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GIS Tracking Sheet

Case No.: DCI2003-00080

Intake Date: Nov 12, 2003

Project Name: Grady's Lodge

STRAP Number(s): 05-45-21-T6-00000.0480

Planner Name: Bryan Kelver Ext. 8363

LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date: 26 JAN 04 **INTAKE:** DCI03080

LEGAL SUFFICIENT ☑ YES ☐ NO Initials: [illegible]

If not, give brief explanation:

MAP UPDATE following FINAL ACTION

Date: 01 April 05

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

☐ Administrative Approval ☐ Blue Sheet

Zoning Notes: Z-04-029, DCI2003-00080, 06DEC04, REZONE 1.59 AC FROM C-1 TO CPD TO PERMIT A 15 UNIT HOTEL/MOTEL IN THE FORM OF 10 ONE & TWO UNIT CABINS; CONDS.

MAP UPDATED ☑ YES ☐ NO Initials: [illegible]

If not, give brief explanation: CREATED CPD: 501074

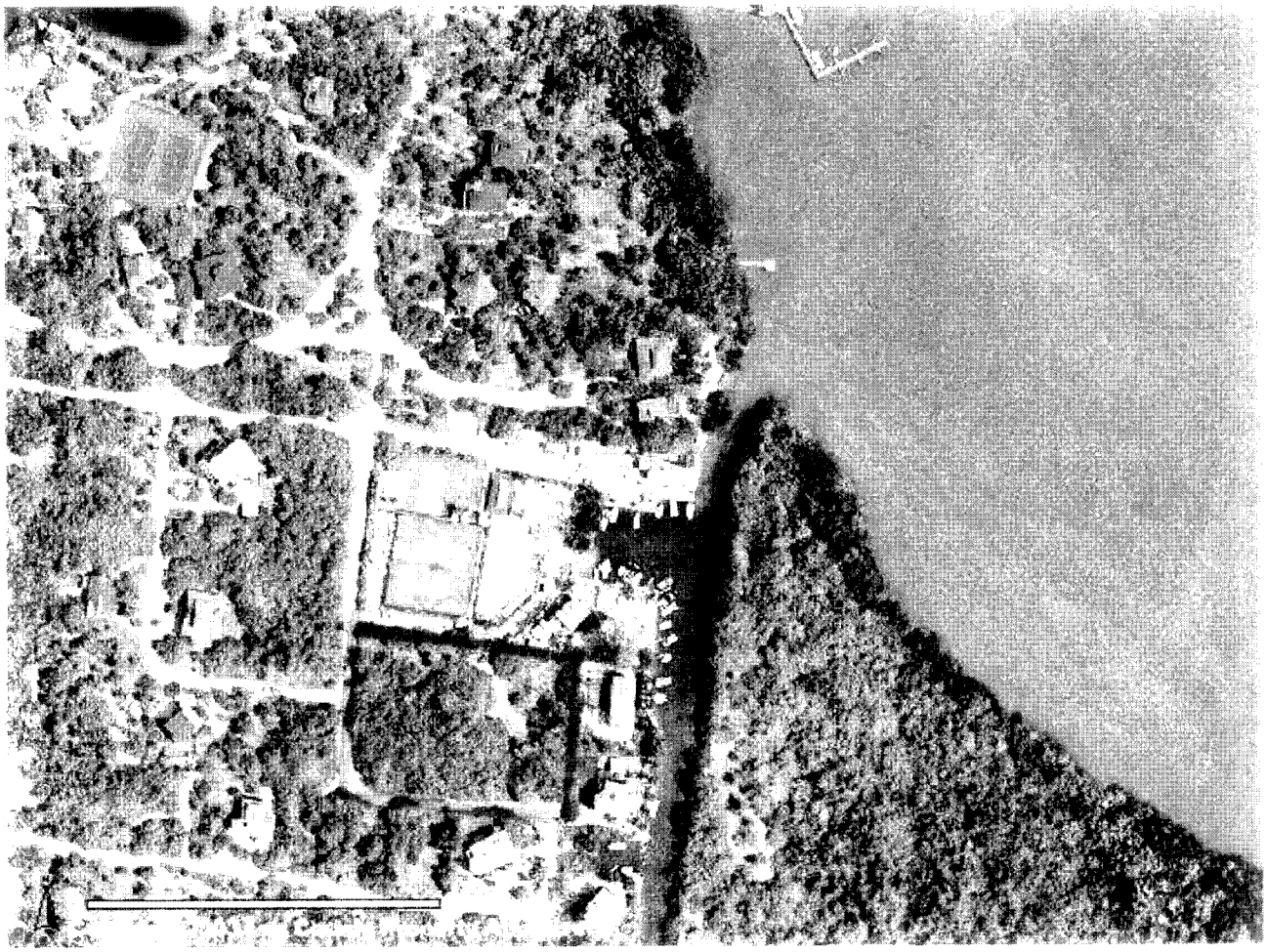
S:\WRITERS\Murphyge\gistracking.wpd

Lee Property Appraiser Web Tax Map

Tax Map Legend

Aerial Image Set	2002 (Color)	Map Currency Date	11/4/2003 10:53:02 AM

Lee Property Appraiser Web Tax Map



Tax Map Legend

Aerial Image Set	2002 (Color)	Map Currency Date	11-12-2003 8:56:25 AM

LEGAL DESCRIPTION:

PARCEL A

COMMENCING AT THE SOUTHEAST CORNER OF GOVERNMENT LOT 2, SECTION 5, TOWNSHIP 45 SOUTH, RANGE 21 EAST, NORTH CAPTIVA ISLAND, LEE COUNTY, FLORIDA; THENCE N8°40'00" EAST 330.15 FEET ALONG THE EAST LINE OF SAID GOVERNMENT LOT 2; THENCE N81°20'00" WEST 151.00 FEET ALONG THE SOUTH LINE OF LOT 2, NORTH END OF CAPTIVA ISLAND (PLAT BOOK 1, PAGE 61) TO THE POINT OF BEGINNING; THENCE CONTINUE N81°20'00"W 319.00 FEET; THENCE N8°40'00"E 125.00 FEET; THENCE S81°20'00"E 5.00 FEET; THENCE N8°40'00"E 96.70 FEET; THENCE S80°37'52"E 310.23 FEET; THENCE S4°27'55"W 107.30 FEET; THENCE S12°29'25"W 61.02 FEET; THENCE S8°40'00"W 50.00 FEET TO THE POINT OF BEGINNING. CONTAINING 1.59 ACRES MORE OR LESS.
SUBJECT TO EASEMENTS, RESTRICTIONS & RESERVATIONS OF RECORD.

