to support such deviations, which has not been provided by the applicant at this time.

Lee Plan Considerations

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

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

The suburban Future Land Use designation has a standard density range of to 6 dwelling units per acre. The proposed request of 4.35 dwelling units per acre is consistent with the densities allowed in Suburban Future Land Use designation but, Staff finds that the proposed rezoning to allow the development of 18 multi-family residential dwelling units does not protect the existing single-family residential neighborhood, therefore is inconsistent with Policy 1.1.5 of the Lee Plan.

> POLICY 2.2.1: Rezonings and development-of-regional-impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.

Public utilities are in the area have adequate capacity to serve the proposed rezoning. The proposed multi-family development will be located on a substandard road that is approximately 12-feet wide. The proposed Master Concept Plan in not compatible with the surrounding single-family residential uses in the area due to the intensity of the structures and the overall density of the project.

> POLICY 4.1.1: Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements.

Staff finds that the proposed Master Concept Plan does not adequately consider the view corridors from San Carlos Drive. The proposed structures are too large in relationship to the subject property and the natural features of the site, therefore staff finds the proposed Master Concept Plan inconsistent with Policy 4.1.1 of the Lee County Comprehensive Plan.

> POLICY 75.1.5: Zoning requests located in the coastal high hazard area will be considered for reduced density assignments, in accordance with their future land use category density range. This evaluation should be done in concert with an evaluation of other individual characteristics such as compatibility with existing uses, desired urban form, and availability of urban services.

The proposed rezoning is located within the Coastal High hazard Area as defined in the Lee Plan. The proposed development has a density of approximately 4.35 dwelling units per acre, which is in the upper density range permitted in the Suburban Future Land Use designation. With Policy 75.1.5 if the Lee County Comprehensive Plan in mind, staff could only support a maximum of 15 dwelling units, constructed as either single-family, duplex, or two-family attached residences on the subject property. This would allow the applicant to construct the same number of dwelling units which are currently allowed should the applicant redevelop using the existing platted lots. Staff finds the requested rezoning inconsistent with policy 75.1.5 of the Lee Plan at 4.35 dwelling units per acre proposed by the applicant .

> POLICY 108.1.2: Development affecting coastal and estuarine water resources must maintain or enhance the biological and economic productivity of these resources.

The applicant made no attempt to provide for enhancement of San Carlos Bay, abutting the subject property, through the proposed rezoning. Since the applicant has not provided any enhancement methods for San Carlos Bay, staff has proposed conditions for the applicant to provide a planting shelf along the seaward side of the existing seawall as well as buffer plantings landward of the seawall. This will mitigate the impacts of the proposed development and enhance the delicate marine resource that the project abuts. As conditioned the proposed rezoning is consistent with Policy 108.1.2 of the Lee Plan.

Neighborhood Compatibility

The surrounding neighborhood is developed primarily with single-family residential uses but some minor commercial uses are located east of the subject property across south street. The commercial uses in the area all have their primary access off of San Carlos Boulevard and use the rear of the property, with frontage on South Street, as parking or storage areas.

The surrounding area consists mainly of single-story, single-family residences which were originally constructed in the early 1950's and do not comply with the current building code requirements pertaining to flood elevations. Many of the older homes in the area have been expanded or updated throughout the years. A few residences in the area have been demolished to construct new residences which are elevated single-story, single-family residences that are currently under construction or have recently been completed.

The density calculation of the proposed development is somewhat skewed due to the exceptionally large area of right-of-way that can be used to calculate density. The surrounding area has a net density of approximately 4.79 dwelling units per acre and a gross density (including half the right-of-way) of approximately 3.84 dwelling units per acre. The proposed net density is approximately 6.12 dwelling units per acre and a gross density of approximately 4.35 dwelling units per acre. This equates to an overall increase in net density of approximately 1.33 dwelling units per acre and an increase in the gross density of approximately .051 dwelling units per acre from the surrounding residential area. Staff finds that the proposed multi-family rezoning is too intensive for the surrounding area and should be considered for reduced densities due to Policy 75.1.5 of the Lee County Comprehensive Plan and concerns over the Coastal High Hazard Area. Staff recommends that the development be limited to a maximum of 15 dwelling units, which would be permitted by right within the existing platted lots.

The surrounding area was platted in February 1925 with lots ranging in size from 60-80 feet wide and 150-200 feet deep. A majority of these lots do not currently comply with the current minimum lot requirements of the Two-Family Conservation (TFC-2) zoning category and can only be redeveloped with single-family residential uses without rezoning. With the 14 platted lots and existing zoning the applicant could construct approximately 15 dwelling units on the subject property without rezoning. Based on the surrounding area and previously stated Lee Plan policies, staff finds that an increase in density beyond what is currently permitted is not compatible with the surrounding.

Staff also has concerns about the size of the structures in the single-family neighborhood. The proposed buildings along San Carlos Bay are approximately 150-feet long and will extend up to

45 feet above the17-foot minimum flood elevation requirement as outlined in the building code. This gives a total elevation of the building of 62-feet above sea level (NGVD). Based on measurements on the survey provided by the applicant, the existing grade of the subject property is approximately 3-feet above sea level (NGVD). If you subtract the existing grade of the lot from the elevation of the proposed structure it will extend approximately 59-feet above the existing grade. With the surrounding area being developed with both elevated and non-elevated single-family structures, staff finds the proposed height of 45-feet above flood elevation requirements are not compatible with the surrounding area. Due to the existing Two-Family Conservation (TFC-2) zoning allowing for a maximum height of 35-feet above minimum flood requirements, staff would support a similar height for the proposed rezoning.

Most of the lots in the surrounding area are approximately 60-feet wide. After meeting the required setbacks the buildings could be approximately 48-feet wide. This vacant area between the existing residences creates view corridors and allows for open space between the structures. The requested 45-foot height is compounded by the exaggerated width of the proposed buildings compared to structures in the surrounding neighborhood. With the proposed structures taking up approximately 75-percent of the width of the property there will be a limited view from San Carlos Drive. The applicant is proposing to construct one 240-foot long structure along South Street with views that face San Carlos Drive. The three proposed structures standing 59-feet above grade and extending along the majority of the San Carlos Drive frontage will create a canyon effect along San Carlos Drive. Staff cannot support the proposed project as currently proposed. Staff recommends the applicant redesign the structures to allow a maximum of 2-dwelling units per structure with a maximum width of 60-feet with a minimum of 15-feet between the structures.

Environmental Issues

A staff report prepared by the Division of Environmental Sciences has been attached as Attachment "C". Staff has proposed conditions regarding water quality and the potential impact to San Carlos Bay.

Transportation

A memorandum from the Lee County Development Services Division responding to traffic impacts of the requested rezoning has been attached as Attachment "D". Staff determined based on a traffic study that the proposed development will generate approximately 15 new peak hour trips and due to the location will minimally effect the traffic count along San Carlos Boulevard north of Main Street. The current Level of Service of "B" will remain with the additional traffic from this project.

Staff has concerns with the existing road network not currently meeting the requirements of the Lee County Land Development Code. San Carlos Drive and South Street are approximately 10-12 feet wide and have no drainage network to handle the stormwater run-off. Lee County Development Services has prepared a Memo recommending denial of the applicants request

due to the lack of an adequate road network to support the development (See attachment E).

Historic

The remaining structures onsite may have historical value and would be a valuable asset to Lee County. The applicant has indicated his desire to remove the structure yet staff finds that the potential historical value of the structures are important to Lee County. Although staff has not fully inspected the structures, staff would request the opportunity to review and possibly save some of the structures from demolition prior to Local Development Order approval.

Conclusion

The subject property is not the appropriate location for inclusion of intensive multi-family development in the heart of a single-family residential community. The road network on this portion San Carlos Island is inadequate to handle the increase traffic generated from the multi-family development. The applicant could construct a maximum of 15 dwelling units on site with the existing zoning and platted lots. Any further increase in density or intensity would be inconsistent with the Lee County Comprehensive Plan, therefore staff has recommended DENIAL of the applicants request.

ATTACHMENTS:

A. Map of surrounding zoning
B. Master Concept Plan
C. Staff Report prepared by Lee County Environmental Sciences
D. Development Services memo regarding traffic impacts
E. Development Services memo regarding needed deviations

EXHIBITS

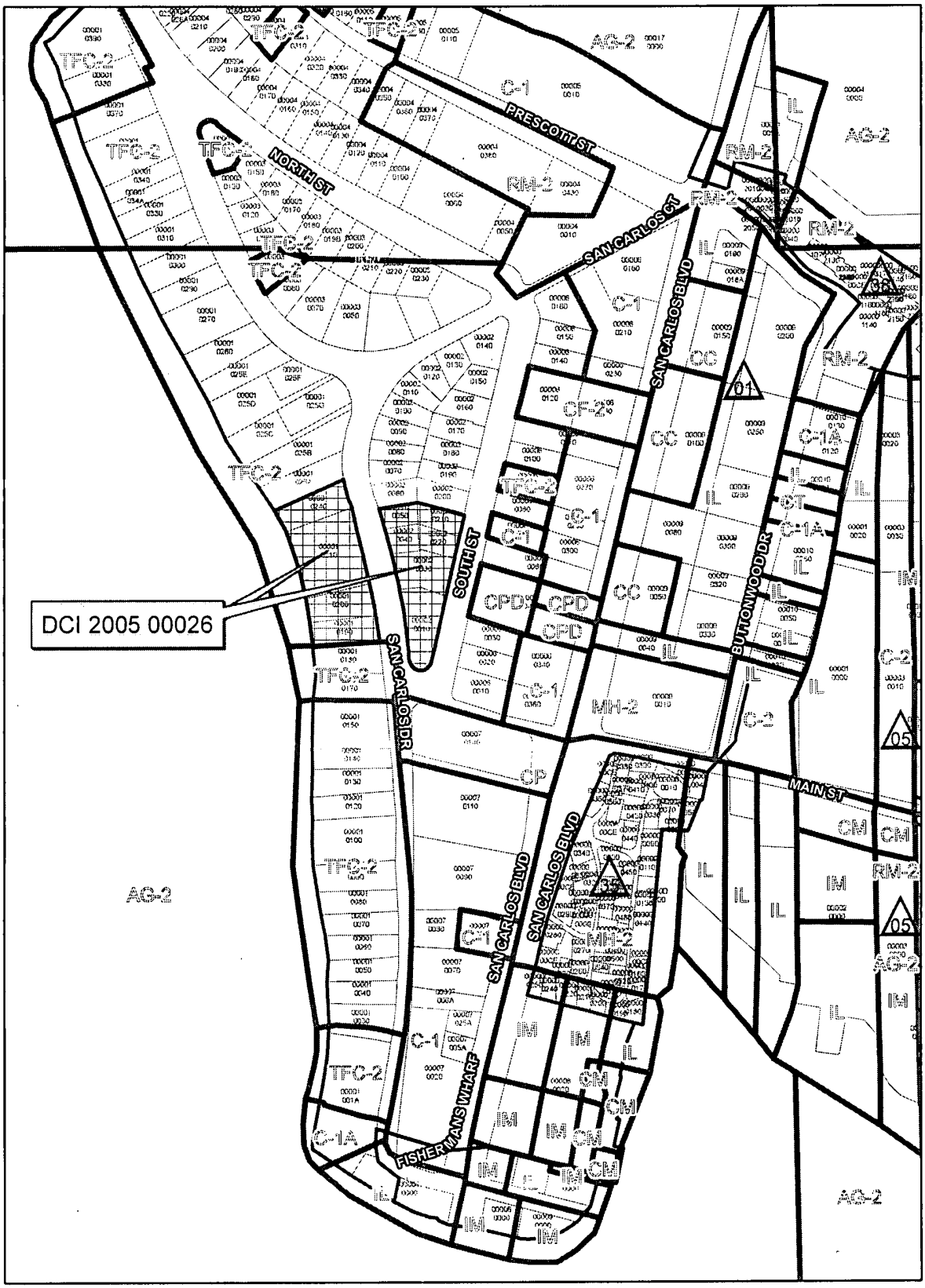
A. Legal Description

cc: Applicant
County Attorney
Zoning/DCI File

# ZONING INTAKE MAP

11/29/2005

Attachment A




N W E S

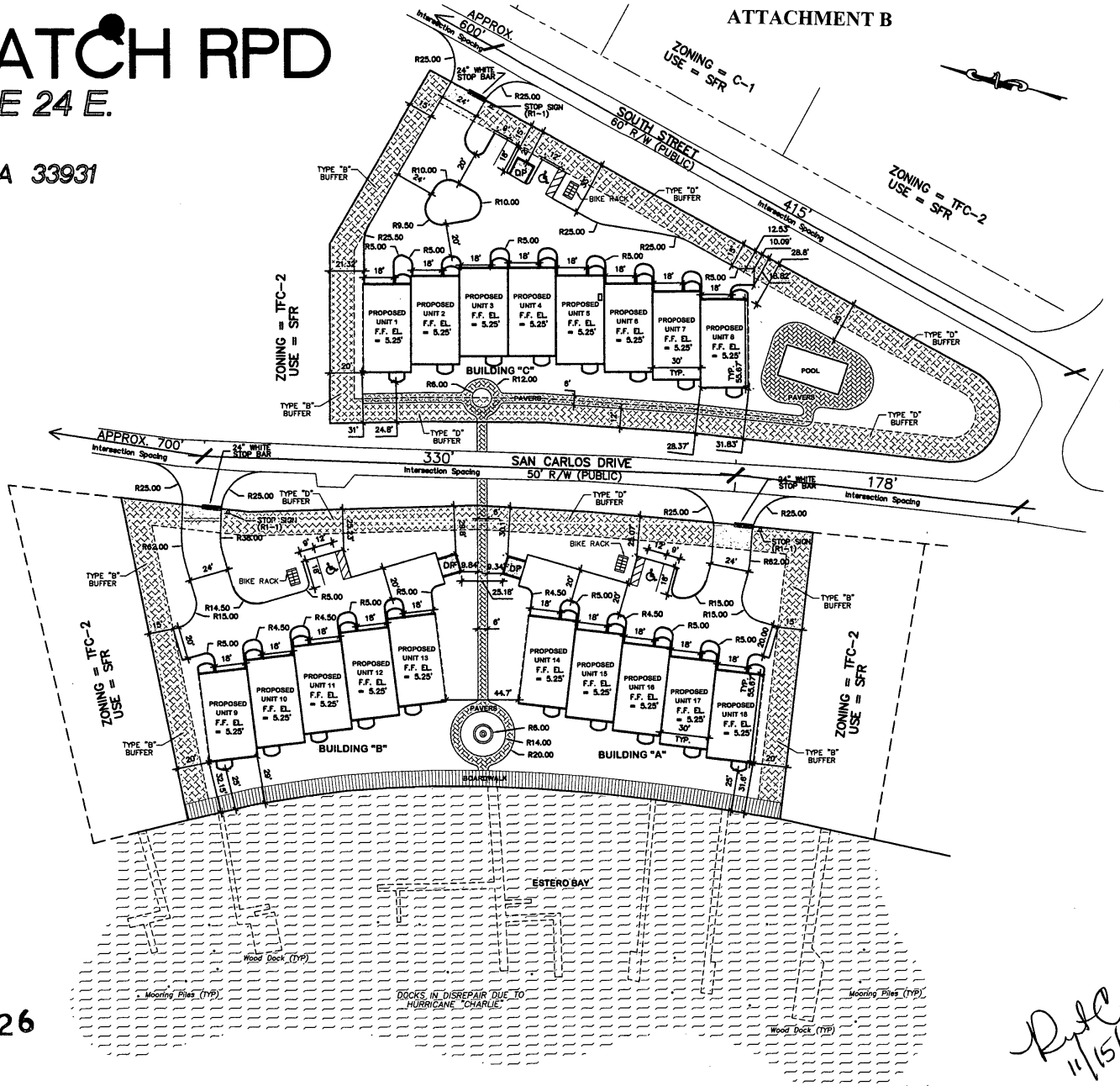
380 190 0 380 Feet

# HARBOR WATCH RPD

## SEC 24, TWP 46 S., RGE 24 E.

819 SAN CARLOS DR
FORT MYERS BEACH, FLORIDA 33931

ATTACHMENT B




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PERMIT COUNTER

NOTES:

1. THE PROPOSED BUILDINGS ARE TWO HABITABLE STORIES ABOVE FLOOD ELEVATION WITH ALL BUILDINGS OF UNIFORM HEIGHT AND APPEARANCE. GROUND FLOOR AREAS WILL BE AIR CONDITIONED STORAGE, NON-HABITABLE. FIRST HABITABLE FLOOR ELEVATION WILL BE 17 NVGD. STRUCTURE HEIGHT LIMITED TO 45' ABOVE FLOOD ELEVATION OF V16E17 OR 51' NVGD.
2. SCHEDULE OF DEVIATIONS: PLEASE SEE APPROVED RESOLUTION.
3. Site Area = 128,054 sf
   Open Space Required = (Site Area) x 40% = 51,222 sf
   Open Space Provided = (Site Area)/57,300 sf = 45% Provided
4. SEE ATTACHED LANDSCAPING PLAN.
5. EXISTING LOT LINES SHOWN, BUT PROPERTY IS TO BE AGGREGATED AS A SINGLE PROPERTY FOR CONDOMINIUM DEVELOPMENT.


ENGINEER: Robert W. Cose, P.E.
Land Investment Services, Inc.
2040 Clarke Avenue
Fort Myers, FL 33905
Tel: (239) 693-9244
Fax: (239) 693-9828

PLANNER: Patrick C. Hunt
8363 Cabbage Road
Fort Myers, FL 33912
Tel: (239) 267-5900
Fax: (239) 267-5933

OWNER: Hidden Harbor Inn, LLC
819 San Carlos Dr
Fort Myers Beach, FL 33931


DCI 2005-00026

CERTIFICATION:
I, the undersigned, hereby certify that the map is true and correct to the best of my knowledge and belief all information required by the requirements of this Land Development Code.

APPROVED

ROBERT W. COSE
FLORIDA P.E. #44843
NOV 07 2005

Land Investment Services, Inc.
An Interactive Development Corporation
2040 Clarke Avenue
Ft. Myers, Fla. 33905
Phone: (941)693-9244
Facsimile: (941)693-9828

Construction Engineering Real Estate Surveying

HARBOR WATCH
Fort Myers Beach, Florida
MASTER CONCEPT PLAN

SCALE: 1" = 30'
DATE: NOV 7, 2005
SHEET Z1

11/15/05

# ATTACHMENT C

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

**Date:** **November 22, 2005**

**To:** **Josh Philpott, Senior Planner**
**From:** **Kim Trebatoski, Principal Environmental Planner**
**Phone: (239) 479-8183**
**E-mail: trebatkm@leegov.com**

**Project:** **Hidden Harbor RPD**
**Case:** **DCI2005-00026**
**STRAP:** **24-46-23-01-00001.0190 & others**

The Division of Environmental Sciences (ES) staff have reviewed the proposed residential planned development and conducted a field inspection of the property. There are existing buildings and associated development with a seawall and boat docks. The applicant is proposing to demolish the existing buildings, retain the seawall, and repair the existing boat docks with the same number of boat slips. Additional boat docks and slips are not proposed so the project does not require review for consistency with the Lee County Manatee Protection Plan.

The existing docks are of mixed design and length. Moorings areas on the existing docks appropriately extend over a shallow water shoaled area and range between 50 and 100 feet from the existing seawall. This shoaled area does allow for the relatively easy creation of a littoral planting shelf. A planting shelf would provide much needed water quality enhancement, habitat for wading birds, shorebirds and a plethora of marine animals, as well as, soften the impact of multi-family buildings on the adjacent recreational waterway.

The proposed development will increase the impervious surface from 24,353 square feet to 63,105 square feet. This is a 159% increase in impervious surface. The large increase in impervious surface combined with the existing seawall and proposed boardwalk along the top of the seawall raise concerns over the impact on the adjacent natural waterway. If the shoreline was not stabilized by the seawall, then a minimum 25-foot natural waterway buffer would be required and this area would need to be planted with a minimum ten trees per 100 linear feet as no native vegetation is present. Lee Plan Policy 108.1.2 requires development affecting coastal and estuarine water resources to maintain or enhance the biological productivity of these resources. Additionally, there has been an increased concern with the water quality within Lee County's natural rivers, creeks, estuaries, bays, and coastal Gulf of Mexico waters both on the local and state level. In order to provide added protection and enhancement to the adjacent the northwestern portion of Estero Bay, locally known as Matanzas Pass, ES staff recommend a coastal littoral planting shelf be created waterward of the existing seawall and a minimum 10-foot wide planting area be provided on the landward side of the

seawall as stated in the following conditions:

***Prior to local development order approval, the landscape plans must include:***

1. ***The details on the creation of a minimum 10-foot wide coastal littoral planting shelf waterward of the existing sea wall stabilized with a riprap breakwater and native plantings. The planting plan must include appropriate native vegetation providing a fifty percent coverage at time of planting for the littoral shelf; and***

2. ***A 10-foot wide buffer landward of the existing seawall. The buffer must be planted with appropriate native vegetation (e.g. sea oats, buttonwood, sea oxeye daisy, etc.) with a minimum 1-gallon container size and fifty percent coverage at time of planting; and***

3. ***Planting of appropriate native vegetation in all surface water management system components, including conveyances, dry detention, and wet detention areas.***

The Master Concept Plan (MCP) has delineated buffers along the right-of-ways and adjacent single family uses. However, where parking is proposed within 125-feet of existing single family uses then Land Development Code (LDC) Section 10-416(d)(6) applies. This section requires either a wall be provided no less than 25-feet from the property line with 5 trees and 18 shrubs per 100 linear feet or a Type F buffer. Additionally, revisions to the LDC were adopted in August 2005 requiring buffers to be planted at finished grade of the development site and no more than fifty percent of the buffer trees may be palms. These standards will be applied at time of local development order review. A landscaping plan was submitted in conjunction with the MCP, however, this plan does not fully meet the current LDC requirements and should not be adopted as part of an approval for this development. ES staff recommend the following condition to clarify the buffer requirements:

***Prior to local development order approval, the landscape plans must include buffers per Land Development Code Section 10-416(d). Revisions are necessary to the final site design to achieve the buffer required per LDC Section 10-416(d)(6) between proposed access and parking, and the adjacent single family uses.***

# ATTACHMENT D

**MEMORANDUM**
**FROM THE**
## DEPARTMENT OF COMMUNITY DEVELOPMENT
**DEVELOPMENT SERVICES DIVISION**

**DATE:** November 21, 2005

**TO:** Josh Philpott
Senior Planner

**FROM:** Robert G. Rentz, P.E.
Development Review Engineer

RE: **Hidden Harbor RPD**
Case No. DCI2005-00026

The proposed project is located on San Carlos Drive, just west of San Carlos Blvd. Based on the ITE Trip Generation Report 7th Edition the project will generate 15 new trips in the peak hour.

Based on the 2004/2005-2005/2006 Traffic Count Report, the Lee County D.O.T. link-specific service volumes, and a growth rate derived from the 2004 Traffic Count Report, *San Carlos Blvd. north of Main St.* currently operates at level of service **"B"**, and will remain at **"B"** with the project traffic.

*BGR*
*S:/WRITERS/RENTZRG/DCI2005-00026SUBSTANTIVETRAFFICCOMMENTS*

**ATTACHMENT E**

# MEMORANDUM
## FROM THE
## DEPARTMENT OF
## COMMUNITY DEVELOPMENT
### DEVELOPMENT SERVICES DIVISION

**DATE:** November 21, 2005

**TO:** Josh Philpott
Senior Planner - Zoning

**FROM:** Susan Hollingsworth
Manager

**RE: DCI2005-00026**
Hidden Harbor RPD

I recommend denial of the project based on the fact that Section 10-296(d) requires residential developments of five or more dwelling units per acre to abut a category B road.

This project does not meet the road requirement and a deviation was not requested to seek relief.

Additionally, aisle width should be 24' and is only shown at 20' and a deviation was not requested.

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

*[Originator/Typist]*
*C:\Documents and Settings\philpojo\Local Settings\Temp\Hidden Harbor.wpd*

**EXHIBIT "A"**

**DCI2005-00026**

**LEGAL DESCRIPTION:**

LOTS 19 THROUGH 24, BLOCK 1, AND LOTS 1 THROUGH 5 AND 21 THROUGH 23, BLOCK 2, OF SAN CARLOS ON THE GULF AS RECORDED IN PLAT BOOK 6 AT PAGE 6, OF THE PUBLIC RECORDS OF LEE COUNTY, LYING IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA.

CONTAINING 2.94 ACRES, MORE OR LESS.

**Applicant's Legal Checked**
**by** Lgm October 11, 2005.

LEE COUNTY
SOUTHWEST FLORIDA

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# APPLICATION FOR PUBLIC HEARING FOR UNINCORPORATED AREAS ONLY

**Applicant's Name:** Hidden Harbor Inn, LLC.

**Project Name:** Hidden Harbor RPD

**STRAP Number(s):** 24-46-23-01-00001.0190, 24-46-23-01-00001.0200, 24-46-23-01-00001.0210, 24-46-23-01-00001.0240, 24-46-23-01-00002.0010, 24-46-23-01-00002.0030, 24-46-23-01-00002.0040, 24-46-23-01-00002.0050, 24-46-23-01-00002.0210, 24-46-23-01-00002.0220

## TYPE OF APPLICATION

Special Exception **(attach Supplement A)**

____ Variance **(attach Supplement B)**

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

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

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

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

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

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

____

IS THIS PROJECT LOCATED IN THE ESTERO OR CAPTIVA PLANNING COMMUNITY?
☐ Yes* XX No
*If yes, please provide the meeting summary document and label accordingly.

**********

**STAFF USE ONLY**

Case Number: DCI 2005-00026 Commission District: 3

Current Zoning: TFC-2 Fee Amount: $5000.00

Land Use Classification: Suburban Intake by: MKW

Planning Community: Fort Myers/McGregor

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

## PART 1
## APPLICANT\AGENT INFORMATION

**A. Name of applicant:** Hidden Harbor Inn, LLC

Address: Street: 819 San Carlos Drive

City: Ft. Myers Beach State: Fl. Zip: 33931

Phone: Area Code: 239 Number: 463-9382 Ext:

Fax: Area Code: 239 Number: 463-5385

E-mail address: Innkeeperj@aol.com

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

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

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

____ **Notarized Affidavit of Authorization form** is attached as **Exhibit PH-1.B.2.**

_____[34-202(b)(1)c.]

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

____ **Notarized Affidavit of Authorization form** is attached as **Exhibit PH-1.B.2.**

_____[34-202(b)(1)c.]

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

____

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

**C.1.** Company Name: Land Investment Services

Contact Person: Patrick Hunt

Address: Street : 8363 Caloosa Road.

City: Ft. Myers State: Fl. Zip: 33912

Phone: Area Code: 239 Number: 267-5900 Ext:

Fax: Area Code: 239 Number: 267-5933

E-mail address: pat.lisconst@earthlink.net

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

___

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DCI 2005-00026

DCI 2005-00026

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## PART 2
## PROPERTY OWNERSHIP

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

A.1. **Name:** _____

Mailing Address: Street: _____

City: _____ State: _____ Zip: _____

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

Fax: Area Code: _____ Number: _____

E-mail: _____

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

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

_____

C. **Multiple parcels**

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

_____

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

_____

D. **Date property was acquired by present owner(s):** _____

## PART 3
## PROPERTY INFORMATION

A. **STRAP Number(s):** 24-46-23-01-00001.0190 24-46-23-01-00001.0200

24-46-23-01-00001.0210 24-46-23-01-00001.0240 24-46-23-01-00002.0010

24-46-23-01-00002.0030 24-46-23-01-00002.0040 24-46-23-01-00002.0050

24-46-23-01-00002.0210 24-46-23-01-00002.0220

B. **Street Address of Property:** 819 San Carlos Drive, Ft. Myers Beach, Fl. 33931

C. **Legal Description**

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

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

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

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

_____ The request is for a conventional rezoning, special exception, or variance on a parcel less than ten acres in area. Attached is a (check one) _____ Certified sketch of description attached as **Exhibit PH-3.D.2.** or a _____ Boundary survey attached as **Exhibit PH-3.D.2** [34-202(a)(2)]

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

E. **Planning Community:** _____

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F. **General Location of Property**:

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

F.2. **Directions to property:** San Carlos Blvd to Main St, turn right. Main St to San Carlos Dr. and turn right.

G. **Surrounding property owners:**

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

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

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

H. **Current Zoning of Property:** TFC-2

I. **Current use of property**:

XXX **Current Non-agricultural uses of the property are:** Vacant parcels and single family houses.

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

J. **Land Use Classification:**

| | | | | |
|---|---|---|---|---|
| Suburban | 2.94 | Acres | 100 | **% of total** |
| | | Acres | | **% of total** |
| | | Acres | | **% of total** |
| | | Acres | | **% of total** |

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

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

XXX The minimum elevation required for the first habitable floor is 17, 15, 14, and 13 NGVD (MSL)

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**L. Deed Restrictions**

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

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

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

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

| | | | | |
|---|---|---|---|---|
| 1. | Width (average if irregular parcel): | VARIES | Feet (Varies from 84' to 815') | |
| 2. | Depth (average if irregular parcel): | VARIES | Feet (Varies from 59' to 230') | |
| 3. | Total area: | 2.94 | Acres ~~or square feet~~ | |
| 4. | Frontage on road or street: | 815.01 | Feet on San Carlos Dr | Street |
| | 2nd Frontage on road or street: | 472.04 | Feet on South St | Street |

## PART 4
## ACTION REQUESTED

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

____ **Special Exception** for _____ **Attached is Supplement A**

____ **Variance** for _____ **Attached is Supplement B**

____ **Conventional Rezoning from:** _____ **to** _____ **Attached is Sup. C**

XXX ____ **Planned Development rezoning** from TFC-2 **to** RPD

_____ DCI - Major: **Attached is Supplement D**

XXX _____ DCI - Minor: **Attached is Supplement D**

Request is for PRFPD zoning in the Private Recreational Facilities Overlay Area.

_____ **Attached is Supplement D**

____ **Planned Development Amendment. Attached is the Supplement D**

____ **Public Hearing for DRI**

_____ No rezoning is required.

_____ Rezoning is required. **Attached is the Supplement D**

**B. Excavations:**

XX No blasting will be used in the excavation of lakes or other site elements.

____ A map indicating the general location of the proposed blasting locations is attached as **Exhibit PH-4.B** [34-202(b)(6)]

**C. Bonus Density** (put NA if not applicable)

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

**D. Hazardous materials** (put NA if not applicable)

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

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

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

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

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

A tall structures permit will be required.

Property is located within Noise zone: _____

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

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

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

N/A A summary of public informational session. **Attached is Exhibit PH-4.H** [Lee Plan Policy 21.7]

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

| **Section Number** | **Name of item** |
|---|---|
| | |
| | |
| | |
| | |
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## PART 6
## SUBMITTAL REQUIREMENTS

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

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

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

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**EXHIBIT PH-1.C.2**
**ADDITIONAL AGENTS**

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**Company Name:** Land Investment Services, Inc.
Contact Person: Robert W. Case, P.E.

Address: Street: 2040 Clarke Avenue
City: Fort Myers State: Fl. Zip: 33901
Phone: Area Code: 239 Number: 693-9244 Ext:
Fax: Area Code: 239 Number: 693-9828
E-mail address: landinv@aol.com

**Company Name:** David M. Jones Jr. & Associates Inc.
Contact Person: Gregory J. Deserio, R.L.A.

Address: Street: 2221 McGregor Blvd.
City: Fort Myers State: Fl. Zip: 33901
Phone: Area Code: 239 Number: 337-5525 Ext:
Fax: Area Code: 239 Number: 337-4494
E-mail address:

**Company Name:** Bean, Whitaker, Lutz & Kareh, Inc.
Contact Person: Britt Pomeroy

Address: Street: 13041-1 McGregor Blvd.
City: Fort Myers State: Fl. Zip: 33919
Phone: Area Code: 239 Number: 481-1331 Ext:
Fax: Area Code: 239 Number: 481-1073
E-mail address:

**Company Name:**
Contact Person:

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

## LETTER OF AUTHORIZATION

## TO LEE COUNTY COMMUNITY DEVELOPMENT

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as Hidden Harbor and legally described in exhibit A attached hereto.

The property described herein is the subject of an application for zoning or development. We hereby designate Patrick C. Hunt or Robert W. Case or Land Investment Services, Inc. as the legal representative(s) of the property and as such, this individual(s) is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

Mary Jane Ross
Owner* (signature)
Mary Jane Ross
Printed Name

Owner* (signature)
Printed Name

Owner* (signature)
Printed Name

Owner* (signature)
Printed Name

STATE OF FLORIDA
COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 11 day of Feb. 2005 by Mary Jane Ross who is personally known to me or who has produced _____ as identification.

DCI2005-00026

(SEAL)

AMANDA ARSENAULT
MY COMMISSION # DD 355744
EXPIRES: September 19, 2008
Bonded Thru Notary Public Underwriters

Amanda Arsenault
Notary Public

Amanda Arsenault
(Name typed, printed or stamped)

ZDS0103 Rev.04
3/01/97

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MAR 10 2005
PERMIT COUNTER

DCI2005-00026

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MAR 10 2005
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**PART VII AFFIDAVIT A2**

**AFFIDAVIT FOR DEVELOPMENT ORDER**
**APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE**

I, Mary Jane Ross, as owner of Hidden Harbor, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application for a Development Order.
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I am hereby authorizing the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

***Name of Entity (corporation, partnership, LLP, LC, etc)**

Mary Jane Ross
Signature

Mary Jane Ross
(Type or printed name)

manager
(title of signatory)

AMANDA ARSENAULT
MY COMMISSION # DD 355744
EXPIRES: September 19, 2008
Bonded Thru Notary Public Underwriters

STATE OF FL

COUNTY OF Lee

The foregoing instrument was sworn to (or affirmed) and subscribed before me this Feb 11, 2005 (date) by Mary Jane Ross (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

Amanda Arsenault
Signature of person taking oath or affirmation

Amanda Arsenault
Name typed, printed or stamped

Office Manager
Title or rank

_____
Serial number, if any

* *Notes:*
- *If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.*
- *If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.)., then the documents should typically be signed by the Company's "Managing Member."*
- *If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.*
- *If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.*
- *If the applicant is a trustee, then the they must include their title of "trustee."*
- *In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.*



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

**STRAP NO.** _____ **CASE NO.** _____

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

| Name and Address | Percentage of Ownership |
|---|---|
| | |
| | |
| | |
| | |
| | |
| | |

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

| Name and Address | Percentage of Stock |
|---|---|
| | |
| | |
| | |
| | |
| | |
| | |

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

| Name and Address | Percentage of Interest |
|---|---|
| | |
| | |
| | |

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

| Name and Address | Percentage of Ownership |
|---|---|
| Mary J. Ross | 50% |
| Lawrence G. Ross | 50% |
| | |
| | |
| | |

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

| Name and Address | Percentage of Interest |
|---|---|
| | |
| | |
| | |
| | |
| | |
| | |

Date of Contract: _____

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

| Name and Address | |
|---|---|
| | |
| | |
| | |
| DCI2005-00026 | |
| | |

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

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

Signature: Mary Jane Ross
(Applicant)

Mary Jane Ross
(Printed or typed name of applicant)

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 11 day of Feb, 2005 by Mary Jane Ross who is personally known to me or who has produced _____ as identification.

(SEAL)

AMANDA ARSENAULT
MY COMMISSION # DD 355744
EXPIRES: September 19, 2008
Bonded Thru Notary Public Underwriters

Amanda Arsenault
Signature of Notary Public

Amanda Arsenault
Printed Name of Notary Public

LEE COUNTY
SOUTHWEST FLORIDA

RECEIVED
MAR 10 2005
PERMIT COUNTER

# SUPPLEMENT D

## ADDITIONAL REQUIRED INFORMATION FOR A PLANNED DEVELOPMENT APPLICATION UNINCORPORATED LEE COUNTY

**Case Number:** DCI2005-00026

**Project Name:** Hidden Harbor RPD

**Authorized agent:** Patrick Hunt

**STRAP Number(s):**

| | |
|---|---|
| 24-46-23-01-00001.0190 | 24-46-23-01-00002.0010 |
| 24-46-23-01-00002.0050 | 24-46-23-01-00002.0040 |
| 24-46-23-01-00001.0240 | 24-46-23-01-00001.0210 |
| 24-46-23-01-00002.0220 | 24-46-23-01-00002.0030 |
| 24-46-23-01-00001.0200 | 24-46-23-01-00002.0210 |

**Select one only**

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

**Notes:**

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

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

(3) Amendments to built planned developments (PD). An application for a variance or other approval covered by this chapter wherein the subject property is the only part of the original planned development for which the approval is sought. Application meets the threshold for a development of county impact and will be reviewed in accordance with the provisions for reviewing developments of county impact. Applicant must be the owner of the subject property and the consent of the owners of the remainder of the original planned development will be unnecessary. However, these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property.
For purposes of this subsection, the term "built" means that all of the roads, utilities, buffering, open space, surface water management features and structures, common space, common amenities, common landscaping, gatehouses, entrance signs, entrance ways and other similar items identified as part of the final approved master concept plan have been constructed and acknowledged by the county as complete. In the case of residential planned developments or mixed developments which include residential structures, the term "built" does not mean that all residential structures must have been constructed on individual platted lots.

# PART 1
# GENERAL INFORMATION

**A. Comprehensive Plan Amendments** (check one):

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

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

**B. Archaeological/Historical** (check one):

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

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

**C. Public Transit** (check one):

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

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

**D. Density**

There are no residential dwelling units proposed for this development.

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

| | | | |
|---|---|---|---|
| | Intensive Development | _____ | Proposed dwelling units |
| | Central Urban | _____ | Proposed dwelling units |
| | Urban Community | _____ | Proposed dwelling units |
| XX | Suburban | 36 | Proposed dwelling units |
| | Outlying Suburban | _____ | Proposed dwelling units |
| | **TOTAL** | _____ | Proposed dwelling units |

## PART 2
## TYPES OF LAND AREA ON PROPERTY

| | | | | | |
|---|---|---|---|---|---|
| **A.** | **Gross Acres (total area within described parcel)** | | | 2.94 | **Acres** |
| | 1. | Submerged land subject to tidal influence: | _____ Acres | | |
| | 2. | Other non-freshwater Wetlands: | _____ Acres | | |
| | 3. | R-O-W providing access to non-residential uses: | _____ Acres | | |
| | 4. | Non-residential use areas (1) | _____ Acres | | |
| **B.** | **Total area not eligible as gross residential acreage. Items A.1. + A.2 + A.3. + A.4.** | | | 2.94 | **Acres** |
| **C.** | **Gross residential acres. (A minus B)** (2) | | | 2.94 | **Acres** |
| **D.** | **Gross residential acres by Land Use Category** | | | | |
| | 1. a. | Intensive development - Upland | _____ Acres | | |
| | b. | Intensive development - freshwater wetland | _____ Acres | | |
| | 2. a. | Central Urban - Upland | _____ Acres | | |
| | b. | Central Urban - freshwater wetland | _____ Acres | | |
| | 3. a. | Urban Community or Suburban - Upland | 2.94 Acres | | |
| | b. | Urban Community or Suburban freshwater wetland | _____ Acres | | |
| | 4. a. | Outlying Suburban - Upland | _____ Acres | | |
| | b. | Outlying Suburban - freshwater wetland | _____ Acres | | |
| | 5. a. | Rural, Outer Island, Rural Community Preserve - Upland | _____ Acres | | |
| | b. | Rural, Outer Island, Rural Community Preserve - freshwater wetland | _____ Acres | | |
| | 6. a. | Open Lands - Upland | _____ Acres | | |
| | b. | Open Lands - freshwater wetland | _____ Acres | | |
| | 7. a. | DR/GR - Upland | _____ Acres | | |
| | b. | DR/GR - freshwater wetland | _____ Acres | | |
| | 8. a. | Wetlands - freshwater | _____ Acres | | |
| | b. | Wetlands - not - freshwater | _____ Acres | | |
| | 9. a. | New Community - Upland | _____ Acres | | |
| | b. | New Community - freshwater wetland | _____ Acres | | |
| | 10. a. | University Community - Upland | _____ Acres | | |
| | b. | University Community - freshwater wetland | _____ Acres | | |
| | 11. | **TOTAL** (should equal AC@ above) | 2.94 Acres | | |

NOTES:

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

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

made waterbodies.