EASEMENTS

SUBJECT TO AND TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR ROADWAY PURPOSES OVER AND ACROSS A PORTION OF RUM ROAD, UPPER CAPTIVA ISLAND, DESCRIBED AS FOLLOWS: FROM THE SE CORNER OF GOVERNMENT LOT 2, SECTION 5, TOWNSHIP 45 SOUTH, RANGE 21 EAST, RUN N8°40'E 330.15 FEET ALONG THE EAST LINE OF SAID SECTION 5-45-21; THENCE N81°20'W 151 FEET ALONG THE SOUTH LINE OF LOT 2 OF THE NORTH END OF CAPTIVA ISLAND (PLAT BOOK 1, PAGE 61) TO THE POINT OF BEGINNING. THENCE N81°28' W 319 FEET; THENCE N8°40'E 125 FEET; THENCE S81°20'E 5.0 FEET; THENCE N8°40'E 320.21 FEET TO THE SOUTH R/W LINE OF BARTLETT PARKWAY; THENCE S81°20'E 15 FEET; THENCE S8°40'W 295.21 FEET; THENCE S25°01'24"E 36.06 FEET; THENCE S8°40'W 80 FEET; THENCE S81°20'E 279 FEET; THENCE S8°40'W 40 FEET TO THE POINT OF BEGINNING.

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Applicant's Legal Checked
by _____ Jan/22/2004.

RECEIVED
NOV 12 2003
PERMIT COUNTER

2003-00080

LEE COUNTY
SOUTHWEST FLORIDA

October 08, 2009

ROBERT D. HUTCHERSON
12801 WESTLINKS DRIVE
FORT MYERS FL 33913

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

Dear MR. HUTCHERSON:

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

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

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

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

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

Sincerely,

Department of Community Development
Division of Zoning

Pam Houck
Director

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

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

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

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

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

SECTION A. REQUEST

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

SECTION B. CONDITIONS:

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

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

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

   a. Schedule of Uses

      ESSENTIAL SERVICES

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

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

b. Site Development Regulations

Minimum Lot Area and Dimensions:

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

Minimum Setbacks:

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

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

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

4. Prior to local development order approval, the landscape plan must delineate the existing native trees to be preserved and any Sabal palms to be relocated on site. These native trees may be used to meet the LDC landscaping requirements with the credits allowed in LDC § 10-420(h).

5. Enhancement of the Type "D" buffer is as follows:

   a. A minimum 15-foot-wide buffer with a double row hedge of native shrubs (minimum four foot height at planting) installed four foot on center and five trees per 100 linear feet along the west, south, and east property boundaries. Existing trees and native shrubs may be used toward the required buffer plantings; and

   b. At the time of local development order approval, the placement of the vegetative buffer along the south and east property lines must be coordinated with the Upper Captiva Fire Department to ensure fire department personnel have access to the rear of the most southerly and easterly cabins.

6. Consumption on Premises:

   a. The outdoor seating area and pool bar are limited to the cross-hatched area as shown on Grady's Lodge Master Concept Plan stamped received by the permit counter on January 20, 2004; and

   b. No live musical entertainment, is allowed in the outdoor seating area; however, "background" music may be piped in, at a reduced volume, so that patrons may maintain a normal level of conversation. Background music is prohibited before 10:00 a.m. and after 6:00 p.m., Monday through Sunday; and

   c. The hours of operation for the outdoor seating area, in conjunction with the consumption of alcoholic beverages, are limited from no earlier than 10:00 a.m. to no later than 10:00 p.m.; and

   d. The consumption on premises alcoholic beverage license series is to be used only in conjunction with a Group II or III restaurant and in conjunction with the pool bar and outdoor seating area; and

   e. The hours for consumption on premises for inside the restaurant shall be limited to 10:00 a.m. to 11:00 p.m.; and

   f. Lighting on the proposed pool deck must be designed so as to prevent direct glare, light spillage or hazardous interference with vehicular and pedestrian traffic on abutting streets and all abutting properties.

7. The Applicant must provide, through Lee County Emergency Management, literature and brochures for Hurricane Awareness/Preparedness describing the risks of natural hazards.

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

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

10. The10 hotel/motel units cannot be condominiumized nor can separate long term leases be granted for more than 30 days per calendar year. Prior to local development order approval, these restrictions must be recorded in the public records of Lee County.

11. The 10 hotel/motel units cannot be outfitted with kitchens or cooking facilities.

12. The developer must prove that the project will be served by an adequate water supply prior to any development order approvals.

13. Golf cart batteries may not be stored outdoors.

14. The exact location of building footprints, accessory uses, septic drainfields, driveways, and golf cart parking areas will be adjusted as necessary to avoid the unnecessary destruction of indigenous vegetation. No indigenous vegetation will be removed outside of these designated areas.

15. Developer agreed to make a voluntary contribution for impacts to the road system on North Captiva in the amount of $4,000.00.

16. Administrative amendments to the rezoning approval are prohibited.

17. Developer must plant Green Buttonwood trees three to four feet apart and staggered around south and west the boundaries in addition to the four foot hedge abutting the property line in order to create an acceptable sight and sound barrier. Developer may plant indigenous vegetation in excess of the minimum required buffer without the consent of neighbors. The buffer must be installed as soon as irrigation can be provided, and prior to the commencement of any construction on the site. Developer must maintain the buffer in good condition, replanting dead vegetation within a reasonable time.

18. Placement of Air Conditioning units shall be located along the side walls of the proposed lodge. There shall be no A/C units on walls or footings along the rear of the structures (excluding the Main Lodge) that would direct noise outward of the development toward the residential zone. Additionally all A/C units shall be surrounded by a three sided barrier, to a height of not less than 18" above the top of the A/C unit, constructed of solid wood and

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

19. Trash dumpsters shall be located and fully screened so that they are not seen from either the roadway or surrounding residents.

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

SECTION C. DEVIATIONS:

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

SECTION D. EXHIBITS AND STRAP NUMBER:

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

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

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

SECTION E. FINDINGS AND CONCLUSIONS:

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

2. The rezoning, as approved:

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

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

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

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

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

3. The rezoning satisfies the following criteria:

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

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

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

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

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

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

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

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

ATTEST:
CHARLIE GREEN, CLERK

BY: Michele B. Cooper
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

Approved as to form by:

_____
County Attorney's Office

BOARD OF COUNTY COMMISSIONERS SEAL LEE COUNTY, FLORIDA

LEGAL DESCRIPTION:

PARCEL A

COMMENCING AT THE SOUTHEAST CORNER OF GOVERNMENT LOT 2, SECTION 5, TOWNSHIP 45 SOUTH, RANGE 21 EAST, NORTH CAPTIVA ISLAND, LEE COUNTY, FLORIDA; THENCE N8°40'00" EAST 330.15 FEET ALONG THE EAST LINE OF SAID GOVERNMENT LOT 2; THENCE N81°20'00" WEST 151.00 FEET ALONG THE SOUTH LINE OF LOT 2, NORTH END OF CAPTIVA ISLAND (PLAT BOOK 1, PAGE 61) TO THE POINT OF BEGINNING; THENCE CONTINUE N81°20'00"W 319.00 FEET; THENCE N8°40'00"E 125.00 FEET; THENCE S81°20'00"E 5.00 FEET; THENCE N8°40'00"E 96.70 FEET; THENCE S80°37'52"E 310.23 FEET; THENCE S4°27'55"W 107.30 FEET; THENCE S12°29'25"W 61.02 FEET; THENCE S8°40'00"W 50.00 FEET TO THE POINT OF BEGINNING. CONTAINING 1.59 ACRES MORE OR LESS.
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Applicant's Legal Checked by _____ Jan/22/2004.