# PART 3
# RESIDENTIAL DEVELOPMENTS
# PRELIMINARY DENSITY CALCULATIONS*

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

**A. Intensive Development Category**

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

**B. Central Urban Category**

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

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

**C. Urban Community Category**

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

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

**D. Suburban Category** ***

| | | | | |
|---|---|---|---|---|
| 1. | **Preliminary Standard Units** | **Maximum standard density** | | **Units** |
| | a. Total upland Acres (from Part 2, D.3.a.) | 2.94 | times 6 equals | 17.6 |
| | b. Total freshwater wetland Acres (from Part 2, D.3.b.) | _____ | times 6 equals | |
| | c. Preliminary Total Standard units (a. plus b.) (1) | | | |
| 2. | **Maximum Permitted Units** | **Maximum permitted** | | **Units** |
| | a. Total upland Acres (from Part 2, D.3.a.) | 2.94 | times 8 equals | 23.5 |
| 3. | **Total allowed standard units (D.1.c. or D.2.a., whichever is less)** | | | 17.6 |

**E. Outlying Suburban Category**

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

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

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

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

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

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

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

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

## PART 4

## ENVIRONMENTAL ISSUES

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

Existing residential subdivision with residential houses and motel to be removed and redeveloped as condos. Surface elevations range from 2.8' NGVD to 5.0' NGVD. Houses, driveways, sidewalks, stairs and other objects are located within the project area.

B. **Sensitive Lands:** Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the Lee Plan), flowways, creek beds, sand dunes, other unique land forms [see Lee Plan Policy 77.1.1 (2)] or listed species occupied habitat (see Sec. 10-4730 of the Land Development Code.

Project abuts seawalled salt water bay (San Carlos Bay).

C. **Preservation/Conservation of Natural Features**: Describe how the lands listed in B. above will be protected by the completed project:

Site was previously developed many years ago as a SFR and duplex subdivision.

D. **Shoreline Stabilization:** If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:

No change to existing seawall. However, a board walk will be constructed adjacent to the seawall.

**PART 5**

## SANITARY SEWER FACILITIES (34-415)

A. **Special Effluent**: If special effluent is anticipated, please specify what it is and what strategies will be used to deal with its' special characteristics:

None/no change.

B. **Private On-site Facilities:** If a private on-site wastewater treatment and disposal facility is proposed, please provide a detailed description of the system including:

1. Method and degree of treatment:

2. Quality of the effluent:

3. Expected life of the facility:

4. Who will operate and maintain the internal collection and treatment facilities:

5. Receiving bodies or other means of effluent disposal:

C. **Spray Irrigation:** If spray irrigation will be used, specify:

1. The location and approximate area of the spray fields:

2. Current water table conditions:

3. Proposed rate of application:

4. Back-up system capacity:

## PART 6 - SUBMITTAL REQUIREMENTS

| Copies* | | Exhibits | Item |
|---|---|---|---|
| Sub. | Req. | | |
| | 12 | | Public Hearing Application form **[34-373(a)(1)]** |
| | 1 | | Application Fee **[34-373(a)(2)]** |
| | | | **DESCRIPTION OF EXISTING CONDITIONS** |
| | 4 | 1-B | **Historical or Archaeological sites:** The nature and location of any known or recorded historical or archaeological sites as listed on the Florida Master Site File or the Lee County Historical Site Survey, and the location of any part of the property that is located within level 1 or level 2 zones of archaeological sensitivity pursuant to chapter 22. The plan must show the outline of historic buildings and approximate extent of archaeological sites. A description of proposed improvements that may impact archaeological or historical resources must also be provided. **[34-373(a)(4)h.]** |
| | 12 | 1-C | **Public Transit.** A map or other depiction of the property in relation to existing and proposed public transit routes, as well as to bus stops, if located within the Lee Tran public transit service area. **[34-373(a)(4)g.]** |
| | 4 | 6-A | **A Boundary Survey,** prepared by a professional surveyor, that meets the minimum technical standards as set out in chapter 61G17-6, F.A.C., and which survey has been signed and sealed within one year of the application date, and which shows existing conditions on the property to full survey accuracy. **[34-373(a)(4)a.]** |
| | 12 | 6-B | **Area Location Map** on 8.5" by 11" paper. A map marked to show the location of the property to be developed in relation to arterial and collector streets as well as the location of existing easements and rights-of-way on or abutting the property. **[34-373(a)(4)b.]** |
| | 12 | 6-C | **Existing zoning and current land uses** A map or other depiction of the existing zoning and current land uses (i.e. single family residence, multiple-family building, retail commercial, office building, etc.) surrounding the tract or parcel to a distance of 500 feet. **[34-373(a)(4)c.]** |
| | 12 | 6-D | **Aerial photograph** with the site clearly delineated. **[34-373(a)(4)d.]** **Originals only - photocopies not acceptable.** |
| | 4 | 6-E | **Soils, vegetation, rare & unique uplands, topography.** Maps drawn at the same scale as the master concept plan marked or overprinted to show the information required by section 34-373(a)(4)e.] **[34-373(a)(4)e.]** |
| | 4 | 6-F | **FLUCCS Map.** A Florida Land Use, Cover and Classification System (FLUCCS) map at the same scale as the Master Concept Plan, prepared by an environmental consultant. The FLUCCS map must clearly delineate any federal and state jurisdictional wetlands and other surface waters, including the total acreage of federal and state wetlands. **[34-373(a)(4)f.]** |
| | | | **NARRATIVE COMPLIANCE STATEMENTS** |
| | 12 | 6-G | **Lee Plan Compliance.** A narrative explanation as to how the proposed development complies with the Lee Plan. **[34-373(a)(5)]** |
| | 3 | 6-H | **Design Standards Compliance.** A narrative explanation as to how the proposed development complies with the Design Standards set forth in Section 34-411. **[34-373(a)(5)]** |
| | 3 | 6-I | **Decision-making compliance.** A narrative explanation as to how the proposed development complies with the guidelines for decision-making embodied in sections 34-145(c)(2)a and e. and 34-145(d)(3). **[34-373(a)(5)]** |
| | | | **MASTER CONCEPT PLAN** |

| Copies* | Exhibits | Item |
|---|---|---|
| 12 | 6-J | **Master Concept Plan, Non-PRFPD** . A graphic illustration (master concept plan) of the proposed development, showing and identifying the information required by Section 34-373(a)(6). Copies of the master concept plan must be provided in two sizes, 24 inches by 36 inches, and 11 inches by 17 inches in size and must clearly legible and drawn at a scale sufficient to adequately show and identify the required information. **[34-373(a)(6)]** |
| 12 | 6-K | **Master Concept Plan, PRFPD :** A clearly legible drawing, no less than 24 inches by 36 inches in size and drawn at a scale sufficient to adequately show and identify the information required by Section 34-941(g). **[34-941(g)]** |
| 5 | 6-L | **Traffic Impact Statement.** A traffic impact statement in a format and to the degree of detail required by the county and in conformance with the adopted county administrative code. **[34-373(a)(7)]** TIS is not required for an existing development. **[34-341(b)(2)d.1.]** |
| 12 | 6-M | **Schedule of Uses.** A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property including the information required by section 34-373(a)(8)]. **[34-373(a)(8)]** |
| 12 | 6-N | **Schedule of deviations and a written justification.** A schedule of deviations and a written justification for each deviation requested as part of the master concept plan. The location of each requested deviation must be located on the master concept plan. **[34-373(a)(9)]** |
| | | **ADDITIONAL REQUIREMENTS FOR MAJOR PDs** |
| 4 | 6-O | **Surface water management plan** A written description of the surface water management plan as required by Section 34-373(b)(1). **[34-373(b)(1)]** |
| 12 | 6-P | **Phasing program.** If the development is to be constructed in phases or if the traffic impact statement utilized phasing, then a description of the phasing program must be submitted. **[34-373(b)(3)]** |
| | | **ADDITIONAL REQUIREMENTS FOR LARGE PROJECTS** |
| 4 | 6-Q | **Protected species survey.** Required for large developments (defined in Chapter 10-1), a protected species survey as required by section 10-473. **[34-373(b)(2)]** |
| | | **AMENDMENTS TO BUILT PLANNED DEVELOPMENTS** |
| 4 | 6-R | **Proof of notice to other property owners.** Although the consent of the owners of the remainder of the original planned development is not required, the owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property. **[34-373(c)]** |
| | | **REQUIREMENTS FOR DRIs** |
| 12 | 6-S | **Binding letter of interpretation from DCA or a complete and sufficient ADA. [34-373(d)(2)]** |
| | | **ADDITIONAL EXHIBITS - PRFPDs** |
| 4 | 6-T | Conceptual surface water management **[34-941(d)(3)b.i.1)]** |
| 12 | 6-U | If within an area identified as an anticipated draw down area, demonstration of compliance with section 34-941(d)(3)d. **[34-941(d)(3)d.]** |
| 12 | 6-V | Preliminary indigenous restoration plan (if applicable). **[34-941(e)(5)f]** |
| 12 | 6-W | Environmental Assessment **[34-941(g)(2)]** |
| 12 | 6-X | Demonstration of compatibility **[34-941(g)(4)]** |

*** includes 1 original**

Based upon a cursory review of the new application for Hidden Harbor RPD, I offer the following comments for your consideration.

1. The applicant and owner of the property is Hidden Harbor Inn, LLC. Documents executed by the LLC should executed by the Managing Member of the LLC on behalf of the LLC. According to the State records the Managing Member are Mary and Lawrence Ross. The Part V affidavit and the Disclosure of interest forms are not properly executed by the Managing Member of the LLC.

2. The survey plat does not clearly identify the boundaries of the parcel subject to the rezoning. Additionally, it does not show the current platted easements applicable to each parcel.

3. the CAO package does not include a copy of the original plat.

4. Please be sure to provide a copy of this application to the City of Fort Myers Beach for review and comment. Please make the Beach aware of the comment time frames applicable to the application so they may participate in the County's sufficiency response to the applicant, if they so choose. [If the beach does not respond in a timely fashion, then I believe staff has a right to assume they have no comments or they do not wish to be a part of the County's sufficiency comment rounds to the applicant.]

peace.

Dawn E. Perry-Lehnert,
Assistant County Attorney
Lehnertd@leegov.com
239-335-2236
239-335-2606 (fax)

## Legal Description

Lots19 through 24, Block 1, and Lots 1 through 5 and 21 through 23, Block 2, of San Carlos on the Gulf as recorded in Plat Book 6 at Page 6, of the Public Records of Lee County, lying in Section 24, Township 46 South, Range 24 East, Lee County, Florida.

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MAR 10 2005
PERMIT COUNTER

DCI2005-00026

**Exhibit PH-2.C.1.**

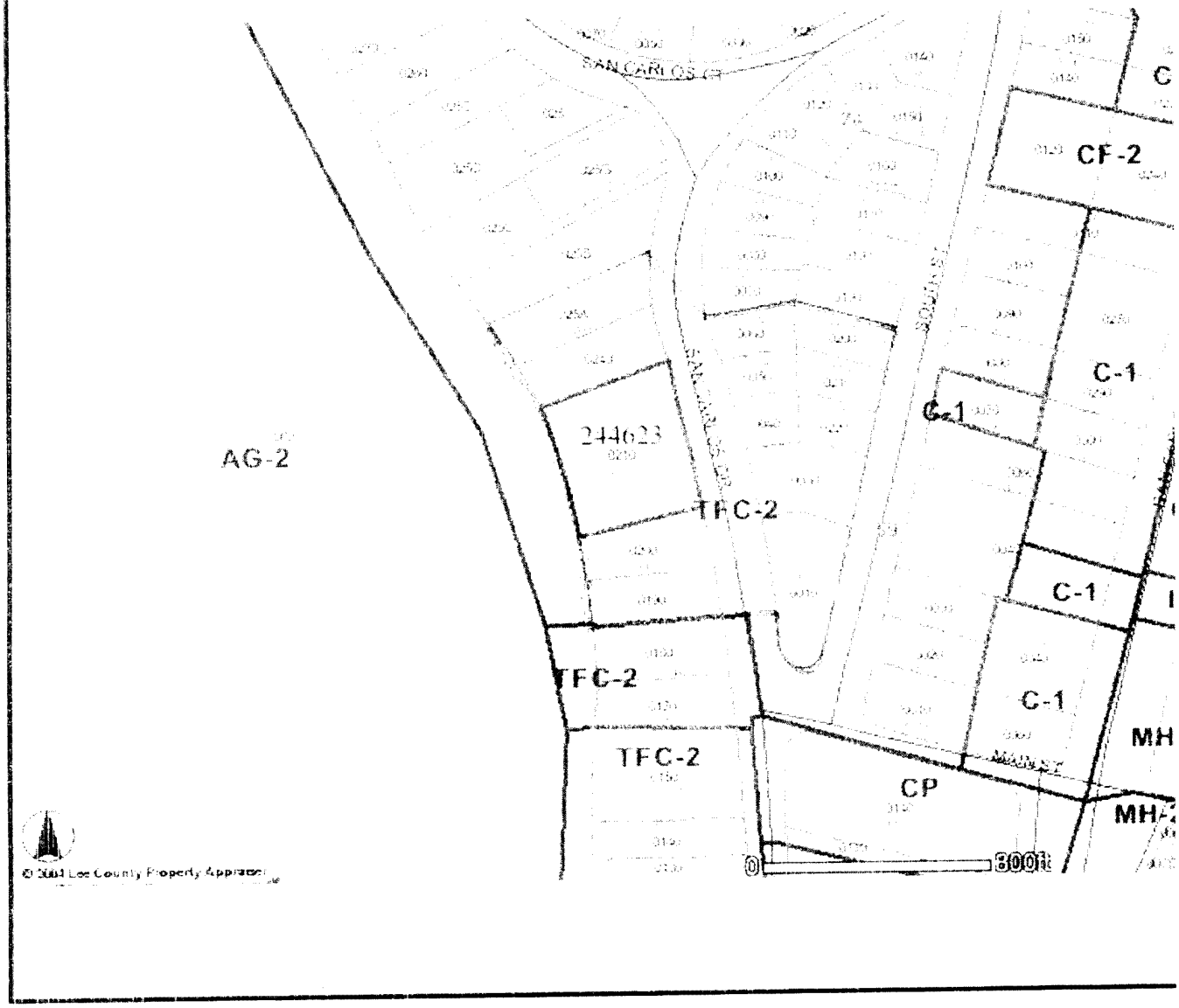
Property Owners List

| Parcel ID | Owner |
|---|---|
| | Hidden Harbor Inn, LLC<br>819 San Carlos Dr<br>Ft Myers Beach, FL 33931 |
| 24-46-23-01-00001.0190 | |
| 24-46-23-01-00001.0200 | |
| 24-46-23-01-00001.0210 | |
| 24-46-23-01-00001.0240 | |
| 24-46-23-01-00002.0010 | |
| 24-46-23-01-00002.0030 | |
| 24-46-23-01-00002.0220 | |
| 24-46-23-01-00002.0040 | |
| 24-46-23-01-00002.0050 | |
| 24-46-23-01-00002.0210 | |
| 24-46-23-01-00002.0220 | |

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DCI2005-00026

## Hidden Harbor Resort

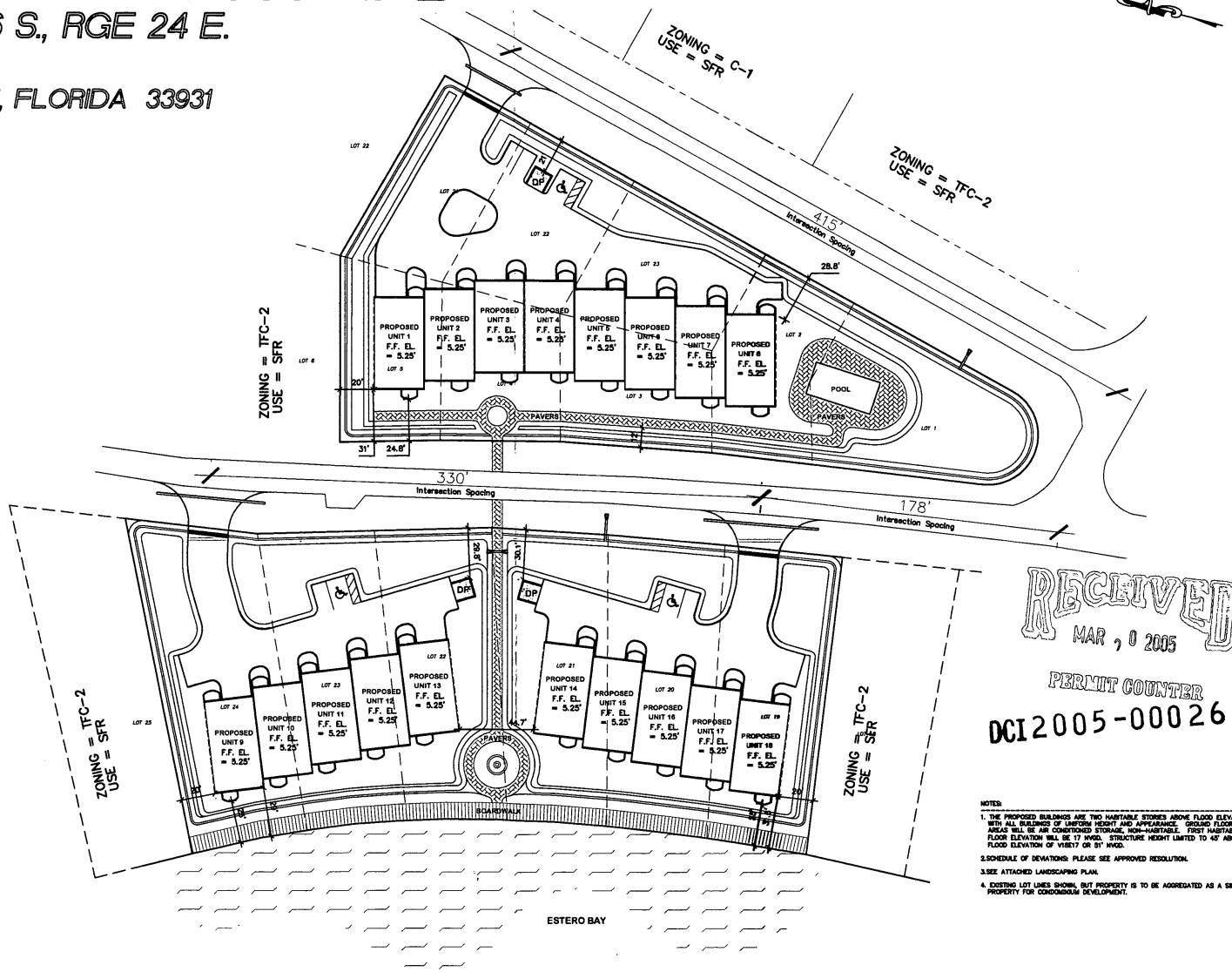



DCI2005-00026

# HIDDEN HARBOR RPD

## SEC 24, TWP 46 S., RGE 24 E.

819 SAN CARLOS DR
FORT MYERS BEACH, FLORIDA 33931




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DCI2005-00026

NOTES:

1. THE PROPOSED BUILDINGS ARE TWO HABITABLE STORIES ABOVE FLOOD ELEVATION WITH ALL BUILDINGS OF UNIFORM HEIGHT AND APPEARANCE. GROUND FLOOR AREAS WILL BE AIR CONDITIONED STORAGE, NON-HABITABLE. FIRST HABITABLE FLOOR ELEVATION WILL BE 17 NVGD. STRUCTURE HEIGHT LIMITED TO 45' ABOVE FLOOD ELEVATION OF V18&T7 OR 51' NVGD.
2. SCHEDULE OF DEVIATIONS: PLEASE SEE APPROVED RESOLUTION.
3. SEE ATTACHED LANDSCAPING PLAN.
4. EXISTING LOT LINES SHOWN, BUT PROPERTY IS TO BE AGGREGATED AS A SINGLE PROPERTY FOR CONDOMINIUM DEVELOPMENT.


ENGINEER: Robert W. Cose, P.E.
Land Investment Services, Inc.
2040 Clarke Avenue
Fort Myers, FL 33905
Tel: (239) 693-9244
Fax: (239) 693-9828

PLANNER: Patrick C. Hunt, VP
Land Investment Services, Inc.
17431-3 Alico Center Road
Fort Myers, FL 33912
Tel: (239) 267-5600
Fax: (239) 267-5633

OWNER: Hidden Harbor Inn, LLC
819 San Carlos Dr
Fort Myers Beach, FL 33931


CERTIFICATION:
I, the undersigned, hereby certify that the map is correct, and shown to the best of my knowledge complies with the applicable requirements of this Land Development Code.

APPROVED
ROBERT W. COSE
FLORIDA P.E. #44843
NOT VALID WITH EMBOSSED SEAL

Construction Engineering Real Estate Surveying
Land Investment Services, Inc.
An Interactive Development Corporation
2040 Clarke Avenue
Ft. Myers, Fla. 33905
Phone: (941)693-9244
Facsimile: (941)693-9828

Hidden Harbor
Fort Myers Beach, Florida

MASTER CONCEPT PLAN

SCALE: 1"=30'
DATE: MAR 3, 2005
SHEET Z1

H401

DCI2005-00026

Exhibit "6G"

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## Compliance with Lee Plan

The site is developed land in TFC-2 zoning district as duplex and four-plex rental units in a residential subdivision. Proposed in this application is a request to rezone to a RPD to allow a multi-family residential project which will decrease existing density to the standard density limit of six units per acre.

All of the property lies within Suburban area. No environmental impacts is proposed. Proposed uses are compatible with the land use area in accordance with Lee Plan as follows:

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

**Response:** **Proposed in this application is a multi-family residential project, which will decrease existing density to the standard density limit of six units per acre to allow eighteen units overall, and is in accordance with the limits specified for this land use classification.**

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

**POLICY 1.7.6:** The Planning Communities Map and Acreage Allocation Table (see Map 16 and Table 1(b) and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of generalized land uses for the year 2020. Acreage totals are provided for land in each Planning Community in unincorporated Lee County. No final development orders or extensions to final development orders will be issued or approved by Lee County which would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded. The policy shall be implemented as follows: (Amended by Ordinance No. 94-29)

1. For each Planning Community the County shall maintain a parcel based database of existing land use. The database shall be periodically updated at least twice every year, in September and March, for each Planning Community.

**Response:** **Proposed in this application is a multi-family residential project to replace existing single and duplex residential units in an amount that will result in a net reduction of two units. Adequate acreage remains in the Acreage Allocation Table for the Planning Community, since it is a redevelopment and will result in a net reduction of two units.**

**OBJECTIVE 2.1: DEVELOPMENT LOCATION.** Contiguous and compact growth patterns shall be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development

patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.

**Response:** **Proposed request is consistent with this objective. It is a redevelopment of existing residential units in a residential subdivision with several existing duplex units nearby. Existing infrastructure is installed along the fronting streets, San Carlos Drive and South Street, both local roads, in the form of water and sewer mains.**

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

**Response:** **Proposed request for additional residential units is consistent with the policy. This site is located within a designated Future Urban Areas on the Future Land Use Map.**

**OBJECTIVE 2.2: DEVELOPMENT TIMING.** Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) shall be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance.

**Response:** **Proposed request for a multi-family residential project to replace existing single and duplex residential units in an amount that will result in a net reduction of two units is consistent with this objective. Adequate public facilities exist or are assured and compact and contiguous development patterns exist in this area. Concurrency Management report for the most recent reporting period indicates adequate capacities of the required infrastructure to allow this density to be developed. Impacts will be reduced from current peak demands due to net reduction of units.**

**POLICY 2.2.1:** Rezonings and development-of-regional-impact proposals shall be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.

**Response:** **Proposed request is a redevelopment of existing residential units in a residential subdivision is consistent with the policy. This site is located proximate to available surplus infrastructure as required by Goal 11 of the Lee Plan and addressed herein under that topic. The project will be compatible with surrounding land uses and will not adversely affect the public health, safety and welfare.**

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

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

**Response:** **Proposed request is consistent with the policy. This site is located proximate to available surplus infrastructure.**

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

**Response:** **Proposed development is infill and does not constitute urban sprawl or spot development. Proposal is in compliance with this requirement.**

3. Whether a given proposal would result in unreasonable development expectations which may not be achievable because of acreage limitations contained in the Acreage Allocation Table (see Policy 1.7.6, Map 16 and Table 1(b)).

**Response:** **Proposed in this application is a multi-family residential project. The required acreage allocation is available in this district.**

In all cases where rezoning is approved, such approval does not constitute a determination that the minimum acceptable levels of service (see Policy 70.1.3) will be available concurrent with the impacts of the proposed development. Such a determination must be made prior to the issuance of additional development permits, based on conditions which exist at that time, as required by Lee County's concurrency management system. (Amended by Ordinance No. 94-30, 98-09).

**Response:** **Proposed request is consistent with the policy. This site is located proximate to available surplus infrastructure.**

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

**Response:** **Proposed request is consistent with the policy. This site is located proximate to available surplus infrastructure.**

**OBJECTIVE 2.8: COASTAL ISSUES.** Development in coastal areas is subject to the additional requirements found in the Conservation and Coastal Management element of this plan, particularly those found under Goals 75, 79, 80, 81, 82, and 83.

**Response:** **Proposed request is consistent with this objective and policies referenced. Site is a redevelopment of existing residential units in a residential subdivision in a coastal zone, but is not within a coastal construction setback zone. Impacts as they relate to the goals referenced will be addressed later in this document. Note that Goal 81 provides direction to staff relating to post disaster construction.**

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

**OBJECTIVE 4.1:** Maintain the current planned development rezoning process which combines site planning flexibility with rigorous review. By the end of 1995, take specific steps to further promote the creation of mixed-use developments to reduce the impact on collector and arterial roads. (Amended by Ordinance 91-19)

**POLICY 4.1.1:** Development designs shall be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural

features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements. (Amended by Ordinance 91-19)

**POLICY 4.1.2:** Development designs shall be evaluated to ensure that the internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and functions contained within or adjacent to the development. (Amended by Ordinance 91-19)

**Response:** **Proposed request is consistent with the goal, objective and policies referenced. The design is well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements. The design will ensure that the internal street system provides for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and functions contained within or adjacent to the development. Overall the design is well integrated and preserves wetlands along the northern property while accommodating an upscale midrise multi-family development, which is compatible with adjacent land uses.**

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

**OBJECTIVE 5.1:** All development approvals for residential land uses must be consistent with the following policies, the general standards under Goal 11, and other provisions of this plan.

**POLICY 5.1.1:** Residential developments requiring rezoning and meeting Development of County Impact (DCI) thresholds shall be developed as planned residential developments.

**Response:** **Proposed request is consistent with the goal, objective and policies referenced. The design is well planned and a RPD rezoning of the land is necessary because the existing zoning district "TFC-2", does not allow the clustering of units which creates larger common/green areas. This request is a redevelopment of existing residential units and will result in an overall net reduction of two units.**

**POLICY 5.1.2:** Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.

**Response:** **Proposed request is consistent with the policy referenced. The design is well planned and design of the structures, as well as the infrastructure will conform to the current regulations for this area. The residential units will be constructed above parking thereby providing more than adequate flood proofing of storm surge events. The parcel is in a coastal location and will be structurally designed to withstand wave induced erosion. Also, geologic conditions will be evaluated on the building foundations. All environmental conditions have been evaluated for this site. This request is a redevelopment of existing residential units and will result in an overall net reduction of two units.**

**POLICY 5.1.3:** During the rezoning process, direct high-density residential developments to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities. (Amended by Ordinance No. 94-30)

**Response:** **Proposed request is consistent with the goal, objective and policies referenced. Residents will have employment oppurtunities in the area, but few will be blue collar workers, those that work will have business investments in the area. Shopping is nearby. This project is proposed as an upscale multi-family project with amenities such as boat dockage and swimming pool. Parks and public beach areas are nearby. Schools located in this region, but due to the targeted income level, any children residing in the development will have educational opportunities of choice at private schools in South Fort Myers area. Access to mass transit is available just a few blocks from this location. Walking paths and boardwalks are proposed within the development connecting all amenities. Bicycle facilities exist on nearby San Carlos Blvd.**

**POLICY 5.1.5:** Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings shall be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions shall be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application shall be denied altogether. The Land Development Code shall continue to require appropriate buffers for new developments. (Amended by Ordinance No. 94-30, 99-15)

**Response:** **Proposed request is consistent with the policy referenced. This This request for RPD rezoning is a redevelopment of existing residential units and will result in an overall net reduction of two units. The proposed plan will provide appropriate buffers and increased setbacks for this upscale development in excess of minimum required plantings. Duplex lots along the abutting property will abut the proposed three story buildings that are proposed to be 45' in height.**

**POLICY 5.1.6:** Maintain development regulations that require high-density, multi-family, cluster, and mixed-use developments to have open space, buffering, landscaping, and recreation areas appropriate to their density and design. (Amended by Ordinance No. 94-30)

**Response:** **Proposed plan exceeds minimum required open space, buffering, landscaping, and provides recreational amenities which are appropriate to the proposed density.**

**POLICY 5.1.7:** Maintain development regulations that require that community facilities (such as park, recreational, and open space areas) in residential developments are functionally related to all dwelling units and easily accessible via pedestrian and bicycle pathways. These pathways shall be interconnected with adjoining developments and public pathways whenever possible. Townhouses, condominiums, apartments, and other types of multi-family residential development shall have directly accessible common open space.

**Response:** **Proposed plan provides for access which is functionally related to all dwelling units and easily accessible via pedestrian and bicycle pathways. The multi-family residential development has directly accessible common open space adjacent to all buildings.**

**GOAL 11: WATER, SEWER, TRAFFIC, AND ENVIRONMENTAL REVIEW STANDARDS.**
To insure that appropriate water, sewer, traffic, and environmental review standards are considered in reviewing rezoning applications and are met prior to issuance of a county development order.

**STANDARD 11.1: WATER**

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Chapter 17-22, F.A.C.).

2. If the proposed development lies within the boundaries of a water utility's certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 6), then the development must be connected to that utility.

3. The developer shall provide proof that the prior commitments of the water utility, plus the projected need of the developer, do not exceed the supply and facility capacity of the utility.

3. All waterline extensions to new development shall be designed to provide minimum fire flows, as well as adequate domestic services as required by Chapter 10D-4, F.A.C..

**Response:** **Proposed development is located within Lee County Utilities franchise area and will connect to the existing system currently serving the existing units at time of redevelopment. There is adequate capacity to serve. Prior commitments of the water utility, plus the projected need of the developer, do not exceed the supply and facility capacity of the utility as required to be analyzed will be reviewed with development order application which has been submitted. This request is a redevelopment of existing residential units and will result in an overall net reduction of two units, thereby reducing consumption from current demand.**

**STANDARD 11.2: SEWER**

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.

2. If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 7), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within l/4 mile from any part of the development.

3. If there is not sufficient capacity nor adequate infrastructure within l/4 mile of the development, the developer shall provide proof in the form of a clearly stated rejection of service.

**Response:** **Proposed development is located within Lee County Utilities franchise area and will connect to the existing system currently serving the existing units at time of redevelopment. There is adequate capacity to serve. Prior commitments of the water utility, plus the projected need of the developer, do not exceed the supply and facility capacity of the utility as required to be analyzed will be reviewed with development order application which has been submitted. This request is a redevelopment of existing residential**

**units and will result in an overall net reduction of two units, thereby reducing consumption from current demand.**

**STANDARD 11.3: TRAFFIC.**

1. A traffic impact statement shall be submitted to and accepted by the county DOT for the following developments:

- Developments of Regional Impact (D.R.I.'s);
- Planned Developments (as specified in the Zoning Regulations); and
- Developments requiring a county development order, as specified in the Land Development Code.

2. The form, content, and level of detail required in the traffic impact statement shall be established by Lee County by ordinance, administrative code, or other regulations. Lee County shall establish criteria or thresholds to determine the scope of the traffic impact statement required:

- If the development meets or exceeds the established thresholds, the traffic impact statement shall provide a comprehensive assessment of the development's impacts on the surrounding road system.
- If the development does not meet or exceed these thresholds, the traffic impact statement shall provide information regarding traffic generation and impacts at the development's access points to the adjacent street system.

**Response:** **Proposed request is consistent with the policy referenced. A TIS has been submitted and analysis of the impacts to both San Carlos Drive and South Street indicates that no turn lanes will be required. The development does not exceed these thresholds, the traffic impact statement provides information regarding traffic generation and impacts at the development's access points to the adjacent street system as required. This request is a redevelopment of existing residential units and will result in an overall net reduction of two units, thereby reducing traffic from current amount.**

**STANDARD 11.4: ENVIRONMENTAL REVIEW FACTORS.** In any case where there exists or there is the probability of environmentally sensitive areas (as identified by Lee County, the Corps of Engineers, Department of Environmental Protection, South Florida Water Management District, or other applicable regulatory agency), the developer/applicant shall prepare an environmental assessment that examines the existing conditions, addresses the environmental problems, and proposes means and mechanisms to protect, conserve, or preserve the environmental and natural resources.

**Response:** **Proposed request is consistent with the goal, objective and policies referenced. This is a small project and is redevelopment of existing residential units, no environmental assessment will be required. There are adequate means and mechanisms to protect, conserve, or preserve the environmental and natural resources during development order process. No environmentaly sensitive areas on this site. No permits are required from SFWMD and ACOE. Site is adjacent to existing seawalled shoreline on Estero Bay with existing boat docks. This request is a redevelopment of existing residential units.**

**POLICY 22.4.3:** All proposed development activity, as part of the concurrency management process, will be reviewed against the Traffic District Program and the Operational Improvement Program for constrained roads. Development activity affecting backlogged and constrained roads will be required to mitigate its traffic impacts:

1. Traffic mitigation for development activity determined not to affect a backlogged or constrained road segment will consist of payment of Roads Impact Fees and needed intersection improvements at the site entrance(s).

2. If a proposed development would impact a backlogged or constrained road segment to the extent that concurrency regulations would not be satisfied on that road, the developer may offer to provide mitigation sufficient to establish concurrency and become eligible for issuance of a development order.

**Response:** **Proposed development is located San Carlos Blvd, an arterial four-lane street. It is not considered backlogged nor constrained road. There is adequate capacity to serve without degradation of Level of Service of either roadway. A TIS has been submitted and analysis of the Level of Service is required prior to issuance of concurrency for the development order application. This request is a redevelopment of existing residential units and will result in an overall net reduction of two units, thereby reducing traffic from current amount.**

**OBJECTIVE 24.1: DEVELOPMENT IMPACTS.** The county will maintain and enforce development regulations to ensure that impacts of development approvals occur concurrently with adequate roads, and to achieve maximum safety, efficiency, and cost effectiveness.

**POLICY 24.1.1:** New development must:
- Have adequate on-site parking.
- Have access to the existing or planned public road system except where other public policy would prevent such access.
- Fund all private access and intersection work and mitigate all site-related impacts on the public road system; this mitigation is not eligible for credit against impact fees.

**POLICY 24.1.2:** County regulations will encourage proposed development along state roads to protect existing and planned transportation corridors to meet state standards for future expansions consistent with the Transportation Map series and the Official Trafficways Map.

**POLICY 24.1.3:** County development regulations will require the interconnection of adjacent existing or future residential developments. Where a developer proposes private local streets with access control, he may propose an alternate means of interconnection provided the means does not require all local traffic to use the arterial network. All interconnections will be designed to discourage use by through traffic.

**POLICY 24.1.4:** Main access points from new development will not be established where traffic is required to travel through areas with significantly lower densities or intensities (e.g. multifamily access through single-family areas, or commercial access through residential areas) except where adequate mitigation can be provided.

**POLICY 24.1.5:** The Land Development Code will continue to require appropriate landscaping for developments abutting arterial and collector roads.

**POLICY 24.1.6:** Through the zoning process, the county will direct high-intensity land uses to parcels which abut designated future transit corridors identified in Map 3C.

**Response:** **Proposed request is consistent with the objective and policies referenced. Adequate parking is provided onsite, as is the internal driveways. The proposed internal roadway system will be private and access onto adjacent local roads and will not require turn lanes. Additional street setback is provided.**

**POLICY 70.1.3: MINIMUM ACCEPTABLE LEVEL-OF-SERVICE STANDARDS.** Level-of-service (LOS) standards shall be the basis for planning the provision of required public facilities within Lee County. Some of these standards shall be the basis for determining the adequacy of public facilities for the purposes of permitting new development. The "Minimum Acceptable Level of Service" shall be the basis for facility design, for setting impact fees, and (where applicable) for the operation of the Concurrency Management System (CMS).

Two classes of standards are established. "Regulatory" standards are those which apply to facilities identified in state law as being essential to support development. These consist of facilities for the provision of potable water, sanitary sewer, disposal of solid waste, stormwater management, community and regional parks, and transportation. (It is the intent of this element that these standards shall be the same as those established in the various relevant plan elements. If there are discrepancies between standards contained in the elements and standards as set forth herein, the standards as set forth herein shall govern.) The second class, "non-regulatory" standards, are those which apply to other facilities for which the county desires to set standards for its own use; compliance with these standards shall not be a requirement for continued development permitting. (Amended by Ordinance 92-35)

**REGULATORY STANDARDS**

1. Potable Water Facilities:

   Minimum Acceptable Level of Service:

   Within certificated, franchised, or designated service areas only: supply and treatment capacity of 250 gallons per day per Equivalent Residential Connection (ERC) for the peak month, except that facilities serving only mobile home residential structures shall have a capacity of 187.5 gallons per day, and facilities serving only travel trailer residential structures shall have a capacity of 150 gallons per day. Where a private water utility has provided an alternate standard for application within its certificated or franchised area, and that standard has been adopted into this comprehensive plan, that will be the standard to be used for concurrency management in the respective certificated or franchised area.

**Response:** **Proposed development as calculated by this regulatory standard will not cause the area infrastructure to exceed capacity. The ERC equivalent potable water consumption is estimated to be 1 ERC @ unit x 18 units proposed resulting in 18 ERC or 4,500 g.p.d. consumption rate for the peak month. The area is served by the Fort Myers Beach WTP which is operating with adequate capacity to serve this project. This request is a redevelopment of existing residential units and will result in an overall net reduction of two units, thereby reducing current demand.**

2. Sanitary Sewer Facilities:

   Minimum Acceptable Level of Service:

   Within certificated, franchised, or designated service areas only: average treatment and disposal capacity of 200 gallons per day per Equivalent Residential Connection (ERC) for the peak month, except that facilities serving only mobile home residential structures shall have a capacity of 150 gallons per day, and facilities serving only travel trailer residential structures shall have a capacity of 120 gallons per day. Where a private sewer utility has provided an alternate standard for application within its certificated or franchised area, and that standard has been adopted into this comprehensive plan, that will be the standard to be used for concurrency management in the respective certificated or franchised area.

**Response:** **Proposed development as calculated by this regulatory standard will not cause the area infrastructure to exceed capacity. The ERC equivalent potable water consumption is estimated to be 1 ERC @ unit x 18 units proposed resulting in 18 ERC or 3,600 g.p.d. consumption rate for the peak month. The area is served by the Fort Myers Beach STP which is operating with adequate capacity to serve this project. This request is a redevelopment of existing residential units and will result in an overall net reduction of two units, thereby reducing current demand.**

3. Facilities for Disposal of Solid Waste:

   Minimum Acceptable Level of Service:

   Disposal facility capacity for 7 pounds of waste (or equivalent volume) per day per capita.

**Response:** **Proposed development as calculated by this regulatory standard will not cause the area infrastructure to exceed capacity. The ERC equivalent solid waste generation is estimated to be 1 ERC @ person x 2.09 persons per unit x 18 units proposed resulting in 37.62 ERC or 263 pounds per day generation rate for the peak month. The area is served by the Gulf Coast Landfill which is operating with a capacity until the Hendry County Landfill will begin operation. This request is a redevelopment of existing residential units and will result in an overall net reduction of two units, thereby reducing current demand.**

4. Stormwater Management Facilities:

   Minimum Acceptable Level of Service: INTERIM

   (a) Existing Infrastructure/Interim Standard

   The existing surface water management system in the unincorporated areas of the county shall be sufficient to prevent the flooding of designated evacuation routes (see Map 15) from the 25-year, 3-day storm event (rainfall) for more than 24 hours.

**Response:** **Proposed development will not require a SFWMD surface water management permit for the revised development plan. This project is a small project less than two acres of impervious area and is exempt from this standard. However, the site has incorporated a surface water detention system onsite for a 10 year, 3 day storm event as required. Also, this request is a redevelopment of existing residential units and will result in an overall net reduction of two units, as,well as, clustering units and will result in a net reduction of existing impervious area, thereby reducing current runoff.**

   (b) Six Mile Cypress Watershed

   The level-of-service standard for the Six Mile Cypress Watershed shall be that public infrastructure remains adequate such that floor slabs for all new private and public structures which are constructed a minimum of one (1) foot above the 100-year, 3-day storm event flood plain level for Six Mile Cypress Watershed shall be safe from flooding from a 100-year, 3-day storm event (rainfall). The 100-year level and watershed boundaries are as established in Volume IV of the Six Mile Cypress Watershed Plan.