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NOV 12 2003
PERMIT COUNTER

2003-00080

EXHIBIT A

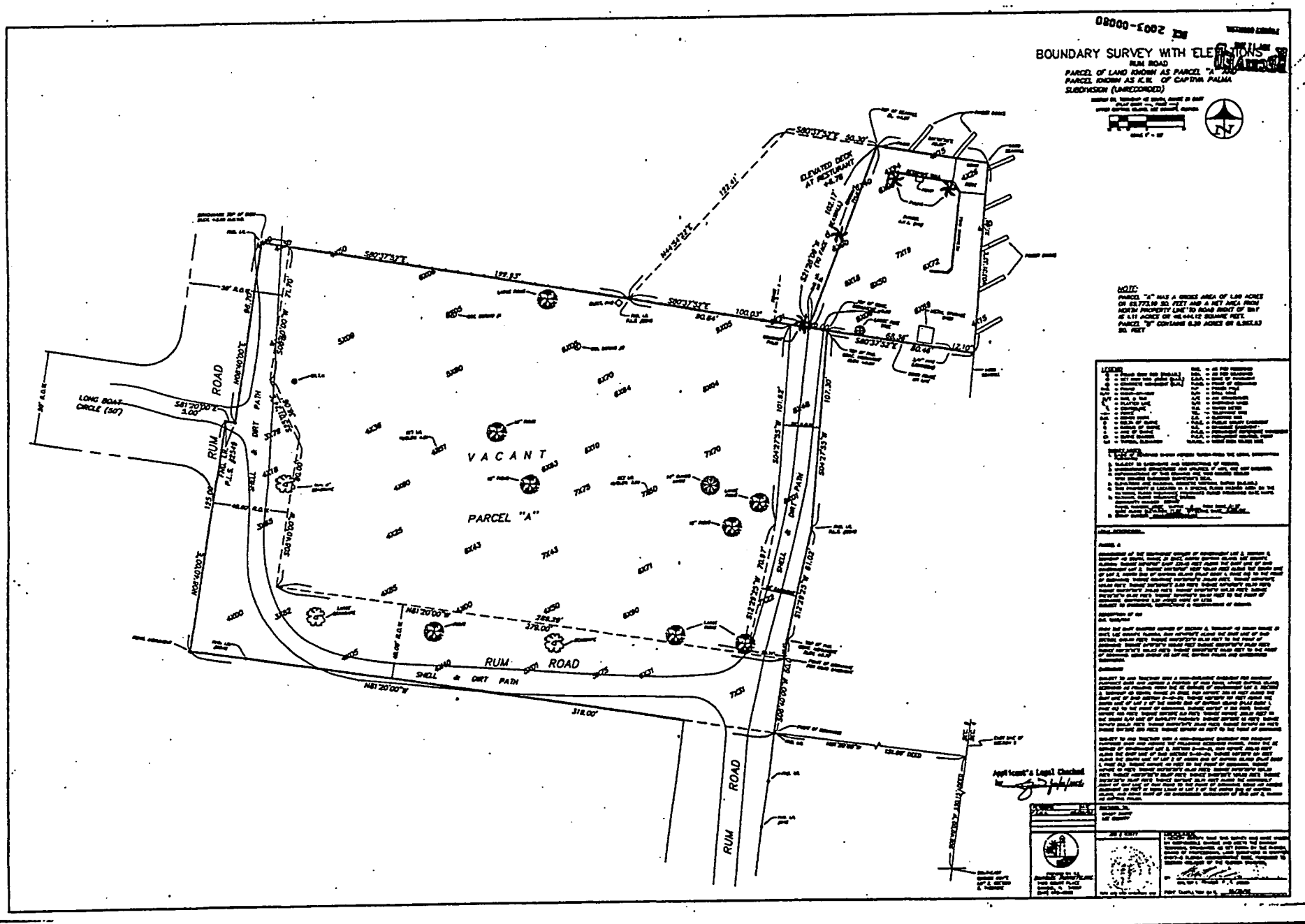

BOUNDARY SURVEY WITH ELEVATIONS
RUM ROAD
PARCEL OF LAND KNOWN AS PARCEL "A" AND PARCEL KNOWN AS K.W. OF CAPTIVA PALMA SUBDIVISION (UNRECORDED)
VACANT
PARCEL "A"
RUM ROAD
SHELL & DIRT PATH
LONG BOAT CIRCLE (50')
ELEVATED DECK AT RESTAURANT
Applicant's Legal Checked