**Response:** **Proposed development is not within this basin.**

(c) Regulation of Private and Public Development

Surface water management systems in new private and public developments (excluding widening of existing roads) shall be designed to SFWMD standards (to detain or retain excess stormwater to match the predevelopment discharge rate for the 25-year, 3-day storm event [rainfall]). Stormwater discharges from development must meet relevant water quality and surface water management standards as set forth in Chapters 17-3, 17-40, and 17-302, and Rule 40E-4, F.A.C. New developments shall be designed to avoid increased flooding of surrounding areas. These standards are designed to minimize increases of discharge to public water management infrastructure (or to evapotranspiration) that exceed historic rates, to minimize change to the historic hydroperiod of receiving waters, to maintain the quality of receiving waters, and to eliminate the disruption of wetlands and flow-ways, whose preservation is deemed in the public interest. (Amended by Ordinance 91-19)

**Response:** **Proposed development will not require a SFWMD surface water management permit for the revised development plan. This project is a small project less than two acres of impervious area and is exempt from this standard. However, the site has incorporated a surface water detention system onsite for a 10 year, 3 day storm event as required. Also, this request is a redevelopment of existing residential units and will result in an overall net reduction of two units, as,well as, clustering units and will result in a net reduction of existing impervious area, thereby reducing current runoff.**

5. Parks and Recreation Facilities:

Minimum Acceptable Level of Service:

(a) Regional Parks

6 acres of developed regional park land open for public use per 1000 total seasonal county population.

**Response:** **Proposed development as calculated by this regulatory standard will not cause the area infrastructure to exceed capacity. The increased acreage demand is estimated to be 0.006 acres @ person x 2.09 persons per unit x 18 units proposed resulting in a demand 0.226 acres. The area has sufficient capacity to meet the required as well as the desired levels as projected in the Concurrency Management report dated December, 2004. However, this request is a redevelopment of existing residential units and will result in an overall net reduction of two units, thereby reducing current demand.**

(b) Community Parks

0.8 acres of developed standard community parks open for public use per 1000 permanent population, unincorporated county only.

**Response:** **Proposed development as calculated by this regulatory standard will not cause the area infrastructure to exceed capacity. The increased acreage demand is estimated to be 0.008 acres @ person x 2.09 persons per unit x 72 units proposed resulting in a demand 0.301 acres. The area is Community Parks Impact Fee District #4. This district has sufficient capacity to meet the required as well as the desired levels as projected in the Concurrency Management report dated December, 2004. However, this**

**request is a redevelopment of existing residential units and will result in an overall net reduction of two units, thereby reducing current demand.**

6. Roadway Facilities:

The minimum acceptable peak hour, peak season, peak direction roadway levels of service shall be as follows:

| Minimum Acceptable Level of Service<br>Peak Hour/Peak Season/Peak Direction | |
|---|---|
| State & County Roads: (Non-FIHS Roads) | |
| Arterials | E |
| Collector | E |
| Freeways (non-FIHS system) | D |
| FIHS Roads: | |
| I-75 | |
| - Collier Line to Charlotte Line | C |
| SR-80 | |
| - I-75 to Buckingham Road | C |
| - Buckingham Road to Hickey Creek (4L) | B |
| - Hickey Creek to Hendry County (2L) | C |

The minimum acceptable levels of service specified above shall not apply on an interim basis to the backlogged roads identified in Table 2(a). It is the county's intent that these segments will be operating at the identified standard in the shortest period possible, but no later than December 31, 1999. During that period, however, growth on those backlogged roads may be permitted if it is consistent with the Traffic District Program (Policy 22.2.2).

Due to scenic, historic, environmental, aesthetic, and right-of-way characteristics and considerations, Lee County has determined that certain roadway segments will not be widened. Therefore, reduced peak hour levels of service will be accepted on those constrained roads as a trade-off for the preservation of the scenic, historic, environmental, and aesthetic character of the community. These constrained roads are defined in Table 2(b). Growth on those constrained roads will be permitted only within the volume-to-capacity (v/c) ratios established in this plan and only if consistent with the Operational Improvement Program for those constrained roads. The minimum acceptable level of service as specified above for Pine Island Road between Burnt Store Road and Stringfellow Boulevard is subject to Policy 14.2.1 and Policy 14.2.2.

For minimum acceptable levels of service determination, the peak season, peak hour, peak direction condition shall be defined as the 100th highest volume hour of the year in the predominant traffic flow direction. The 100th highest hour approximates the typical peak hour during the peak season. Peak season, peak hour, peak direction conditions shall be calculated using K-100 factors and "D" factors from the nearest, most appropriate county permanent traffic count station. (Amended by Ordinance No. 99-15)

**Response:** **Proposed request is consistent with the policy referenced. A TIS has been submitted and analysis of the impacts to San Carlos Drive and South Street indicates that no turn lanes will be required. This analysis of the level of service of San Carlos Blvd, an arterial fourlane street, indicates no degradation caused by this project to the the surrounding roads. No backlogged or constrained roads are near this site. The development does not exceed the listed thresholds, the traffic impact statement provides information regarding traffic generation and impacts at the development's access points to the adjacent street system as required. This road links have sufficient capacity to meet the performance standards including forecast volumes as projected in the Concurrency Management report**

**dated December, 2004. However, this request is a redevelopment of existing residential units and will result in an overall net reduction of two units, thereby reducing current demand.**

**GOAL 75: PROTECTION OF LIFE AND PROPERTY IN COASTAL HIGH HAZARD AREAS.** To protect human life and developed property from natural disasters. (See also Goal 80.) (Amended by Ordinance No. 94-30)

**OBJECTIVE 75.1: DEVELOPMENT IN COASTAL HIGH HAZARD AREAS.** Development seaward of the 1991 Coastal Construction Control Line shall require applicable State of Florida approval; new development on barrier islands shall be limited to densities that meet required evacuation standards; new development requiring seawalls for protection from coastal erosion shall not be permitted; and allowable densities for undeveloped areas within coastal high hazard areas will be considered for reduction. (Amended by Ordinance No. 92-35, 93-25, 94-30)

**POLICY 75.1.1:** County policy regarding development seaward of the updated 1991 Coastal Construction Control Line shall be re-evaluated approximately every five years beginning in 1995 to assess the adequacy of policies and practices developed by the Department of Environmental Protection. (Amended by Ordinance No. 92-35, 94-30)

**POLICY 75.1.2:** Rezonings to allow higher densities shall not be permitted on barrier and coastal islands if the capacity of critical evacuation routes would thereby be exceeded (see Objective 79.1). (Amended by Ordinance No. 92-35)

**POLICY 75.1.3:** Shoreline development in V Zones shall be protected from coastal erosion, wave action, and storms by vegetation, setbacks, and/or beach renourishment, rather than by seawalls or other hardened structures which tend to hasten beach erosion (see also policies under Objective 83.2). Repairs of lawfully constructed, functional, hardened structures as defined in F.S. Chapter 161 may be allowed subject to applicable state and local review and approval. (Amended by Ordinance No. 92-35)

**POLICY 75.1.4:** Through the Lee Plan amendment process, land use designations of undeveloped areas within coastal high hazard areas shall be considered for reduced density categories (or assignment of minimum allowable densities where density ranges are permitted) in order to limit the future population exposed to coastal flooding. (Amended by Ordinance No. 92-35, 94-30)

**Response:** **Proposed request is consistent with the goal, objective and policies referenced. The design is well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements. The design will ensure that the internal street system provides for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and functions contained within or adjacent to the development. No seawalls are proposed. This site is not on a barrier or coastal island. This site is landward of the Coastal Construction Control Line. This site is within a "V" Zone. This site will not cause any coastal erosion or wave action which would hasten beach erosion because it is not located on a barrier island. This site also is in an "A" Zone which places it in a Coastal Flood Hazard Zone. The design is elevated living areas above parking. Minimal amounts of fill is required with this design. Overall the design is well integrated and preserves wetlands along the northern property while accommodating an upscale lowrise multi-family development, which is compatible with adjacent land uses. This request is**

**a redevelopment of existing residential units and will result in an overall net reduction of two units, thereby reducing current demand.**

**GOAL 79: EVACUATION AND SHELTER.** To provide evacuation and shelter capabilities adequate to safeguard the public against the effects of hurricanes and tropical storms.

**OBJECTIVE 79.1: EVACUATION.** By 1995, evacuation times will be restored to 1987 levels using the 1987 Southwest Florida Regional Hurricane Plan Update as guidance; and by 2010, the clearance time portion of evacuation time will not exceed 18 hours.

**POLICY 79.1.1:** The county shall assess the impact of all new residential development upon the projected hurricane evacuation network and upon projected hurricane evacuation times, and shall require mitigation either through structural (on-site, off-site shelter) provisions or through non-structural methods or techniques.

**Response:** **Proposed request is consistent with the goal, objective and policies referenced. The site is within a storm surge area as indicated on the Storm Surge Map and may be requested to mitigate evacuation by cash payment of mitigation as consistent with previous approvals. However, this request is a redevelopment of existing residential units and will result in an overall net reduction of two units, thereby reducing current demand and should not be penalized for increasing property tax and reducing impacts through redevelopment.**

**OBJECTIVE 79.2: SHELTER.** By 2010, adequate shelter space will be available for the population in the Hurricane Vulnerability Zone at risk under a Category 3 storm.

**POLICY 79.2.1:** The percentage rate of the evacuation population to be used as the basis for in-county and on-site shelter demand shall be twenty-one (21) percent of the population at risk in the Hurricane Vulnerability Zone under a Category 3 storm hazard scenario except for those developments with Lee County approved Hurricane Management Plans. This rate shall also be the target shelter capacity for a program to provide an emergency shelter supply within Lee County by the year 2010. (Amended by Ordinance No. 92-35)

**Response:** **Proposed request is consistent with the goal, objective and policies referenced. The site is within a storm surge area as indicated on the Storm Surge Map and may be requested to mitigate shelter space by cash payment of mitigation as consistent with previous approvals. However, this request is a redevelopment of existing residential units and will result in an overall net reduction of two units, thereby reducing current demand and should not be penalized for increasing property tax and reducing impacts through redevelopment.**

**POLICY 79.2.2:** By 1995, the county will implement a program designed to meet the level of service in Policy 79.2.1 by 2010. Components of this program may include:

1. Funding of the All-Hazards MSTU;

2. An impact fee or fee in lieu for new residential developments, with appropriate credits for the construction of on-site shelters outside of category 1 areas;

3. Mandatory on-site shelters for new residential developments (including mobile home and recreational vehicle parks) over a specified size threshold and outside Category 1 areas of the Hurricane Vulnerability Zone; and

**Response:** **Proposed request is consistent with the goal, objective and policies referenced. Funding of the All-Hazards MSTU is generated through property taxes, which this project will generate a substantial amount relative to the small number of residents who will benefit from such taxation. In addition, the site and may be requested to mitigate shelter space by cash payment of mitigation as consistent with previous approvals. However, this request is a redevelopment of existing residential units and will result in an overall net reduction of two units, thereby reducing current demand and should not be penalized for increasing property tax and reducing impacts through redevelopment.**

**GOAL 80: HAZARD MITIGATION.** To provide through county plans, programs, and regulations means to minimize future property losses from natural disasters such as flooding, tropical storms and hurricanes. (See also Goal 75.)

**OBJECTIVE 80.1: DEVELOPMENT REGULATIONS.** By 1995, all development regulations shall be reviewed and revised to require that the vulnerability of future development in the A-Zone (as defined by the Federal Emergency Management Agency) be reduced.

**POLICY 80.1.1:** Regulations and incentives will be examined for additional setbacks in critical erosion areas, conservation and enhancement of dunes and vegetation, floodproofing of utilities, and appropriate requirements for structural wind resistance and floodplain management.

**POLICY 80.1.2:** The county shall not permit new or expanded mobile home or recreational vehicle development on barrier islands or in V-Zones as defined by the Federal Emergency Management Agency.

**POLICY 80.1.3:** By 1995, all new residential development of more than 50 units shall be required to provide continuing information to residents concerning hurricane evacuation and shelters, through the establishment of a homeowners' or residents' association.

**POLICY 80.1.4:** By 1995, all new residential development of more than l00 units shall be required to formulate an emergency hurricane preparedness plan; this plan is subject to the approval of the county's Division of Emergency Management. (Amended by Ordinance No. 94-30)

**Response:** **Proposed request is consistent with the goal, objective and policies referenced. The design is well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements. Vulnerability is minimal with the increased windloads effective March 1, 2003 for this area, all building permits will be issued subsequent to the new regulations which include increased structural design constraints and window shutters among some of those change. No new seawalls are proposed. This site is not on a barrier island. This site is landward of the Coastal Construction Control Line. This site is within a "V" Zone. This site will not cause any coastal erosion or wave action which would hasten beach erosion because it is not near the beach area. This site is in an "A" Zone which places it in a Coastal Flood Hazard Zone. The design is elevated living areas above parking. Minimal amounts of fill is required with this design. The site will have less than 50 units and is not required to provide continuing information to residents concerning hurricane evacuation and shelters through the establishment of a homeowners' or residents' association. Also note, this request is a redevelopment of**

**existing residential units and will result in an overall net reduction of two units, thereby reducing current.**

**GOAL 81: POST-DISASTER REDEVELOPMENT.** To provide for planning and decision-making to guide redevelopment during the response and recovery period following major emergencies, such as tropical storms and hurricanes.

**Response:** **This goal as referenced by Objective 2.8 provides direction to staff relating to post disaster construction.**

**GOAL 82: INTERGOVERNMENTAL COORDINATION.** To protect natural resource systems that cross governmental boundaries through intergovernmental coordination.

**Response:** **Goals 81 and 82 provide staff direction and are not relative to this request.**

**GOAL 83: COASTAL PLANNING AREAS.** To conserve, maintain, and enhance the natural balance of ecological functions in the coastal planning area, with particular emphasis on the protection of beach and dune systems so as to retain their contribution to storm protection, natural resources, and economic development. (Amended by Ordinance No. 94-30)

**OBJECTIVE 83.1: COASTAL PLANNING AREA IN GENERAL.** Lee County shall manage the coastal planning area to provide a balance among conservation of resources, public safety capabilities, and development. (Amended by Ordinance No. 94-30)

**OBJECTIVE 83.2: SHORELINE STABILIZING SYSTEMS.** Lee County shall continue to encourage the construction of environmentally compatible shoreline stabilizing systems where stabilizing systems are needed.

**OBJECTIVE 83.3: BEACH AND DUNE SYSTEMS.** Lee County will continue to implement a beach preservation and management plan through the Lee County Coastal Advisory Council or successor agency. (Amended by Ordinance No. 98-09)

**Response:** **Goal 83 provides for coastal planning to protect shoreline and dune systems and is not relative to this request**

**GOAL 84: WETLANDS.** To maintain and enforce a regulatory program for development in wetlands that is cost-effective, complements federal and state permitting processes, and protects the fragile ecological characteristics of wetland systems.

**OBJECTIVE 84.1:** The natural functions of wetlands and wetland systems shall be protected and conserved through the enforcement of the county's wetland protection regulations and the goals, objectives, and policies in this plan. "Wetlands" include all of those lands, whether shown on the Future Land Use Map or not, that are identified as wetlands in accordance with F.S. 373.019(17) through the use of the unified state delineation methodology described in FAC Chapter 17-340, as ratified and amended by F.S. 373.4211.

**POLICY 84.1.1:** Development in wetlands shall be limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in the Wetlands category is one unit per 20 acres, except that one single family residence will be permitted on lots meeting the standards in Chapter XIII of this plan, and except that owners of wetlands adjacent to Intensive Development, Central Urban,

Urban Community, Suburban, and Outlying Suburban areas may transfer densities to developable contiguous uplands under common ownership in accordance with Footnotes 9b and 9c of Table 1(a), Summary of Residential Densities.

**Response:** **This request is a redevelopment of existing residential units and will result in an overall net reduction of two units. There are no wetlands on this site.**

**GOAL 87: WATER RESOURCES.** To conserve, manage, and protect the natural hydrologic system of Lee County to insure continued water resource availability. (Amended by Ordinance No. 94-30)

**OBJECTIVE 87.1: WATER SUPPLIES.** Insure water supplies of sufficient quantity and quality to meet the present and projected demands of all consumers and the environment, based on the capacity of the natural systems.

**POLICY 87.1.1:** Natural water system features which are essential for retention, detention, purification, runoff, recharge, and maintenance of stream flows and groundwater levels shall be identified, protected, and managed.

**POLICY 87.1.2:** The county shall recognize and encourage water and wastewater management, provided that such management does not exceed the natural assimilative capacity of the environment or applicable health standards. Appropriate water and wastewater management includes, but is not limited to, aquifer recharge, dual water systems, use of low volume irrigation systems, use of water-conserving vegetation, and other conservation and recycling techniques.

**POLICY 87.1.3:** Freshwater resources shall be managed in order to maintain adequate freshwater supplies during dry periods and to conserve water.

**POLICY 87.1.4:** Development designs shall provide for maintaining surface water flows, groundwater levels, and lake levels at or above existing conditions.

**Response:** **Proposed request is consistent with the goal, objective and policies referenced. Natural water system features have been incorporated into the design of retention, detention, purification, runoff, recharge, and maintenance of stream flows. Potable water and wastewater management systems have been designed to protect aquifer recharge, use of low volume irrigation systems, use of water-conserving vegetation, and other conservation. No dual water systems are available to the area. Freshwater resources shall be managed in order to maintain adequate freshwater supplies during dry periods and to conserve water. All development will occur in uplands area previously impacted. This request is a redevelopment of existing residential units and will result in an overall net reduction of two units.**

# SURVEY PLAT

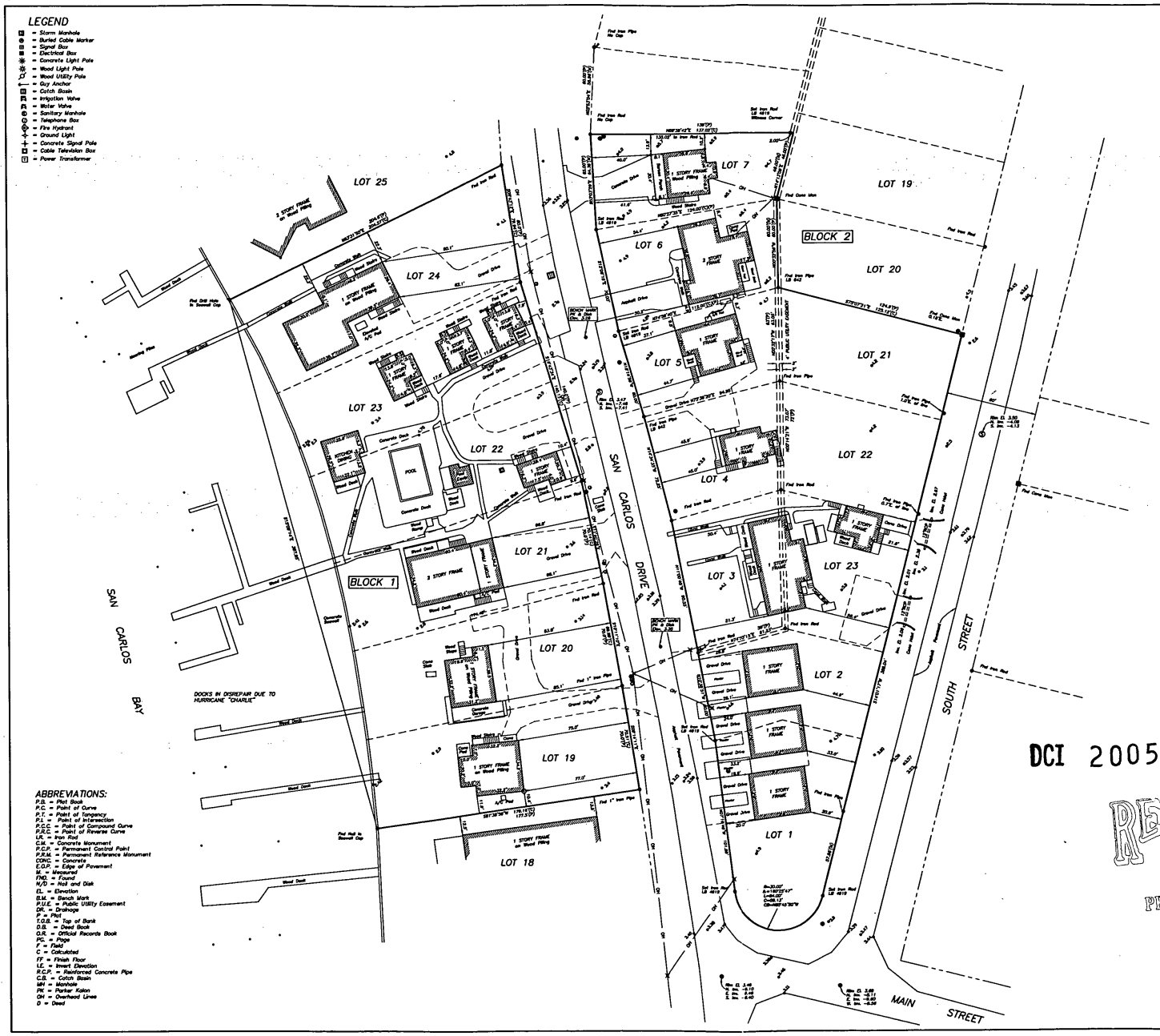
OF

A PARCEL OF LAND

LYING IN

SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST

LEE COUNTY, FLORIDA




0' 30' 60' 90'

N

## DESCRIPTION:

Lots19 through 24, Block 1, and Lots 1 through 7 and 21 through 23, Block 2 of San Carlos on the Gulf as recorded in Plat Book 6 at Page 6 of the Public Records of Lee County, lying in Section 24, Township 46 South, Range 24 East, Lee County, Florida.

## NOTES:

Survey based on plat of San Carlos on the Gulf (Plat Book 6, Page 6), previous surveys by this firm and field located monumentation.

Bearings based on assumed datum with the south line of Lot 19, Block 1 to bear N81°38'59"E.

Dimensions are in feet and decimal parts thereof.

Elevations are based on N.G.V.D. of 1929 and U.S.C.&G.S. Benchmark E-245.

Parcel subject to Easements, Restrictions, Reservations and Rights- of-Way (Recorded and Unrecorded, Written and Unwritten).

Parcel lies in Flood Zone V18, Base Flood Elevation of +15, +17 & +18, A10, Base Flood Elevation of +13 & + 14. This information taken from Flood Insurance Rate Map 125124 0429 D, effective date 9-20-96 (Index dated 5-05-03).

The F.E.M.A. Flood Zone information indicated hereon is based on maps supplied by the Federal Government. This flood information must be verified with all permitting regulatory entities prior to commencing any work or application dependent on said flood information.

Iron rods "set" are 5/8" x 18" rebar with yellow cap bearing corporation No. LB4919.

Underground improvements, utilities and/or foundations were not located unless otherwise noted.

Wetlands, if any, were not located.

This plat prepared as a Boundary Survey and is not intended to delineate the jurisdiction or jurisdictional areas of any federal, state, regional or local agency, board, commission or other entity.

Parcel contains 3.28 acres more or less.

The property is subject to any claim that any part of said land is owned by the state of florida by right of sovereignty, riparian rights and the title to filled-in lands, if any.

Date of last field work: 9-26-05.

Survey meets or exceeds the accuracy standards of an Urban Survey (1:10,000).

## ABBREVIATIONS:

P.B. = Plat Book
P.C. = Point of Curve
P.T. = Point of Tangency
P.I. = Point of Intersection
P.C.C. = Point of Compound Curve
P.R.C. = Point of Reverse Curve
I.R. = Iron Rod
C.M. = Concrete Monument
P.C.P. = Permanent Control Point
P.R.M. = Permanent Reference Monument
CONC. = Concrete
E.O.P. = Edge of Pavement
M. = Measured
FND. = Found
N/D = Nail and Disk
EL. = Elevation
B.M. = Bench Mark
P.U.E. = Public Utility Easement
DR. = Drainage
P. = Plat
T.O.B. = Top of Bank
D.B. = Deed Book
O.R. = Official Records Book
PG. = Page
F. = Field
C. = Calculated
FF = Finish Floor
I.E. = Invert Elevation
R.C.P. = Reinforced Concrete Pipe
C.B. = Catch Basin
MH = Manhole
PK = Parker Kalon
OH = Overhead Lines
D = Deed

DCI 2005-00026

RECEIVED
NOV 18 2005
PERMIT COUNTER

CERTIFIED TO:
Orion Bach and/or its assigns
Hecker Harbor Inn, LLC
Fidelity National Title Insurance
Richard W. Pringle, P.A.

*Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper

BEAN, WHITAKER, LUTZ & KAREH, INC.

WILLIAM E. BEAN (FOR THE FIRM)
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATE NO. 3781

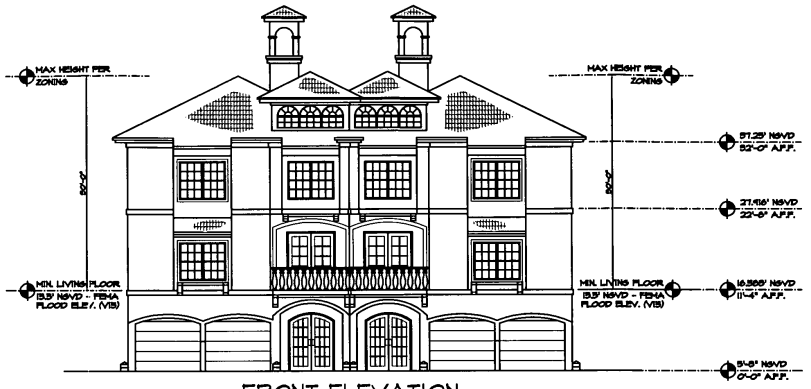
- This certification is only for the lands described hereon.
- It is not a certification of Title, Zoning, Setbacks, or Freedom of Encumbrances.
- This Survey was prepared without benefit of Abstract of Title and all matter of Title should be referred to an Attorney at Law.

10-04-05


Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)
CIVIL ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS
13041-1 McGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919-5910 (239) 481-1331


SR35873.DWG

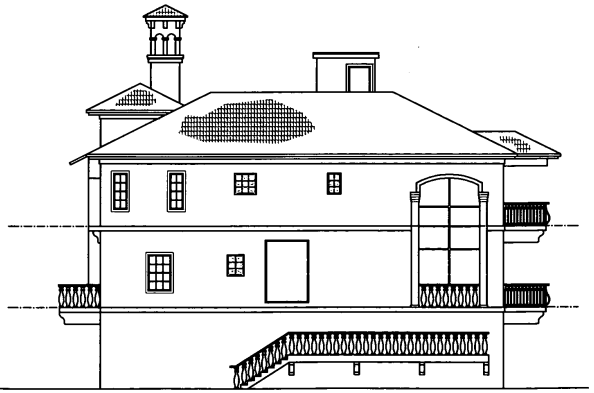
| DATE | PROJECT NO. | DRAWN BY | SCALE | SHEET | FILE NO. (S-T-R) |
|---|---|---|---|---|---|
| 9-26-05 | 35873 | WBP | 1"= 30' | 1 OF 1 | 24-46-23 |



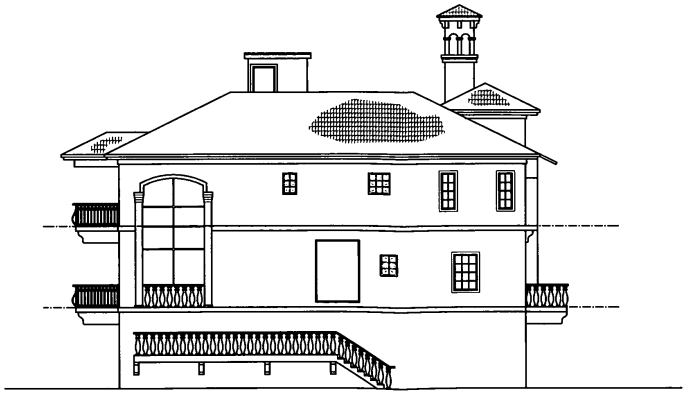

FRONT ELEVATION



REAR ELEVATION



RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION

RECEIVED
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DCI 2005-00026

DAVID I. GRIST, AIA ARCHITECT, INC.
289 Richmond Ave. South, Lehigh Acres, Fl 33936
Tel. 941-369-6665 FL Arch. Reg. No. AR 0016426

APPROVED
ROBERT W. CASE
FLORIDA P.E. #44643

Construction Engineering Real Estate Surveying
Land Investment Services, Inc.
An Integrated Development Corporation
2040 Clarke Avenue
Ft. Myers, Fla. 33905
Phone: (941)693-9044
Facsimile: (941)693-9525

Harbor Watch BUILDING

EXTERIOR ELEVATIONS

SCALE: 1/8"=1'-0"
DATE: JANUARY 14, 2005
SHEET A1

HW01-B

# HARBOR WATCH RPD

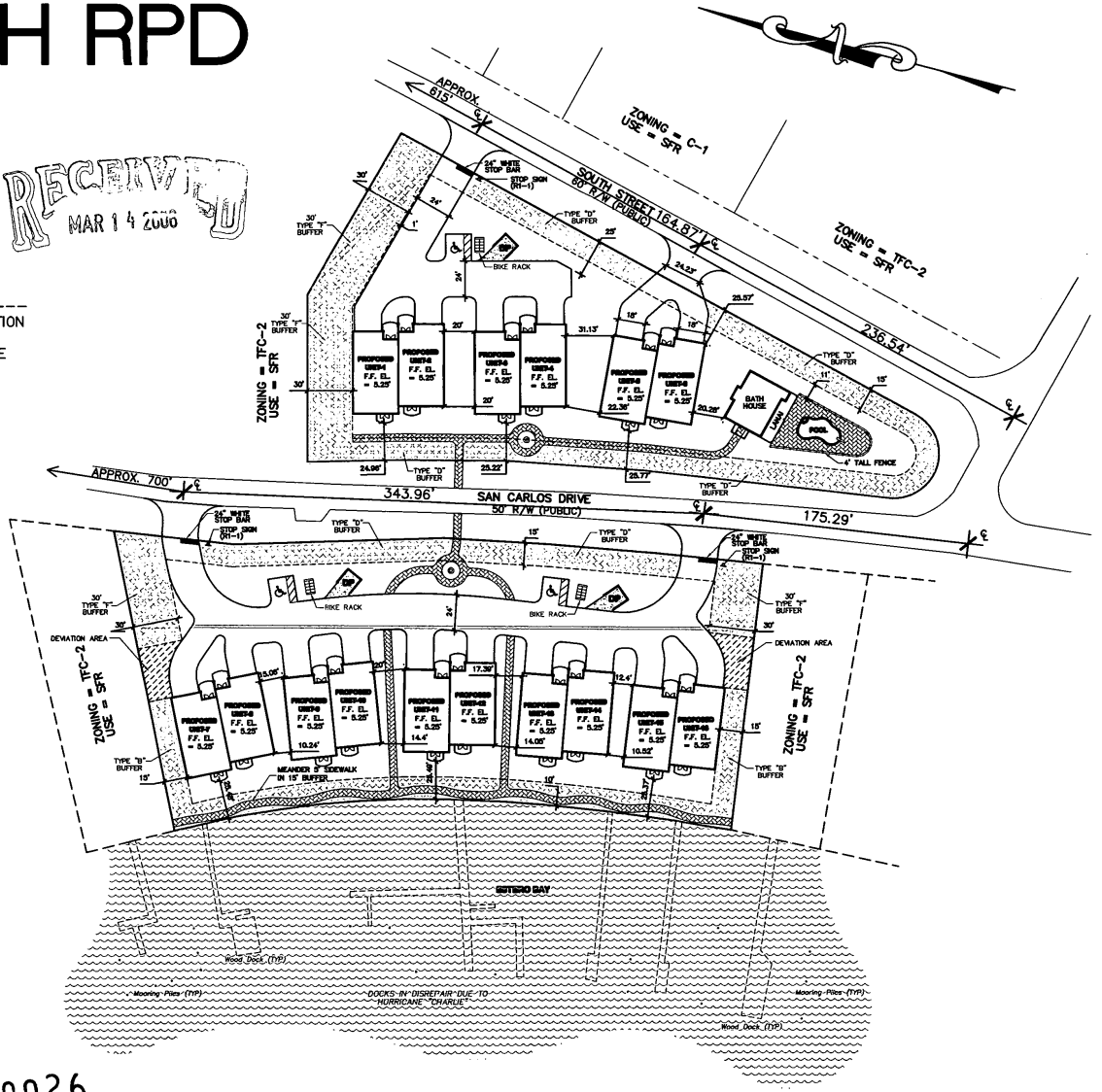
## SEC 24, TWP 46 S., RGE 24 E.

### 819 SAN CARLOS DR
### FORT MYERS BEACH, FLORIDA 33931

RECEIVED
MAR 14 2006

NOTES:

1. THE PROPOSED BUILDINGS ARE TWO HABITABLE STORIES ABOVE FLOOD ELEVATION WITH ALL BUILDINGS OF UNIFORM HEIGHT AND APPEARANCE. GROUND FLOOR AREAS WILL BE AIR CONDITIONED STORAGE, NON-HABITABLE. FIRST HABITABLE FLOOR ELEVATION WILL BE APPROXIMATELY 16.583 NVGD. STRUCTURE HEIGHT LIMITED TO 35' ABOVE MINIMUM FEMA BASE FLOOD ELEVATION, OR APPROXIMATELY 51' NVGD.
2. SCHEDULE OF DEVIATIONS: PLEASE SEE APPROVED RESOLUTION.
3. OPEN SPACE REQUIRED
   Site Area = 128,054 sf (Site Area) x 40% = 51,222 sf
   Open Space Provided = 67,167 sf




ENGINEER: Robert W. Case, P.E.
Land Investment Services, Inc.
2040 Clarke Avenue
Fort Myers, FL 33905
Tel: (239) 693-9244
Fax: (239) 693-9828

PLANNER: Patrick C. Hunt
8363 Caloosa Road
Fort Myers, FL 33912
Tel: (239) 267-5900
Fax: (239) 267-5933

OWNER: Hidden Harbor Inn, LLC
819 San Carlos Dr
Fort Myers Beach, FL 33931

DCI 2005-00026

CERTIFICATION:
I, the undersigned, hereby certify that the map is correct, and shown to the best of my knowledge and belief, in accordance with the requirements of this Land Development Code.

APPROVED
3/13/06
ROBERT W. CASE
FLORIDA P.E. #44643
VALID ONLY WITH EMBOSSED SEAL

Civil Structural Electrical Mechanical
Land Investment Services, P.A.
Residential and Commercial Engineering
21430 Palm Beach Blvd.
Alva, Fla. 33920
Phone: (239) 693-9244
facsimile: (239) 693-9828

| | |
|---|---|
| PLAN TYPE | MASTER CONCEPT PLAN #5 |
| SCALE: | 1"=80' |
| DATE: | MAR 13, 2005 |
| SHEET | 1 OF 1 |
| PROJECT # | HH01 |

RECEIVED
MAR 10 2005
PERMIT COUNTER

DCI2005-00026

March 10, 2005

# TRAFFIC IMPACT STATEMENT

## FOR

## HIDDEN HARBOR

### ITE LAND USE CODE:

### 233

March 10, 2005

## INTRODUCTION

This analysis is for a project identified as "Hidden Harbor" and which is located adjacent to the intersection of San Carlos Drive and South Street, San Carlos Island, Lee County, Florida. The project consists of the construction of 18 new 5203 square foot luxury condominium/townhouse structures. These units will be constructed as (2) 5 unit and (1) 8 unit building. The project also consists of the demolition of (10) single family and mulit-family building structures, consisting of 20 dwelling units. The project also consists of the removal of 12 driveways along San Carlos Drive and 2 driveways along South Street. We are proposing (2) full driveways along San Carlos Drive and (1) along South Street. The proposed use is "Luxury Condominium/Townhouse" ITE Land Use Code 233.

## TRIP GENERATION RATES & EQUATIONS

Trip generation rates and equation printouts for the uses identified above are provided as Exhibit's "A-1 thru A-4" (Building A), "B-1 thru B4" (Building B), "C1 thru C4" (Building C), and "D1 thru D4" (Existing Structures). The worst case scenario for peak hour trips is the weekday AM of 7 entering and weekday AM of 7 exiting, using the "rates" printout.. These printouts are based on the latest Edition of Microtrans and 7th Edition of the Trip Generation Manual utilized for the Level of Service.

## DIRECTIONAL SPLITS

The directional splits have been determined by showing the (3) access driveways and dividing equally between the north and southbound direction. Please see Exhibits "E1 and E2".

## LEVEL OF SERVICE

The resuction in peak hour turning movements reflected by the analysis would clearly be reflected by a reduction in the level of service on San Carlos Blvd. Please see Exhibit "E3".

## TURN LANE ANALYSIS

ITE rates and equations have been utilized in this analysis, copies of these results are included as Exhibit's "A-1 thru A-8". This project accesses Park Road, which is identified as a "Collector" roadway. Four full access driveway's are proposed on Park Road.

IV. DECELERATION AND LEFT TURN LANES

As defined in section III. A 1 and 2 .a, a deceleration and left turn lane will be required when any two (2) or more of the following warrants are satisfied:

C. Local Streets **(San Carlos Drive)**

1. Posted speed limit on the local street is equal to or greater than thirty (30) mph and the peak hour left turning movements is sixty (60) or more as conditioned herein.

**The posted speed limit on San Carlos Drive is 30 mph.**

2. Number of left turning movements

(a) On multi lane facilities the number of left turning vehicles from the local street exceeds one hundred (100) during either A.M. or P.M. peak hour of the local street.

**N/A**

(b) On two (2) lane facilities the number of left turning vehicles from the local street exceeds sixty (60) during either the A.M. or P.M. peak hour of the local street and the opposing through traffic volume exceeds five hundred (500) vehicles during either the A.M. or P.M. peak hour of the local street.

**The highest peak hour left turning movements is 1 during the weekday A.M.**

3. Available Site Distance for left turning vehicles to observe approaching traffic or for approaching traffic moving in either direction to observe the left turning vehicle is less than the value shown in Table A-1 for the posted speed limit of the local street.

**The available sight distance is in excess of 200'.**

5. Traffic Control of the intersecting street or access point connection is a traffic signal.

**This access point is not controlled by a traffic signal.**

D. Separate left turn lanes are required on an intersecting street or access point connection when any two (2) or more of the following warrants are satisfied.

3. Intersection/Connection to Local Street **(San Carlos Drive)**

(a) Posted speed limit of the intersecting street or access point connection is equal to or greater than thirty (30) mph.

**The posted speed limit is 30 mph.**

(b) Number of left turning vehicles from the intersecting street or access point connection is equal to or greater than ninety (90) vehicles during either the A.M. or P.M. peak period of the local street.

**The highest number of peak hour left turning movements is 1 during the weekday P.M.**

Traffic Control of the intersecting street or access point connection is a traffic signal.

**The intersecting access point is not controlled by a traffic signal.**

V. DECELERATION AND RIGHT TURN LANES

As defined in Section III. A. 1 and 2. b., a deceleration and right turn will be required when any two (2) or more of the following warrants are satisfied.

C. Local Street **(San Carlos Drive)**

1. Posted speed limit of the local street is equal to or greater than thirty (30) mph.

**The posted speed limit is 30 mph.**

2. Number of right turning movements from the local street is equal to or greater than sixty (60) during either the A.M. or P.M. peak hour of the local street.

**The highest number of right turning movement is 1 during the weekday P.M. peak hour.**

3. Available Sight Distance for a right turning vehicle to be seen through traffic traveling in the same direction is less than the value shown in Table A-1 for the posted speed limit of the local street.

**The available sight distance is in excess of 200'.**

4. Traffic Control of the intersecting street or access point connection is a traffic signal.

**This access point is not controlled by a traffic signal.**

D. Separate Right Turn Lanes are required on an intersecting street or access point connection when any two (2) or more of the following warrants are satisfied: Separate right turn lanes will not be required if the street being intersected or connected to is operating at Level of Service "C" or better on a peak season, peak hour basis.

3. Intersection/Connection to Local Street **(San Carlos Drive)**

(a) Posted speed limit of the intersecting street or access point connection is equal to or greater than thirty (30) mph.

**The posted speed limit is 30 mph.**

(b) Number of right turning movements from the intersecting street or access point connection is equal to or greater than one hundred and twenty (120) during either the A.M. or P.M. peak hour of the local street.

**The highest number of right turning movement is 1 during the weekday P.M. peak hour.**

(c) Traffic Control of the intersecting street or access point connection is a traffic signal.

**This access point is not controlled by a traffic signal.**

IV. DECELERATION AND LEFT TURN LANES

As defined in section III. A 1 and 2 .a, a deceleration and left turn lane will be required when any two (2) or more of the following warrants are satisfied:

C. Local Streets **(South Street)**

1. Posted speed limit on the local street is equal to or greater than thirty (30) mph and the peak hour left turning movements is sixty (60) or more as conditioned herein.

**The posted speed limit on South Street is 30 mph.**

2. Number of left turning movements

(a) On multi lane facilities the number of left turning vehicles from the local street exceeds one hundred (100) during either A.M. or P.M. peak hour of the local street.

**N/A**

(b) On two (2) lane facilities the number of left turning vehicles from the local street exceeds sixty (60) during either the A.M. or P.M. peak hour of the local street and the opposing through traffic volume exceeds five hundred (500) vehicles during either the A.M. or P.M. peak hour of the local street.

**The highest peak hour left turning movements is 2 during the weekday A.M.**

3. Available Site Distance for left turning vehicles to observe approaching traffic or for approaching traffic moving in either direction to observe the left turning vehicle is less than the value shown in Table A-1 for the posted speed limit of the local street.

**The available sight distance is in excess of 200'.**

5. Traffic Control of the intersecting street or access point connection is a traffic signal.

**This access point is not controlled by a traffic signal.**

D. Separate left turn lanes are required on an intersecting street or access point connection when any two (2) or more of the following warrants are satisfied.

3. Intersection/Connection to Local Street **(South Street)**

(a) Posted speed limit of the intersecting street or access point connection is equal to or greater than thirty (30) mph.

**The posted speed limit is 30 mph.**

(b) Number of left turning vehicles from the intersecting street or access point connection is equal to or greater than ninety (90) vehicles during either the A.M. or P.M. peak period of the local street.

**The highest number of peak hour left turning movements is 1 during the weekday P.M.**

Traffic Control of the intersecting street or access point connection is a traffic signal.

**The intersecting access point is not controlled by a traffic signal.**

V. DECELERATION AND RIGHT TURN LANES

As defined in Section III. A. 1 and 2. b., a deceleration and right turn will be required when any two (2) or more of the following warrants are satisfied.

C. Local Street **(South Street)**

1. Posted speed limit of the local street is equal to or greater than thirty (30) mph.

**The posted speed limit is 30 mph.**

2. Number of right turning movements from the local street is equal to or greater than sixty (60) during either the A.M. or P.M. peak hour of the local street.

**The highest number of right turning movement is 1 during the weekday P.M. peak hour.**

3. Available Sight Distance for a right turning vehicle to be seen through traffic traveling in the same direction is less than the value shown in Table A-1 for the posted speed limit of the local street.

**The available sight distance is in excess of 200'.**

4. Traffic Control of the intersecting street or access point connection is a traffic signal.

**This access point is not controlled by a traffic signal.**

D. Separate Right Turn Lanes are required on an intersecting street or access point connection when any two (2) or more of the following warrants are satisfied: Separate right turn lanes will not be required if the street being intersected or connected to is operating at Level of Service "C" or better on a peak season, peak hour basis.

3. Intersection/Connection to Local Street **(South Street)**

(a) Posted speed limit of the intersecting street or access point connection is equal to or greater than thirty (30) mph.

**The posted speed limit is 30 mph.**

(b) Number of right turning movements from the intersecting street or access point connection is equal to or greater than one hundred and twenty (120) during either the A.M. or P.M. peak hour of the local street.

**The highest number of right turning movement is 2 during the weekday P.M. peak hour.**

(c) Traffic Control of the intersecting street or access point connection is a traffic signal.

**This access point is not controlled by a traffic signal.**

In summary, no additional turn lanes are required because in no case are two or more warrants met.

EXHIBIT "A-1"

Hidden Harbor Building "A"
Summary of Trip Generation Calculation
For 5 Occupied Dwelling Units of Luxury Residential Condo / Townhouse
March 10, 2005

| | Average Rate | Standard Deviation | Adjustment Factor | Driveway Volume |
|---|---|---|---|---|
| Avg. Weekday 2-Way Volume | 0.00 | 0.00 | 1.00 | 0 |
| 7-9 AM Peak Hour Enter | 0.27 | 0.00 | 1.00 | 1 |
| 7-9 AM Peak Hour Exit | 0.90 | 0.00 | 1.00 | 4 |
| 7-9 AM Peak Hour Total | 1.17 | 0.00 | 1.00 | 6 |
| 4-6 PM Peak Hour Enter | -2.71 | 0.00 | 1.00 | -14 |
| 4-6 PM Peak Hour Exit | -1.59 | 0.00 | 1.00 | -8 |
| 4-6 PM Peak Hour Total | -4.30 | 0.00 | 1.00 | -21 |
| Saturday 2-Way Volume | 0.00 | 0.00 | 1.00 | 0 |
| Saturday Peak Hour Enter | 0.00 | 0.00 | 1.00 | 0 |
| Saturday Peak Hour Exit | 0.00 | 0.00 | 1.00 | 0 |
| Saturday Peak Hour Total | 0.00 | 0.00 | 1.00 | 0 |

Note: A zero indicates no data available.
The above rates were calculated from these equations:

| | |
|---|---|
| 24-Hr. 2-Way Volume: | 0, R^2 = 0 |
| 7-9 AM Peak Hr. Total: | LN(T) = .76LN(X) + .54 |
| | R^2 = 0.93 , 0.23 Enter, 0.77 Exit |
| 4-6 PM Peak Hr. Total: | T = .78(X) + -25.38 |
| | R^2 = 0.99 , 0.63 Enter, 0.37 Exit |
| AM Gen Pk Hr. Total: | T = .71(X) + -6.31 |
| | R^2 = 0.98 , 0.32 Enter, 0.68 Exit |
| PM Gen Pk Hr. Total: | LN(T) = 1.22LN(X) + -1.46 |
| | R^2 = 0.98 , 0.6 Enter, 0.4 Exit |
| Sat. 2-Way Volume: | 0, R^2 = 0 |
| Sat. Pk Hr. Total: | 0 |
| | R^2 = 0 , 0 Enter, 0 Exit |
| Sun. 2-Way Volume: | 0, R^2 = 0 |
| Sun. Pk Hr. Total: | 0 |
| | R^2 = 0 , 0 Enter, 0 Exit |

Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

EQUATIONS

EXHIBIT "A-2"

Hidden Harbor Building "A"
Summary of Average Vehicle Trip Generation
For 5 Occupied Dwelling Units of Luxury Residential Condo / Townhouse
March 10, 2005

| | 24 Hour Two-Way Volume | 7-9 AM Pk Hour Enter | 7-9 AM Pk Hour Exit | 4-6 PM Pk Hour Enter | 4-6 PM Pk Hour Exit |
|---|---|---|---|---|---|
| Average Weekday | 0 | 1 | 4 | -14 | -8 |

| | 24 hour Two-Way Volume | Peak Hour Enter | Peak Hour Exit |
|---|---|---|---|
| Saturday | 0 | 0 | 0 |
| Sunday | 0 | 0 | 0 |

Note: A zero indicates no data available.
The above rates were calculated from these equations:

| | |
|---|---|
| 24-Hr. 2-Way Volume: | 0, R^2 = 0 |
| 7-9 AM Peak Hr. Total: | LN(T) = .76LN(X) + .54 |
| | R^2 = 0.93 , 0.23 Enter, 0.77 Exit |
| 4-6 PM Peak Hr. Total: | T = .78(X) + -25.38 |
| | R^2 = 0.99 , 0.63 Enter, 0.37 Exit |
| AM Gen Pk Hr. Total: | T = .71(X) + -6.31 |
| | R^2 = 0.98 , 0.32 Enter, 0.68 Exit |
| PM Gen Pk Hr. Total: | LN(T) = 1.22LN(X) + -1.46 |
| | R^2 = 0.98 , 0.6 Enter, 0.4 Exit |
| Sat. 2-Way Volume: | 0, R^2 = 0 |
| Sat. Pk Hr. Total: | 0 |
| | R^2 = 0 , 0 Enter, 0 Exit |
| Sun. 2-Way Volume: | 0, R^2 = 0 |
| Sun. Pk Hr. Total: | 0 |
| | R^2 = 0 , 0 Enter, 0 Exit |

Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

EQUATIONS

EXHIBIT "A-3"

Hidden Harbor Building "A"
Summary of Trip Generation Calculation
For 5 Occupied Dwelling Units of Luxury Residential Condo / Townhouse
March 10, 2005

| | Average Rate | Standard Deviation | Adjustment Factor | Driveway Volume |
|---|---|---|---|---|
| Avg. Weekday 2-Way Volume | 0.00 | 0.00 | 1.00 | 0 |
| 7-9 AM Peak Hour Enter | 0.13 | 0.00 | 1.00 | 1 |
| 7-9 AM Peak Hour Exit | 0.43 | 0.00 | 1.00 | 2 |
| 7-9 AM Peak Hour Total | 0.56 | 0.75 | 1.00 | 3 |
| 4-6 PM Peak Hour Enter | 0.35 | 0.00 | 1.00 | 2 |
| 4-6 PM Peak Hour Exit | 0.20 | 0.00 | 1.00 | 1 |
| 4-6 PM Peak Hour Total | 0.55 | 0.74 | 1.00 | 3 |
| Saturday 2-Way Volume | 0.00 | 0.00 | 1.00 | 0 |
| Saturday Peak Hour Enter | 0.00 | 0.00 | 1.00 | 0 |
| Saturday Peak Hour Exit | 0.00 | 0.00 | 1.00 | 0 |
| Saturday Peak Hour Total | 0.00 | 0.00 | 1.00 | 0 |

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

RATES

EXHIBIT "A-4"

Hidden Harbor Building "A"
Summary of Average Vehicle Trip Generation
For 5 Occupied Dwelling Units of Luxury Residential Condo / Townhouse
March 10, 2005

| | 24 Hour Two-Way Volume | 7-9 AM Pk Hour | | 4-6 PM Pk Hour | |
|---|---|---|---|---|---|
| | | Enter | Exit | Enter | Exit |
| Average Weekday | 0 | 1 | 2 | 2 | 1 |

| | 24 hour Two-Way Volume | Peak Hour | |
|---|---|---|---|
| | | Enter | Exit |
| Saturday | 0 | 0 | 0 |
| Sunday | 0 | 0 | 0 |

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

RATES

EXHIBIT "B-1"

Hidden Harbor Building "B"
Summary of Trip Generation Calculation
For 5 Occupied Dwelling Units of Luxury Residential Condo / Townhouse
March 10, 2005

| | Average Rate | Standard Deviation | Adjustment Factor | Driveway Volume |
|---|---|---|---|---|
| Avg. Weekday 2-Way Volume | 0.00 | 0.00 | 1.00 | 0 |
| 7-9 AM Peak Hour Enter | 0.27 | 0.00 | 1.00 | 1 |
| 7-9 AM Peak Hour Exit | 0.90 | 0.00 | 1.00 | 4 |
| 7-9 AM Peak Hour Total | 1.17 | 0.00 | 1.00 | 6 |
| 4-6 PM Peak Hour Enter | -2.71 | 0.00 | 1.00 | -14 |
| 4-6 PM Peak Hour Exit | -1.59 | 0.00 | 1.00 | -8 |
| 4-6 PM Peak Hour Total | -4.30 | 0.00 | 1.00 | -21 |
| Saturday 2-Way Volume | 0.00 | 0.00 | 1.00 | 0 |
| Saturday Peak Hour Enter | 0.00 | 0.00 | 1.00 | 0 |
| Saturday Peak Hour Exit | 0.00 | 0.00 | 1.00 | 0 |
| Saturday Peak Hour Total | 0.00 | 0.00 | 1.00 | 0 |

Note: A zero indicates no data available.
The above rates were calculated from these equations:

| | |
|---|---|
| 24-Hr. 2-Way Volume: | 0, R^2 = 0 |
| 7-9 AM Peak Hr. Total: | LN(T) = .76LN(X) + .54 |
| | R^2 = 0.93 , 0.23 Enter, 0.77 Exit |
| 4-6 PM Peak Hr. Total: | T = .78(X) + -25.38 |
| | R^2 = 0.99 , 0.63 Enter, 0.37 Exit |
| AM Gen Pk Hr. Total: | T = .71(X) + -6.31 |
| | R^2 = 0.98 , 0.32 Enter, 0.68 Exit |
| PM Gen Pk Hr. Total: | LN(T) = 1.22LN(X) + -1.46 |
| | R^2 = 0.98 , 0.6 Enter, 0.4 Exit |
| Sat. 2-Way Volume: | 0, R^2 = 0 |
| Sat. Pk Hr. Total: | 0 |
| | R^2 = 0 , 0 Enter, 0 Exit |
| Sun. 2-Way Volume: | 0, R^2 = 0 |
| Sun. Pk Hr. Total: | 0 |
| | R^2 = 0 , 0 Enter, 0 Exit |

Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

EQUATIONS

EXHIBIT "B-2"

Hidden Harbor Building "B"
Summary of Average Vehicle Trip Generation
For 5 Occupied Dwelling Units of Luxury Residential Condo / Townhouse
March 10, 2005

| | 24 Hour Two-Way Volume | 7-9 AM Pk Hour Enter | 7-9 AM Pk Hour Exit | 4-6 PM Pk Hour Enter | 4-6 PM Pk Hour Exit |
|---|---|---|---|---|---|
| Average Weekday | 0 | 1 | 4 | -14 | -8 |

| | 24 hour Two-Way Volume | Peak Hour Enter | Peak Hour Exit |
|---|---|---|---|
| Saturday | 0 | 0 | 0 |
| Sunday | 0 | 0 | 0 |

Note: A zero indicates no data available.
The above rates were calculated from these equations:

| | |
|---|---|
| 24-Hr. 2-Way Volume: | 0, R^2 = 0 |
| 7-9 AM Peak Hr. Total: | LN(T) = .76LN(X) + .54 |
| | R^2 = 0.93 , 0.23 Enter, 0.77 Exit |
| 4-6 PM Peak Hr. Total: | T = .78(X) + -25.38 |
| | R^2 = 0.99 , 0.63 Enter, 0.37 Exit |
| AM Gen Pk Hr. Total: | T = .71(X) + -6.31 |
| | R^2 = 0.98 , 0.32 Enter, 0.68 Exit |
| PM Gen Pk Hr. Total: | LN(T) = 1.22LN(X) + -1.46 |
| | R^2 = 0.98 , 0.6 Enter, 0.4 Exit |
| Sat. 2-Way Volume: | 0, R^2 = 0 |
| Sat. Pk Hr. Total: | 0 |
| | R^2 = 0 , 0 Enter, 0 Exit |
| Sun. 2-Way Volume: | 0, R^2 = 0 |
| Sun. Pk Hr. Total: | 0 |
| | R^2 = 0 , 0 Enter, 0 Exit |

Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

EQUATIONS

EXHIBIT "B-3"

Hidden Harbor Building "B"
Summary of Trip Generation Calculation
For 5 Occupied Dwelling Units of Luxury Residential Condo / Townhouse
March 10, 2005

| | Average Rate | Standard Deviation | Adjustment Factor | Driveway Volume |
|---|---|---|---|---|
| Avg. Weekday 2-Way Volume | 0.00 | 0.00 | 1.00 | 0 |
| 7-9 AM Peak Hour Enter | 0.13 | 0.00 | 1.00 | 1 |
| 7-9 AM Peak Hour Exit | 0.43 | 0.00 | 1.00 | 2 |
| 7-9 AM Peak Hour Total | 0.56 | 0.75 | 1.00 | 3 |
| 4-6 PM Peak Hour Enter | 0.35 | 0.00 | 1.00 | 2 |
| 4-6 PM Peak Hour Exit | 0.20 | 0.00 | 1.00 | 1 |
| 4-6 PM Peak Hour Total | 0.55 | 0.74 | 1.00 | 3 |
| Saturday 2-Way Volume | 0.00 | 0.00 | 1.00 | 0 |
| Saturday Peak Hour Enter | 0.00 | 0.00 | 1.00 | 0 |
| Saturday Peak Hour Exit | 0.00 | 0.00 | 1.00 | 0 |
| Saturday Peak Hour Total | 0.00 | 0.00 | 1.00 | 0 |

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

RATES

EXHIBIT "B-4"

Hidden Harbor Building "B"
Summary of Average Vehicle Trip Generation
For 5 Occupied Dwelling Units of Luxury Residential Condo / Townhouse
March 10, 2005

| | 24 Hour Two-Way Volume | 7-9 AM Pk Hour | | 4-6 PM Pk Hour | |
|---|---|---|---|---|---|
| | | Enter | Exit | Enter | Exit |
| Average Weekday | 0 | 1 | 2 | 2 | 1 |

| | 24 hour Two-Way Volume | Peak Hour | |
|---|---|---|---|
| | | Enter | Exit |
| Saturday | 0 | 0 | 0 |
| Sunday | 0 | 0 | 0 |

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

RATES

EXHIBIT "C-1"

Hidden Harbor Building "C"
Summary of Trip Generation Calculation
For 8 Occupied Dwelling Units of Luxury Residential Condo / Townhouse
March 10, 2005

| | Average Rate | Standard Deviation | Adjustment Factor | Driveway Volume |
|---|---|---|---|---|
| Avg. Weekday 2-Way Volume | 0.00 | 0.00 | 1.00 | 0 |
| 7-9 AM Peak Hour Enter | 0.24 | 0.00 | 1.00 | 2 |
| 7-9 AM Peak Hour Exit | 0.80 | 0.00 | 1.00 | 6 |
| 7-9 AM Peak Hour Total | 1.04 | 0.00 | 1.00 | 8 |
| 4-6 PM Peak Hour Enter | -1.51 | 0.00 | 1.00 | -12 |
| 4-6 PM Peak Hour Exit | -0.89 | 0.00 | 1.00 | -7 |
| 4-6 PM Peak Hour Total | -2.39 | 0.00 | 1.00 | -19 |
| Saturday 2-Way Volume | 0.00 | 0.00 | 1.00 | 0 |
| Saturday Peak Hour Enter | 0.00 | 0.00 | 1.00 | 0 |
| Saturday Peak Hour Exit | 0.00 | 0.00 | 1.00 | 0 |
| Saturday Peak Hour Total | 0.00 | 0.00 | 1.00 | 0 |

Note: A zero indicates no data available.
The above rates were calculated from these equations:

| | |
|---|---|
| 24-Hr. 2-Way Volume: | 0, R^2 = 0 |
| 7-9 AM Peak Hr. Total: | LN(T) = .76LN(X) + .54 |
| | R^2 = 0.93 , 0.23 Enter, 0.77 Exit |
| 4-6 PM Peak Hr. Total: | T = .78(X) + -25.38 |
| | R^2 = 0.99 , 0.63 Enter, 0.37 Exit |
| AM Gen Pk Hr. Total: | T = .71(X) + -6.31 |
| | R^2 = 0.98 , 0.32 Enter, 0.68 Exit |
| PM Gen Pk Hr. Total: | LN(T) = 1.22LN(X) + -1.46 |
| | R^2 = 0.98 , 0.6 Enter, 0.4 Exit |
| Sat. 2-Way Volume: | 0, R^2 = 0 |
| Sat. Pk Hr. Total: | 0 |
| | R^2 = 0 , 0 Enter, 0 Exit |
| Sun. 2-Way Volume: | 0, R^2 = 0 |
| Sun. Pk Hr. Total: | 0 |
| | R^2 = 0 , 0 Enter, 0 Exit |

Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

EQUATIONS

EXHIBIT "C-2"

Hidden Harbor Building "C"
Summary of Average Vehicle Trip Generation
For 8 Occupied Dwelling Units of Luxury Residential Condo / Townhouse
March 10, 2005

| | 24 Hour Two-Way Volume | 7-9 AM Pk Hour Enter | 7-9 AM Pk Hour Exit | 4-6 PM Pk Hour Enter | 4-6 PM Pk Hour Exit |
|---|---|---|---|---|---|
| Average Weekday | 0 | 2 | 6 | -12 | -7 |

| | 24 hour Two-Way Volume | Peak Hour Enter | Peak Hour Exit |
|---|---|---|---|
| Saturday | 0 | 0 | 0 |
| Sunday | 0 | 0 | 0 |

Note: A zero indicates no data available.
The above rates were calculated from these equations:

| | |
|---|---|
| 24-Hr. 2-Way Volume: | 0, R^2 = 0 |
| 7-9 AM Peak Hr. Total: | LN(T) = .76LN(X) + .54 |
| | R^2 = 0.93 , 0.23 Enter, 0.77 Exit |
| 4-6 PM Peak Hr. Total: | T = .78(X) + -25.38 |
| | R^2 = 0.99 , 0.63 Enter, 0.37 Exit |
| AM Gen Pk Hr. Total: | T = .71(X) + -6.31 |
| | R^2 = 0.98 , 0.32 Enter, 0.68 Exit |
| PM Gen Pk Hr. Total: | LN(T) = 1.22LN(X) + -1.46 |
| | R^2 = 0.98 , 0.6 Enter, 0.4 Exit |
| Sat. 2-Way Volume: | 0, R^2 = 0 |
| Sat. Pk Hr. Total: | 0 |
| | R^2 = 0 , 0 Enter, 0 Exit |
| Sun. 2-Way Volume: | 0, R^2 = 0 |
| Sun. Pk Hr. Total: | 0 |
| | R^2 = 0 , 0 Enter, 0 Exit |

Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

EQUATIONS

EXHIBIT "C-3"

Hidden Harbor Building "C"
Summary of Trip Generation Calculation
For 8 Occupied Dwelling Units of Luxury Residential Condo / Townhouse
March 10, 2005

| | Average Rate | Standard Deviation | Adjustment Factor | Driveway Volume |
|---|---|---|---|---|
| Avg. Weekday 2-Way Volume | 0.00 | 0.00 | 1.00 | 0 |
| 7-9 AM Peak Hour Enter | 0.13 | 0.00 | 1.00 | 1 |
| 7-9 AM Peak Hour Exit | 0.43 | 0.00 | 1.00 | 3 |
| 7-9 AM Peak Hour Total | 0.56 | 0.75 | 1.00 | 4 |
| 4-6 PM Peak Hour Enter | 0.35 | 0.00 | 1.00 | 3 |
| 4-6 PM Peak Hour Exit | 0.20 | 0.00 | 1.00 | 2 |
| 4-6 PM Peak Hour Total | 0.55 | 0.74 | 1.00 | 4 |
| Saturday 2-Way Volume | 0.00 | 0.00 | 1.00 | 0 |
| Saturday Peak Hour Enter | 0.00 | 0.00 | 1.00 | 0 |
| Saturday Peak Hour Exit | 0.00 | 0.00 | 1.00 | 0 |
| Saturday Peak Hour Total | 0.00 | 0.00 | 1.00 | 0 |

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

RATES

EXHIBIT "C-4"

Hidden Harbor Building "C"
Summary of Average Vehicle Trip Generation
For 8 Occupied Dwelling Units of Luxury Residential Condo / Townhouse
March 10, 2005

| | 24 Hour Two-Way Volume | 7-9 AM Pk Hour | | 4-6 PM Pk Hour | |
|---|---|---|---|---|---|
| | | Enter | Exit | Enter | Exit |
| Average Weekday | 0 | 1 | 3 | 3 | 2 |

| | 24 hour Two-Way Volume | Peak Hour | |
|---|---|---|---|
| | | Enter | Exit |
| Saturday | 0 | 0 | 0 |
| Sunday | 0 | 0 | 0 |

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

RATES

EXHIBIT "D-1"

Hidden Harbor Building "existing"
Summary of Trip Generation Calculation
For 20 Dwelling Units of Single Family Detached Housing
March 10, 2005

| | Average Rate | Standard Deviation | Adjustment Factor | Driveway Volume |
|---|---|---|---|---|
| Avg. Weekday 2-Way Volume | 11.83 | 0.00 | 1.00 | 237 |
| 7-9 AM Peak Hour Enter | 0.29 | 0.00 | 1.00 | 6 |
| 7-9 AM Peak Hour Exit | 0.88 | 0.00 | 1.00 | 18 |
| 7-9 AM Peak Hour Total | 1.17 | 0.00 | 1.00 | 23 |
| 4-6 PM Peak Hour Enter | 0.79 | 0.00 | 1.00 | 16 |
| 4-6 PM Peak Hour Exit | 0.47 | 0.00 | 1.00 | 9 |
| 4-6 PM Peak Hour Total | 1.26 | 0.00 | 1.00 | 25 |
| Saturday 2-Way Volume | 11.59 | 0.00 | 1.00 | 232 |
| Saturday Peak Hour Enter | 0.78 | 0.00 | 1.00 | 16 |
| Saturday Peak Hour Exit | 0.66 | 0.00 | 1.00 | 13 |
| Saturday Peak Hour Total | 1.44 | 0.00 | 1.00 | 29 |

Note: A zero indicates no data available.
The above rates were calculated from these equations:

| | |
|---|---|
| 24-Hr. 2-Way Volume: | LN(T) = .92LN(X) + 2.71, R^2 = 0.96 |
| 7-9 AM Peak Hr. Total: | T = .7(X) + 9.43 |
| | R^2 = 0.89 , 0.25 Enter, 0.75 Exit |
| 4-6 PM Peak Hr. Total: | LN(T) = .9LN(X) + .53 |
| | R^2 = 0.91 , 0.63 Enter, 0.37 Exit |
| AM Gen Pk Hr. Total: | T = .7(X) + 12.05 |
| | R^2 = 0.89 , 0.26 Enter, 0.74 Exit |
| PM Gen Pk Hr. Total: | LN(T) = .89LN(X) + .61 |
| | R^2 = 0.91 , 0.64 Enter, 0.36 Exit |
| Sat. 2-Way Volume: | LN(T) = .94LN(X) + 2.63, R^2 = 0.93 |
| Sat. Pk Hr. Total: | T = .89(X) + 10.93 |
| | R^2 = 0.9 , 0.54 Enter, 0.46 Exit |
| Sun. 2-Way Volume: | T = 8.83(X) + -9.76, R^2 = 0.94 |
| Sun. Pk Hr. Total: | LN(T) = .89LN(X) + .44 |
| | R^2 = 0.88 , 0.53 Enter, 0.47 Exit |

Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

EQUATIONS

EXHIBIT "D-2"

Hidden Harbor Building "existing"
Summary of Average Vehicle Trip Generation
For 20 Dwelling Units of Single Family Detached Housing
March 10, 2005

| | 24 Hour Two-Way Volume | 7-9 AM Pk Hour Enter | 7-9 AM Pk Hour Exit | 4-6 PM Pk Hour Enter | 4-6 PM Pk Hour Exit |
|---|---|---|---|---|---|
| Average Weekday | 237 | 6 | 18 | 16 | 9 |

| | 24 hour Two-Way Volume | Peak Hour Enter | Peak Hour Exit |
|---|---|---|---|
| Saturday | 232 | 16 | 13 |
| Sunday | 167 | 12 | 10 |

Note: A zero indicates no data available.
The above rates were calculated from these equations:

| | |
|---|---|
| 24-Hr. 2-Way Volume: | LN(T) = .92LN(X) + 2.71, R^2 = 0.96 |
| 7-9 AM Peak Hr. Total: | T = .7(X) + 9.43 |
| | R^2 = 0.89 , 0.25 Enter, 0.75 Exit |
| 4-6 PM Peak Hr. Total: | LN(T) = .9LN(X) + .53 |
| | R^2 = 0.91 , 0.63 Enter, 0.37 Exit |
| AM Gen Pk Hr. Total: | T = .7(X) + 12.05 |
| | R^2 = 0.89 , 0.26 Enter, 0.74 Exit |
| PM Gen Pk Hr. Total: | LN(T) = .89LN(X) + .61 |
| | R^2 = 0.91 , 0.64 Enter, 0.36 Exit |
| Sat. 2-Way Volume: | LN(T) = .94LN(X) + 2.63, R^2 = 0.93 |
| Sat. Pk Hr. Total: | T = .89(X) + 10.93 |
| | R^2 = 0.9 , 0.54 Enter, 0.46 Exit |
| Sun. 2-Way Volume: | T = 8.83(X) + -9.76, R^2 = 0.94 |
| Sun. Pk Hr. Total: | LN(T) = .89LN(X) + .44 |
| | R^2 = 0.88 , 0.53 Enter, 0.47 Exit |

Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

EQUATIONS

EXHIBIT "D-3"

Hidden Harbor Building "existing"
Summary of Trip Generation Calculation
For 20 Dwelling Units of Single Family Detached Housing
March 10, 2005

| | Average Rate | Standard Deviation | Adjustment Factor | Driveway Volume |
|---|---|---|---|---|
| Avg. Weekday 2-Way Volume | 9.57 | 3.69 | 1.00 | 191 |
| 7-9 AM Peak Hour Enter | 0.19 | 0.00 | 1.00 | 4 |
| 7-9 AM Peak Hour Exit | 0.56 | 0.00 | 1.00 | 11 |
| 7-9 AM Peak Hour Total | 0.75 | 0.90 | 1.00 | 15 |
| 4-6 PM Peak Hour Enter | 0.64 | 0.00 | 1.00 | 13 |
| 4-6 PM Peak Hour Exit | 0.37 | 0.00 | 1.00 | 7 |
| 4-6 PM Peak Hour Total | 1.01 | 1.05 | 1.00 | 20 |
| Saturday 2-Way Volume | 10.10 | 3.68 | 1.00 | 202 |
| Saturday Peak Hour Enter | 0.51 | 0.00 | 1.00 | 10 |
| Saturday Peak Hour Exit | 0.43 | 0.00 | 1.00 | 9 |
| Saturday Peak Hour Total | 0.94 | 0.99 | 1.00 | 19 |

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

RATES

EXHIBIT "D-4"

Hidden Harbor Building "existing"
Summary of Average Vehicle Trip Generation
For 20 Dwelling Units of Single Family Detached Housing
March 10, 2005

| | 24 Hour Two-Way Volume | 7-9 AM Pk Hour | | 4-6 PM Pk Hour | |
|---|---|---|---|---|---|
| | | Enter | Exit | Enter | Exit |
| Average Weekday | 191 | 4 | 11 | 13 | 7 |

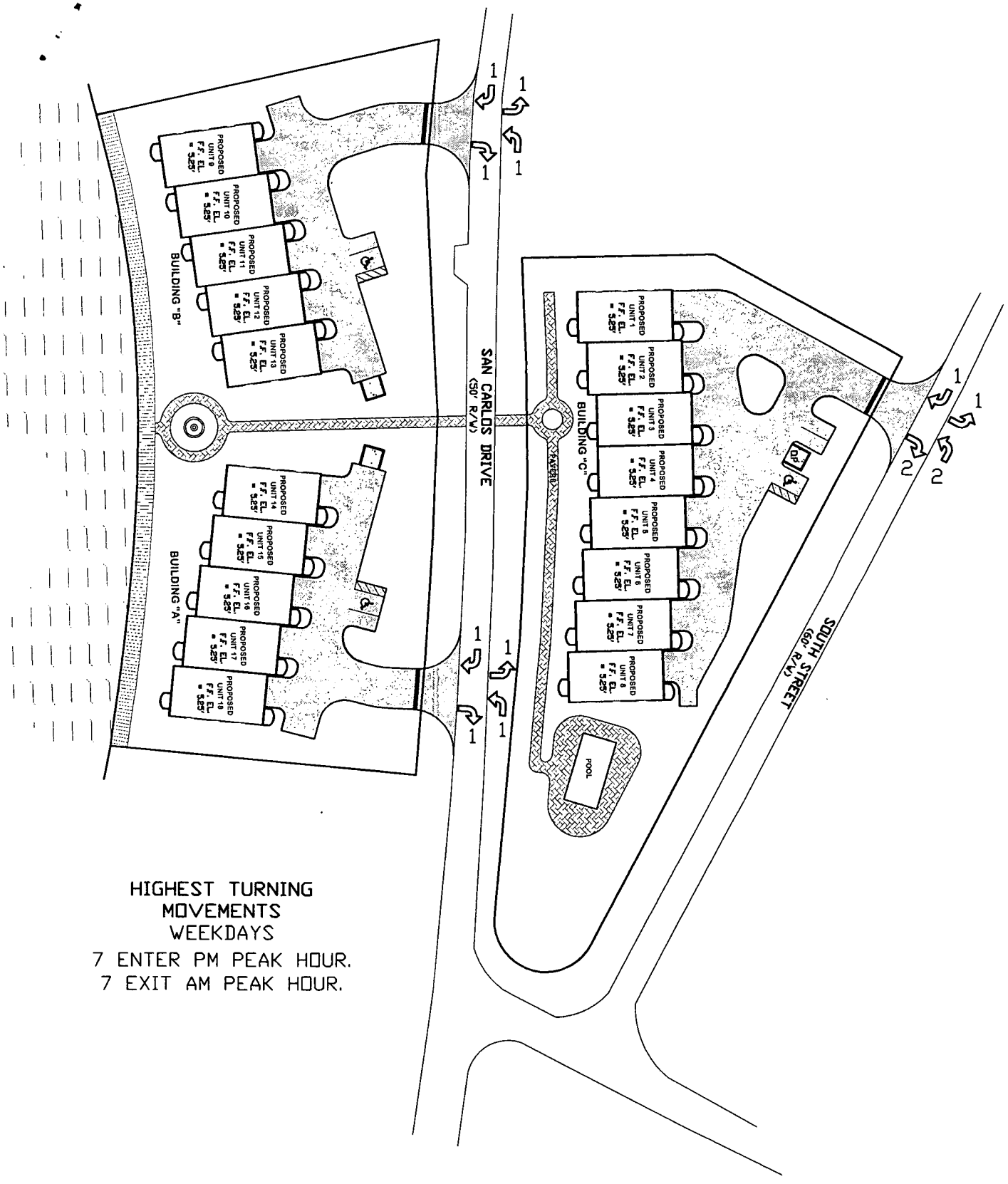
| | 24 hour Two-Way Volume | Peak Hour | |
|---|---|---|---|
| | | Enter | Exit |
| Saturday | 202 | 10 | 9 |
| Sunday | 176 | 9 | 8 |

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

RATES

EXHIBIT "E-1"




HIGHEST TURNING
MOVEMENTS
WEEKDAYS
7 ENTER PM PEAK HOUR.
7 EXIT AM PEAK HOUR.

| | |
|---|---|
| PLAN TYPE | TURNING EXHIBIT "E1" |
| SCALE: | 1"=80' |
| DATE: | MAR 9, 2005 |
| SHEET | 1 OF 3 |
| PROJECT # | HH01_D-SPLIT |


Construction Engineering Real Estate Surveying

Land Investment Services, Inc.
An Innovative Development Corporation

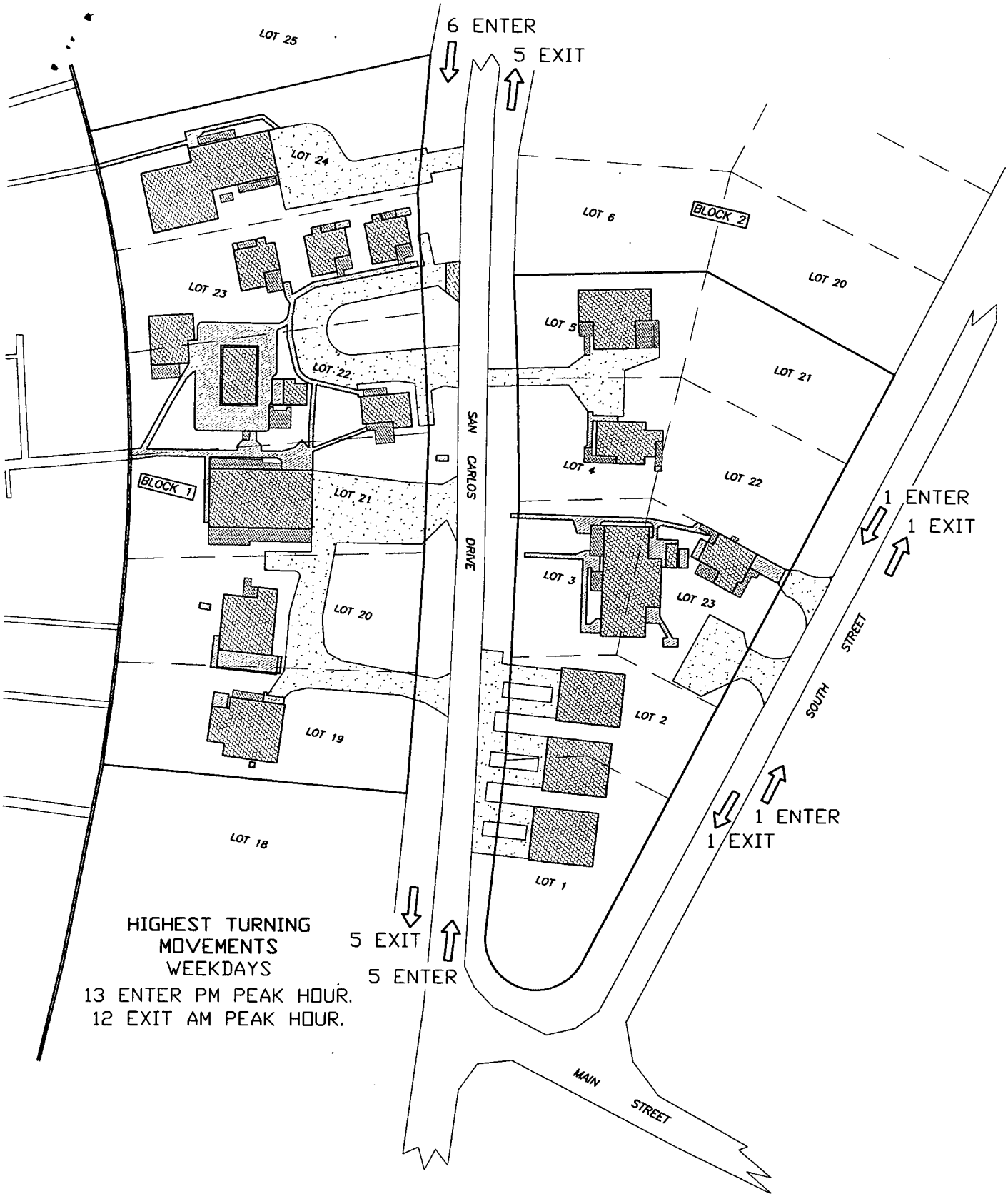
2040 Clarke Avenue
Ft. Myers, Fla. 33905

Phone: (941)693-9244
facsimile: (941)693-9828


APPROVED

ROBERT W. CASE
FLORIDA P.E. #44643
VALID ONLY WITH EMBOSSED SEAL

# EXHIBIT "E-2"




| | |
|---|---|
| PLAN TYPE | TURNING EXHIBIT "E2" |
| SCALE: | 1"=80' |
| DATE: | MAR 9, 2005 |
| SHEET | 2 OF 3 |
| PROJECT # | HH01_D-SPLIT |


Construction Engineering Real Estate Surveying

Land Investment Services, Inc.

An Innovative Development Corporation

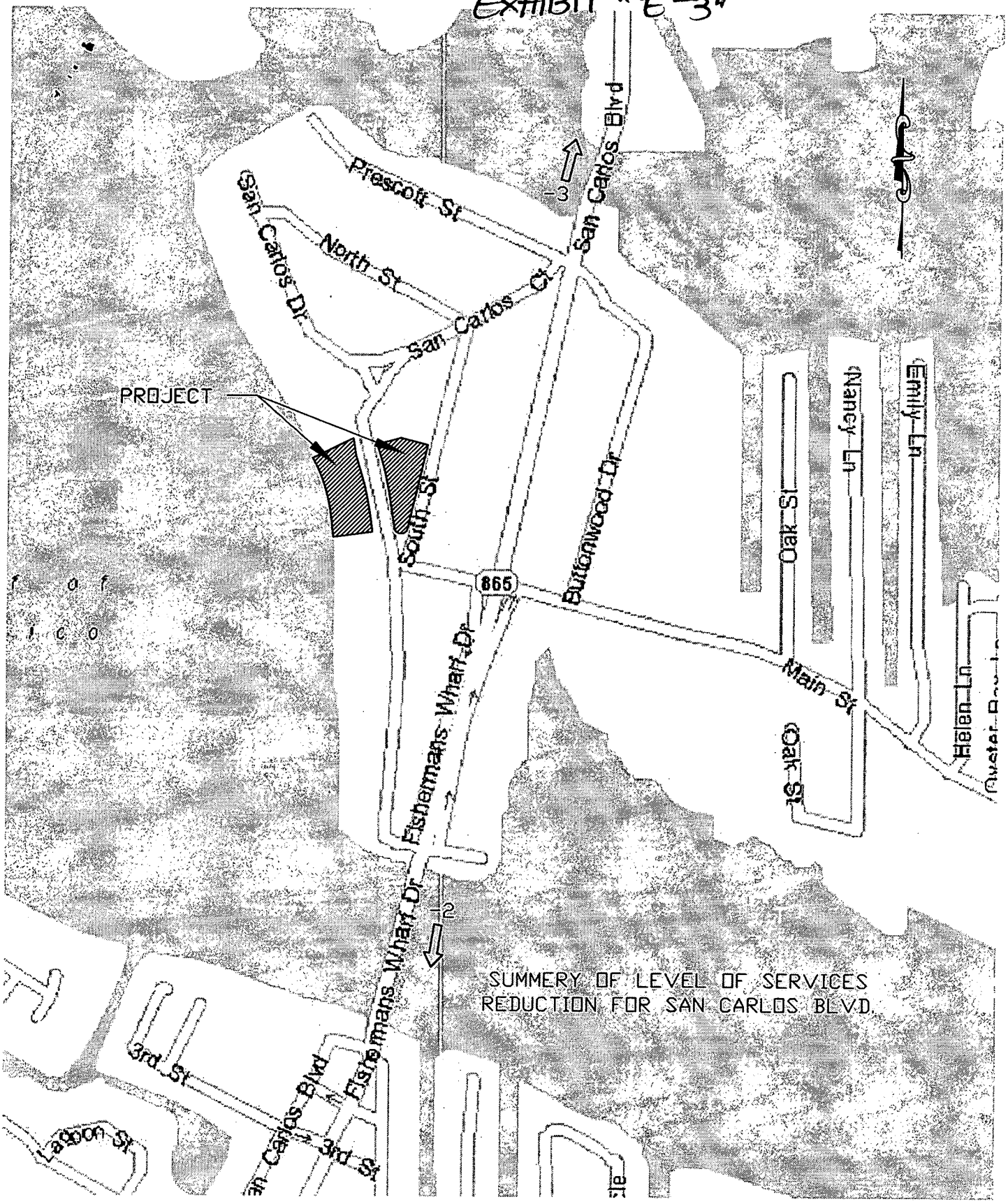
2040 Clarke Avenue
Ft. Myers, Fla. 33905

Phone: (941)693-9244
facsimile: (941)693-9828


APPROVED

ROBERT W. CASE
FLORIDA P.E. #44643
VALID ONLY WITH EMBOSSED SEAL

EXHIBIT "E 3"




| | |
|---|---|
| PLAN TYPE | TURNING EXHIBIT "E3" |
| SCALE: | N.T.S. |
| DATE: | MAR 8, 2005 |
| SHEET | 3 OF 3 |
| PROJECT # | HH01-SITE MAP |


Construction Engineering Real Estate Surveying

Land Investment Services, Inc.