EXHIBIT A

3/29/2004

ZONING INTAKE MAP

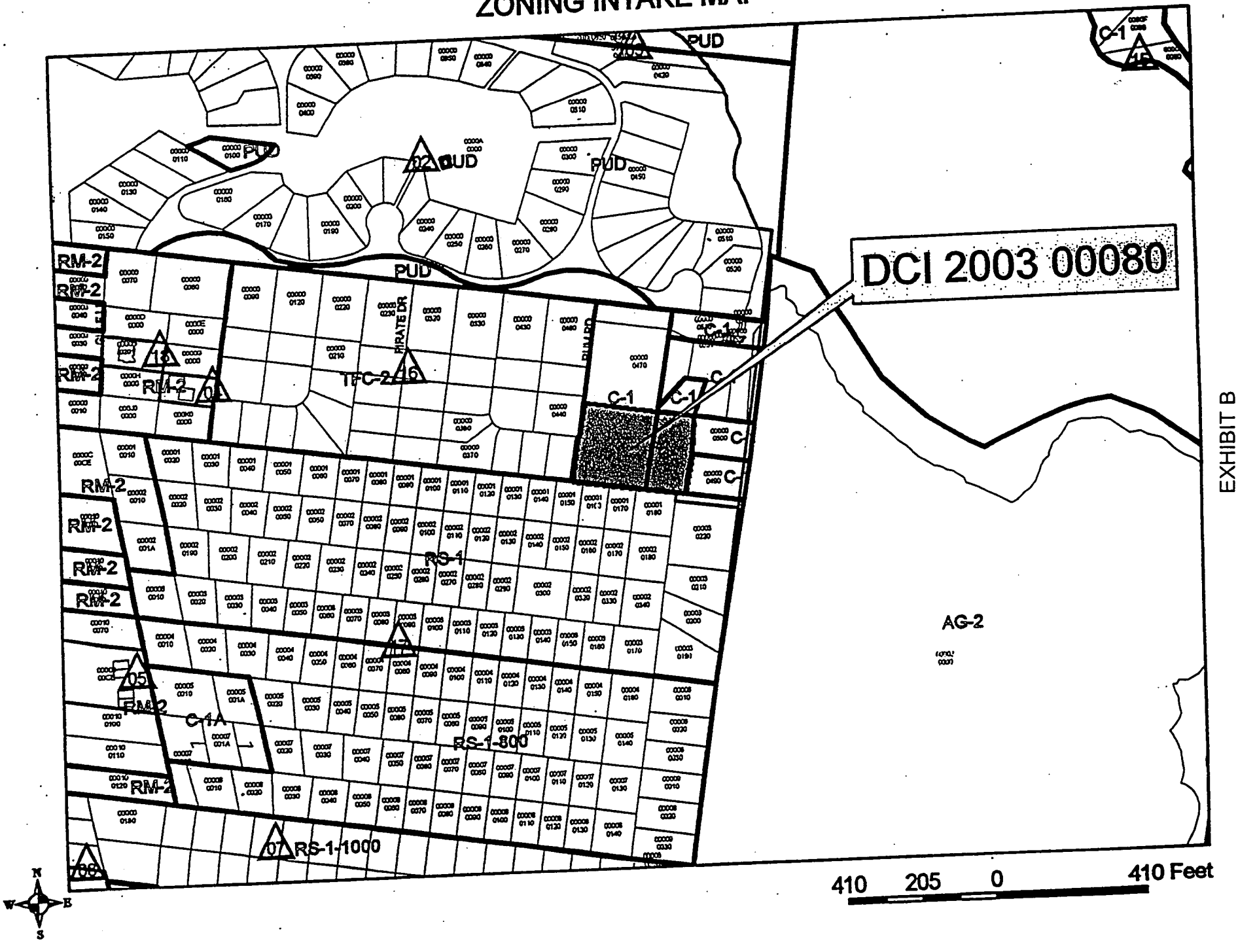
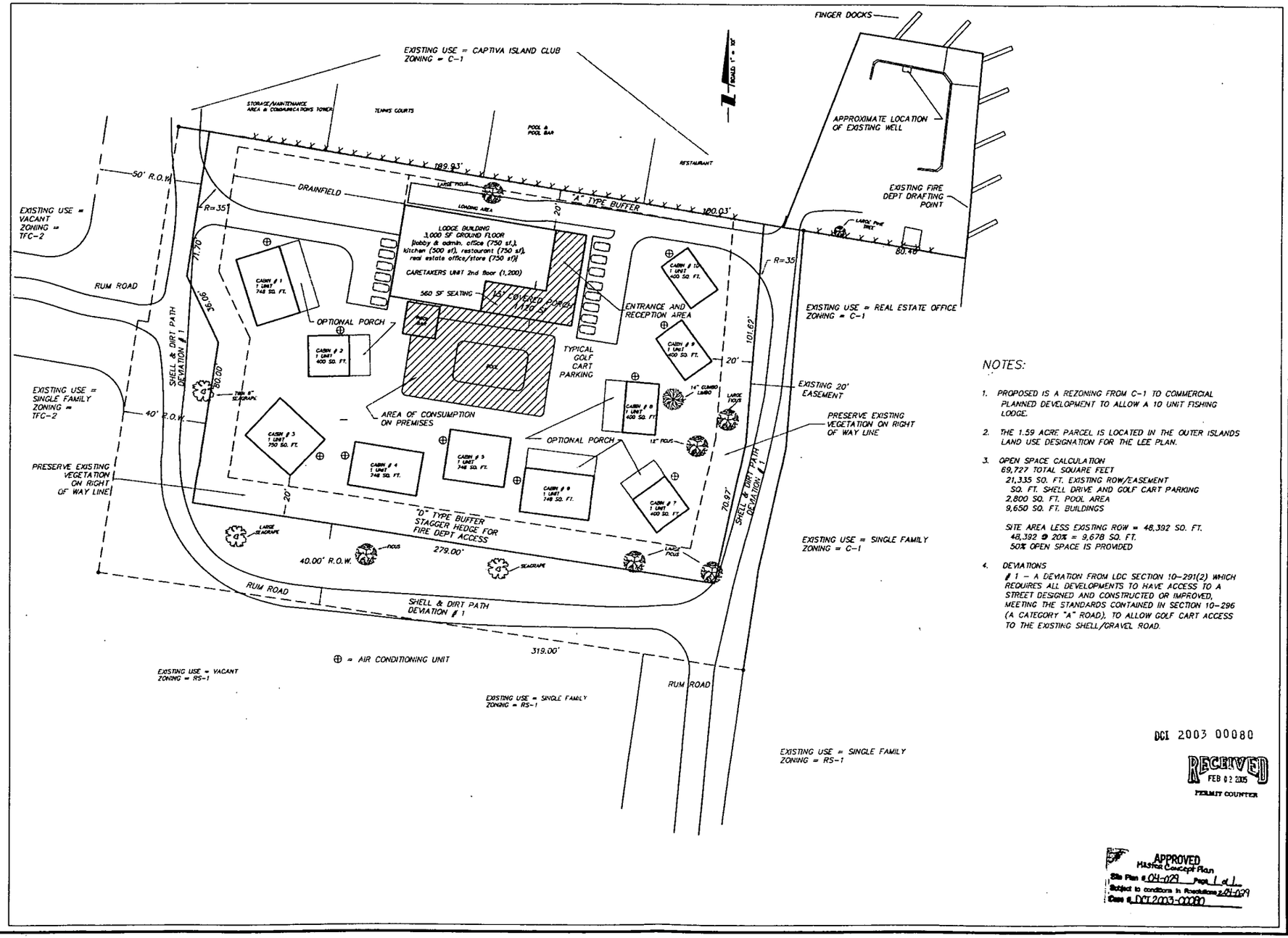


EXHIBIT B



NOTES:

1. PROPOSED IS A REZONING FROM C-1 TO COMMERCIAL PLANNED DEVELOPMENT TO ALLOW A 10 UNIT FISHING LODGE.
2. THE 1.59 ACRE PARCEL IS LOCATED IN THE OUTER ISLANDS LAND USE DESIGNATION FOR THE LEE PLAN.
3. OPEN SPACE CALCULATION
   69,727 TOTAL SQUARE FEET
   21,335 SQ. FT. EXISTING ROW/EASEMENT
   SQ. FT. SHELL DRIVE AND GOLF CART PARKING
   2,800 SQ. FT. POOL AREA
   9,650 SQ. FT. BUILDINGS

   SITE AREA LESS EXISTING ROW = 48,392 SQ. FT.
   48,392 @ 20% = 9,678 SQ. FT.
   50% OPEN SPACE IS PROVIDED
4. DEVIATIONS
   # 1 – A DEVIATION FROM LDC SECTION 10-291(2) WHICH REQUIRES ALL DEVELOPMENTS TO HAVE ACCESS TO A STREET DESIGNED AND CONSTRUCTED OR IMPROVED, MEETING THE STANDARDS CONTAINED IN SECTION 10-296 (A CATEGORY "A" ROAD), TO ALLOW GOLF CART ACCESS TO THE EXISTING SHELL/GRAVEL ROAD.

DCI 2003 00080

RECEIVED
FEB 02 2005
PERMIT COUNTER

APPROVED
Master Concept Plan
Site Plan # 04-029 Page 1 of 1
Subject to conditions in Resolution Z-04-029
Case # DCI2003-00080

WilsonMiller

Planners • Engineers • Ecologists • Surveyors
Landscape Architects • Transportation Consultants

WilsonMiller, Inc.
Naples • Fort Myers • Sarasota • Bradenton • Tampa • Tallahassee
4671 Corporate Boulevard, Suite 201 • Fort Myers, Florida 33907
Phone: 239-277-1900 • Fax: 239-277-1905
E-mail: fmyers@wilsonmiller.com • http://www.wilsonmiller.com

GRADY'S LODGE
PROPOSED COMMERCIAL PLANNED DEVELOPMENT
UPPER CAPTIVA ISLAND
LEE COUNTY, FL
EXHIBIT C

SEC 5 TWP 45 RGE 21	
Designed by:	1619
Drawn by:	1619
Checked by:	
Approved by:	
Date:	1/7/05
Scale:	1" : 20'
PIN:	04251-000-000
File #:	D-4251-01
Sheet	1 of 1

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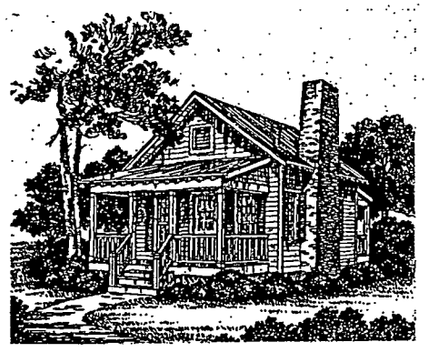
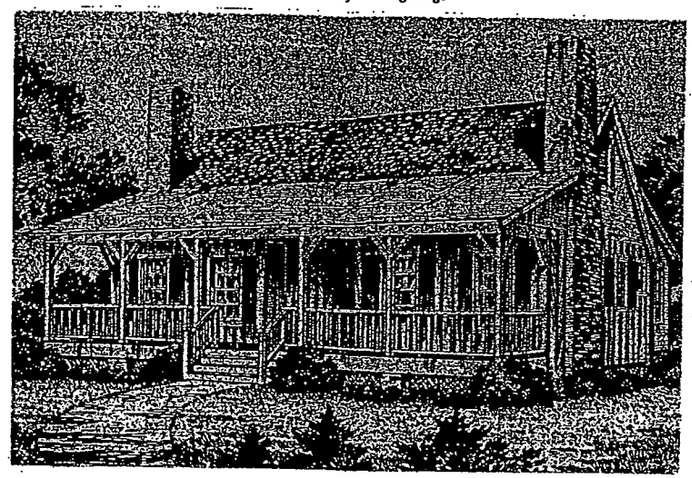
MAR 1 1 2004
ZONING

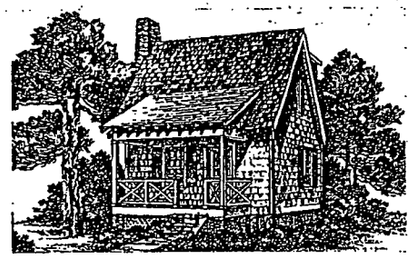
Grady's Lodge

North Captiva Island

An Old Florida Style Fishing Lodge

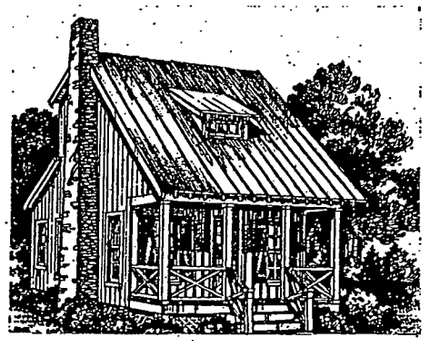


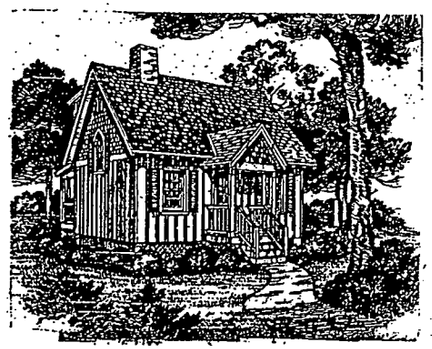


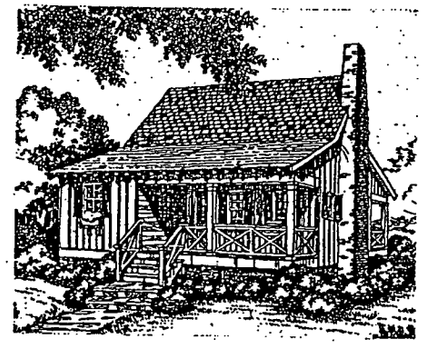


Displayed here are artist renderings to illustrate the Old Florida Style and architectual designs, which will be used in the proposed Main Fishing Lodge and One and Two Bedroom Cottages

(for illustration only, not to exact design or scale)







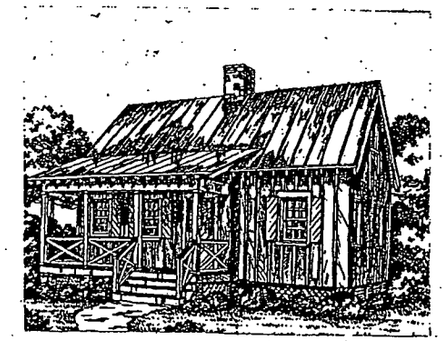


EXHIBIT D

APPLICATION FOR REQUEST FOR CONTINUANCE, DEFERRAL, WITHDRAWAL, OR REHEARING

REQUEST FOR: (refer to back of sheet for special notes)

✓ CONTINUANCE ___ DEFERRAL ___ WITHDRAWAL

___ REHEARING ___ WITHDRAWAL OF ADMINISTRATIVE APPEAL

If a DEFERRAL OR CONTINUANCE is requested, please indicate:

Length of time to December 6, 2004

From: ___ Hearing Examiner ✓ BOCC

1. Date of Scheduled Hearing: October 18, 2004
2. Hearing/Application Grady's Lodge
3. Tracking/Hearing/Application Number: Zoning Case: DCI2003-00080 / Resolution: Z
4. Date Decision was Rendered: **N/A**
5. Type of Application

   ✓ Rezoning ___ Special Exception ___ Variance ___ Other
6. Reason for request (If rehearing is requested, see Special Notes on Back):

   To resolve issues raised by the neighbors.

Matt Uhle 10/5/04

Signature of applicant or authorized agent Date

Matthew D. Uhle, Esq.

Name (typed or printed legibly)

#301, 1625 Hendry St., Ft. Myers, FL 33901

Address

RECEIVED
OCT 15 2004
3:35 PM
PERMIT COUNTER

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 15th day of October 2004 by **Matthew D. Uhle, Esq.** who is personally known to me ~~or who produced~~ ___ ~~as identification~~.

ZSUZSANNA WEIGEL
MY COMMISSION # DD 261359
EXPIRES: October 23, 2007
Bonded Thru Notary Public Underwriters

Signature of Notary Public

ZSUZSANNA WEIGEL

Printed Name of Notary Public

FEE $ ___ RECEIPT ___

DATE PAID: ___ INTAK ___

ZDS0108 Rev. 02
3/01/97 Y2K 1/03/2000

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2003-00080
APPLICANT: GRAYDON W. SCOTT, in reference to GRADY'S LODGE
HEARING DATE: APRIL 22, 2004
CONTINUED HRG. DATES: MAY 14, 2004 and JULY 14, 2004

I. APPLICATION:

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

Filed by GRAYDON W. SCOTT, P. O. Box 0141, Captiva Island, Florida 33924 (Applicant/Owner); ROBERT D. HUTCHERSON, AICP, % WILSON MILLER, INC., 4571 Colonial Boulevard, Fort Myers, Florida 33912 (Agent).