An Innovative Development Corporation

2040 Clarke Avenue
Ft. Myers, Fla. 33905

Phone: (941)693-9244
facsimile: (941)693-9828


APPROVED

ROBERT W. CASE
FLORIDA P.E. #44643
VALID ONLY WITH EMBOSSED SEAL

Previous Filing | Return to List | Next Filing

No Events
No Name History Information

## Document Images

Listed below are the images available for this filing.

07/28/2004 -- Florida Limited Liability

**THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT**

Corporations Inquiry | Corporations Help

*Florida Department of State, Division of Corporations*

Corporation Online

www.sunbiz.org **Public Inquiry**

# Florida Limited Liability

## HIDDEN HARBOR INN, LLC

PRINCIPAL ADDRESS
819 SAN CARLOS DR.
FT. MYERS BEACH FL 33931

MAILING ADDRESS
819 SAN CARLOS DR.
FT. MYERS BEACH FL 33931

| Document Number | FEI Number | Date Filed |
|---|---|---|
| L04000055847 | NONE | 07/28/2004 |
| **State** | **Status** | **Effective Date** |
| FL | ACTIVE | NONE |
| **Total Contribution** | | |
| 0.00 | | |

## Registered Agent

| Name & Address |
|---|
| PRESIDENTIAL SERVICES INCORPORATED<br>1217 CAPE CORAL PKWY.<br>#300<br>CAPE CORAL FL 33904 |

## Manager/Member Detail

| Name & Address | Title |
|---|---|
| ROSS, MARY J<br>819 SAN CARLOS DR.<br><br>FT. MYERS BEACH FL 33931 | MGR |
| ROSS, LAWRENCE G<br>819 SAN CARLOS DR.<br><br>FT. MYERS BEACH FL 33931 | MGR |

## Annual Reports

| Report Year | Filed Date |
|---|---|

LEE COUNTY PROPERTY APPRAISER

# PROPERTY DATA FOR PARCEL 24-46-23-01-00001.0190
# TAX YEAR 2004

Parcel data is available for the following tax years:
[ 2001 | 2002 | 2003 | 2004 ]

[ Next Lower Parcel Number | Next Higher Parcel Number | Display Building Permits on this Parcel | Display Tax Bills on this Parcel | **NEW!** Tax Estimator ]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE.
LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2004 ROLL.

## PROPERTY DETAILS

**OWNER OF RECORD**

HIDDEN HARBOR INN LLC
819 SAN CARLOS DR
FORT MYERS BEACH FL
33931

**SITE ADDRESS**

811 SAN CARLOS DR
FORT MYERS
BEACH FL 33931

**LEGAL DESCRIPTION**

SAN CARLOS ON THE
GULF
BLK.1 PB 6 PG 6
LOT 19

**[ VIEWER ] TAX MAP [ PRINT ]**

The Tax Map is currently not available. The site is undergoing maintenance and will be available shortly.

We apologize for any inconvenience. Please check back soon. Select the Viewer link in order to view the Tax Map.

Thank you.

**IMAGE OF STRUCTURE**

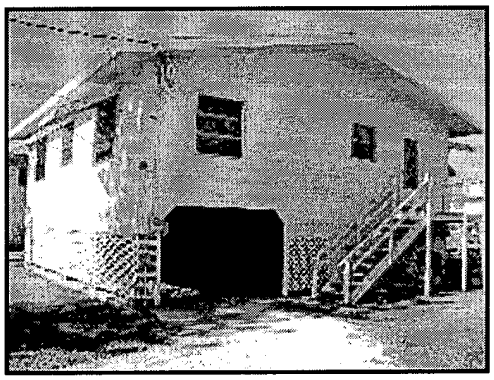


Photo Date: June of 2004
PHOTO DATED AFTER 2004 ROLL

[ PICTOMETRY ]

| TAXING DISTRICT | DOR CODE |
|---|---|
| 023 - FT MY BCH FIRE/LIGHT/MOSQUITO/LIBRARY/SEWER | 01 - SINGLE FAMILY RESIDENTIAL |

| PROPERTY VALUES (TAX ROLL 2004)[ NEW! HISTORY CHART ] | | EXEMPTIONS | | ATTRIBUTES | |
|---|---|---|---|---|---|
| JUST | 662,540 | HOMESTEAD | | 0 UNITS OF MEASURE | LT |
| ASSESSED | 662,540 | AGRICULTURAL | | 0 NUMBER OF UNITS | 1.00 |
| ASSESSED SOH | 662,540 | WIDOW | | 0 FRONTAGE | 0 |

| | | | | | |
|---|---|---|---|---|---|
| TAXABLE | 662,540 | WIDOWER | 0 | DEPTH | 0 |
| BUILDING | 58,110 | DISABILITY | 0 | BEDROOMS | 2 |
| LAND | 604,430 | WHOLLY | 0 | BATHROOMS | 1 |
| BUILDING FEATURES | 0 | SOH DIFFERENCE | 0 | TOTAL BUILDING SQFT | 2,688 |
| LAND FEATURES | 4,430 | | | YEAR IMPROVED | 1965 |

## SALES/TRANSACTIONS

| SALE PRICE | DATE | OR BOOK / PAGE | TRANSACTION DETAILS TYPE | DESCRIPTION | VACANT / IMPROVED |
|---|---|---|---|---|---|
| 1,323,000 | 12/2/2004 | 4518/1424 | 02 | Qualified (Multiple STRAP # / 06-09I) There are 1 additional parcel(s) with this document (may have been split after the transaction date)... 24-46-23-01-00001.0200 | I |
| 100 | 7/10/2001 | 3450/1944 | 01 | Disqualified (Doc Stamp .70 / SP less th $100 / Other DisQ) | I |
| 269,000 | 8/31/1998 | 3013/1481 | 03 | Disqualified (Interest Sales / Court Docs / Goverment) | I |
| 0 | 4/7/1998 | 3013/1480 | 03 | Disqualified (Interest Sales / Court Docs / Goverment) | I |
| 0 | 4/7/1998 | 3010/194 | 03 | Disqualified (Interest Sales / Court Docs / Goverment) | I |
| 0 | 4/7/1998 | 2960/365 | 03 | Disqualified (Interest Sales / Court Docs / Goverment) | |
| 0 | 1/1/1900 | 308/49 | | | |

## PARCEL RENUMBERING HISTORY

| PRIOR STRAP | RENUMBER REASON | RENUMBER DATE |
|---|---|---|
| 19-46-24-01-00001.0190 | Reserved for Renumber ONLY | Unspecified |

## SOLID WASTE (GARBAGE) ROLL DATA

| SOLID WASTE DISTRICT | ROLL TYPE | CATEGORY UNIT/AREA | TAX AMOUNT |
|---|---|---|---|
| 001 - Service Area 1 - Fort Myers Beach Area | R - Residential Category | 1 | 187.80 |

## ELEVATION INFORMATION

FLOOD INSURANCE (FIRM FAQ)

| STORM SURGE CATEGORY | RATE CODE | COMMUNITY | PANEL | VERSION | DATE |
|---|---|---|---|---|---|
| Tropical Storm | V18:EL17 | 125124 | 0429 | D | 092096 |

[ Show ]

# APPRAISAL DETAILS

TRIM (*proposed* tax) Notices are available for the following tax years:
[ 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 ]

[ Next Lower Parcel Number | Next Higher Parcel Number ]

[ New Query | Parcel Queries Page | Lee PA Home ]

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This site is best viewed with Microsoft Internet Explorer 5.5+ or Netscape Navigator 6.0+.
Page was last modified on Friday, February 25, 2005 9:54:18 AM.

# Spatial District Query Report

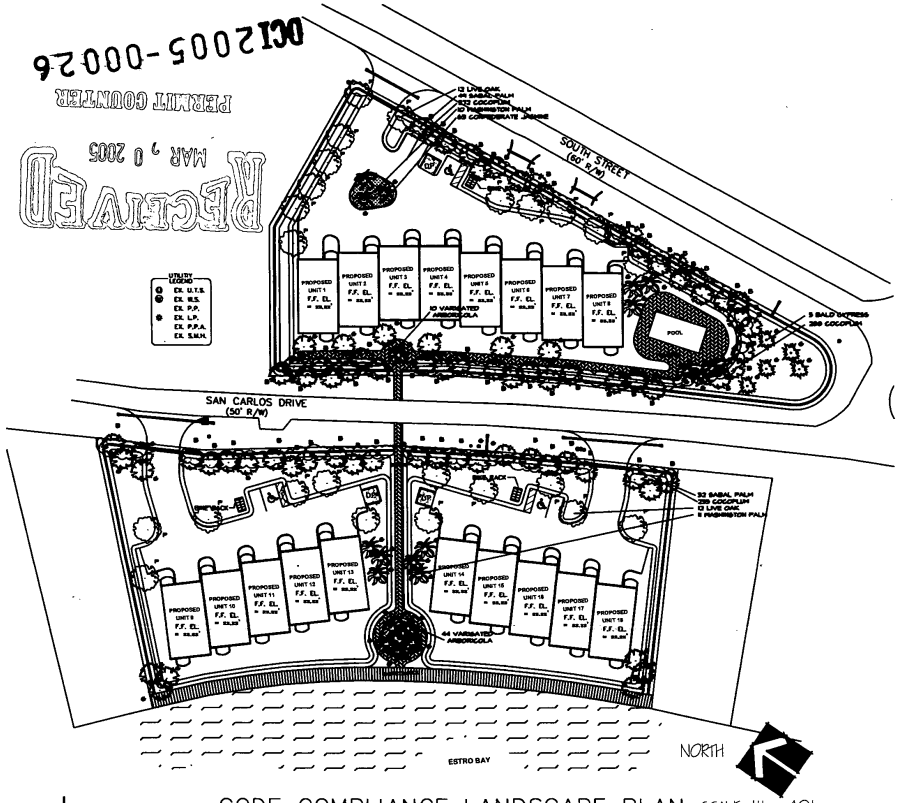
**STRAP Number: 24-46-23-01-00001.0190**

| District Name | District Value(s) | | Pct of Parcel in District ( if fractional ) | Notes |
|---|---|---|---|---|
| Airport Noise Zone | | | NOT FOUND | |
| Airspace Notification | | | NOT FOUND | |
| Coastal Building Zone | | | NOT FOUND | |
| Coastal High Hazard Area | Coastal High Hazard Zone | High hazard | | |
| Fire District | Fire District<br>Taxing Authority | Fort Myers Beach<br>032 | | |
| Flood Insurance Zone | Flood Zone | V18-EL17 | 49.5% | |
| | Flood Zone | V18-EL15 | 47.93% | |
| | Flood Zone | V18-EL18 | 2.56% | 1 |
| FIRM Floodway | | | NOT FOUND | |
| Flood Insurance Panel | Community<br>Panel<br>Version<br>Date | 125124<br>0429<br>D<br>092096 | | |
| DNR Flood Zones | | | NOT FOUND | |
| Flood Insurance Coastal Barrier | | | NOT FOUND | |
| Planning Community | ID<br>Plan Community | 12<br>Iona/McGregor | | |
| Planning Land Use 2010 | Landuse | Suburban | | |
| Sanibel/County Agreement | | | NOT FOUND | |
| Storm Surge | Category | T S | | |
| Subdivisions | Subdivision No.<br>Subdivision Name<br>Book Page 1<br>Book Page 2<br>Book Page 3 | 13462301<br>SAN CARLOS ON THE GULF | | |
| Soil | Map Symbol<br>Soil Name | 59<br>URBAN LAND | 99.84% | |
| | Map Symbol<br>Soil Name | 99<br>WATER | 0.16% | 1 |
| Commissioner District | District<br>Commissioner | 3<br>Ray Judah | | |
| Unincorporated Lee County Zoning | Zoning Designation | TFC-2 | | |
| Development Orders | | | NOT FOUND | |
| Fort Myers Beach Interim Zoning | | | NOT FOUND | |

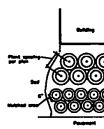
**[ Modify ] Report Settings**

| Note | Details |
|---|---|
| 1 | Small percentages can result from slight variations in the way lines are drawn or imported into our system. Such values may not accurately reflect an overlap with the subject parcel. |

**Our goal is to provide the most accurate data available, however no warranties, expressed or implied, are provided with this data, its use, or interpretation.**
**All information subject to change without notice.**




## CODE COMPLIANCE LANDSCAPE PLAN SCALE: 1" = 40'

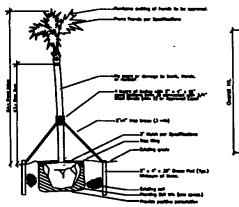



PLANT SPACING DETAIL

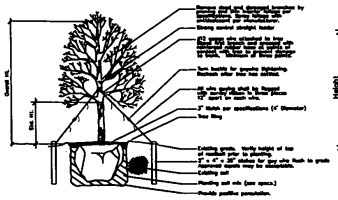
| TREE LEGEND | |
|---|---|
| G | GENERAL TREE |
| P | PARKING TREE |
| B | BUFFER TREE |

TREE STAKING TO BE REMOVED WITHIN 12 MONTHS BY OWNER

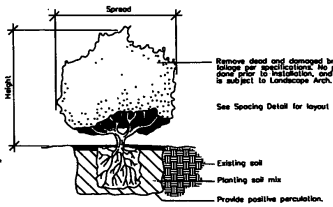
THIS PLAN HAS BEEN PREPARED FOR CODE MINIMUM LANDSCAPING ONLY AND MAY NOT REFLECT ACTUAL LANDSCAPING TO BE INSTALLED ABOVE MINIMUM REQUIREMENTS. PLAN IS NOT FOR CONSTRUCTION, UNLESS AUTHORIZED AND APPROVED BY THE LANDSCAPE ARCHITECT AND THE OWNER.



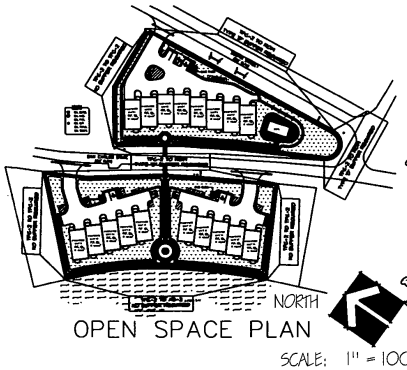
PALM STAKING AND PLANTING DETAIL



SINGLE STEM TREE PLANTING DETAIL




SHRUB PLANTING DETAIL




## OPEN SPACE PLAN SCALE: 1" = 100'

### CODE REQUIRED PLANT LIST

| NATIVE | COLD TOL. | QTY. | PLANT NAME | PLANT SIZE |
|---|---|---|---|---|
| | | | TREES & PALMS | |
| Yes | Yes | 24 | Live Oak<br>Quercus virginiana | 10' ht, 2" cal. at 12" above grade |
| Yes | Yes | 81 | Sabal Palm<br>Sabal Palmetto | 10' – 18' ht, cl, staggered |
| Yes | Yes | 5 | Bald Cypress<br>Taxodium distichum | 20' ht, 2" cal. at 12" above grade |
| No | Yes | 21 | Washington Palm<br>Washingtonia robusta | 10' – 18' ht, cl, staggered |
| | | | SHRUBS | |
| Yes | No | 815 | Cocoplum<br>Chrysobalanus icaco | 24" ht/spr. Full, 3 gal. |
| | | | Floritam Sod | |
| | | | Florimulch | |

### ABOVE CODE REQUIRED PLANT LIST

| NATIVE | COLD TOL. | QTY. | PLANT NAME | PLANT SIZE |
|---|---|---|---|---|
| | | | SHRUBS | |
| Yes | No | 24 | Variegated Arboricola<br>Schefflera arboricola 'Variegata' | 24" ht/spr. Full, 3 gal. |
| Yes | No | 63 | Confederate Jasmine<br>Trachelospermum jasminoides | 24" ht/spr. Full, 3 gal. |

General Buffer Notes

1. The quality of all plant material will meet the standards for Florida Grade #1 (or better), as governed in "Grades and Standards for Nursery Plants".
2. All planted trees and palms will have a 3" deep saucer (Tree Ring) constructed from the trunk of the tree or palm. (Minimum 4' diameter)
3. All planting beds will be covered with mulch to a minimum depth of 3" and shall be weed free. Mulch will be Grade B or better. Contractor shall remove any vegetative growth and apply a pre-emergent weed killer per specifications prior to mulching.
4. No Buffer plant material shall be installed in easements.
5. Any and all exotic vegetation (including melaleuca, australian pine, brazilian pepper, florida holly, downy rosemyrtle, tropical soda apple and earleaf acacia) on the parcel shall be completely removed and disposed of off-site by contractor. The site shall be maintained free of invasive exotic vegetation in perpetuity.
6. The trees shall be a minimum of 10 feet in height with two inch trunk diameter measured at a one foot above ground and a minimum canopy of four feet at time of installation.
7. A minimum of 75% of trees required to meet code shall be indigenous native varities.
8. A minimum of 50% of shrubs required to meet code shall indigenous native varieties. Shrubs shall be a minimum of 24" in height and maintained in accordance with the Land Development Code.
9. Refer to Landscape Construction Documents for additional specifications.
10. Refer to Civil Engineering Plans for additional data.
11. The Landscape Contractor will be responsible for familiarizing themselves with the location of all utilities (underground and overhead) and all site conditions prior to the start of construction.
12. Fertilizer will be a balanced complete fertilizer containing nitrogen, phosphoric acid and potash in percentages outlined in specifications.
13. It shall be the responsibility of the Landscape Contractor to fine grade all landscape areas; eliminating all bumps, depressions, sticks, stones and other debris to the satisfaction of the Landscape Architect. All inorganic debris that may damage or inhibit the growth of plant material will be removed from all planting beds. Sod shall not be installed until final grades have been approved.
14. Contractor shall be responsible for complete takeoffs including sod and mulch quantities. Plant list is for reference only. Plan(s) shall take precedence over plant list.
15. The Landscape Contractor shall maintain all lawns (seeded or sodded), ground covers, shrubs, palms and trees until final acceptance.
    A) Maintenance by the Landscape Contractor shall include but not be limited to:
       : Inspections & Monitoring
       : Fertilizing
       : Insect & Disease Control
       : Weeding & Cultivating
       : Mowing to maintain 3" heights & Edging
       : Maintain tree rings, guys & braces & keep trees/palms erect.
    B) The Landscape Contractor will be responsible to insure that all plant material will be watered thoroughly at time of planting, and insure all plant material will receive an adequate supply of water throughout the construction period. The Landscape Contractor shall be responsible for watering as needed to establish the plant material and ensure healthy plantings through final acceptance.
16. Contractor shall remove all tags, tape and supports (except specified guys & braces) from all plantings prior to final acceptance.
17. All areas of the site disturbed by construction and not planted shall be sodded.
18. The required plantings shall be irrigated with an automatic spray irrigation system.
19. The parking lot shall be planted for irrigation. Refer to Civil Engineering Plans
20. The irrigation system shall be equipped with a rain sensor and it required by SFWMD a flow meter. Irrigation contractor shall obtain all applicable permits, including a Water Use Permit and well permit, if applicable.
21. The irrigation system shall be designed to minimize overspray and avoid existing native vegetation and avoid impervious areas.
22. Planting widths for buffers must be 1/2 of the buffer width with none being less than 5'.
23. All base rock shall be removed from planting areas and replaced with clean plantable soil.
24. All pruning to be done per Lee County Development Code.

GENERAL LANDSCAPE REQUIREMENTS
Total site = 127,941 sf (2.9 ac)
1 Tree per 3,000 sf of development area
127,941 sf/ 3,000 = 43 trees required and provided

TREE CREDITS
None taken

OPEN SPACE CALCULATIONS
127,941 x 35% = 44,779 sf open space required
84,441 sf provided

PARKING LANDSCAPE REQUIREMENTS
10% internal landscaping required

BAY SIDE:
12,027 sf x 10% = 1,203 sf required landscaping
Total provided = 2,494 sf
1 tree per 250 sf. of internal area = 12 Trees required and provided

LAND SIDE:
11,324 sf x 10% = 1,132 sf required landscaping
Total provided = 1,206 sf
1 tree per 250 sf. of internal area = 12 Trees required and provided

BUILDING PERIMETER PLANTINGS
None required for multi-family

BAY SIDE:

WEST PROP. LINE BUFFER REQUIREMENTS
TFC-2 to AG-2
No buffer required

NORTH PROP. LINE BUFFER REQUIREMENTS
TFC-2 to TFC-2
No Buffer required

EAST PROP. LINE #1 BUFFER REQUIREMENTS
TFC-2 to ROW
Type 'D' Buffer required
Minimum 15' width with 5 trees per 100 lf and a double staggered hedgerow maintained @ 36"
431 lf less 49 lf paving= 382/100 x 5 = 20 trees required and provided
382 lf/3 x 2 = 255 shrubs required and provided

SOUTH PROP. LINE BUFFER REQUIREMENTS
TFC-2 to TFC-2
No buffer required

LAND SIDE:

WEST PROP. LINE BUFFER REQUIREMENTS
TFC-2 to ROW
Type 'D' Buffer required
Minimum 15' width with 5 trees per 100 lf and a double staggered hedgerow maintained @ 36"
431 lf/100 x 5 = 22 trees required and provided
431 lf/3 x 2 = 288 shrubs required and provided

NORTH PROP. LINE BUFFER REQUIREMENTS
TFC-2 to TFC-2
No Buffer required

EAST PROP. LINE #1 BUFFER REQUIREMENTS
TFC-2 to ROW
Type 'D' Buffer required
Minimum 15' width with 5 trees per 100 lf and a double staggered hedgerow maintained @ 36"
431 lf less 24 lf paving= 407/100 x 5 = 21 trees required and provided
407 lf/3 x 2 = 272 shrubs required and provided

DAVID M. JONES JR. AND ASSOCIATES, INC.
LANDSCAPE ARCHITECTS AND PLANNERS
221 NICHOLAS BUILDING FORT MYERS, FLORIDA 33901
(941) 337-3525 FAX (941)

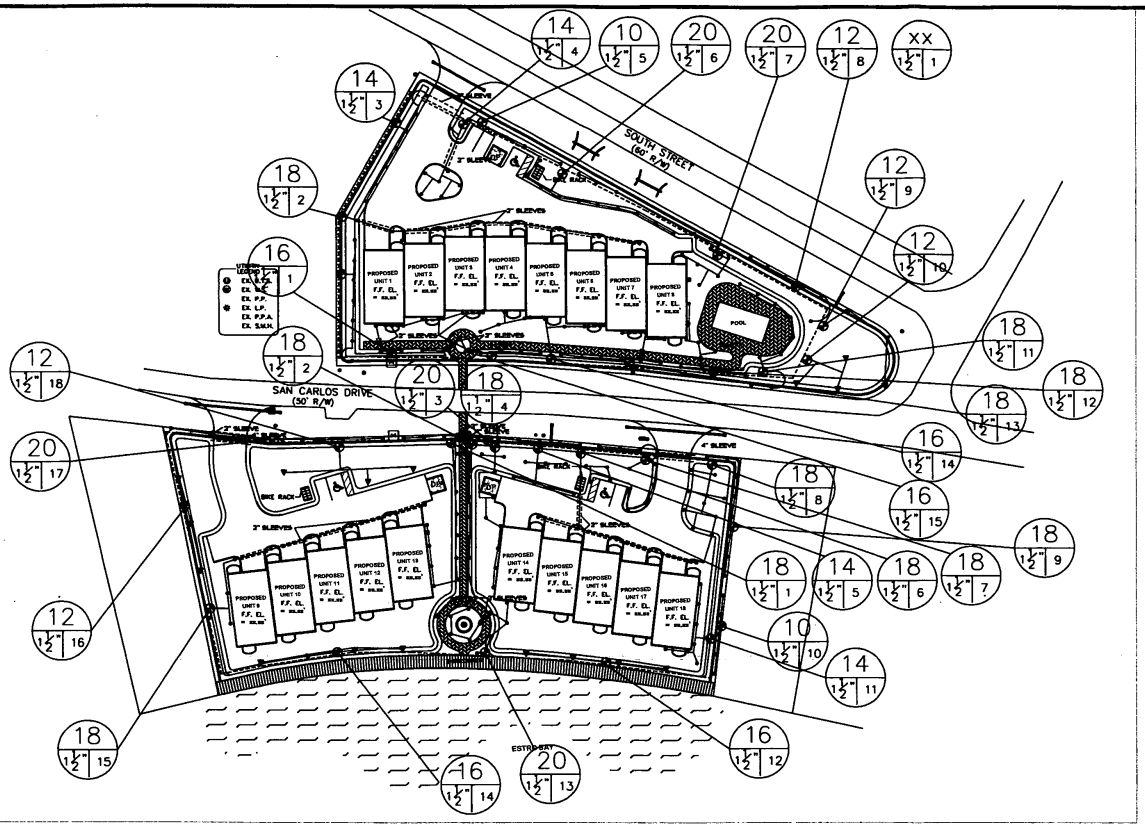
Land Development Services, Inc.
An Affiliate of Hole Montes, Inc.
2096 Davis Boulevard
Ft. Myers, Fla. 33905
(941)693-9244
(941)693-9825

Hidden Harbor
Fort Myers Beach, Florida
CODE COMPLIANCE LANDSCAPE PLAN

SCALE: Varies
DATE: 2-25-05
SHEET L1

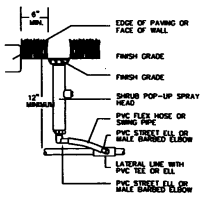
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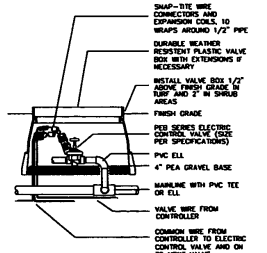



IRRIGATION PLAN
SCALE: 1" = 40'

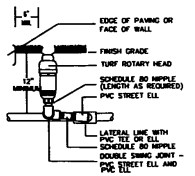
NORTH




SPRAY HEAD POP-UP




PEB SERIES CONTROL VALVE




TURF ROTARY HEAD

IRRIGATION LEGEND

| SYM | DESCRIPTION |
|---|---|
| • | 6" Popup spray head 15' Nozzle AS NEEDED |
| ▼ | Rotor |
| ⊕ | 1-1/2" Electric Remote Control Valve |
| C | Irrigation Controller with Rainswitch Bypass and Raingauge |
| M | 4" Irrigation Well producing 40 GPM @ 50 PSI |
| — — | SCHEDULE 40 - 2" MAINLINE |
| ——— | SCHEDULE 40 LATTERAL |
| ═══ | SCHEDULE 40 SLEEVE |

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XX / 1½" | 1 — G.P.M. / VALVE SIZE / ZONE NUMBER

VALVE CODING

PIPE SIZING CHART

| GPM | SIZE |
|---|---|
| 0-9 | 3/4" |
| 10-15 | 1" |
| 16-24 | 1-1/4" |
| 25-35 | 1-1/2" |
| 35-50 | 2" |
| 51-74 | 2-1/2" |

IRRIGATION NOTES

1. ALL MAINLINE AND LATERAL LINE PIPING AND CONTROL WIRES UNDER PAVING SHALL BE INSTALLED IN SEPARATE SLEEVES. MAIN AND LATERAL LINE SLEEVES SHALL BE A MINIMUM OF TWICE (2x) THE DIAMETER OF THE PIPE TO BE SLEEVED. CONTROL WIRE SLEEVES SHALL BE SUFFICIENT SIZE FOR THE REQUIRED NUMBER OF WIRES UNDER PAVING.
2. PIPE SIZES SHALL CONFORM TO THOSE SHOWN ON THE DRAWINGS. NO SUBSTITUTES OF SMALLER PIPE SIZES SHALL BE PERMITTED BUT SUBSTITUTIONS OF LARGER SIZES MAY BE APPROVED. ALL DAMAGED AND REJECTED PIPE SHALL BE REMOVED FROM THE SITE AT THE TIME OF SAID REJECTION.
3. CONTRACTOR SHALL OPERATE EXISTING SYSTEM TO DOCUMENT ALL EXISTING CONDITIONS PRIOR TO CONSTRUCTION. REVIEW FINDINGS WITH OWNER PRIOR TO NEW INSTALLATION.
4. ALL SPRINKLER HEADS SHALL BE SET PERPENDICULAR TO FINISHED GRADE UNLESS OTHERWISE SPECIFIED.
5. THE IRRIGATION CONTRACTOR SHALL FLUSH AND ADJUST ALL SPRINKLER HEADS AND VALVES FOR OPTIMUM COVERAGE WITH MINIMAL OVERSPRAY ONTO WALKS, STREETS, WALLS, ETC.
6. THIS DESIGN IS DIAGRAMMATIC. ALL PIPING, VALVES, ETC. SHOWN WITHIN PAVED AREAS IS FOR DESIGN CLARIFICATION ONLY AND SHALL BE INSTALLED IN PLANTING AREAS WHEREVER POSSIBLE. THE CONTRACTOR SHALL LOCATE ALL VALVES IN SHRUB AREAS WHERE POSSIBLE.
7. IT IS THE RESPONSIBILITY OF THE IRRIGATION CONTRACTOR TO FAMILIARIZE HIMSELF WITH ALL GRADE DIFFERENCES, LOCATION OF WALLS, STRUCTURES AND UTILITIES. THE IRRIGATION CONTRACTOR SHALL REPAIR OR REPLACE ALL ITEMS DAMAGED BY HIS WORK. HE SHALL COORDINATE HIS WORK WITH OTHER CONTRACTORS FOR THE LOCATION AND INSTALLATION OF PIPE SLEEVES THROUGH WALLS, UNDER ROADWAYS AND PAVING, ETC.
8. DO NOT WILLFULLY INSTALL THE SPRINKLER SYSTEM AS SHOWN ON THE DRAWINGS WHEN IT IS OBVIOUS IN THE FIELD THAT UNKNOWN OBSTRUCTIONS, GRADE DIFFERENCES, WATER LEVELS, OR DIFFERENCES IN THE AREA DIMENSIONS EXIST THAT MIGHT NOT HAVE BEEN CONSIDERED IN THE ENGINEERING. SUCH OBSTRUCTIONS OR DIFFERENCES SHOULD BE BROUGHT TO THE ATTENTION OF THE OWNERS REPRESENTATIVE. IN THE EVENT THIS NOTIFICATION IS NOT PERFORMED, THE IRRIGATION CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR ANY REVISIONS NECESSARY.
9. ALL SPRINKLER EQUIPMENT NOT OTHERWISE DETAILED OR SPECIFIED SHALL BE INSTALLED AS PER MANUFACTURER'S RECOMMENDATIONS AND SPECIFICATIONS.
10. THE CONTRACTOR SHALL PROVIDE 1800 PCS (PRESSURE COMPENSATING SCREENS) AS NECESSARY TO REDUCE OR ELIMINATE OVERSPRAY INTO STREETS, WALKS OR OTHER AREAS AS DICTATED BY THE OWNER'S AUTHORIZED REPRESENTATIVE.
11. ALL REMOTE CONTROL VALVES, GATE VALVES, QUICK COUPLERS, CONTROL WIRE SPLICES SHALL BE INSTALLED IN APPROVED VALVE BOXES WITH LOCKING COVERS. ALL SHALL BE MARKED INDICATING CONTROLLER AND STATION NUMBERS FOR CONTROL VALVE.
12. REFER TO SPECIFICATIONS FOR ADDITIONAL DETAILED INFORMATION.
13. THE SPRINKLER SYSTEM DESIGN IS BASED ON A MINIMUM OPERATING PRESSURE OF 50 PSI AND A FLOW DEMAND OF 40 GPM. THE IRRIGATION CONTRACTOR SHALL VERIFY WATER PRESSURES, ELEVATIONS AND OTHER REQUIREMENTS PRIOR TO CONSTRUCTION. REPORT ANY DIFFERENCES BETWEEN THE WATER PRESSURE AND FLOWS INDICATED ON THE DRAWINGS AND THE ACTUAL PRESSURE READING AT THE IRRIGATION POINT OF CONNECTION TO THE OWNERS AUTHORIZED REPRESENTATIVE.
14. THE IRRIGATION SYSTEM SHALL BE INSTALLED TO PREVENT APPLICATION OF WATER TO PAVED AREAS, INCLUDING WALKS, DRIVES, ROADS AND BUILDINGS.
15. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING WATER USE PERMIT.
16. IRRIGATION SYSTEM IS DESIGNED FOR CODE MINIMUM COVERAGE ONLY. VERIFY WITH OWNER PRIOR TO BIDDING FOR COMPLETE COVERAGE.
17. CONTRACTOR SHALL BE RESPONSIBLE FOR WATER USE PERMIT.

APPROVED
Real Estate Surveying
Construction Engineering
Land Investment Services, Inc.
2940 Clarke Ave. Suite 1
Ft. Myers, Fla. 33905
(941)693-9244
Facsimile: (941)693-9828

Hidden Harbor
Fort Myers Beach, Florida
CODE COMPLIANCE IRRIGATION PLAN

DAVID M. JONES JR. AND ASSOCIATES, INC.
LANDSCAPE ARCHITECTS AND PLANNERS
2271 MCGREGOR BOULEVARD FORT MYERS, FLORIDA 33901
(941) 337-3525 FAX (941)

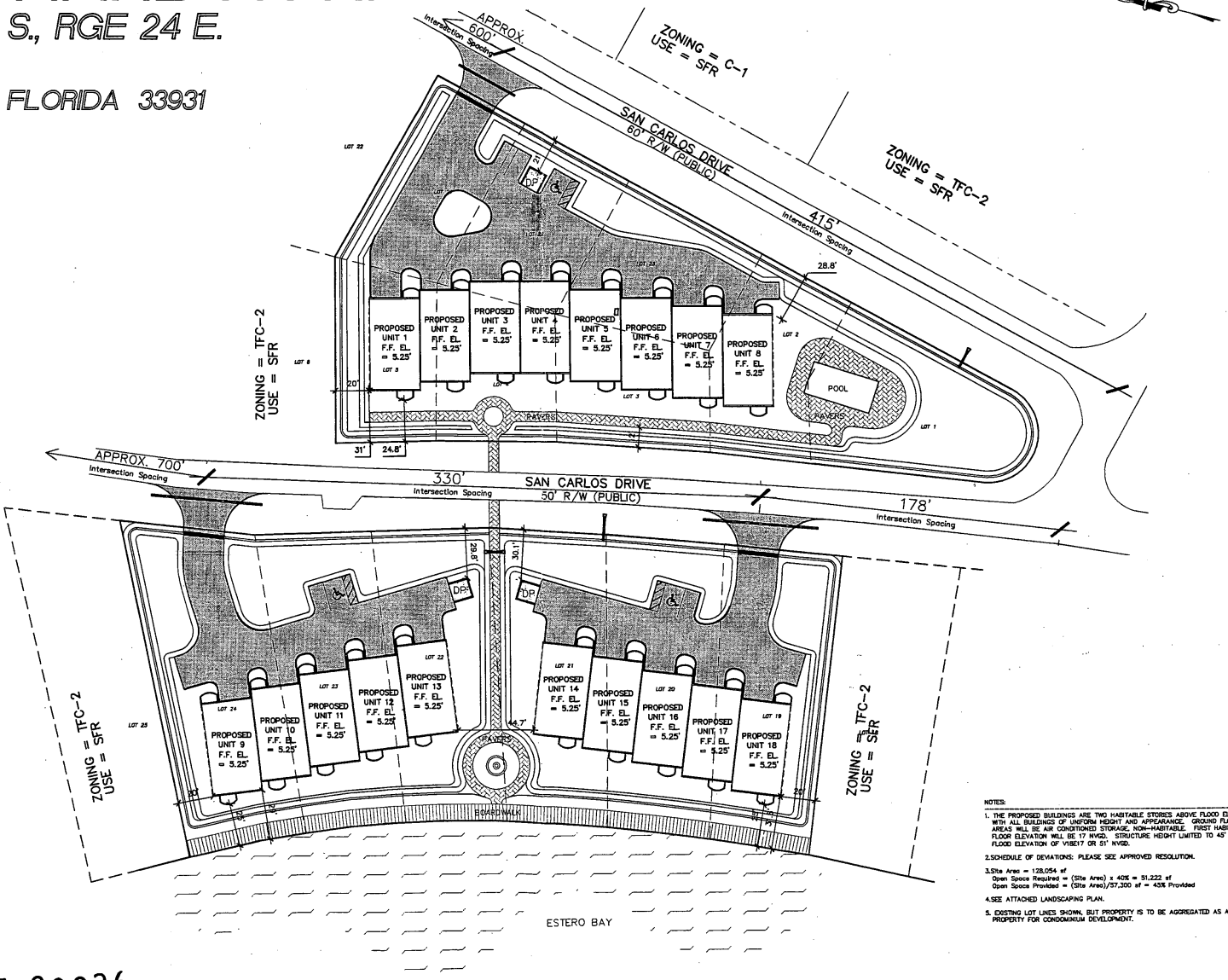
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DATE: JAN 15, 2005
SHEET IR1

W:\Dwg\2005 Jobs\Hidden Harbour #51\TMP\IH DO.DWG Plotted: Mar 03, 2005 - 2:29pm by odette

# HIDDEN HARBOR RPD

## SEC 24, TWP 46 S., RGE 24 E.

819 SAN CARLOS DR
FORT MYERS BEACH, FLORIDA 33931




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DCI 2005-00026

NOTES:

1. THE PROPOSED BUILDINGS ARE TWO HABITABLE STORIES ABOVE FLOOD ELEVATION WITH ALL BUILDINGS OF UNIFORM HEIGHT AND APPEARANCE. GROUND FLOOR AREAS WILL BE AIR CONDITIONED STORAGE, NON-HABITABLE. FIRST HABITABLE FLOOR ELEVATION WILL BE 17 NVGD. STRUCTURE HEIGHT LIMITED TO 45' ABOVE FLOOD ELEVATION OF V18@17 OR 51' NVGD.
2. SCHEDULE OF DEVIATIONS: PLEASE SEE APPROVED RESOLUTION.
3. Site Area = 128,054 sf
   Open Space Required = (Site Area) x 40% = 51,222 sf
   Open Space Provided = (Site Area)/57,300 sf = 45% Provided
4. SEE ATTACHED LANDSCAPING PLAN.
5. EXISTING LOT LINES SHOWN, BUT PROPERTY IS TO BE AGGREGATED AS A SINGLE PROPERTY FOR CONDOMINIUM DEVELOPMENT.


ENGINEER: Robert W. Case, P.E.
Land Investment Services, Inc.
2040 Clarke Avenue
Fort Myers, FL 33905
Tel: (239) 693-9244
Fax: (239) 693-9828

PLANNER: Patrick C. Hunt
8363 Calooosa Road
Fort Myers, FL 33912
Tel: (239) 287-5900
Fax: (239) 287-5933

OWNER: Hidden Harbor Inn, LLC
819 San Carlos Dr
Fort Myers Beach, FL 33931


CERTIFICATION:
I, the undersigned, hereby certify that the map is correct, and shows to the best of my knowledge and belief all information required by the requirements of this Land Development Code.

APPROVED
Robert W. Case
ROBERT W. CASE
FLORIDA P.E. #44643
valid only with raised seal

Construction Engineering Real Estate Surveying
Land Investment Services, Inc.
An Innovative Development Corporation
2040 Clarke Avenue
Ft. Myers, Fla. 33905
Phone: (941)693-9244
Facsimile: (941)693-9828

Hidden Harbor
Fort Myers Beach, Florida

MASTER CONCEPT PLAN

SCALE: 1"=30'
DATE: Sept 23, 2005
SHEET Z1

LEE COUNTY
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

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. Yeager
County Attorney

Diana M. Parker
County Hearing
Examiner

Writer's Direct Dial Number: (239) 479-8365

April 4, 2005

MR. PATRICK H. HUNT
1490 ORANGE RIVER ROAD
FORT MYERS, FL 33905

Re: HIDDEN HARBOR RPD
DCI2005-00026 - PDS Application (Minor PD)

Dear MR. PATRICK H. HUNT :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Josh Philpott
Planner

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Roland Ottolini, Natural Resources
Andy Getch, LCDOT
Jamie Princing, DCD Admin
Dawn Lehnert, Assistant County Attorney
Susan Hollingsworth, Development Review
DCI Zoning File
DCI Working File

**Legal Requirements Sufficiency Checklist**

*6) All applications requiring a public hearing must include the following: [34-202(a)]*

See below.