Request is to rezone a 1.59-acre parcel from the Commercial (C-1) zoning district to the Commercial Planned Development (CPD) zoning district to permit a 10-unit hotel/motel in the form of one- and two-unit cabins including a lodge, a recreation area, and a restaurant, not to exceed a maximum height of 35 feet.

The subject property is located at 531 Rum Road, Captiva (the parcel is located on Upper Captiva Island east and north of Rum Road, the Captiva Island Club is located adjacent to the parcel's northern property line), in Section 5, Township 45 South, Range 21 East, Lee County, Florida (District #1).

II. STAFF REPORT AND RECOMMENDATION: APPROVE WITH CONDITIONS

The Department of Community Development Staff Report was prepared by Bryan Kelner. 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 C-1 to CPD for the real estate described in Section IX. Legal Description WITH THE FOLLOWING CONDITIONS AND DEVIATION:

A. CONDITIONS:

1. The development of this project must be consistent with the one (1) page Master Concept Plan entitled "GRADY'S LODGE," stamped received by the permit counter on January 20, 2004 and attached hereto as **Exhibit B**, 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
EXCAVATION, water retention (dry retention only)
HOTEL/MOTEL (maximum of 10 cabins), including the following accessory uses (**which can only operate if the hotel/motel has received it Certificate of Occupancy**):

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

b. Site Development Regulations

Minimum Lot Area and Dimensions:

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

Minimum Setbacks:

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

3. This development is limited to a 4,200-square-foot lodge building containing a caretakers residence and commercial retail and/or office uses, with a 1,125-square-foot covered porch and an outside 300-square-foot pool bar, as depicted on the Master Concept Plan. The development is also limited to a maximum of 10 hotel/motel units (cabins) having a maximum size of 750 square feet for five (5) cabins and a maximum size of 400 square feet for the remaining five (5) cabins, excluding the optional porches. The typical cabin must be in substantial compliance with the attached artist renderings attached hereto as **Exhibit C.** The caretaker's residence, within the lodge building, is in addition to the 10-unit hotel/motel.

4. Environmental Conditions

Prior to local development order approval, the landscape plan must delineate the existing native trees to be preserved and any Sabal palms to be relocated on site. These native trees may be used to meet the land development code (LDC) landscaping requirements with the credits allowed in LDC Section 10-420(h).

5. Enhancement of the Type "D" buffer is as follows:

a. A minimum 15-foot-wide buffer with a double row hedge of native shrubs (minimum four foot height at planting) installed four foot on center and five trees per 100 linear feet along the west, south, and east property boundaries. Existing trees and native shrubs may be used toward the required buffer plantings; and

b. At the time of local development order approval, the placement of the vegetative buffer along the south and east property lines must be coordinated with the Upper Captiva Fire Department to ensure fire department personnel have access to the rear of the most southerly and easterly cabins.

6. Consumption on Premises:

a. The outdoor seating area and pool bar are limited to the cross-hatched area as shown on Grady's Lodge Master Concept Plan stamped received by the permit counter on January 20, 2004; and

b. No live musical entertainment, is allowed in the outdoor seating area; however, "background" music may be piped in, at a reduced volume, so that patrons may maintain a normal level of conversation. Background music is prohibited before 10:00 a.m. and after 6:00 p.m., Monday through Sunday; and

c. The hours of operation for the outdoor seating area, in conjunction with the consumption of alcoholic beverages, are limited from no earlier than 10:00 a.m. to no later than 10:00 p.m.; and

d. The consumption on premises alcoholic beverage license series is to be used only in conjunction with a Group II or III restaurant and in conjunction with the pool bar and outdoor seating area; and

e. The hours for consumption on premises for inside the restaurant shall be limited to 10:00 a.m. to 11:00 p.m.; and

f. Lighting on the proposed pool deck must be designed so as to prevent direct glare, light spillage or hazardous interference with vehicular and pedestrian traffic on abutting streets and all abutting properties.

7. The Applicant must provide, through Lee County Emergency Management, literature and brochures for Hurricane Awareness/Preparedness describing the risks of natural hazards.

8. DELETED

9. 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.

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

11. The10 hotel/motel units cannot be condominiumized nor can separate long term leases be granted for more than 30 days per calendar year. Prior to local development order approval, these restrictions must be recorded in the public records of Lee County.

12. The 10 hotel/motel units cannot be outfitted with kitchens or cooking facilities.

13. The developer must prove that the project will be served by an adequate water supply prior to any development order approvals.

14. Golf cart batteries may not be stored outdoors.

15. The exact location of building footprints, accessory uses, septic drainfields, driveways, and golf cart parking areas will be adjusted as necessary to avoid the unnecessary destruction of indigenous vegetation. No indigenous vegetation will be removed outside of these designated areas.

16. The developer will make an annual contribution of $4,000 to the North Captiva Road Commission to offset any additional impacts to the road system as long as the Commission continues to solicit and use funds to improve the roads on North Captiva.

B. <u>DEVIATION:</u>

This Deviation seeks relief from LDC Section 10-291(2), which requires that all development must abut and have access to a public or private street designed, and constructed or improved, to meet the standards in Section 10-296 (a Category "A" road), to allow golf cart access to the existing shell/gravel road. The Hearing Examiner recommends **APPROVAL** of this deviation.

IV. HEARING EXAMINER DISCUSSION:

The Applicant, Graydon W. Scott, in reference to Grady's Lodge, is requesting a rezoning from the Commercial (C-1) zoning district to the Commercial Planned Development (CPD) zoning district for a 1.59-acre parcel located at 531 Rum Road, Captiva, Lee County, Florida. The property is located more particularly on North Captiva Island, east and north of Rum Road, immediately south of the North Captiva Island Club.

If approved, the Applicant wishes to develop the site with 10 hotel/motel units that will vary in size from 750 square feet for the proposed five double units, and 400 square feet for the proposed five single units. The Applicant also plans to have a caretakers unit, a lodge, and a recreation area (i.e., swimming pool) in addition to the 10 hotel/motel units.

The Staff has recommended approval of the request with a set of conditions that are designed to make the request compatible with the surrounding area and consistent with the Lee Plan and the Land Development Code. The conditions provide buffers between the hotel/motel and some of the surrounding residential uses. The design of the project has also been fashioned to place the more intense aspects of the project (i.e., the pool and outdoor serving areas) close to similar uses that are found in the North Captiva Island Club to the north. The proposed project will serve as a step-down transition from the more intense commercial uses to the north and the resort residential uses to the east and south.

As is usual whenever a request to rezone property on Upper Captiva is brought to the County, the public hearing generated a lively discussion by the public. For the most part, the public comments reflected a difference of lifestyles between those who have homes on the island, and those who wish to visit it.

Among the concerns that were raised by the homeowners were the potential for increased activity that would take place on the island when "temporary" visitors arrived at the hotel/motel; the potential for overuse of the golf cart paths, beaches, and docks; the potential noise that outdoor activity on the hotel/motel grounds may generate; and the impact that a facility that is allowed to serve alcohol would have on the residential population.