*6a2) The legal description must include a copy of the plat or plats, if any, and the county STRAP number(s). [34-202(a)(1)]*

As per the above-referenced LDC requirement, please provide a copy of the original plat.

*6c) Boundary Survey. A boundary survey meeting the minimum technical standards for land surveying in the state, as set out in chapter 61G 17-6, FAC, is required for property encompassing 10 or more acres and for all Planned Development applications. [34-202(a)(2)]*

Please refer to item 6c1 & 6c2.

*6c1) The perimeter boundary must be clearly marked on the survey with a heavy line and must include the entire area to be developed. [34-202(a)(2)]*

As per the above-referenced LDC requirement, please upgrade the Boundary Survey to clearly mark the overall perimeter boundary line of the entire area to be redeveloped / rezoned with a heavier bold line. As per current depiction, it is not clear which STRAPs are within the confines of this project. Thanks.

*6c2) The boundary survey must show the location of existing structures on the property. [34-202(a)(2)]*

In addition, please outline on the Boundary Survey and MCP all the platted easements applicable to each lot.

*7) Miscellaneous Items.*

1. Please redo the submitted surrounding property owner's map that includes all parcels of property within a buffer Distance of 500 feet of the subject parcels because it seems to be incomplete. The generated map takes into consideration only 7 out of 10 STRAPs that are subject to this request.
2. Please revise page 5 of 12, Section L, Deed Restrictions. The applicant wrote "N/A"
(not applicable) when asked if there are no deed restrictions or other covenants on this property that may affect this request. Please, check the blank appropriately in response to the first question of Section L.
3. Please refer to attached sufficiency comments made by Dawn E. Perry-Lehnert, Assistant County Attorney.

Note: "Sufficiency or non-applicability of Legal Requirements subject to change upon review of subsequent resubmittals."

*8) Contact. The Planner may be contacted regarding any questions on this Checklist.*

Please contact Luis G. Machado, Planning / Zoning Technician at (239) 479-8485 or e-mail: lmachado@leegov.com

**Environmental Sciences Planned Development Sufficiency Checklist**

*4) Environmentally Sensitive Areas. The location, of any state jurisdictional wetlands and surface water, based upon standard environmental data and verified by the South Florida Water Management District staff, must be depicted on an aerial or FLUCCS map unless waived by the director.*

Exhibit 6G Page 13 of 17 states " Overall the design is well integrated and preserves wetlands along the northern property..." There are no preserves or wetlands delineated on the MCP. Please clarify, and delineate any proposed preserves.

*5) Open Space. The percentage of open space must be clearly stated on the Master Concept Plan unless the proposed development consists solely of conventional single family dwelling units on lots of no less than 6,500 square feet. [34-373(a)(6)f.; 34-373(a)(8)iii.]*

Please revise the Development Regulations Open Space Calculations table to state 40% required open space per LDC Section 34-935(g)(1).

*9a) Natural Waterways Buffer. A 25 foot natural waterway buffer, 50 foot in the Greater Pine Island Area, must be provided abutting state-designated aquatic preserves and associated natural tributaries. [10-416(d)(9)]*

Although the LDC does not require a natural waterway buffer along seawalled properties, is the applicant willing to construct a riprap breakwater and create a 10-foot wide planting shelf in front of the seawall? This will improve water quality, provide habitat, soften the appearance of the hardened shoreline, and an enhancement to the planned development.

*10) Dock & Shoreline Structures. Location and dimensions of proposed structure(s) must be shown on the Master Concept Plan. How will protected species, the natural waterway buffer, and adjacent waterways be affected? [10-474; 10-416(d)(9); Chapter 26]*

Please revise the MCP to show the existing boat docks with slip areas that are proposed to be retained in the Schedule of Uses.

*12) Miscellaneous Items.*

Why has a code compliance landscape plan been submitted? Landscape plans are not typically reviewed as part of a planned development request.

*13) Contact. The Environmental Planner may be contacted regarding any question on the Environmental Sciences Sufficiency Checklist.*

Kim Trebatoski, Principal Environmental Planner
#239-479-8183
trebatkm@leegov.com

*12d4) Uses. The proposed use of each lot or parcel (including outparcels) keyed to the list of proposed uses submitted with the application. If the property development regulations for a specific zoning district will be used, reference to the specific district will be sufficient. [34-373(a)(6)c.]*

the schedule of uses needs to be revised to include:
Parking, accessory
Essential Services
Docks
and if needed Model Units

*12m) Location of Deviations. The location of any requested deviations, keyed to the schedule of deviations, including sample drawings demonstrating the effect the requested deviations will have on the site plan. [34-373(a)(6)l.]*

A devitaion is needed to allow a boardwalk within 5-feet from the seawall.

*15) Schedule of Deviations. A schedule of deviations and a written justification for each deviation requested as part of the master Concept Plan must be submitted. The location of each requested deviation must be indicated on the Master Concept Plan. [34-373(a)(9)]*

A devitaion is needed to allow a boardwalk within 5-feet from the seawall.

*20) Contact. The Zoning Planner may be contacted regarding any questions on the Planned Development Sufficiency Checklist.*

Josh Philpott - 479-8365

*21) Miscellaneous Items.*

Sufficiency or non-applicability of legal requirements subject to change upon review of subsequent resubmittals.

Please show the location and orientation of existing/proposed docks on the MCP.

**Development Review Checklist**

*1) General Design Standards. The development has access to existing or proposed roads in accordance with LDC Chapter 10 and as specified in THE LEE PLAN traffic circulation element or the Official Trafficways Map. [34-411(d)(1)]*

Please label the MCP with street names and either public or private.

The project is not highlighted on the aerial.

Intersection separation is not addressed to the north.

*5) Contact. The reviewer may be contacted regarding questions on the Development Review Sufficiency Checklist.*

Susan Hollingsworth, 479-8587 x 16.

DCI2005-00026

CHRISTINA & WILLIAM S. HOWLAND

December 8, 2005

862 San Carlos Dr.
Ft. Myers Beach, FL 33931

Dear Jane Ross:

Regarding the building project located at 819 San Carlos Dr. Ft. Myers Beach, FL 33931, in S24-T46S-23E, Lee County, FL. (District #3) We at 862 San Carlos Dr. Ft. Myers Beach, FL 33931 are very excited about the upcoming project and you have our support in creating such a beautiful structure. We look forward to meeting our new neighbors and welcoming them to our wonderful little neighborhood. If you have any comments or questions for us please feel free to contact us at the above address or call: 239-357-4465.

Sincerely,

Christina & William S. Howland

Christina Howland
William S. Howland

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862 SAN CARLOS DR. • FT. MYERS BEACH/FL • 33931
PHONE: 239-357-4465 • FAX: 439-463-3743

DCI2005-00026

To: Lee County Zoning Board

We are the owners of the property Located at 840 San Carlos Drive, Fort Myers Beach FL., and we have no objections Regarding the application For the Proposed 18-Unit multi-Family Residential Development at 819 San Carlos Drive.

Such a development would improve the neighborhood and Raise the Value of the homes in the area.

Dee Ann Canby
Donald D. Canby

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DEC 12 2005

DCI2005-00026

Mr. & Mrs. Thomas Kolar
916 San Carlos Drive
Fort Myers Beach Fl, 33931

Rezoning case 819 San Carlos Dr.

Lee County Zoning Board
1500 Monroe St, Fort Myers Fl 33901l

Lee County Zoning Board:

I would like to voice my support for the zoning change from 2-family to Planned Development. During the last few years the property has been run as a motel/cottage rentals. This has created both vehicle traffic and foot traffic. These buildings have deteriorated over the years and have not been conforming to the NEW LOOK of San Carlos Drive. I think not only would this project bring upscale homes to our island it would increase our property values and bring more revenue to the county. The owner has discussed this project with us during the planning stages and has informed us that will decrease the number of units which is rare in current building developments. Since I believe the price range on these new homes will not induce any more rentals on that property, which of course means less traffic. I fully support this project and hope you and your staff does likewise.

Cordially Yours

Mr & Mrs Thomas Kolar

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DEC 12 2005
ZONING

DCI2005-00026

Mr. Thomas Nadeau
841 – 843, 847 South St
945 San Carlos Dr
Fort Myers Beach Fl, 33931

Dec 7, 2005

Harbour Watch Project

Lee County Zoning Board
1500 Monroe St
Fort Myers fl

Lee County Zoning Board:

I have received my notice in the mail about the rezoning of Hidden Harbor Inn. Since I am an abutter to the property, and I own two homes on South Street and one on San Carlos drive. I **fully support** this project at this time to reduce traffic and to keep our property values in check with other growth around Lee County. I have seen the island change in the past few years and I like what I see. This project will only make our island more enjoyable to live and work on.

Thank You,

Thomas Nadeau

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DEC 12 2005
ZONING

DCI2005-00026

Dr. Richard & Shirley Christlieb
859 San Carlos Drive
Fort Myers Beach Fl, 33931

# Harbour Watch Project

Lee County Zoning Board

1500 Monroe St
Fort Myers fl
Zoning Board Committee:

Dear Lee County Zoning Board,

I have seen the plans for Harbour Watch Inn and I would like to support the project. Not only will this clean up the area, but also will bring our Island into the limelight that we desperately need. This island has seen flooded streets, traffic from motel business, and people driving at all hours of the night. This would be great for this island to see some new homes being built and some of those old shacks being torn down. I can see the transformation of the "OLD" to the "NEW" and its been a long time coming. I think that these units will be setting the tone of new things to come and I couldn't be happier to see that the density will decrease and that more full time or even seasonal owners will be moving onto our island. My only hope is that it will look exactly like the pictures I seen, and look forward of meeting my new neighbors soon.

Sincerely Yours

Dr. Richard & Shirley Christlieb

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# ZONING DIVISION
# LEE COUNTY

## PLANNED DEVELOPMENT SUBSTANTIVE REVIEW TRANSMITTAL SHEET

TO: Distribution
Dawn Lehnert, Asst County Attorney
DS Reviewer - Susan Hollingsworth
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Brad Vance, Natural Resources
Luis Machado, Zoning
Gloria Sajgo
Jerry Murphy

FROM: Josh Philpott

DATE: 11/17/2005

PROJECT NAME: HIDDEN HARBOR RPD

CASE #: DCI2005-00026

INFORMATION SUMMARY:

To update your file

_X_ Review and forward substantive comments **ASAP**.

**RESPONSE REQUIRED BY: 11/22/2005**

Additional Comments:

cc: DCI planner/working fileDCI Zone File

Distributed by: Jessica M Smith

Date: 11/18/2005

# *Land Investment Services Engineering, Inc*

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COMMUNITY DEVELOPMENT

# - Transmittal-

**DATE:** November 14, 2005

**TO:** Josh Philpot
Lee Co. DCD, Zoning

**FROM:** Patrick C. Hunt, Assoc.

**RE:** Hidden Harbor RPD
Case # DCI2005-00026
Resubmittal Docs

**Message**

Attached response to a substantive review comment letter dated October 10, 2005.

If I may be of any assistance, please do not hesitate to contact me on cell phone #340-9389.

Attachments: Response Letter dated November 14, 2005- 14 copies
Revised Development Regulations Exhibit "A" - 14 copies
Revised Boundary and Existing Conditions Survey - 14 copies - WILL BE SUBMITTED 11/18
Revised Master Concept Plan - 14 copies (24"x36") > SUBMITTED 11/15/05
Revised Master Concept Plan - 14 copies (11"x17")

*2040 Clarke Avenue – Ft Myers, FL 33905 – (239) 693-9244 – Fax: (239) 693-9828*

# *Land Investment Services Engineering, Inc.*

November 14, 2005

Lee County
PO Box 398
Fort Myers, FL, 33902

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COMMUNITY DEVELOPMENT

Re: Hidden Harbor RPD
Permit No. DCI2005-00026
L.I.S. No. HH01

Dear Josh Philpot,

In response to your recent notice dated October 10, 2005, regarding the project noted above, the following is a full and complete response to you sufficiency review.

I would like to respond to your comments in the order as received:

**Legal Requirements Sufficiency Checklist**

6) All applications requiring a public hearing must include the following: [34-202(a)]

See Below.

6a2) The legal description must include a copy of the plat or plats, if any, and the county STRAP number(s). [34-202(a)(1)]

As per the above reference LDC requirements, please provide a copy of the original plat.

**Response:** **As discussed in our meeting, a copy of the recorded subdivision plat from the records of Lee County Clerks Office was included in the previous resubmittal. This is normally only required where a certified sketch and legal description are provided. We have provided to you in both the prior submittal and this submittal a complete boundary survey with existing conditions included.**

6c) Boundary Survey. A boundary survey meeting the minimum technical standards for land surveying in the state, as set out in chapter 61G 17-6, FAC, is required for property encompassing 10 or more acres and for all Planned Development applications. [34-202(a)(2)]

Please refer to items 6c1 &6c2.

6c1) The perimeter boundary must be clearly marked on the survey with a heavy line and must include the entire area to be developed. [34-202(a)(2)]

As per the above referenced LDC requirements, please upgrade the Boundary Survey to clearly mark the overall perimeter boundary line of the entire area to be re-development / re-zoned with a heavier bold line. As per current depiction, it is not clear which strap's are within the confines of this project.

6c2) The boundary survey must show the location of existing structures on the property. [34-202(a)(2)]

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DCI 2005-00026

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In addition, please outline on the Boundary Survey and MCP all the platted easements applicable to each lot.

**Response:** **A revised boundary survey is attached which includes your requested changes. Our Surveyor has advised that there are no easements on this project area.**

7) Miscellaneous Items.

1. Please redo the submitted surrounding property owner's map that includes all parcels of property within a buffer Distance of 500 feet of the subject parcels because it seems to be incomplete. The generated map takes into consideration only 7 out of 10 straps that are subject to this request.

**Response:** **As discussed in our meeting, a new variance report including all 10 straps was obtained from the Property Appraiser's Office and was included in the previous resubmittal, which includes the map, list of surrounding property owners and mailing labels.**

2. Please revise page 5 of 12, section L, Deed Restrictions. The applicant wrote "N/A" (not applicable) when asked if there are no deed of restrictions or other covenants on this property that may affect this request. Please check the blank appropriately in response to the first question of Section L.

**Response:** **As discussed in our meeting, a revised Application for Public Hearing was included in the previous resubmittal as requested. There are no deed of restrictions or other covenants on this property.**

3. Please refer to attached sufficiency comments made by Dawn E. Perry - Lehnert, Assistant County Attorney.

Note: "Sufficiency or non-applicability of Legal Requirements subject to change upon review of subsequent resubmittal."

**Response:** **As discussed in our meeting, we did not receive the reference memo from the Lee Co. Attorneys Office, but have fully addressed all comments from staff which incorporated Attorneys office comments.**

**Environmental Sciences Planned Development Sufficiency Checklist**

10) Dock & Shoreline Structures. Location and dimensions of proposed structures must be shown on the Master Concept Plan. How will protected species, the natural waterway buffer, and adjacent waterways be affected? [10-474; 10-416(d)(9); Chapter 26]

As previously requested: Please revise the MCP to show the existing boat docks with slip areas that are proposed to be retained.

**Response:** **Existing docks are shown on the revised attached MCP, as well as, on the survey. An FDEP permit was issued for the repair of the docks. The above referenced section specifically requests "*Location and dimensions of proposed structures*", but these docks are existing and will remain. We have reduced the overall residential units and do not intend to rent or lease any docks, which is why no parking for**

Please provide a cultural resource assessment as requested by Lee County Planning (see attached).

**Response: No request was made in the first review for a cultural assessment. The site developed in the 50's and the request for rezoning is a request to redevelop the fully developed and totally disturbed site. We find no legal right for your request for a cultural assessment of the site. The site contains residential buildings which are being demolished. These buildings were offered in local advertisements in recognized newpapers to the public free of charge to be removed prior to demolition. That date has passed. The buildings were not constructed of local materials, but rather the units were constructed in Michigan and later moved here in the 50's, if any cultural value it is in Michigan.**

**Development Review Checklist**

4) Miscellaneous Items.

Sheet Z-1 labels both streets as San Carlos Drive while sheet L-1 labels one as San Carlos Drive and one as South Street. These should be correct and consistent.

**Response: The MCP has been revised to correct the street names.**

Please let me know if you have any questions or require any additional information. Your assistance in this matter is greatly appreciated.

Sincerely,

Patrick C. Hunt, Associate

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DCI 2005-00026

*2040 Clarke Avenue · Ft. Myers, FL 33905 · (239) 693-9244 · Fax: (239) 693-9828*

# Exhibit "A"

## Development Regulations

**Schedule of Uses:**
Accessory apartment
Essential Services
Docks
Administrative offices
Multi-family units
Parking, accessory
Recreation, facilities:
Private:
On-site (existing docks to remain)
Residential accessory uses
Signs in accordance with chapter30
Temporary uses

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**Phasing:**
Project will be constructed within the initial 5 year approval in three phases with no outparcels.

**Setbacks: (Minimum unless stated otherwise on MCP)**

| Principal Structures: | Units 1-8 | Units 9-13 | Units 14-18 |
|---|---|---|---|
| Street /South | 25' | N/A | N/A |
| Street /East | 157' | N/A | N/A |
| Street /North | 25' | 61' | 61' |
| Side/West | 20' | 20 | 44' |
| Side/East | N/A | 44' | 20' |
| Rear/Water | N/A | 25' | 25' |
| Dumpster: | | | |
| Street | 21' | 30' | 30' |
| Pool: | | | |
| Street /South | 25' | | |
| Street /East | 82' | | |
| Street /North | 25' | | |
| **Landscape Buffers** | | | |
| Street | Type 'D' 15' | Type 'D' 15' | Type 'D' 15' |
| Side | Type 'B' 15' | Type 'B' 15' | Type 'B' 15' |
| Rear/water | N/A | N/A | N/A |

Note: A Type 'D' Landscape Buffer is a minimum width of 15' with 5 trees per 100LF and a double staggered hedgerow maintained at 36".

DCI 2005-00026

## Exhibit "A"

## Development Regulations

**Open Space Calculations:**
Required = 40% x 128,054 sf = 51,222 SF
Provided = 45% x 128,054 sf = 57,300 SF

| | | |
|---|---|---|
| Existing Impervious Area | 24,353 SF | 19% |
| Total Impervious Area | 63,105 SF | 49% |
| Pervious Area | 64,949 SF | 51% |
| Total Paved Area and Sidewalks | 31,830 SF | 25% |
| Total Area of Buildings | 31,275 SF | 24% |
| Project Site Area | 128,054 SF | 100% |

**PARKING ALLOCATION TABLE:**
General Category = Townhouse

Required = 2 spaces @ unit x 18 units = 36

Provided = 43 spaces total onsite parking including 3 h/c spaces.

**Schedule of Deviations**

None requested.

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NOV. 17 2005
COMMUNITY DEVELOPMENT

DCI 2005-00026

# MEMORANDUM
# FROM THE
## DEPARTMENT OF
## COMMUNITY DEVELOPMENT
## ZONING DIVISION

**DATE:** November 29, 2005

**TO:** File - DCI2005-00026

**FROM:** Jessica Smith
Secretary, Internal Services

**RE:** Notice of Public Hearing - **December 15, 2005 HEX**

I, Jessica Smith, Secretary, Internal Services, Development Services Division, do hereby certify that I have mailed notices to the adjacent property owners on the above referenced date, in the attached style, pursuant to the list marked and attached hereto and made a part of this certification.

# NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

CASE NUMBER: DCI2005-00026

CASE NAME: HIDDEN HARBOR RPD

REQUEST: Rezone 2.94+/- acres from Two-Family Conservation (TFC-2) to Residential Planned Development to permit the development of an 18-unit multi-family residential development located at 819 San Carlos Drive. No blasting is proposed.

LOCATION: The subject property is located at 819 San Carlos Drive, Ft. Myers Beach, FL 33931, in S24-T46S-23E, Lee County, FL. (District #3)

SIZE OF PROPERTY: 2.94 Acres ±

STAFF REPORT: Direct inquiries to Josh Philpott, Senior Planner, at (239) 479-8365, at the Department of Community Development, 1500 Monroe St., Ft. Myers, FL 33901.

PROPERTY OWNER'S REPRESENTATIVE:

MR. PATRICK HUNT
LAND INVESTMENT SERVICES
239-267-5900

ROBERT W CASE
LAND INVESTMENT SERVICES
239-693-9244

Notice is hereby given that the Lee County Hearing Examiner will hold a public hearing at 1:00PM PM on 12/15/2005 on the above case. The public hearing will be held in the Hearing Examiner's Meeting Room, 1500 Monroe St., Ft. Myers, FL 33901.

You must appear in person, or through counsel, or an authorized agent and provide testimony, legal argument or other evidence at the hearing to become a participant with the right to address the Board of County Commissioners.

After the Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the Board of County Commissioners who will review the recommendation and make a final decision.

**If you do not appear before the Hearing Examiner, by law, you will not be allowed to appear before the Board of County Commissioners at the final hearing in this case.**

Copies of the staff report will be available two weeks prior to the hearing. The file may be reviewed at the Development Services Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/479-8585 for additional information.

**In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Jessica M Smith at 239/479-8585.**

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

13-46-23-01-00003.0200
LAYTON JACK E + KATHLEEN L TR
PMB 256
20 TOWNE DR
BLUFFTON, SC 29910

13-46-23-01-00003.0210
CERNOLA NELLO I + KAREN L
892 NORTH ST
FORT MYERS BEACH, FL 33931

24-46-23-01-00001.0090
SPIEGEL A J +
PO BOX 50
PEOSTA, IA 52068

24-46-23-01-00001.0100
SAN CARLOS LODGE INC
JAMES HALL
21266 SAIL BAY DR
CASSOPOLIS, MI 49031

24-46-23-01-00001.0120
WILLOUGHBY JUNE M TR
777 SAN CARLOS DR
FORT MYERS BEACH, FL 33931

24-46-23-01-00001.0130
HARRISON JULIA E TR
789 SAN CARLOS DR
FORT MYERS BEACH, FL 33931

24-46-23-01-00001.0140
SHERIDAN GORDON + CATHARINE
793 SAN CARLOS DR
FORT MYERS BEACH, FL 33931

24-46-23-01-00001.0150
SHERIDAN GORDON J + CATHARINE
5990 THOROLD STONE RD
NIAGARA FALLS, ON L2J 1A2
CANADA

24-46-23-01-00001.0170
SHIRLEY DENNIS + CONNIE
1065 BAYSIDE LN
MINNETRISTA, MI 55364

24-46-23-01-00001.0180
LEA R A + BARBARA K
807 SAN CARLOS DR
FT MYERS BEACH, FL 33931

24-46-23-01-00001.025A
PROUDFOOT DONN
845 SAN CARLOS DR
FT MYERS BEACH, FL 33931

24-46-23-01-00001.025B
DUFFY KATHLEEN +
18212 CUTLASS DR
FORT MYERS BEACH, FL 33931

24-46-23-01-00001.025C
JUVE ROBERT A +
4985 TIMBER TRAIL
MINNETRISTA, MN 55364

24-46-23-01-00001.025D
CHRISTLIEB A RICHARD + SHIRLEY
859 SAN CARLOS DR
FT MYERS BEACH, FL 33931

24-46-23-01-00001.025E
PRIMEAU NORMAN L + BEVERLY ANN
950 SAN CARLOS CT
FT MYERS BEACH, FL 33931

24-46-23-01-00001.025F
PRIMEAU NORMAN L + BEVERLY ANN
~~950 SAN CARLOS CT~~
~~FT MYERS BEACH~~, FL 33931

24-46-23-01-00001.025G
PROUDFOOT DONN
845 SAN CARLOS DR
FT MYERS BEACH, FL 33931

24-46-23-01-00001.0260
ROBBINS RONALD W + MICHELLE A
948 SAN CARLOS DR
FT MYERS BEACH, FL 33931

24-46-23-01-00001.0270
ROBBINS RONALD W + MICHELLE A
~~948 SAN CARLOS DR~~
~~FORT MYERS BEACH~~, FL 33931

24-46-23-01-00002.0060
ROSS D N + DONNA K
834 SAN CARLOS DR
FT MYERS BEACH, FL 33931

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24-46-23-01-00002.0070
CANBY DONALD S + DEE ANN
921 KATY'S LN
WILMINTON, OH 45177

24-46-23-01-00002.0080
ROSS LAWRENCE G + MARY J TR
819 SAN CARLOS DR
FORT MYERS, FL 33931

24-46-23-01-00002.0090
BLANKENSHIP RICHARD
862 OAK ST
FORT MYERS BEACH, FL 33931

24-46-23-01-00002.0100
HOWLAND WILLIAM STETSON +
862 SAN CARLOS BLVD
FORT MYERS BEACH, FL 33931

24-46-23-01-00002.0110
WAGNER ROLF + ANN MARIE
864 SAN CARLOS DR
FORT MYERS BEACH, FL 33931

24-46-23-01-00002.0120
JOHNSON ANDREW D + KELLY L
958 SAN CARLOS CT
FT MYERS BEACH, FL 33931

24-46-23-01-00002.0130
CONDOS GREGORY A
960 SAN CARLOS CT
FORT MYERS BEACH, FL 33931

24-46-23-01-00002.0140
GLODEN RAYMOND P
960 SAN CARLOS CT
FORT MYERS BEACH, FL 33931

24-46-23-01-00002.0150
GLODEN RAYMOND P
859 SOUTH ST
FORT MYERS BEACH, FL 33931

24-46-23-01-00002.0160
KOSZELA WAYNE A +
853/855 SOUTH ST
FORT MYERS BEACH, FL 33931

24-46-23-01-00002.0170
HAMANN KATHLEEN A +
849/851 SOUTH ST
FORT MYERS BEACH, FL 33931

24-46-23-01-00002.0180
NADEAU DONNA M
847 SOUTH ST
FT MYERS BEACH, FL 33931

24-46-23-01-00002.0190
GUTIERREZ ROBERT J + MARI
845 SOUTH ST
FORT MYERS BEACH, FL 33931

24-46-23-01-00002.0200
NADEAU THOMAS R + DONNA
945 SAN CARLOS DR
FT MYERS BEACH, FL 33931

24-46-23-01-00003.0010
SNIDER JOAN C
975 SAN CARLOS CT
FORT MYERS BEACH, FL 33931

24-46-23-01-00003.0020
BATISTA CAROL
4820 SHERRY LN
FORT MYERS, FL 33908

24-46-23-01-00003.0030
DOTSON SCOTT A III
961 SAN CARLOS CT SW
FT MYERS BEACH, FL 33931

24-46-23-01-00003.0050
DAMICO STEVEN A + LISA M
957 SAN CARLOS CT
FT MYERS BEACH, FL 33931

24-46-23-01-00003.0070
SCHOLZ KAREN H
P O BOX 2943
FT MYERS BEACH, FL 33932

24-46-23-01-00003.0080
FRAZIER LINDA L
949 SAN CARLOS DR
FT MYERS BEACH, FL 33931

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24-46-23-01-00003.0220
CERNOIA NELLO I + KAREN L
892 NORTH ST
FT MYERS BEACH, FL 33931

24-46-23-01-00003.0230
BATISTA CHRIS
890 NORTH ST
FT MYERS BEACH, FL 33931

24-46-23-01-00006.0010
LEE COUNTY
P O BOX 398
FORT MYERS, FL 33902

24-46-23-01-00006.0020
NAPIER JOSEPH J + MARGARET
810 SOUTH ST
FORT MYERS BEACH, FL 33931

24-46-23-01-00006.0030
SEMMER WILLIAM J
1130 MAIN ST
FT MYERS BEACH, FL 33931

24-46-23-01-00006.0040
KENNARD WARFIELD JR FAMILY LLP
14451 TRIADELPHIA RD
PO BOX 30
GLENEIG, MD 21737

24-46-23-01-00006.0060
KENNARD WARFIELD JR FAMILY LP
14551 TRIADELPHIA RD
PO BOX 30
GLENELG, MD 21737

24-46-23-01-00006.0070
BUHRIG HEINZ + ROXANNE
19190 SAN CARLOS BLVD
FT MYERS BEACH, FL 33931

24-46-23-01-00006.0080
TUTHILL J RICHARD + MARY J
17730 REBECCA AV
FT MYERS BEACH, FL 33931

24-46-23-01-00006.0090
BUSBY DARIAN A +
PO BOX 2307
FORT MYERS BEACH, FL 33932

24-46-23-01-00006.0100
KORMOS GEORGE N
8130 CARRINGTON PL
CHAGRIN FALLS, OH 44023

24-46-23-01-00006.0110
WENDLING MELINDA A
49 OSCEOLA RD
RICHMOND, MA 01254

24-46-23-01-00006.0120
FT MYERS BEACH LODGE #964
LOYAL ORDER OF MOOSE INC
PO BOX 2771
FT MYERS BEACH, FL 33932

24-46-23-01-00006.0140
MCCARRON DENNIS F + LINDA
882 SOUTH ST
FT MYERS BEACH, FL 33931

24-46-23-01-00006.0150
MCCARRON DENNIS + LINDA K
882 SOUTH ST
FT MYERS BEACH, FL 33931

24-46-23-01-00006.0230
PREISS CHIROPRACTIC +
19050 SAN CARLOS BLVD
FT MYERS BEACH, FL 33931

[redacted]
FT MYERS BCH MOOSE LODGE # 964
LOYAL ORDER OF MOOSE INC
P O BOX 2771
FT MYERS BEACH, FL 33932

24-46-23-01-00006.0270
POVIA MARY ELLEN PER REP +
6071 BUCKINGHAM RD
FORT MYERS, FL 33905

24-46-23-01-00006.0290
GOODBREAD STEVEN B + LESLEY A
17660 BROADWAY AV
FORT MYERS BEACH, FL 33931

24-46-23-01-00006.0300
BUHRIG HEINZ + ROXANNE
19190 SAN CARLOS BLVD
FT MYERS BEACH, FL 33931

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24-46-23-01-00006.0340
BROTHERS ROBERTA L
618 SW 53RD TER
CAPE CORAL, FL 33914

24-46-23-01-00006.0360
BREEZE CORPORATION
PO BOX 151306
CAPE CORAL, FL 33915

24-46-23-01-00007.0090
WILLOUGHBY REUBEN TR EST
777 SAN CARLOS DR
FT MYERS BEACH, FL 33931

24-46-23-01-00007.0110
SAN CARLOS LODGE INC
JAMES D HALL PRES
21266 SAIL BAY DR
CASSOPOLIS, MI 49031

24-46-23-01-00007.0140
LEE COUNTY
P O BOX 398
FORT MYERS, FL 33902

24-46-23-01-00009.0010
SUNNYLAND COURT INC
19241 SAN CARLOS BLVD
FT MYERS BEACH, FL 33931

24-46-23-01-00009.0040
GLEISLE DEVELOPMENT CORP
PO BOX 5079
FT MYERS BEACH, FL 33932

24-46-23-01-00009.0050
PETRO OF SOUTH FLORIDA INC
8673 LITTLETON RD
N FT MYERS, FL 33903

24-46-23-01-00009.0080
FT MYERS BEACH SHRINE CLUB
P O BOX 2568
FT MYERS BEACH, FL 33932

24-46-23-01-00009.0100
FORT MYERS BEACH PLAZA INC
C/O SCOTT SAWYER
27869 KINGS KEW
BONITA SPRINGS, FL 34134

24-46-23-01-00006.0340
BROTHERS ROBERTA L
618 SW 53RD TER
CAPE CORAL, FL 33914

24-46-23-01-00006.0360
BREEZE CORPORATION
PO BOX 151306
CAPE CORAL, FL 33915

24-46-23-01-00007.0090
WILLOUGHBY REUBEN TR EST
777 SAN CARLOS DR
FT MYERS BEACH, FL 33931

24-46-23-01-00007.0110
SAN CARLOS LODGE INC
JAMES D HALL PRES
21266 SAIL BAY DR
CASSOPOLIS, MI 49031

24-46-23-01-00007.0140
LEE COUNTY
P O BOX 398
FORT MYERS, FL 33902

24-46-23-01-00009.0010
SUNNYLAND COURT INC
19241 SAN CARLOS BLVD
FT MYERS BEACH, FL 33931

24-46-23-01-00009.0040
GLEISLE DEVELOPMENT CORP
PO BOX 5079
FT MYERS BEACH, FL 33932

24-46-23-01-00009.0050
PETRO OF SOUTH FLORIDA INC
8673 LITTLETON RD
N FT MYERS, FL 33903

24-46-23-01-00009.0080
FT MYERS BEACH SHRINE CLUB
P O BOX 2568
FT MYERS BEACH, FL 33932

24-46-23-01-00009.0100
FORT MYERS BEACH PLAZA INC
C/O SCOTT SAWYER
27869 KINGS KEW
BONITA SPRINGS, FL 34134

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Hidden Harbor Inn. LLC *owner/applicant
819 San Carlos Dr.
Fort Myers, FL 33931

Mr. Patrick Hunt *agent
Land Investment Services
3963 Caloosa Rd.
Fort Myers, FL 33912

Gloria Sajgo *party of interest

Jerry Murphy *party of interest
City of Fort Myers Beach
2523 Estero Blvd
Fort Myers Beach, FL 33931

Mr. Robert W. Case *additional Agent
Land Investment Services Inc.
2040 Clarke Ave.
Fort Myers, FL 33901

Mr. Gregory J. Deserio *additional Agent
David M. Jones & Associates Inc.
2221 McGregor Blvd.
Fort Myers, FL 33901

Britt Pomeroy *additional Agent
Bean, Whitaker Lutz & Kareh, Inc.
13041-1 Mcgregor Blvd.
Fort Myers, FL 33919

Len Ahlfeld, Chairman *assocation
Kelly Greens Community Awareness
12811 Kelly Sands Way
Fort Myers, FL 33908

John Fulton *assocation
Harbour Isle Estates
12377 Anglers Cove
Fort Myers, FL 33908

Barbara England, CAM *assocation
Lexington Country Club
16257 Willowcrest Way
Fort Myers, FL 33908

Charles Fuechsel *assocation
Palm Acres Homeowner's Association
PO Box 08191
Fort Myers, FL 33908

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# MEMORANDUM

**From The**

**Department Of**

**Community Development**

**Development Services Division**

Date: May 30, 2006

To: DCI2005-00026 From: Jodi Payne

RE: Notice of Public Hearing - June 12, 2006
Lee County Board of County Commissioners Meeting

I, Luisa Villa, Internal Services Secretary, Development Services Division, do hereby certify that I have mailed **notices to the participants** in regard to the above referenced meeting, in the attached style, pursuant to the list marked and attached hereto and made a part of the certification.

# NOTICE TO PARTICIPANT

| | |
|---|---|
| CASE NUMBER: | DCI2005-00026 |
| NAME: | HIDDEN HARBOR RPD |
| REQUEST: | Rezone 2.94+/- acres from Two-Family Conservation (TFC-2) to Residential Planned Development to permit the development of an 18-unit multi-family residential development located at 819 San Carlos Drive. No blasting is proposed. The applicant indicates that the project will connect to potable water and central sewer as part of any development of the property. |
| LOCATION: | 819 San Carlos Drive, Ft. Myers Beach, FL 33931, in S24-T46S-23E, Lee County, FL. (District #3) |
| PROPERTY OWNER'S REPRESENTATIVE: | MR. PATRICK HUNT<br>239-267-5900 |

Notice is hereby given that the Lee County Board of Commissioners will hold a public hearing at 9:30 am on Monday, June 12, 2006, to review the written recommendation made by the Hearing Examiner and make a final decision in the above-referenced case. This hearing will be held in the Commissioners' Meeting Room, 2120 Main St., Ft. Myers FL.

The law states that, as a participant, you have the right to appear and address the Board on this case. However, the law strictly limits all testimony before the Board to statements challenging the correctness of findings and conclusions contained in the record, or statements alleging the discovery of relevant new evidence which was not known by the speaker at the time of the Hearing Examiner's hearing and not otherwise disclosed in the record. Statements will be limited to five (5) minutes or as the Board may otherwise allow.

Additional copies of the Hearing Examiner's recommendation may be obtained or the file reviewed at the Zoning Division, 1500 Monroe St., Ft. Myers, FL. Call 479-8585 for additional information.

**In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Jodi M Payne at 479-8585.**

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

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CASE NUMBER DCI2005-00026

NAME OF CASE Hidden Harbor RPD

Mr. Patrick Hunt
Land Investment Services
8363 Caloosa Rd
Ft. Myers, FL 33912

Hidden Harbor Inn LLC
819 San Carlos Dr
Fort Myers Beach, FL 33931

Mr. Robert Case
Land Investments Services
2040 Clarke Avenue
Fort Myers, FL 33905

Mr. Gregory Deserio
David M. Jones & Associates
2221 McGregor Blvd.
Fort Myers, FL 33901

Ms. Britt Pomeroy
Bean, Whitaker, Lutz
13041-1 McGregor Blvd.
Fort Myers, FL 33919

Gayle Bell
906 San Carlos Drive
Fort Myers Beach, Florida 33931

Larry E. Bell
906 San Carlos Drive
Fort Myers, Florida 33931

Barbara K. Lea
807 San Carlos Drive
Fort Myers Beach, Florida 33931

Ronald Lea
807 San Carlos Drive
Fort Myers Beach, Florida 33931

Scott VanSelow
908 San Carlos Drive
Fort Myers, Florida 33931

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DCI 2005-00026

**MEMORANDUM**
**FROM**
**DEPARTMENT OF COMMUNITY DEVELOPMENT**
**DIVISION OF ENVIRONMENTAL SCIENCES**

**Date:** March 22, 2006

**To:** Richard Gescheidt, Hearing Examiner
**From:** Kim Trebatoski, Principal Environmental Planner

**Subject:** Hidden Harbour RPD Condition 3 Revisions/Clarifications

The applicant recommended revisions to condition 3 to address their concerns regarding final design. ES staff reviewed the applicant's language, and recommend the following to address both the applicant's and staff's concerns (Applicant language is underlined. Staff's language is strike thru and double underline):

**Prior to local development order approval, the landscape plans must include:**

a. **The details on the creation of a ~~minimum 10-foot wide~~ 3,600 square foot (calculated based on 10-foot width and 360 linear footage of shoreline) coastal littoral planting shelf waterward of the existing sea wall stabilized with a riprap breakwater and native plantings, subject to approval by appropriate permitting agencies. The shape of the littoral planting shelf and the planting plan can be flexible in design, including width and plant types, to accommodate pedestrian access to the waters of San Carlos Bay and to the subject property's dockage from the subject property. The planting plan must include appropriate native vegetation providing a fifty percent coverage at time of planting for the littoral shelf; and**

**b. No change; and**

**c. No change**

CC Jeff Philpott
Dev Zoning
file

LEE COUNTY
SOUTHWEST FLORIDA

CERTIFIED
The Florida Bar

**DAWN E. PERRY-LEHNERT**
*Assistant County Attorney*

2115 Second Street, 6th Floor
P.O. Box 398
Fort Myers, Florida 33902-0398
http://www.lee-county.com

(239) 335-2236
Fax: (239) 335-2606
E-Mail: lehnertd@leegov.com

RECEIVED BY
LEE CO. ATTORNEY
2006 MAR 20 AM 8:21

Dear Ms. Perry Lehnert;

I attended the Hidden Harbor public hearing yesterday and noted your question the demolition and occupancy of the subject buildings was never answered. I indicated in green the buildings which have been removed. (lots 19,20,21 and 22 have been completely cleared)

Ronald Lea
807 San Carlos Drive
Fort Myers Beach

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MAR 2 1 2006
COMMUNITY DEVELOPMENT

# SURVEY PLAT

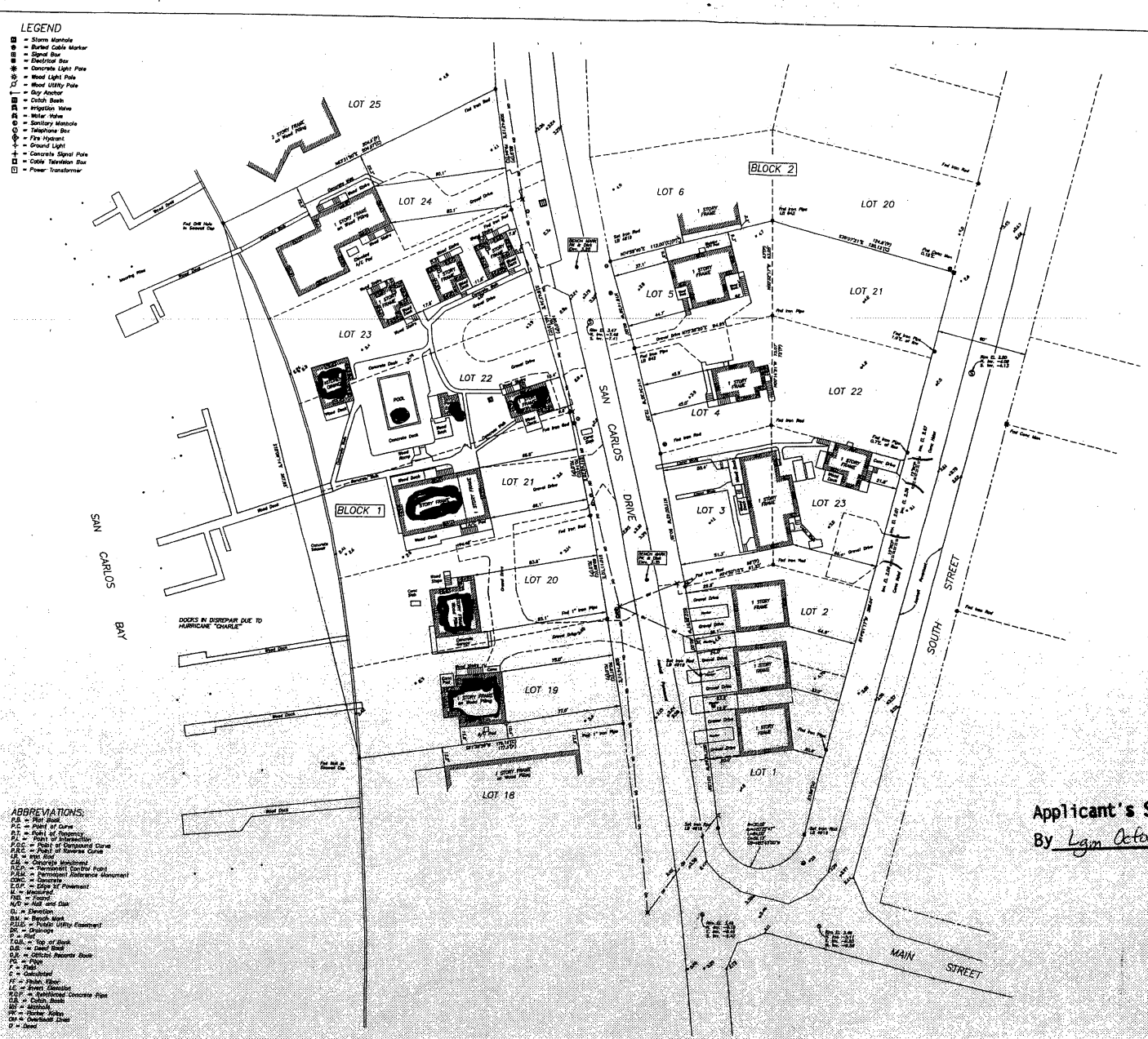
OF

A PARCEL OF LAND

LYING IN

SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST

LEE COUNTY, FLORIDA




0' 30' 60' 90'

N

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PERMIT COUNTER

DRT 2005-00026

## DESCRIPTION:

Lots 19 through 24, Block 1, and Lots 1 through 5 and 21 through 23, Block 2 of San Carlos on the Gulf as recorded in Plat Book 6 at Page 6, of the Public Records of Lee County, lying in Section 24, Township 46 South, Range 23 East, Lee County, Florida.