The opponents also raised some legal issues that had to be addressed. Among these was whether 10 hotel/motel units could be accommodated on a 1.59-acre parcel. Also addressed was whether the principal use was really the hotel/motel, or the restaurant. This was raised because of the perceived size of the restaurant that is being requested. It was the "tail wagging the dog argument". Finally, a question was raised about whether the use can meet State and County standards for water use and wastewater disposal.

An equal number of public participants were in favor of the project as were opposed, because they saw the potential to utilize the island's recreational features at an affordable price. It was noted by the proponents of the project that there are State owned lands on the island and that they are generally not accessible to the visiting public because of the cost associated with getting to and staying on Upper Captiva. They argued that, if the small hotel/motel that is being proposed by the Applicant is allowed to go forward, this may change.

The Applicant addressed each of the concerns that were raised by providing expert testimony and written submissions, and the opponents responded in kind.

The controversy arises because of the nature of barrier islands. North or Upper Captiva Island is accessed in one of two ways: by boat, or by small airplane. There are very few motor vehicles on the island (e.g., some fire trucks, construction vehicles). Most residents and visitors get around on golf carts, and the composition of the roads reflect this fact; they are unpaved and rutted. The carrying capacity of the island is limited, and living space and dockage is at a premium. As such, the island can handle only a limited population. It is this limitation that engenders the most disagreement between residents and short-term visitors.

In previous hearings the residents have taken the position that the island is at or near capacity, and any attempt to add additional residents or resident type uses should be discouraged in any areas of the island that have not already been designated for such uses (i.e., vacant residential or commercial lots). This sentiment was most often voiced when there was an attempt by someone to build on or near the Island's dune system.

This request does not however, fall under that category. This project is requesting a modification to a conventionally-zoned commercial parcel to a planned development commercial parcel, on a piece of property that is adjacent to a similar, but more intense use (located to the north), and near some residential parcels. It already has zoning that will allow commercial uses, and it has been designated as such for quite some time (i.e., since 1964). Anyone who bought property around the parcel was on notice that it could be used for commercial purposes, and that the County was without the ability to impose conditions on the site (beyond those found in the Land Development Code for similarly zoned parcels), because of its conventional zoning status. What is being requested in this instance however, is a commercial use in a planned development zoning category in which the County may impose conditions if it finds that those conditions will make the project compatible with the surrounding uses and consistent with the Lee Plan and the Land Development Code.

The Conditions that have been proposed consist of those that were originally submitted by the Staff and those that have come about because of the discussions that have taken place during the intervals between the public hearings by the participants and those that were proposed by the public and its representatives during the public hearings. They are an attempt by the Staff and the Applicant to address the concerns the public had with the design and the location of the project. However, some concerns will not be addressed at this time because they are handled at a later stage of the development process than the zoning stage. Those areas will be discussed after the conditions have been analyzed.

The Applicant is proposing to develop a 10 cabin hotel/motel on a 1.59-acre parcel that has been designated commercial since 1964. In addition to the cabins, the project will contain a small restaurant, commercial retail/office space, a swimming pool, and a caretaker's residence. The restaurant, retail/office space and caretaker's residence will be located in a proposed separate 4,200-square-foot lodge building. Also planned is a 300-square-foot pool bar.

After considerable discussion at the hearing, the Applicant made substantial modifications to the project to address many of the issues that were raised by the opponent's and their representatives in the first day of the hearing.

In response to concerns with the number of units that were originally proposed, the Applicant agreed to reduce the number of cabins from the originally proposed 15 units to 10 units. They will range in size from 400 square feet (five units) to 750 square feet (the remaining five units). Furthermore, the height of the cabins has been reduced from the proposed 35 feet to 20 feet.

The original design of the cabins has remained. The Applicant has designed the structures to fit in with the rural character that the residents and the County have stressed is an important design feature for Upper Captiva. They will resemble single-family homes in character. They will be one-story in height with pitched roofs, and they will be built on pilings to meet minimum flood elevations. They will contain no kitchens or other cooking facilities. The lodge building will remain at a maximum of 35 feet in height.

Other issues that were raised at the first hearing have also been addressed by the Applicant through design changes or by giving more detail than is normally found at the rezoning stage. The Applicant has committed to providing no less than 50 percent open space for the project and to preserving native vegetation wherever possible. He has committed to having dry retention at grade for its stormwater management system, and he has agreed that the project will not go forward until he can prove that there is an adequate water supply to service the development.

In response to questions about the square footage that will be allocated for the uses that are to be found in the lodge, the Applicant noted that the lobby and administrative office would contain 1,000 square feet; the kitchen area for the restaurant would contain 500 square feet; the restaurant would contain 750 square feet; and the real estate office/general store area would contain 750 square feet; for a total of 3,000 square feet for these uses. The caretakers unit (on the second floor of the lodge) would contain an additional 1,200 square feet. Therefore , the total interior square footage for the lodge building will be 4,200 square feet. There might also be an additional 1,120 square feet of covered porch with some seating.

The activity center of the project has been angled toward the commercial activity to the north that is found in the North Captiva Island Club; the portion of the North Captiva Island Club that contains the pool, pool bar, the rental area for water sports equipment, and the real estate rental office.

The location of the outdoor seating area and the pool bar for this project are confined to the cross-hatched area that is shown on the Master Concept Plan. That location was chosen because it will be adjacent to the commercial property to the north. Consumption on premises will be allowed in the outdoor areas as will background music, but they will have restricted hours. The hours of operation will be 10:00 a.m. to 10:00 p.m, for the outdoor consumption on premises, and 10:00 a.m. to 6:00 p.m. for the background music. The consumption on premises is allowed only in conjunction with a Group II or III restaurant, and in conjunction with the pool bar and outdoor seating area. Consumption on premises for the indoor portion of the restaurant is confined to the hours of 10:00 a.m. to 11:00 p.m. The outdoor music (that cannot be live music) is limited further, to a volume that will allow a normal level of conversation to take place without interference.

The project must also arrange its outdoor lighting to prevent glare, light spillage or hazardous interference with vehicular or pedestrian traffic on abutting streets or property.

The areas to the east, south and west contain resort oriented residential areas, so the project will have an enhanced Type "D" buffer along those boundaries. It will consist of a minimum 15-foot-wide buffer with a double hedge row of native shrubs (a minimum of four feet high at planting), and five trees per 100 linear feet. The placement of the buffers on the south and east boundaries will be coordinated with the Upper Captiva Fire Department to ensure access to the site.

Testimony given at the hearing indicated, that, for the most part, the units to the south and east were leased out, and that these leases lasted for a period of 3-days to one week, and generally to parties of between six and 10 people. However, testimony also indicated that the owners themselves often occupy these units at some period during each year. Therefore, the enhanced buffering is justified.

In addition to these specific compatibility oriented concerns, there was also considerable discussion about whether there were any restrictions in the Lee Plan or the Land Development Code that prohibited the project from going forward. For example, whether the Applicant could build 10 hotel/motel units on less than two acres; whether there was an attempt on the part of the Applicant to operate a large restaurant on the site and that he was merely asking for a hotel/motel to hide that fact; or whether there was sufficient waste water capacity for the project.