## NOTES:

Survey based on plat of San Carlos on the Gulf (Plat Book 6, Page 6), previous surveys by this firm and field located monumentation.

Bearings based on assumed datum with the south line of Lot 19, Block 1 to bear N01°38'39"E.

Dimensions are in feet and decimal parts thereof.

Elevations are based on N.G.V.D. of 1929 and U.S.C.&G.S. Benchmark E-345.

Parcel subject to Easements, Restrictions, Reservations and Rights- of-Way (Recorded and Unrecorded, Written and Unwritten).

Parcel lies in Flood Zone V18, Base Flood Elevation of +15, +17 & +18. A10, Base Flood Elevation of +13 & + 14. This information taken from Flood Insurance Rate Map 1.25124 0425 D, effective date 9-20-89 (Index dated 5-05-03).

The F.E.M.A. Flood Zone information indicated hereon is based on maps supplied by the Federal Government. This flood information must be verified with all permitting regulatory entities prior to commencing any work or application dependent on said flood information.

Iron rods "set" are 5/8" x 18" rebar with yellow cap bearing corporation No. LB4816.

Underground improvements, utilities and/or foundations were not located unless otherwise noted.

Wetlands, if any, were not located.

This plat prepared as a Boundary Survey and is not intended to delineate the jurisdiction or jurisdictional areas of any federal, state, regional or local agency, board, commission or other entity.

Parcel contains 2.54 acres more or less.

The property is subject to any claim that any part of said land is owned by the state of florida by right of sovereignty, riparian rights and the like to ordinary high, if any.

Date of last field work: 11-05-04.

Survey meets or exceeds the accuracy standards of an Urban Survey (1:15,000).

Applicant's Survey Checked
By Lgm October 11, 2005

## ABBREVIATIONS:

P.B. = Plat Book
P.C. = Point of Curve
P.I. = Point of Tangency
P.I. = Point of Intersection
P.C.C. = Point of Compound Curve
P.R.C. = Point of Reverse Curve
I.R. = Iron Rod
C.M. = Concrete Monument
P.C.P. = Permanent Control Point
P.R.M. = Permanent Reference Monument
CONC. = Concrete
E.O.P. = Edge of Pavement
M. = Measured
FND. = Found
H/D = Hold and Dish
EL. = Elevation
B.M. = Bench Mark
P.U.E. = Public Utility Easement
DR. = Drainage
P. = Plat
T.O.B. = Top of Bank
D.B. = Deed Book
O.R. = Official Records Book
PG. = Page
F. = Field
C. = Calculated
FF. = Finish. Floor
I.E. = Invert Elevation
R.C.P. = Reinforced Concrete Pipe
C.B. = Catch Basin
MH = Manhole
PK = Parker Kalon
SW = Swirlbolt Shaw
D = Deed

"Not valid without the signature and the original raised seal of a Florida licensed Surveyor and Mapper."

BEAN, WHITAKER, LUTZ & KAREH, INC.

WILLIAM E. BEAN (FOR THE FIRM)
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATE NO. 3561


Bean, Whitaker, Lutz & Kareh, Inc. (LB 4816)
CIVIL ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS
13041-1 McGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919-6918 (239) 481-1331


| SR33873.DWG | | | | | |
|---|---|---|---|---|---|
| DATE | PROJECT NO. | DRAWN BY | SCALE | SHEET | FILE NO. CS-1-16 |
| 11-05-04 | 33873 | WBP | 1"= 30' | 1 OF 1 | |

COMMUNITY DEVELOPMENT
SEP 23 2005
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# Land Investment Services Engineering, Inc.

September 23, 2005

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SEP 23 2005
COMMUNITY DEVELOPMENT

Lee County
PO Box 398
Fort Myers, FL, 33902

Re: Hidden Harbor
Permit No. DCI2005-00026
L.I.S. No. HH01

DCI 2005-00026

Dear Josh Philpot,

In response to your recent notice dated April 4, 2005, but mailed to an address 1490 Orange River Road, which is unrelated to anyone associated with this project and was subsequently received by fax on July 27, 2005, for the above referenced project. You should note that the agent's address is being revised on the application from 17431 Alico Center Road to 8363 Caloosa Road, neither of which address corresponds to the address indicated on the sufficiency letter noted above.

However, with this full and complete response to you sufficiency review it is requested to invoke LDC Section 34-373(d)(1) which states "All applications for planned developments will be deemed sufficient unless a letter advising the applicant of insufficiencies has been provided within 15 working days of submittal of the application." According to the records of Lee County, the application was submitted on March 10, 2005, and this first sufficiency review letter was dated April 4, 2005, but was not received until fax on July 27, 2005. Therefore the time in review based upon working days exceeded the 15 day limit provided for in the above noted paragraph and **we respectfully request that a hearing date be scheduled immediately** for this project while the review is performed on this submittal.

I would like to respond to your comments in the order as received:

**Legal Requirements Sufficiency Checklist**

6a2) The legal description must include a copy of the plat or plats, if any, and the county STRAP number(s). [34-202(a)(1)]

As per the above reference LDC requirements, please provide a copy of the original plat.

Response: A copy of the recorded subdivision plat from the records of Lee County Clerks Office is included in this resubmittal. This is normally only required where a certified sketch and legal description are provided. We have provided to you in both the prior submittal and this submittal a complete boundary survey with existing conditions included.

6c) Boundary Survey. A boundary survey meeting the minimum technical standards for land surveying in the state, as set out in chapter 61G 17-6, FAC, is required for property encompassing 10 or more acres and for all Planned Development applications. [34-202(a)(2)]

Please refer to items 6c1 &6c2.

6c1) The perimeter boundary must be clearly marked on the survey with a heavy line and must include the entire area to be developed.

DCI 2005-00026

As per the above referenced LDC requirements, please upgrade the Boundary Survey to clearly mark the overall perimeter boundary line of the entire area to be re-development / re-zoned with a heavier bold line. As per current depiction, it is not clear which strap's are within the confines of this project.

6c2) The boundary survey must show the location of existing structures on the property. [34-202(a)(2)]

In addition, please outline on the Boundary Survey and MCP all the platted easements applicable to each lot.

Response: A revised boundary survey is attached which includes your requested changes. Our Surveyor has advised that there are no easements on this project area.

**Miscellaneous Items**

1. Please redo the submitted surrounding property owner's map that includes all parcels of property within a buffer Distance of 500 feet of the subject parcels because it seems to be incomplete. The generated map takes into consideration only 7 out of 10 straps that are subject to this request.

Response: As requested a new variance report from the Property Appraiser's Office is included which includes the map, list of surrounding property owners and mailing labels.

2. Please revise page 5 of 12, section L, Deed Restrictions. The applicant wrote "N/A" (not applicable) when asked if there are no deed of restrictions or other covenants on this property that may affect this request. Please check the blank appropriately in response to the first question of Section L.

Response: A revised Application for Public Hearing is attached as requested. There are no deed of restrictions or other covenants on this property.

3. Please refer to attached sufficiency comments made by Dawn E. Perry - Lehnert, Assistant County Attorney.

Response: We did not receive the reference memo from the Lee Co. Attorneys Office.

Note: "Sufficiency or non-applicability of Legal Requirements subject to change upon review of subsequent resubmittal."

Response: With this full and complete response to you sufficiency review it is requested to invoke LDC Section 34-373(d)(1) which states "All applications for planned developments will be deemed sufficient unless a letter advising the applicant of insufficiencies has been provided within 15 working days of submittal of the application." According to the records of Lee County, the application was submitted on March 10, 2005, and this first sufficiency review letter was dated April 4, 2005, but was not received until fax on July 27, 2005. Therefore the time in review based upon working days exceeded the 15 day limit provided for in the above noted paragraph and **we respectfully request that a hearing date be scheduled immediately** for this project while the review is performed on this submittal.

**Environmental Sciences Planned Development Sufficiency Checklist**

4) Exhibit 8G page 13 of 17 states "Overall the design is well integrated and preserves wetland along the northern property." There are no preserves or wetlands delineated on the MCP. Please clarify, and delineate any proposed preserves.

Response: There are no wetlands on this site and that sentence has been modified to delete any reference to wetlands.

5) Please revise the Development Regulations Open Space Calculations table to state 40% required

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COMMUNITY DEVELOPMENT

DCI 2005-00026

open space per LDC Section 34-935(g)(1).

Response: The Development Regulations Open Space Calculations table was revised to state 40% required open space.

9a) Although the LDC does not require a natural waterway buffer along seawalled properties, it is the applicant willing to construct a riprap breakwater and create a 10 foot wide panting shelf in front of the seawall? This will improve water quality, provide habitat, soften the appearance of the hardened shoreline, and an enhancement to the planned development.

Response: Owner will not provide plantings, but will provide rip-rap fronting existing seawall.

10) Please revise the MCP to show the existing boat docks with slip areas that are proposed to be retained in the Schedule of Uses.

Response: Existing docks are shown on the survey. An FDEP permit was issued for the repair of the docks.

12) Why has a code compliance landscape plan been submitted? Landscape plans are not typically reviewed as part of a planned development request.

Response: This was project is in development order review and it is an effort to clarify the overview of this proposed zoning by submitting detailed plans which are of record in your office and an effort to preclude conflicting review comments from staff.

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12d4) The schedule of uses needs to be revised to include:
Parking, accessory
Essential Services
Docks
And if needed Model Units

Response: The schedule of uses was revised to include accessory parking and docks.

12m) A deviation is needed to allow a boardwalk within 5 feet from the seawall.

15) A deviation is needed to allow a boardwalk within 5 feet from the seawall.

Response: No deviation is required for the construction of an at grade walkway adjacent to and existing seawall. Furthermore the wooden boardwalk is pervious surface over pervious material supporting the seawall from washout.

21) Sufficiency or non-applicability of legal requirements subject to change upon review of subsequent resubmittals.

Please show the location and orientation of existing / proposed docks on the MCP.

Response: As stated above, the existing docks are shown on the survey of existing conditions sealed by the surveyor of record and approved for repair by FDEP permit.

**Development Review Checklist**

DCI 2005-00026

1) Please label the MCP with street names and either public or private.

The project is not highlighted on the aerial.

Intersection separation is not addressed to the north.

Response: The MCP has been revised to indicate the street names and street intersection distance to the north. New aerials have been provided with the project outlined in bold black marker.

Please let me know if you have any questions or require any additional information. Your assistance in this matter is greatly appreciated.

Sincerely,

Patrick C. Hunt, Associate

**dated December, 2004. However, this request is a redevelopment of existing residential units and will result in an overall net reduction of two units, thereby reducing current demand.**

**GOAL 75: PROTECTION OF LIFE AND PROPERTY IN COASTAL HIGH HAZARD AREAS.** To protect human life and developed property from natural disasters. (See also Goal 80.) (Amended by Ordinance No. 94-30)

**OBJECTIVE 75.1: DEVELOPMENT IN COASTAL HIGH HAZARD AREAS.** Development seaward of the 1991 Coastal Construction Control Line shall require applicable State of Florida approval; new development on barrier islands shall be limited to densities that meet required evacuation standards; new development requiring seawalls for protection from coastal erosion shall not be permitted; and allowable densities for undeveloped areas within coastal high hazard areas will be considered for reduction. (Amended by Ordinance No. 92-35, 93-25, 94-30)

**POLICY 75.1.1:** County policy regarding development seaward of the updated 1991 Coastal Construction Control Line shall be re-evaluated approximately every five years beginning in 1995 to assess the adequacy of policies and practices developed by the Department of Environmental Protection. (Amended by Ordinance No. 92-35, 94-30)

**POLICY 75.1.2:** Rezonings to allow higher densities shall not be permitted on barrier and coastal islands if the capacity of critical evacuation routes would thereby be exceeded (see Objective 79.1). (Amended by Ordinance No. 92-35)

**POLICY 75.1.3:** Shoreline development in V Zones shall be protected from coastal erosion, wave action, and storms by vegetation, setbacks, and/or beach renourishment, rather than by seawalls or other hardened structures which tend to hasten beach erosion (see also policies under Objective 83.2). Repairs of lawfully constructed, functional, hardened structures as defined in F.S. Chapter 161 may be allowed subject to applicable state and local review and approval. (Amended by Ordinance No. 92-35)

**POLICY 75.1.4:** Through the Lee Plan amendment process, land use designations of undeveloped areas within coastal high hazard areas shall be considered for reduced density categories (or assignment of minimum allowable densities where density ranges are permitted) in order to limit the future population exposed to coastal flooding. (Amended by Ordinance No. 92-35, 94-30)

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**Response:** **Proposed request is consistent with the goal, objective and policies referenced. The design is well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements. The design will ensure that the internal street system provides for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and functions contained within or adjacent to the development. No seawalls are proposed. This site is not on a barrier or coastal island. This site is landward of the Coastal Construction Control Line. This site is within a "V" Zone. This site will not cause any coastal erosion or wave action which would hasten beach erosion because it is not located on a barrier island. This site also is in an "A" Zone which places it in a Coastal Flood Hazard Zone. The design is elevated living areas above parking. Minimal amounts of fill is required with this design. Overall the design is well integrated while accommodating an upscale lowrise multi-family development, which is compatible with adjacent land uses. This**

# ZONING DIVISION
# LEE COUNTY
# PLANNED DEVELOPMENT SUFFICIENCY REVIEW
# TRANSMITTAL SHEET

TO: Distribution
Dawn Lehnert, Asst County Attorney
DS Reviewer - Susan Hollingsworth
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Tina Silcox, Lee County School District
Brad Vance, Natural Resources
Luis Machado, Zoning
Gloria Sajgo, Planning
Jerry Murphy, FMB

FROM: Josh Philpott

DATE: 09/23/2005

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: HIDDEN HARBOR RPD

CASE #: DCI2005-00026

INFORMATION SUMMARY:

**RESUBMITTAL**

To update your file

_X_ Review and forward sufficiency questions or make finding of sufficiency

**RESPONSE REQUIRED BY: 10/07/2005**

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness
No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working fileDCI Zone File

Distributed by: Jamie Princing

Date: 09/26/2005

LEE COUNTY
SOUTHWEST FLORIDA

# COURTESY NOTICE TO ADJACENT PROPERTY OWNERS OF RECEIPT OF ZONING APPLICATION

| | |
|---|---|
| Date: | March 23, 2005 |
| Case Number: | DCI2005-00026 |
| Case Name: | HIDDEN HARBOR RPD |
| Request: | Rezone 2.94+/- acres from Two-Family Conservation (TFC-2) to Residential Planned Development to permit the development of an 18-unit multi-family residential development located at 819 San Carlos Drive. No blasting is proposed. |
| Location: | 819 San Carlos Drive, Ft. Myers Beach, FL 33931 |
| PROPERTY OWNER'S REPRESENTATIVE: | MR. PATRICK H. HUNT<br>941-694-4829 |
| Lee County Planner: | Josh Philpott<br>(239) 479-8365 |

The file may be reviewed Monday through Friday between the hours of 7:30 a.m. and 4:30 p.m. at the Lee County Development Services Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/479-8585 for additional information.

This is a courtesy notice. A public hearing date has not yet been set. You will receive another notice once the hearing date and time have been established.

JMP

13-46-23-01-00003.0200
LAYTON JACK E + KATHLEEN L TR
PMB 256
20 TOWNE DR
BLUFFTON, SC 29910

13-46-23-01-00003.0210
CERNOLA NELLO I + KAREN L
892 NORTH ST
FT MYERS BEACH, FL 33931

24-46-23-01-00001.0090
SPIEGEL A J +
PO BOX 50
PEOSTA, IA 52068

24-46-23-01-00001.0100
SAN CARLOS LODGE INC
JIM HALL
21266 SAIL BAY DR
CASSOPOLIS, MI 49031

24-46-23-01-00001.0120
WILLOUGHBY JUNE M TR
777 SAN CARLOS DR
FT MYERS BCH, FL 33931

24-46-23-01-00001.0130
HARRISON JULIA E TR
789 SAN CARLOS DR
FT MYERS BCH, FL 33931

24-46-23-01-00001.0140
SHERIDAN GORDON + CATHARINE
793 SAN CARLOS DR
FORT MYERS BEACH, FL 33931

24-46-23-01-00001.0150
SHERIDAN GORDON J + CATHARINE
5990 THOROLD STONE RD
NIAGARA FALLS, ON L2J 1A2
CANADA

24-46-23-01-00001.0170
SHIRLEY DENNIS + CONNIE
1065 BAYSIDE LN
MINNETRISTA, MI 55364

24-46-23-01-00001.0180
LEA R A + BARBARA K
807 SAN CARLOS DR
FT MYERS BEACH, FL 33931

24-46-23-01-00001.025A
PROUDFOOT DONN
845 SAN CARLOS DR
FT MYERS BEACH, FL 33931

24-46-23-01-00001.025B
HASKELL GEORGE F + PHYLLIS A
87 WEST MAIN ST
CORTLAND, NY 13045

24-46-23-01-00001.025C
JUVE ROBERT A +
4985 TIMBER TRAIL
MINNETRISTA, MN 55364

24-46-23-01-00001.025D
CHRISTLIEB A RICHARD + SHIRLEY
859 SAN CARLOS DR
FT MYERS BEACH, FL 33931

24-46-23-01-00001.025E
PRIMEAU NORMAN L + BEVERLY ANN
950 SAN CARLOS CT
FT MYERS BEACH, FL 33931

24-46-23-01-00001.025F
PRIMEAU NORMAN L + BEVERLY ANN
950 SAN CARLOS CT
FT MYERS BEACH, FL 33931

24-46-23-01-00001.025G
PROUDFOOT DONN
845 SAN CARLOS DR
FT MYERS BEACH, FL 33931

24-46-23-01-00001.0260
ROBBINS RONALD W + MICHELLE A
948 SAN CARLOS DR
FT MYERS BEACH, FL 33931

24-46-23-01-00001.0270
ROBBINS RONALD W + MICHELLE A
948 SAN CARLOS DR
FORT MYERS BEACH, FL 33931

24-46-23-01-00002.0040
HIDDEN HARBOR INN LLC
819 SAN CARLOS BLVD
FORT MYERS BEACH, FL 33931

24-46-23-01-00002.0050
HIDDEN HARBOR INN LLC
819 SAN CARLOS BLVD
FORT MYERS BEACH, FL 33931

24-46-23-01-00002.0060
ROSS D N + DONNA K
834 SAN CARLOS DR
FT MYERS BEACH, FL 33931

24-46-23-01-00002.0070
CANBY DONALD S + DEE ANN
921 KATY'S LN
WILMINTON, OH 45177

24-46-23-01-00002.0080
ROSS LAWRENCE G + MARY J TR
819 SAN CARLOS DR
FORT MYERS, FL 33931

24-46-23-01-00002.0090
BLANKENSHIP RICHARD
862 OAK ST
FORT MYERS BEACH, FL 33931

24-46-23-01-00002.0100
HOWLAND WILLIAM STETSON +
862 SAN CARLOS BLVD
FORT MYERS BEACH, FL 33931

24-46-23-01-00002.0110
WAGNER ROLF + ANN MARIE
864 SAN CARLOS DR
FORT MYERS BEACH, FL 33931

24-46-23-01-00002.0120
JOHNSON ANDREW D + KELLY L
958 SAN CARLOS CT
FT MYERS BEACH, FL 33931

24-46-23-01-00002.0130
CONDOS GREGORY A
960 SAN CARLOS CT
FORT MYERS BEACH, FL 33931

24-46-23-01-00002.0140
GLODEN RAYMOND P
960 SAN CARLOS CT
FORT MYERS BEACH, FL 33931

24-46-23-01-00002.0150
GLODEN RAYMOND P
859 SOUTH ST
FORT MYERS BEACH, FL 33931

24-46-23-01-00002.0160
KOSZELA WAYNE A +
853/855 SOUTH ST
FORT MYERS BEACH, FL 33931

24-46-23-01-00002.0170
HAMANN KATHLEEN A +
849/851 SOUTH ST
FORT MYERS BEACH, FL 33931

24-46-23-01-00002.0180
NADEAU DONNA M
847 SOUTH ST
FT MYERS BEACH, FL 33931

24-46-23-01-00002.0190
GUTIERREZ ROBERT J + MARI
845 SOUTH ST
FORT MYERS BEACH, FL 33931

24-46-23-01-00002.0200
NADEAU THOMAS R + DONNA
945 SAN CARLOS DR
FT MYERS BEACH, FL 33931

24-46-23-01-00002.0210
HIDDEN HARBOR INN LLC
819 SAN CARLOS BLVD
FORT MYERS BEACH, FL 33931

24-46-23-01-00002.0220
HIDDEN HARBOR INN LLC
819 SAN CARLOS BLVD
FORT MYERS BEACH, FL 33931

24-46-23-01-00003.0010
SNIDER JOAN C
975 SAN CARLOS CT
FORT MYERS BEACH, FL 33931

24-46-23-01-00003.0020
BATISTA CAROL
4820 SHERRY LN
FORT MYERS, FL 33908

All data is current at time of printing and subject to change without notice.

24-46-23-01-00003.0030
DOTSON SCOTT A III
961 SAN CARLOS CT SW
FT MYERS BEACH, FL 33931

24-46-23-01-00003.0050
DAMICO STEVEN A + LISA M
957 SAN CARLOS CT
FT MYERS BEACH, FL 33931

24-46-23-01-00003.0070
SCHOLZ KAREN H
P O BOX 2943
FT MYERS BEACH, FL 33932

24-46-23-01-00003.0080
FRAZIER LINDA L
949 SAN CARLOS DR
FT MYERS BEACH, FL 33931

24-46-23-01-00003.0220
CERNOIA NELLO I + KAREN L
892 NORTH ST
FT MYERS BEACH, FL 33931

24-46-23-01-00003.0230
BATISTA CHRIS
890 NORTH ST
FT MYERS BEACH, FL 33931

24-46-23-01-00006.0010
LEE COUNTY
P O BOX 398
FORT MYERS, FL 33902

24-46-23-01-00006.0020
NAPIER JOSEPH J + MARGARET
810 SOUTH ST
FORT MYERS BEACH, FL 33931

24-46-23-01-00006.0030
SEMMER WILLIAM J
1130 MAIN ST
FT MYERS BEACH, FL 33931

24-46-23-01-00006.0040
KENNARD WARFIELD JR FAMILY LLP
14451 TRIADELPHIA RD
PO BOX 30
GLENEIG, MD 21737

24-46-23-01-00006.0060
KENNARD WARFIELD JR FAMILY LP
14551 TRIADELPHIA RD
PO BOX 30
GLENELG, MD 21737

24-46-23-01-00006.0070
BUHRIG HEINZ + ROXANNE
19190 SAN CARLOS BLVD
FT MYERS BEACH, FL 33931

24-46-23-01-00006.0080
TUTHILL J RICHARD + MARY J
17730 REBECCA AV
FT MYERS BEACH, FL 33931

24-46-23-01-00006.0090
BUSBY DARIAN A +
PO BOX 2307
FORT MYERS BEACH, FL 33932

24-46-23-01-00006.0100
KORMOS GEORGE N
5266 CHILLICOTHE RD
CHAGRIN FALLS, OH 44022

24-46-23-01-00006.0110
WENDLING MELINDA A
49 OSCEOLA RD
RICHMOND, MA 01254

24-46-23-01-00006.0120
FT MYERS BEACH LODGE #964
LOYAL ORDER OF MOOSE INC
PO BOX 2771
FT MYERS BEACH, FL 33932

24-46-23-01-00006.0240
FT MYERS BCH MOOSE LODGE # 964
LOYAL ORDER OF MOOSE INC
P O BOX 2771
FT MYERS BEACH, FL 33932

24-46-23-01-00006.0270
POVIA MARY ELLEN PER REP +
6071 BUCKINGHAM RD
FORT MYERS, FL 33905

24-46-23-01-00006.0290
GOODBREAD STEVEN B + LESLEY A
17660 BROADWAY AV
FORT MYERS BEACH, FL 33931

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24-46-23-01-00006.0300
BUHRIG HEINZ + ROXANNE
19190 SAN CARLOS BLVD
FT MYERS BEACH, FL 33931

24-46-23-01-00006.0340
BROTHERS ROBERTA L
618 SW 53RD TER
CAPE CORAL, FL 33914

24-46-23-01-00006.0360
BREEZE CORPORATION
PO BOX 151306
CAPE CORAL, FL 33915

24-46-23-01-00007.0090
WILLOUGHBY REUBEN TR EST
777 SAN CARLOS DR
FT MYERS BEACH, FL 33931

24-46-23-01-00007.0110
SAN CARLOS LODGE INC
JAMES D HALL PRES
21266 SAIL BAY DR
CASSOPOLIS, MI 49031

24-46-23-01-00007.0140
LEE COUNTY
P O BOX 398
FORT MYERS, FL 33902

24-46-23-01-00009.0010
SUNNYLAND COURT INC
19241 SAN CARLOS BLVD
FT MYERS BEACH, FL 33931

24-46-23-01-00009.0040
GLEISLE DEVELOPMENT CORP
PO BOX 5079
FT MYERS BEACH, FL 33932

24-46-23-01-00009.0050
PETRO OF SOUTH FLORIDA INC
8673 LITTLETON RD
N FT MYERS, FL 33903

24-46-23-01-00009.0080
FT MYERS BEACH SHRINE CLUB
P O BOX 2568
FT MYERS BEACH, FL 33932



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Barbara England, CAM (*Iona/McGregor)
Lexington Country Club
16257 Willowcrest Way
Ft. Myers, FL 33908

Jack Myatt, Chairman (*Iona/McGregor)
Kelly Greens Community Awareness Committee
16221 Kelly Woods Drive
Fort Myers FL 33908

John Fulton (*Iona/McGregor)
Harbour Isle Estates
12377 Anglers Cove
Ft. Myers, FL 33908

Charles Fuechsel, President (*Iona/McGregor)
Palm Acres Homeowner's Assoc.
P.O. Box 08191
Ft. Myers, FL 33908

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LEE COUNTY
SOUTHWEST FLORIDA

Case # DCI2005-00026

Jurisdiction : Lee County

Agent/Applicant :

Owner HIDDEN HARBOR INN LLC
819 SAN CARLOS DR
FORT MYERS BEACH FL 33931

Description of Request application for A DCI to change the parcels from TFC-2 to RPD

---

Following is a list of submittal requirements which were missing from your application received on 3/10/2005

Thank you

We appreciate your submitting all required documents for the above referenced Planned Development application.

This document is for informational purposes only and is not intended to be construed as a finding of sufficiency or completeness of the application or documentation submitted.

# ZONING DIVISION
# LEE COUNTY
# PLANNED DEVELOPMENT SUFFICIENCY REVIEW
# TRANSMITTAL SHEET

TO: Distribution
Dawn Lehnert, Asst County Attorney
DS Reviewer - Susan Hollingsworth
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Tina Silcox, Lee County School District
Roland Ottolini, Natural Resources
Luis Machado, Zoning
Jerry Murphy - FMB

FROM: Josh Philpott

DATE: 03/15/2005

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: HIDDEN HARBOR RPD

CASE #: DCI2005-00026

INFORMATION SUMMARY:

**NEW SUBMITTAL**

To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

**RESPONSE REQUIRED BY: 03/29/2005**

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Jodi M Payne

Date: 03/15/2005

LEE COUNTY
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

Writer's Direct Dial Number: (239) 479-8365

October 10, 2005

MR. PATRICK HUNT
SITE CONCEPTS
8363 CALOOSA RD
FORT MYERS, FL 33912

Re: HIDDEN HARBOR RPD
DCI2005-00026 - PDS Application (Minor PD)

Dear MR. PATRICK HUNT :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Josh Philpott
Senior Planner

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Brad Vance, Natural Resources
Andy Getch, LCDOT
Jamie Princing, DCD Admin
Dawn Lehnert, Assistant County Attorney
Susan Hollingsworth, Development Review
Gloria Sajgo
Jerry Murphy
DCI Zoning File
DCI Working File

**Legal Requirements Sufficiency Checklist**

*6) All applications requiring a public hearing must include the following: [34-202(a)]*

See below.

*6a2) The legal description must include a copy of the plat or plats, if any, and the county STRAP number(s). [34-202(a)(1)]*

As per the above-referenced LDC requirement, please provide a copy of the original plat.

*6c) Boundary Survey. A boundary survey meeting the minimum technical standards for land surveying in the state, as set out in chapter 61G 17-6, FAC, is required for property encompassing 10 or more acres and for all Planned Development applications. [34-202(a)(2)]*

Please refer to item 6c1 & 6c2.

*6c1) The perimeter boundary must be clearly marked on the survey with a heavy line and must include the entire area to be developed. [34-202(a)(2)]*

As per the above-referenced LDC requirement, please upgrade the Boundary Survey to clearly mark the overall perimeter boundary line of the entire area to be redeveloped / rezoned with a heavier bold line. As per current depiction, it is not clear which STRAPs are within the confines of this project. Thanks.

*6c2) The boundary survey must show the location of existing structures on the property. [34-202(a)(2)]*

In addition, please outline on the Boundary Survey and MCP all the platted easements applicable to each lot.

*7) Miscellaneous Items.*

1. Please redo the submitted surrounding property owner's map that includes all parcels of property within a buffer Distance of 500 feet of the subject parcels because it seems to be incomplete. The generated map takes into consideration only 7 out of 10 STRAPs that are subject to this request.
2. Please revise page 5 of 12, Section L, Deed Restrictions. The applicant wrote "N/A"
(not applicable) when asked if there are no deed restrictions or other covenants on this property that may affect this request. Please, check the blank appropriately in response to the first question of Section L.
3. Please refer to attached sufficiency comments made by Dawn E. Perry-Lehnert, Assistant County Attorney.

Note: "Sufficiency or non-applicability of Legal Requirements subject to change upon review of subsequent resubmittals."

*8) Contact. The Planner may be contacted regarding any questions on this Checklist.*

Please contact Luis G. Machado, Planning / Zoning Technician at (239) 479-8485 or e-mail: lmachado@leegov.com

**Environmental Sciences Planned Development Sufficiency Checklist**

*10) Dock & Shoreline Structures. Location and dimensions of proposed structure(s) must be shown on the Master Concept Plan. How will protected species, the natural waterway buffer, and adjacent waterways be affected? [10-474; 10-416(d)(9); Chapter 26]*

As previously requested: Please revise the MCP to show the existing boat docks with slip areas that are proposed to be retained.

*12) Miscellaneous Items.*

Please note the landscape plans will be reviewed during the development order review process for consistency with the LDC and any approved zoning resolution. Conditions for buffers or other plantings may be recommended by staff during the zoning review as part of any recommendation of approval.

*13) Contact. The Environmental Planner may be contacted regarding any question on the Environmental Sciences Sufficiency Checklist.*

Kim Trebatoski, Principal Environmental Planner
#239-479-8183
trebatkm@leegov.com

*12d4) Uses. The proposed use of each lot or parcel (including outparcels) keyed to the list of proposed uses submitted with the application. If the property development regulations for a specific zoning district will be used, reference to the specific district will be sufficient. [34-373(a)(6)c.]*

the schedule of uses needs to be revised to include Essential Services.

*12j) Buffers. The minimum width and composition of all proposed buffers along the perimeter of the subject property, as well as between the individual uses, if the types of proposed uses requires buffer separations. References to types of buffers as described in chapter 10 are acceptable. [34-373(a)(6)i.]*

Please show the location of the buffers on the MCP.
A Type B buffer is required between Mult-Family and Single-Family uses. If not proposing to comply with this section please request a deviation.
Please also show a buffer that will comply with Section 10-416(d)6 of the Lee County Land Development Code.

*20) Contact. The Zoning Planner may be contacted regarding any questions on the Planned Development Sufficiency Checklist.*

Josh Philpott - 479-8365

*21) Miscellaneous Items.*

Sufficiency or non-applicability of legal requirements subject to change upon review of subsequent resubmittals.

Please show the location and orientation of existing/proposed docks on the MCP.

Please provide a cultural resource assesment as requested by Lee County Planning (see attached).

In reference to the request to schedule the application for hearing, staff has tentatively schedule the hearing. Although the hearing is scheduled, the application is not sufficient and staff intends to work with the applicant to resolve the insufficient items. Should you have any questions feel free to give me a call at 479-8365.

**Development Review Checklist**

*4) Miscellaneous items.*

Sheet Z-1 labels both streets as San Carlos Drive while sheet L-1 labels one as San Carlos Drive and one as South Street. These should be correct and consistent.

*5) Contact. The reviewer may be contacted regarding questions on the Development Review Sufficiency Checklist.*

Susan Hollingsworth, 479-8587 x 16.

# MEMORANDUM

**FROM**
**THE DEPARTMENT OF**
**COMMUNITY DEVELOPMENT**
**DIVISION OF PLANNING**

**DATE:** October 6, 2005

**TO:** Josh Philpott

**FROM:** **Gloria M Sajgo,**
**Principal Planner**

**RE: Hidden Harbor**

The applicant should provide a cultural resource assessment by a trained professional in the field. This will help staff evaluate the historic significance of the resources and determine what mitigation measures need to be taken.

In staff's opinion several of the resources on this site have historic significance.

# ZONING DIVISION
# LEE COUNTY
## PLANNED DEVELOPMENT SUFFICIENCY REVIEW
## TRANSMITTAL SHEET

TO: Distribution
Dawn Lehnert, Asst County Attorney
DS Reviewer - Susan Hollingsworth
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Tina Silcox, Lee County School District
Brad Vance, Natural Resources
Luis Machado, Zoning
Gloria Sajgo
Jerry Murphy

FROM: Josh Philpott

DATE: 09/26/2005

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: HIDDEN HARBOR RPD

CASE #: DCI2005-00026

INFORMATION SUMMARY:

**RESUBMITTAL**

To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

**RESPONSE REQUIRED BY: 10/10/2005**

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Jamie Princing

Date: 09/28/2005

# *Site Concepts*

*8363 Caloosa Road* *PHONE: 239-267-5900*

*Fort Myers, FL 33912* *FAX: 239-267-5933*

## - Transmittal -

RECEIVED
SEP. 26 2005
COMMUNITY DEVELOPMENT

**DATE:** September 24, 2005

**TO:** Josh Philpot
Lee Co. DCD, Zoning

**FROM:** Patrick O'Hurley

**RE:** Hidden Harbor RPD
Case # DCI2005-00026
Addendum to Resubmittal Docs

**DCI** 2005-00026

**Message**

On September 23, 2005, a sufficiency response was submitted with several documents including:

1. Sufficiency response letter.
2. Revised application for public hearing.
3. Revised surrounding property owners list with map and 2 sets mailing labels.
4. Marked aerial photos - 13 copies.

Additional copies and documents are now being forwarded to your attention to provide you as much information as needed to complete your review.

If I may be of any assistance, please do not hesitate to contact me on cell phone #340-9389.

Attachments: Response Letter dated September 23 2005 - 12 copies
Revised Application for Public Hearing - 12 copies
Subject Property Owners List - 12 copies
Revised Development Regulations Exhibit "A" - 12 copies
Revised Lee Plan Compliance Exhibit "6G", page 13 of 17 -12 copies
Recorded Subdivision Plat Book 6, Page 6 - 6 copies
Revised Boundary and Existing Conditions Survey - 12 copies
Revised Master Concept Plan - 12 copies (24"x36")
Revised Master Concept Plan - 12 copies (11"x17")
Revised Landscape Plans - 12 copies (24"x36")
Revised Landscape Plans - 12 copies (11"x17")

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SEP 26 2005
PERMIT COUNTER

# Land Investment Services Engineering, Inc.

September 23, 2005

Lee County
PO Box 398
Fort Myers, FL, 33902

RECEIVED
SEP 26 2005
PERMIT COUNTER

Re: Hidden Harbor
Permit No. DCI2005-00026
L.I.S. No. HH01

Dear Josh Philpot,

In response to your recent notice dated April 4, 2005, but mailed to an address 1490 Orange River Road, which is unrelated to anyone associated with this project and was subsequently received by fax on July 27, 2005, for the above referenced project. You should note that the agent's address is being revised on the application from 17431 Alico Center Road to 8363 Caloosa Road, neither of which address corresponds to the address indicated on the sufficiency letter noted above.

However, with this full and complete response to you sufficiency review it is requested to invoke LDC Section 34-373(d)(1) which states "All applications for planned developments will be deemed sufficient unless a letter advising the applicant of insufficiencies has been provided within 15 working days of submittal of the application." According to the records of Lee County, the application was submitted on March 10, 2005, and this first sufficiency review letter was dated April 4, 2005, but was not received until fax on July 27, 2005. Therefore the time in review based upon working days exceeded the 15 day limit provided for in the above noted paragraph and **we respectfully request that a hearing date be scheduled immediately** for this project while the review is performed on this submittal.

I would like to respond to your comments in the order as received:

DCI 2005-00026

**Legal Requirements Sufficiency Checklist**

6a2) The legal description must include a copy of the plat or plats, if any, and the county STRAP number(s). [34-202(a)(1)]

As per the above reference LDC requirements, please provide a copy of the original plat.

Response: A copy of the recorded subdivision plat from the records of Lee County Clerks Office is included in this resubmittal. This is normally only required where a certified sketch and legal description are provided. We have provided to you in both the prior submittal and this submittal a complete boundary survey with existing conditions included.

6c) Boundary Survey. A boundary survey meeting the minimum technical standards for land surveying in the state, as set out in chapter 61G 17-6, FAC, is required for property encompassing 10 or more acres and for all Planned Development applications. [34-202(a)(2)]

Please refer to items 6c1 &6c2.

6c1) The perimeter boundary must be clearly marked on the survey with a heavy line and must include the entire area to be developed.

*2040 Clarke Avenue · Ft. Myers, FL 33905 · (239) 693-9244 · Fax: (239) 693-9828*

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As per the above referenced LDC requirements, please upgrade the Boundary Survey to clearly mark the overall perimeter boundary line of the entire area to be re-development / re-zoned with a heavier bold line. As per current depiction, it is not clear which strap's are within the confines of this project.

6c2) The boundary survey must show the location of existing structures on the property. [34-202(a)(2)]

In addition, please outline on the Boundary Survey and MCP all the platted easements applicable to each lot.

Response: A revised boundary survey is attached which includes your requested changes. Our Surveyor has advised that there are no easements on this project area.

***Miscellaneous Items***

1. Please redo the submitted surrounding property owner's map that includes all parcels of property within a buffer Distance of 500 feet of the subject parcels because it seems to be incomplete. The generated map takes into consideration only 7 out of 10 straps that are subject to this request.

Response: As requested a new variance report from the Property Appraiser's Office is included, which includes the map, list of surrounding property owners and mailing labels.

2. Please revise page 5 of 12, section L, Deed Restrictions. The applicant wrote "N/A" (not applicable) when asked if there are no deed of restrictions or other covenants on this property that may affect this request. Please check the blank appropriately in response to the first question of Section L.

Response: A revised Application for Public Hearing is attached as requested. There are no deed of restrictions or other covenants on this property.

3. Please refer to attached sufficiency comments made by Dawn E. Perry - Lehnert, Assistant County Attorney.

Response: We did not receive the reference memo from the Lee Co. Attorneys Office.

Note: "Sufficiency or non-applicability of Legal Requirements subject to change upon review of subsequent resubmittal."

Response: With this full and complete response to you sufficiency review it is requested to invoke LDC Section 34-373(d)(1) which states "All applications for planned developments will be deemed sufficient unless a letter advising the applicant of insufficiencies has been provided within 15 working days of submittal of the application." According to the records of Lee County, the application was submitted on March 10, 2005, and this first sufficiency review letter was dated April 4, 2005, but was not received until fax on July 27, 2005. Therefore the time in review based upon working days exceeded the 15 day limit provided for in the above noted paragraph and **we respectfully request that a hearing date be scheduled immediately** for this project while the review is performed on this submittal.

**Environmental Sciences Planned Development Sufficiency Checklist** **DCI 2005-00026**

4) Exhibit 6G page 13 of 17 states "Overall the design is well integrated and preserves wetland along the northern property." There are no preserves or wetlands delineated on the MCP. Please clarify, and delineate any proposed preserves.

Response: There are no wetlands on this site and that sentence has been modified to delete any reference to wetlands.

5) Please revise the Development Regulations Open Space Calculations table to state 40% required

open space per LDC Section 34-935(g)(1).

Response: The Development Regulations Open Space Calculations table was revised to state 40% required open space.

9a) Although the LDC does not require a natural waterway buffer along seawalled properties, it is the applicant willing to construct a riprap breakwater and create a 10 foot wide panting shelf in front of the seawall? This will improve water quality, provide habitat, soften the appearance of the hardened shoreline, and an enhancement to the planned development.

Response: Owner will not provide plantings, but will provide rip-rap fronting existing seawall.

10) Please revise the MCP to show the existing boat docks with slip areas that are proposed to be retained in the Schedule of Uses.

Response: Existing docks are shown on the survey. An FDEP permit was issued for the repair of the docks.

12) Why has a code compliance landscape plan been submitted? Landscape plans are not typically reviewed as part of a planned development request.

Response: This was project is in development order review and it is an effort to clarify the overview of this proposed zoning by submitting detailed plans which are of record in your office and an effort to preclude conflicting review comments from staff.

12d4) The schedule of uses needs to be revised to include:
Parking, accessory
Essential Services
Docks
And if needed Model Units

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PERMIT COUNTER

Response: The schedule of uses was revised to include accessory parking and docks.

12m) A deviation is needed to allow a boardwalk within 5 feet from the seawall.

15) A deviation is needed to allow a boardwalk within 5 feet from the seawall.

Response: No deviation is required for the construction of an at grade walkway adjacent to and existing seawall. Furthermore the wooden boardwalk is pervious surface over pervious material supporting the seawall from washout.

21) Sufficiency or non-applicability of legal requirements subject to change upon review of subsequent resubmittals.

Please show the location and orientation of existing / proposed docks on the MCP.

Response: As stated above, the existing docks are shown on the survey of existing conditions sealed by the surveyor of record and approved for repair by FDEP permit.

**Development Review Checklist**

1) Please label the MCP with street names and either public or private.

The project is not highlighted on the aerial.

Intersection separation is not addressed to the north.

Response: The MCP has been revised to indicate the street names and street intersection distance to the north. New aerials have been provided with the project outlined in bold black marker.

Please let me know if you have any questions or require any additional information. Your assistance in this matter is greatly appreciated.

Sincerely,

Patrick C. Hunt, Associate

RECEIVED
SEP 26 2005
PERMIT COUNTER

LEE COUNTY
SOUTHWEST FLORIDA

# APPLICATION FOR PUBLIC HEARING FOR UNINCORPORATED AREAS ONLY

**Applicant's Name:** Hidden Harbor Inn, LLC.

**Project Name:** Hidden Harbor RPD

**STRAP Number(s):** 24-46-23-01-00001.0190, 24-46-23-01-00001.0200, 24-46-23-01-00001.0210, 24-46-23-01-00001.0240, 24-46-23-01-00002.0010, 24-46-23-01-00002.0030, 24-46-23-01-00002.0040, 24-46-23-01-00002.0050, 24-46-23-01-00002.0210, 24-46-23-01-00002.0220

## TYPE OF APPLICATION

Special Exception **(attach Supplement A)**

____ Variance **(attach Supplement B)**

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

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

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

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

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

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

____

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PERMIT COUNTER

IS THIS PROJECT LOCATED IN THE ESTERO OR CAPTIVA PLANNING COMMUNITY?
☐ Yes* XX No
*If yes, please provide the meeting summary document and label accordingly.

**********

**STAFF USE ONLY**

Case Number: _____ Commission District: _____

Current Zoning: _____ Fee Amount: _____

Land Use Classification: _____ Intake by: _____

Planning Community: _____

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

DCI 2005-00026

## PART 1
## APPLICANT\AGENT INFORMATION

**A. Name of applicant:** Hidden Harbor Inn, LLC

Address: Street: 819 San Carlos Drive

City: Ft. Myers Beach State: Fl. Zip: 33931

Phone: Area Code: 239 Number: 463-9382 Ext:

Fax: Area Code: 239 Number: 463-5385

E-mail address: Innkeeperj@aol.com

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

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

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

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

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

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

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

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

**C.1.** Company Name: Land Investment Services

Contact Person: Patrick Hunt

Address: Street: 8363 Caloosa Road.

City: Ft. Myers State: Fl. Zip: 33912

Phone: Area Code: 239 Number: 267-5900 Ext:

Fax: Area Code: 239 Number: 267-5933

E-mail address: pat.lisconst@earthlink.net

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

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## PART 2
## PROPERTY OWNERSHIP

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

A.1. **Name:** _____

Mailing Address: Street: _____

City: _____ State: _____ Zip: _____

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

Fax: Area Code: _____ Number: _____

E-mail: _____

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

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

C. **Multiple parcels**

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

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

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D. **Date property was acquired by present owner(s):** _____

## PART 3
## PROPERTY INFORMATION

A. **STRAP Number(s):** 24-46-23-01-00001.0190 24-46-23-01-00001.0200
24-46-23-01-00001.0210 24-46-23-01-00001.0240 24-46-23-01-00002.0010
24-46-23-01-00002.0030 24-46-23-01-00002.0040 24-46-23-01-00002.0050
24-46-23-01-00002.0210 24-46-23-01-00002.0220

B. **Street Address of Property:** 819 San Carlos Drive, Ft. Myers Beach, Fl. 33931

C. **Legal Description**

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

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

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

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

_____ The request is for a conventional rezoning, special exception, or variance on a parcel less than ten acres in area. Attached is a (check one) _____ Certified sketch of description attached as **Exhibit PH-3.D.2**. or a _____ Boundary survey attached as **Exhibit PH-3.D.2** [34-202(a)(2)]

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

E. **Planning Community:** _____

F. **General Location of Property:**

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

F.2. **Directions to property:** San Carlos Blvd to Main St, turn right. Main St to San Carlos Dr. and turn right.

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G. **Surrounding property owners:**

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

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

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

H. **Current Zoning of Property:** TFC-2

I. **Current use of property:**

XXX **Current Non-agricultural uses of the property are:** Vacant parcels and single family houses.

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

J. **Land Use Classification:**

| | | | |
|---|---|---|---|
| Suburban | 2.94 Acres | 100 | **% of total** |
| | Acres | | **% of total** |
| | Acres | | **% of total** |
| | Acres | | **% of total** |

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

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

XXX The minimum elevation required for the first habitable floor is 17, 15, 14, and 13 NGVD (MSL)

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**L. Deed Restrictions**

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

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

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

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

| | | | | |
|---|---|---|---|---|
| 1. | Width (average if irregular parcel): | VARIES | Feet (Varies from 84' to 815') | |
| 2. | Depth (average if irregular parcel): | VARIES | Feet (Varies from 59' to 230') | |
| 3. | Total area: | 2.94 | Acres ~~or square feet~~ | |
| 4. | Frontage on road or street: | 815.01 | Feet on San Carlos Dr | Street |
| | 2nd Frontage on road or street: | 472.04 | Feet on South St | Street |

## PART 4
## ACTION REQUESTED

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

____ **Special Exception** for _____ **Attached is Supplement A**

____ **Variance** for _____ **Attached is Supplement B**

____ **Conventional Rezoning from:** _____ **to** _____ **Attached is Sup. C**

XXX ____ **Planned Development rezoning** from TFC-2 **to** RPD

_____ DCI - Major: **Attached is Supplement D**

XXX _____ DCI - Minor: **Attached is Supplement D**

Request is for PRFPD zoning in the Private Recreational Facilities Overlay Area.

_____ **Attached is Supplement D**

____ **Planned Development Amendment. Attached is the Supplement D**

____ **Public Hearing for DRI**

_____ No rezoning is required.

_____ Rezoning is required. **Attached is the Supplement D**

**B. Excavations:**

XX No blasting will be used in the excavation of lakes or other site elements.

A map indicating the general location of the proposed blasting locations is attached as **Exhibit PH-4.B** [34-202(b)(6)]

**C. Bonus Density** (put NA if not applicable)

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

**D. Hazardous materials** (put NA if not applicable)

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

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

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

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

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

A tall structures permit will be required.

Property is located within Noise zone: _____

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

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

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

N/A A summary of public informational session. **Attached is Exhibit PH-4.H** [Lee Plan Policy 21.7]

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

| **Section Number** | **Name of item** |
|---|---|
| | |
| | |
| | |
| | |
| | |

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## PART 6
## SUBMITTAL REQUIREMENTS

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

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

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

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**Exhibit PH-2.C.1.**

Property Owners List

| Parcel ID | Owner |
|---|---|
| 24-46-23-01-00001.0190<br>24-46-23-01-00001.0200<br>24-46-23-01-00001.0210<br>24-46-23-01-00001.0240<br>24-46-23-01-00002.0010<br>24-46-23-01-00002.0030<br>24-46-23-01-00002.0040<br>24-46-23-01-00002.0050<br>24-46-23-01-00002.0210<br>24-46-23-01-00002.0220 | Hidden Harbor Inn, LLC<br>819 San Carlos Dr<br>Ft Myers Beach, FL 33931 |

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## Exhibit "A"

## Development Regulations

**Schedule of Uses:**
Accessory apartment
Parking, accessory
Essential Services
Docks
Administrative offices
Multi-family units
Parking, accessory
Recreation, facilities:
Private:
On-site (existing docks to remain)
Residential accessory uses
Signs in accordance with chapter30
Temporary uses

**Phasing:**
Project will be constructed within the initial 5 year approval in three phases with no outparcels.

**Setbacks: (Minimum unless stated otherwise on MCP)**

| Principal Structures: | Units 1-8 | Units 9-13 | Units 14-18 |
|---|---|---|---|
| Street /South | 25' | N/A | N/A |
| Street /East | 157' | N/A | N/A |
| Street /North | 25' | 61' | 61' |
| Side/West | 20' | 20 | 44' |
| Side/East | N/A | 44' | 20' |
| Rear/Water | N/A | 25' | 25' |
| Dumpster: | | | |
| Street | 21' | 30' | 30' |
| Pool: | | | |
| Street /South | 25' | | |
| Street /East | 82' | | |
| Street /North | 25' | | |
| **Landscape Buffers** | | | |
| Street | Type 'D' 15' | Type 'D' 15' | Type 'D' 15' |
| Side | N/A | N/A | N/A |
| Rear/water | N/A | N/A | N/A |

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Note: A Type 'D' Landscape Buffer is a minimum width of 15' with 5 trees per 100LF and a double staggered hedgerow maintained at 36".

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## Exhibit "A"

## Development Regulations

**Open Space Calculations:**

Required = 40% x 128,054 sf = 51,222 SF
Provided = 45% x 128,054 sf = 57,300 SF

| | | |
|---|---|---|
| Existing Impervious Area | 24,353 SF | 19% |
| Total Impervious Area | 63,105 SF | 49% |
| Pervious Area | 64,949 SF | 51% |
| Total Paved Area and Sidewalks | 31,830 SF | 25% |
| Total Area of Buildings | 31,275 SF | 24% |
| Project Site Area | 128,054 SF | 100% |

**PARKING ALLOCATION TABLE:**

General Category = Townhouse

Required = 2 spaces @ unit x 18 units = 36

Provided = 43 spaces total onsite parking including 3 h/c spaces.

## Schedule of Deviations

None requested.

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**dated December, 2004. However, this request is a redevelopment of existing residential units and will result in an overall net reduction of two units, thereby reducing current demand.**

**GOAL 75: PROTECTION OF LIFE AND PROPERTY IN COASTAL HIGH HAZARD AREAS.** To protect human life and developed property from natural disasters. (See also Goal 80.) (Amended by Ordinance No. 94-30)

**OBJECTIVE 75.1: DEVELOPMENT IN COASTAL HIGH HAZARD AREAS.** Development seaward of the 1991 Coastal Construction Control Line shall require applicable State of Florida approval; new development on barrier islands shall be limited to densities that meet required evacuation standards; new development requiring seawalls for protection from coastal erosion shall not be permitted; and allowable densities for undeveloped areas within coastal high hazard areas will be considered for reduction. (Amended by Ordinance No. 92-35, 93-25, 94-30)

**POLICY 75.1.1:** County policy regarding development seaward of the updated 1991 Coastal Construction Control Line shall be re-evaluated approximately every five years beginning in 1995 to assess the adequacy of policies and practices developed by the Department of Environmental Protection. (Amended by Ordinance No. 92-35, 94-30)

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**POLICY 75.1.2:** Rezonings to allow higher densities shall not be permitted on barrier and coastal islands if the capacity of critical evacuation routes would thereby be exceeded (see Objective 79.1). (Amended by Ordinance No. 92-35)

**POLICY 75.1.3:** Shoreline development in V Zones shall be protected from coastal erosion, wave action, and storms by vegetation, setbacks, and/or beach renourishment, rather than by seawalls or other hardened structures which tend to hasten beach erosion (see also policies under Objective 83.2). Repairs of lawfully constructed, functional, hardened structures as defined in F.S. Chapter 161 may be allowed subject to applicable state and local review and approval. (Amended by Ordinance No. 92-35)

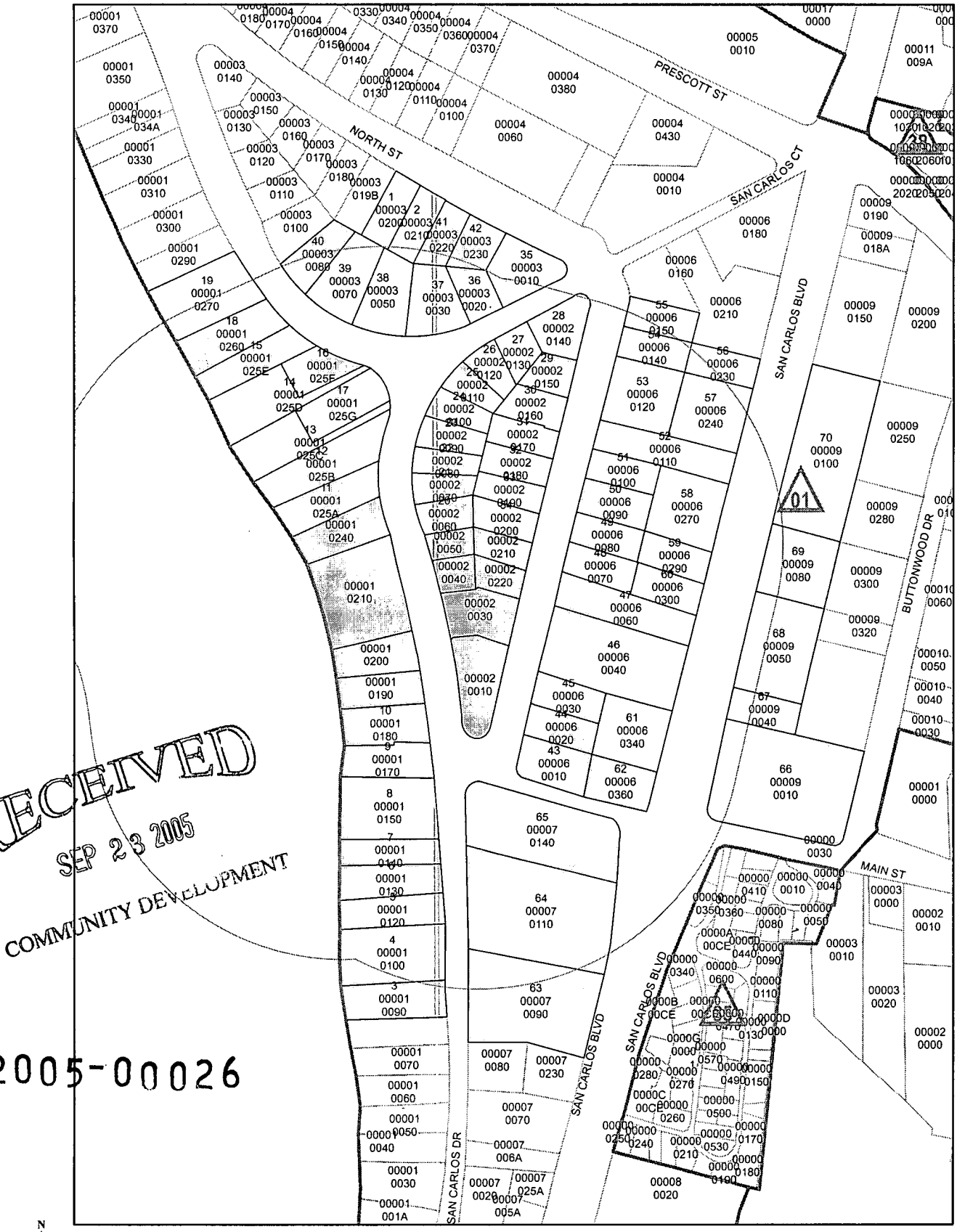
**POLICY 75.1.4:** Through the Lee Plan amendment process, land use designations of undeveloped areas within coastal high hazard areas shall be considered for reduced density categories (or assignment of minimum allowable densities where density ranges are permitted) in order to limit the future population exposed to coastal flooding. (Amended by Ordinance No. 92-35, 94-30)

**Response:** **Proposed request is consistent with the goal, objective and policies referenced. The design is well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements. The design will ensure that the internal street system provides for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and functions contained within or adjacent to the development. No seawalls are proposed. This site is not on a barrier or coastal island. This site is landward of the Coastal Construction Control Line. This site is within a "V" Zone. This site will not cause any coastal erosion or wave action which would hasten beach erosion because it is not located on a barrier island. This site also is in an "A" Zone which places it in a Coastal Flood Hazard Zone. The design is elevated living areas above parking. Minimal amounts of fill is required with this design. Overall the design is well integrated while accommodating an upscale lowrise multi-family development, which is compatible with adjacent land uses. This**

# VARIANCE REPORT

9/16/2005

Subject Parcels : 10 Affected Parcels : 70 Buffer Distance : 500 ft




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COMMUNITY DEVELOPMENT

DCI 2005-00026

24-46-23-01-00001.0190 et al.

330 165 0 330 Feet

# Lee County Property Appraiser

## Kenneth M. Wilkinson, C.F.A.

**GIS Department / Map Room**

**Phone: (239) 339-6159 • Fax: (239) 339-6139 • eMail: MapRoom@LeePA.org**

## VARIANCE REPORT

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COMMUNITY DEVELOPMENT

**Date of Report:** September 16, 2005
**Buffer Distance:** 500 ft
**Parcels Affected:** 70
**Subject Parcel:** 24-46-23-01-00001.0190, 24-46-23-01-00001.0200, 24-46-23-01-00001.0210, 24-46-23-01-00001.0240, 24-46-23-01-00002.0010, 24-46-23-01-00002.0030, 24-46-23-01-00002.0040, 24-46-23-01-00002.0050, 24-46-23-01-00002.0210, 24-46-23-01-00002.0220

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| OWNER NAME AND ADDRESS | STRAP AND LOCATION | LEGAL DESCRIPTION | Map Index |
|---|---|---|---|
| LAYTON JACK E + KATHLEEN L TR<br>PMB 256<br>20 TOWNE DR<br>BLUFFTON SC 29910 | **13-46-23-01-00003.0200**<br>896 NORTH ST<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 3 PB 6 PG 6<br>LOT 20 | 1 |
| CERNOLA NELLO I + KAREN L<br>892 NORTH ST<br>FORT MYERS BEACH FL 33931 | **13-46-23-01-00003.0210**<br>894 NORTH ST<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 3 PB 6 PG 6<br>LOT 21 | 2 |
| SPIEGEL A J +<br>PO BOX 50<br>PEOSTA IA 52068 | **24-46-23-01-00001.0090**<br>761 SAN CARLOS DR<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 1 PB 6 PG 6<br>LOT 9 | 3 |
| SAN CARLOS LODGE INC<br>JAMES HALL<br>21266 SAIL BAY DR<br>CASSOPOLIS MI 49031 | **24-46-23-01-00001.0100**<br>773 SAN CARLOS DR<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 1 PB 6 PG 6<br>LOTS 10 + 11<br>AKA SAN CARLOS LODGE TLR<br>PK | 4 |
| WILLOUGHBY JUNE M TR<br>777 SAN CARLOS DR<br>FORT MYERS BEACH FL 33931 | **24-46-23-01-00001.0120**<br>777 SAN CARLOS DR<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 1 PB 6 PG 6<br>LOT 12 | 5 |
| HARRISON JULIA E TR<br>789 SAN CARLOS DR<br>FORT MYERS BEACH FL 33931 | **24-46-23-01-00001.0130**<br>789 SAN CARLOS DR<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 1 PB 6 PG 6<br>LOT 13 | 6 |
| SHERIDAN GORDON + CATHARINE<br>793 SAN CARLOS DR<br>FORT MYERS BEACH FL 33931 | **24-46-23-01-00001.0140**<br>793 SAN CARLOS DR<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 1 PB 6 PG 6<br>LOT 14 | 7 |
| SHERIDAN GORDON J + CATHARINE<br>5990 THOROLD STONE RD<br>NIAGARA FALLS ON L2J 1A2<br>CANADA | **24-46-23-01-00001.0150**<br>801 SAN CARLOS DR<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 1 PB 6 PG 6<br>LOTS 15 + 16 | 8 |
| SHIRLEY DENNIS + CONNIE<br>1065 BAYSIDE LN<br>MINNETRISTA MI 55364 | **24-46-23-01-00001.0170**<br>805 SAN CARLOS DR<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 1 PB 6 PG 6 LOT 17<br>LESS N 15 FT OF W 100 FT | 9 |
| LEA R A + BARBARA K<br>807 SAN CARLOS DR<br>FT MYERS BEACH FL 33931 | **24-46-23-01-00001.0180**<br>807 SAN CARLOS DR<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK<br>1 PB 6 PG 6 LOT 18 + N 15<br>FT OF W 100 FT LOT 17 | 10 |
| PROUDFOOT DONN<br>845 SAN CARLOS DR<br>FT MYERS BEACH FL 33931 | **24-46-23-01-00001.025A**<br>845 SAN CARLOS DR<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 1 PB 6 PG 6<br>PT LOT 25 | 11 |
| DUFFY KATHLEEN +<br>18212 CUTLASS DR<br>FORT MYERS BEACH FL 33931 | **24-46-23-01-00001.025B**<br>855 SAN CARLOS DR<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 1 PB 6 PG 6<br>N 75 FT OF S 150 FT OF LOT 25 | 12 |

| OWNER NAME AND ADDRESS | STRAP AND LOCATION | LEGAL DESCRIPTION | Map Index |
|---|---|---|---|
| JUVE ROBERT A +<br>4985 TIMBER TRAIL<br>MINNETRISTA MN 55364 | **24-46-23-01-00001.025C**<br>857 SAN CARLOS DR<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 1 PB 6 PG 6<br>PT LOT 25 | 13 |
| CHRISTLIEB A RICHARD + SHIRLEY<br>859 SAN CARLOS DR<br>FT MYERS BEACH FL 33931 | **24-46-23-01-00001.025D**<br>859 SAN CARLOS DR<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 1 PB 6 PG 6 LOT 25<br>DESC OR 1303 PG 1432 | 14 |
| PRIMEAU NORMAN L + BEVERLY ANN<br>950 SAN CARLOS CT<br>FT MYERS BEACH FL 33931 | **24-46-23-01-00001.025E**<br>950 SAN CARLOS DR<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 1 PB 6 PG 6<br>LOT PT 25 N 70 FT | 15 |
| PRIMEAU NORMAN L + BEVERLY ANN<br>950 SAN CARLOS CT<br>FT MYERS BEACH FL 33931 | **24-46-23-01-00001.025F**<br>863 SAN CARLOS DR<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 1 PB 6 PG 6 PT LOT 25<br>DESC OR 1326 PG 28 | 16 |
| PROUDFOOT DONN<br>845 SAN CARLOS DR<br>FT MYERS BEACH FL 33931 | **24-46-23-01-00001.025G**<br>861 SAN CARLOS DR<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 1 PB 6 PG 6 PT LT 25<br>DESC OR 1432 PG 1164 | 17 |
| ROBBINS RONALD W + MICHELLE A<br>948 SAN CARLOS DR<br>FT MYERS BEACH FL 33931 | **24-46-23-01-00001.0260**<br>948 SAN CARLOS DR<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 1 PB 6 PG 6<br>LOT 26 | 18 |
| ROBBINS RONALD W + MICHELLE A<br>948 SAN CARLOS DR<br>FORT MYERS BEACH FL 33931 | **24-46-23-01-00001.0270**<br>944/946 SAN CARLOS DR<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK.1 PB 6 PG 6<br>LTS 27 + 28 | 19 |
| ROSS D N + DONNA K<br>834 SAN CARLOS DR<br>FT MYERS BEACH FL 33931 | **24-46-23-01-00002.0060**<br>834 SAN CARLOS DR<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 2 PB 6 PG 6<br>LOT 6 | 20 |
| CANBY DONALD S + DEE ANN<br>921 KATY'S LN<br>WILMINTON OH 45177 | **24-46-23-01-00002.0070**<br>840 SAN CARLOS DR<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 2 PB 6 PG 6<br>LOT 7 | 21 |
| ROSS LAWRENCE G + MARY J TR<br>819 SAN CARLOS DR<br>FORT MYERS FL 33931 | **24-46-23-01-00002.0080**<br>844 SAN CARLOS DR<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 2 PB 6 PG 6<br>LOT 8 | 22 |
| BLANKENSHIP RICHARD<br>862 OAK ST<br>FORT MYERS BEACH FL 33931 | **24-46-23-01-00002.0090**<br>850/852 SAN CARLOS DR<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 2 PB 6 PG 6<br>LOT 9 | 23 |
| HOWLAND WILLIAM STETSON +<br>862 SAN CARLOS BLVD<br>FORT MYERS BEACH FL 33931 | **24-46-23-01-00002.0100**<br>862 SAN CARLOS DR<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 2 PB 6 PG 6<br>LOT 10 | 24 |
| WAGNER ROLF + ANN MARIE<br>864 SAN CARLOS DR<br>FORT MYERS BEACH FL 33931 | **24-46-23-01-00002.0110**<br>864 SAN CARLOS DR<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 2 PB 6 PG 6<br>LOT 11 | 25 |
| JOHNSON ANDREW D + KELLY L<br>958 SAN CARLOS CT<br>FT MYERS BEACH FL 33931 | **24-46-23-01-00002.0120**<br>958 SAN CARLOS CT<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 2 PB 6 PG 6<br>LOT 12 | 26 |
| CONDOS GREGORY A<br>960 SAN CARLOS CT<br>FORT MYERS BEACH FL 33931 | **24-46-23-01-00002.0130**<br>960 SAN CARLOS CT<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 2 PB 6 PG 6<br>LOT 13 | 27 |
| GLODEN RAYMOND P<br>960 SAN CARLOS CT<br>FORT MYERS BEACH FL 33931 | **24-46-23-01-00002.0140**<br>976 SAN CARLOS CT<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 2 PB 6 PG 6<br>LOT 14 | 28 |
| GLODEN RAYMOND P<br>859 SOUTH ST<br>FORT MYERS BEACH FL 33931 | **24-46-23-01-00002.0150**<br>859/861 SOUTH ST<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 2 PB 6 PG 6<br>LOT 15 | 29 |
| KOSZELA WAYNE A +<br>853/855 SOUTH ST<br>FORT MYERS BEACH FL 33931 | **24-46-23-01-00002.0160**<br>853/855 SOUTH ST<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 2 PB 6 PG 6<br>LOT 16 LESS OR 3287 PG 2975 | 30 |

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|---|---|---|---|
| HAMANN KATHLEEN A +<br>849/851 SOUTH ST<br>FORT MYERS BEACH FL 33931 | **24-46-23-01-00002.0170**<br>849/851 SOUTH ST<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 2 PB 6 PG 6<br>LOT 17 + PT LT 16 DESC OR<br>3287 PG 2975 | 31 |
| NADEAU DONNA M<br>847 SOUTH ST<br>FT MYERS BEACH FL 33931 | **24-46-23-01-00002.0180**<br>847 SOUTH ST<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK.2 PB 6 PG 6<br>LOT 18 | 32 |
| GUTIERREZ ROBERT J + MARI<br>845 SOUTH ST<br>FORT MYERS BEACH FL 33931 | **24-46-23-01-00002.0190**<br>845 SOUTH ST<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 2 PB 6 PG 6<br>LOT 19 | 33 |
| NADEAU THOMAS R + DONNA<br>945 SAN CARLOS DR<br>FT MYERS BEACH FL 33931 | **24-46-23-01-00002.0200**<br>841/43 SOUTH ST<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 2 PB 26 PG 6<br>LOT 20 | 34 |
| SNIDER JOAN C<br>975 SAN CARLOS CT<br>FORT MYERS BEACH FL 33931 | **24-46-23-01-00003.0010**<br>975 SAN CARLOS CT<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 3 PB 6 PG 6<br>LOT 1 | 35 |
| BATISTA CAROL<br>4820 SHERRY LN<br>FORT MYERS FL 33908 | **24-46-23-01-00003.0020**<br>965 SAN CARLOS CT<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 3 PB 6 PG 6<br>LOT 2 | 36 |
| DOTSON SCOTT A III<br>961 SAN CARLOS CT SW<br>FT MYERS BEACH FL 33931 | **24-46-23-01-00003.0030**<br>961 SAN CARLOS CT<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 3 PB 6 PG 6<br>LOTS 3 + 4 | 37 |
| DAMICO STEVEN A + LISA M<br>957 SAN CARLOS CT<br>FT MYERS BEACH FL 33931 | **24-46-23-01-00003.0050**<br>957 SAN CARLOS CT<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 3 PB 6 PG 6<br>LOT 5 + E 1/2 OF LOT 6 | 38 |
| SCHOLZ KAREN H<br>P O BOX 2943<br>FT MYERS BEACH FL 33932 | **24-46-23-01-00003.0070**<br>955 SAN CARLOS DR<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 3 PB 6 PG 6<br>PT LOT 6 + ALL 7 | 39 |
| FRAZIER LINDA L<br>949 SAN CARLOS DR<br>FT MYERS BEACH FL 33931 | **24-46-23-01-00003.0080**<br>949 SAN CARLOS DR<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 3 PB 6 PG 6<br>LOT 8 | 40 |
| CERNOIA NELLO I + KAREN L<br>892 NORTH ST<br>FT MYERS BEACH FL 33931 | **24-46-23-01-00003.0220**<br>892 NORTH ST<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 3 PB 6 PG 6<br>LOT 22 | 41 |
| BATISTA CHRIS<br>890 NORTH ST<br>FT MYERS BEACH FL 33931 | **24-46-23-01-00003.0230**<br>890 NORTH ST<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 3 PB 6 PG 6<br>LOT 23 | 42 |
| LEE COUNTY<br>P O BOX 398<br>FORT MYERS FL 33902 | **24-46-23-01-00006.0010**<br>806 SOUTH ST<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 6 PB 6 PG 6<br>LOT 1 | 43 |
| NAPIER JOSEPH J + MARGARET<br>810 SOUTH ST<br>FORT MYERS BEACH FL 33931 | **24-46-23-01-00006.0020**<br>810 SOUTH ST<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 6 PB 6 PG 6<br>LOT 2 | 44 |
| SEMMER WILLIAM J<br>1130 MAIN ST<br>FT MYERS BEACH FL 33931 | **24-46-23-01-00006.0030**<br>816 SOUTH ST<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 6 PB 6 PG 6<br>LOT 3 | 45 |
| KENNARD WARFIELD JR FAMILY LLP<br>14451 TRIADELPHIA RD<br>PO BOX 30<br>GLENEIG MD 21737 | **24-46-23-01-00006.0040**<br>19220 SAN CARLOS BLVD<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 6 PB 6 PG 6<br>LOTS 4 + 5 + 32 + 33 | 46 |
| KENNARD WARFIELD JR FAMILY LP<br>14551 TRIADELPHIA RD<br>PO BOX 30<br>GLENELG MD 21737 | **24-46-23-01-00006.0060**<br>19200 SAN CARLOS BLVD<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 6 PB 6 PG 6<br>LOTS 6 31 | 47 |
| BUHRIG HEINZ + ROXANNE<br>19190 SAN CARLOS BLVD<br>FT MYERS BEACH FL 33931 | **24-46-23-01-00006.0070**<br>19190 SAN CARLOS BLVD<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 6 PB 6 PG 6<br>LOT 7 | 48 |

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|---|---|---|---|
| TUTHILL J RICHARD + MARY J<br>17730 REBECCA AV<br>FT MYERS BEACH FL 33931 | **24-46-23-01-00006.0080**<br>838 SOUTH ST<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 6 PB 6 PG 6<br>LOT 8 | 49 |
| BUSBY DARIAN A +<br>PO BOX 2307<br>FORT MYERS BEACH FL 33932 | **24-46-23-01-00006.0090**<br>842 SOUTH ST<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 6 PB 6 PG 6<br>LOT 9 | 50 |
| KORMOS GEORGE N<br>8130 CARRINGTON PL<br>CHAGRIN FALLS OH 44023 | **24-46-23-01-00006.0100**<br>846 SOUTH ST<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 6 PB 6 PG 6<br>LOT 10 | 51 |
| WENDLING MELINDA A<br>49 OSCEOLA RD<br>RICHMOND MA 01254 | **24-46-23-01-00006.0110**<br>19110 SAN CARLOS BLVD<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 6 PB 6 PG 6<br>LOTS 11 + 26 | 52 |
| FT MYERS BEACH LODGE #964<br>LOYAL ORDER OF MOOSE INC<br>PO BOX 2771<br>FT MYERS BEACH FL 33932 | **24-46-23-01-00006.0120**<br>856/860 SOUTH ST<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 6 PB 6 PG 6<br>LOTS 12 + 13 | 53 |
| MCCARRON DENNIS F + LINDA<br>882 SOUTH ST<br>FT MYERS BEACH FL 33931 | **24-46-23-01-00006.0140**<br>882/884 SOUTH ST<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 6 PB 6 PG 6<br>LOT 14 | 54 |
| MCCARRON DENNIS + LINDA K<br>882 SOUTH ST<br>FT MYERS BEACH FL 33931 | **24-46-23-01-00006.0150**<br>890/92 SOUTH ST<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 6 PB 6 PG 6<br>LOT 15 | 55 |
| PREISS CHIROPRACTIC +<br>19050 SAN CARLOS BLVD<br>FT MYERS BEACH FL 33931 | **24-46-23-01-00006.0230**<br>19050 SAN CARLOS BLVD<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK.6 PB 6 PG 6<br>LOT 23 | 56 |
| FT MYERS BCH MOOSE LODGE # 964<br>LOYAL ORDER OF MOOSE INC<br>P O BOX 2771<br>FT MYERS BEACH FL 33932 | **24-46-23-01-00006.0240**<br>19090 SAN CARLOS BLVD<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 6 PB 6 PG 6<br>LOTS 24 + 25 | 57 |
| POVIA MARY ELLEN PER REP +<br>6071 BUCKINGHAM RD<br>FORT MYERS FL 33905 | **24-46-23-01-00006.0270**<br>19130/50 SAN CARLOS BLVD<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 6 PB 6 PG 6<br>LOTS 27 28 | 58 |
| GOODBREAD STEVEN B + LESLEY A<br>17660 BROADWAY AV<br>FORT MYERS BEACH FL 33931 | **24-46-23-01-00006.0290**<br>19170 SAN CARLOS BLVD<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 6 PB 6 PG 6<br>LOT 29 | 59 |
| BUHRIG HEINZ + ROXANNE<br>19190 SAN CARLOS BLVD<br>FT MYERS BEACH FL 33931 | **24-46-23-01-00006.0300**<br>19190 SAN CARLOS BLVD<br>FT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 6 PB 6 PG 6<br>LOT 30 | 60 |
| BROTHERS ROBERTA L<br>618 SW 53RD TER<br>CAPE CORAL FL 33914 | **24-46-23-01-00006.0340**<br>19240 SAN CARLOS BLVD<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 6 PB 6 PG 6<br>LOTS 34 + 35 | 61 |
| BREEZE CORPORATION<br>PO BOX 151306<br>CAPE CORAL FL 33915 | **24-46-23-01-00006.0360**<br>19260/62 SAN CARLOS BLVD<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 6 PB 6 PG 6<br>LOT 36 | 62 |
| WILLOUGHBY REUBEN TR EST<br>777 SAN CARLOS DR<br>FT MYERS BEACH FL 33931 | **24-46-23-01-00007.0090**<br>760 SAN CARLOS DR<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 7 PB 6 PG 6<br>LOTS 9 10 21 22<br>AKA BON AIRE RENTAL PARK | 63 |
| SAN CARLOS LODGE INC<br>JAMES D HALL PRES<br>21266 SAIL BAY DR<br>CASSOPOLIS MI 49031 | **24-46-23-01-00007.0110**<br>790 SAN CARLOS DR<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 7 PB 6 PG 6 LOTS 11<br>THRU 13+18 THRU 20+VAC ST<br>AKA SAN CARLOS LODGE TRL<br>PK | 64 |
| LEE COUNTY<br>P O BOX 398<br>FORT MYERS FL 33902 | **24-46-23-01-00007.0140**<br>796 SAN CARLOS DR<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 7 PB6 PG6 LTS 14-17<br>+ADJOINING VACATED S ST<br>LESS OR 1148/856 RD R/W | 65 |
| SUNNYLAND COURT INC<br>19241 SAN CARLOS BLVD<br>FT MYERS BEACH FL 33931 | **24-46-23-01-00009.0010**<br>19241 SAN CARLOS BLVD<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 9 PB 6 PG 6<br>LOTS 23 36 37 38<br>AKA SUNNYLAND TRAILER<br>PARK | 66 |

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|---|---|---|---|
| GLEISLE DEVELOPMENT CORP<br>PO BOX 5079<br>FT MYERS BEACH FL 33932 | **24-46-23-01-00009.0040**<br>19221 SAN CARLOS BLVD<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 9 PB 6 PG 6<br>LOT 4 | 67 |
| PETRO OF SOUTH FLORIDA INC<br>8673 LITTLETON RD<br>N FT MYERS FL 33903 | **24-46-23-01-00009.0050**<br>19201 SAN CARLOS BLVD<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK.9 PB 6 PG 6<br>LOTS 5 6 + 7 | 68 |
| FT MYERS BEACH SHRINE CLUB<br>P O BOX 2568<br>FT MYERS BEACH FL 33932 | **24-46-23-01-00009.0080**<br>19171 SAN CARLOS BLVD<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK 9 PB 6 PG 6<br>LOTS 8 + 9 | 69 |
| FORT MYERS BEACH PLAZA INC<br>C/O SCOTT SAWYER<br>27869 KINGS KEW<br>BONITA SPRINGS FL 34134 | **24-46-23-01-00009.0100**<br>19051 SAN CARLOS BLVD<br>FORT MYERS BEACH FL 33931 | SAN CARLOS ON THE GULF<br>BLK.9 PB 6 PG 6<br>LOTS 10 THRU 14 | 70 |

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