The opponents argued that the Land Development Code limited the number of hotel/motel units to somewhere between three and five (depending on who was making the argument) knowing full well that, if this interpretation were to be adopted, the project could not go forward because County regulations require a minimum of 10 units to qualify as a hotel/motel. The testimony, and prior cases (e.g., the Tarpon Lodge Case[1]) clearly demonstrate that when the request is within the context of a planned development, that the number of units is determined by the totality of the request and not by some arbitrary number. If it can be demonstrated that when the project is considered in detail, that there are sufficient safeguards to protect the health, safety, and welfare of the surrounding populace, and the project can be made compatible through conditions, it can be allowed to go forward.

The Staff provided detailed testimony that clearly demonstrated that this project is compatible with the surrounding commercial uses to the north and the resort oriented residential uses to the east and south. It was also noted that the average density of the surrounding area was about four units to the acre, and that, although this is a commercial project and not a residential project, its intensity/density was compatible as well.

With respect to the "tail wagging the dog" argument that the hotel/motel was a ruse to allow a large restaurant to be built on the property, the argument simply does not hold up to close scrutiny. The conditions clearly require the hotel and lodge to be built as a condition precedent to the operation of the restaurant. Condition A. 2. a. (Schedule of Uses) lists the primary use as Hotel/Motel and the restaurant and other uses as accessory uses that may not be operated until the hotel/motel receives its Certificate of Occupancy. In other words, unless the Hotel/Motel is developed there may be no restaurant.

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[1] Applicant's Exhibit 14 (Case DCI2000-00007). A fifty unit hotel with a 2,680-square-foot restaurant on 2.86 acres was approved by the BoCC in July 2000.

Furthermore, the evidence that was presented at the hearing demonstrates that the overall size of the project, let alone the restaurant, will be severely limited because of the fact that the project will not be allowed to generate more than 5,000 gallons of wastewater per day. When the hotel/motel, the caretaker's residence and the restaurant are calculated into the equation, the conclusion that was reached by the Applicant's expert witness was that the restaurant would be limited to somewhere between 30 and 35 seats because anything more would place the project over capacity in its wastewater discharge.

Other issues that were raised addressed hurricane evacuation (something that was so clearly brought home these past few weeks with the impact of three hurricanes - so far - impacting Florida), the damage to the clearly substandard roads on the Island; and the presence of "undesirables" on this family oriented Island.

The County Staff that reviewed the project found that the Applicant had met his obligation with respect to hurricane education and contributions. However, the Applicant has gone beyond the County's requirements by preparing an evacuation plan, and by making arrangements with private individuals to remove any of his employees and guests from the Island in the event of a hurricane or tropical storm.

To address the concerns with road damage and repair, the Applicant has volunteered to contribute $4,000.00 a year to the North Captiva Road Commission to offset any impacts to the road system as long as the Commission continues to solicit such funds.

The issue of how to deal with "undesirables" is not one that can be dealt with in a zoning hearing, even if one could agree with a definition of "undesirable". It is often a red herring that is raised in a zoning hearing to mask the desire by some to keep their neighborhood exclusive. That is not to say that this is the reason that it was raised in this case, but it has no place in a zoning matter. If there is a problem with crime or vandalism, then it must be dealt with by law enforcement and not the zoning authorities.

One final argument that was raised by the opponents of this project was that the parcel did not need to be rezoned because its existing use was compatible with the comprehensive plan, and there was already a reasonable economic use of the property. While this is a true statement on its face, it begs the question of whether the requested rezoning is compatible and consistent with the Land Development Code and the Lee Plan and whether the Applicant has met his burden for the rezoning.

The statement, that the parcel need not be rezoned because the Applicant already has a reasonable economic use for it, can be said for almost every rezoning request that comes before Lee County. If the criteria were that one could not rezone a parcel if it already had a use, there would be few rezonings indeed. In looking at what the current zoning allows, and what the Applicant is proposing, it is of help to look at the impact the current rezoning will have on the surrounding uses and to determine if the proposed uses afford an improvement or an intrusion.

The parcel was rezoned to C-1 in 1964 for a marina and retail uses that included a hotel/motel use. However, since that time the Land Development Code has required the parcel to be rezoned before the latter use is allowed. Without the rezoning the Staff has concluded that many of the existing allowable uses are far less compatible with the surrounding resort housing uses than what the Applicant is proposing. They have estimated that the Applicant could construct a minimum of 16,000 square feet of commercial uses on

the site[2] and that this could be done in a 35-foot-tall L-shaped building that would not only block the view of its neighbors, but would also prove to be more intense than the proposed use.

Allowable uses without the rezoning (and that would not be allowed under the new zoning) include: boat rental; boat sales; dry boat storage; contractors and builders, groups I and II; rental and leasing establishments, groups I and II (mopeds, scooters, etc.); open storage; vehicles and equipment dealers, group II (golf carts); package store; and convenience food and beverage store. These uses would not be compatible with the rural life style of the island nor would they preserve open space.

The proposed motel/hotel and associated uses will have less of an impact on the surrounding area because the new uses are less intense than those currently allowed on the parcel, and because the planned development allows conditions to be imposed that the existing conventional zoning forbids. In short, what is being proposed is preferable to what is currently allowed, and would provide a more compatible use of the property (as conditioned) than the potential uses that are now permitted.

Despite all of the attempts to make this a complicated case that involves many technical problems, it is not complicated. It is a simple case of an Applicant who wishes to place a 10 unit hotel/motel with amenities, on a parcel of land that has been zoned commercial since 1964.

It involves providing safeguards for the mostly resort oriented residential community located to the east, west and south of the project. This has been accomplished by orienting the most intense portion of the project to the north facing the North Captiva Island Club's activity center; by limiting the number of units to the minimum needed to qualify it for a hotel/motel under the County's Codes; by limiting the heights of the units (with the exception of the lodge building) to 20 feet; by providing an architectural design that will keep the rural character of the neighborhood intact; that provides enhanced buffering in those areas of the project that will have the most impact on the resort oriented housing around the project; that places limitations on the hours of operation for the outdoor activities; and by ensuring that the project will be no larger than the land will support by providing safeguards for water consumption, wastewater disposal, and golfcart parking.

In short, the project will be compatible with and serve as a transition to the more intense commercial uses to the north and the resort oriented residential uses to the east, west and south. It will also allow less affluent segments of our population to enjoy the benefits and beauty of this barrier island that others have been allowed to enjoy for many years and to do so without over burdening the Islands capacity to handle the increase.

Therefore, based upon the foregoing, the request is found to be compatible with the surrounding uses as conditioned, and consistent with the Lee Plan and the Land Development Code.

It is recommended that the Lee County Board of County Commissioners approve the proposed rezoning request, as conditioned.

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[2] The Staff used a minimum of 16,000 square feet in its estimate because without auto traffic there are no parking requirements. This allows the Applicant to fully develop the site without having to worry about parking to meet employee or customer needs based upon the square footage of the project.

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 Plan, the 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 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 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 or mix of uses is appropriate at the subject location.

H. That the recommended conditions to the 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 requested deviation enhances the achievement of the objectives of the planned development.

K. That the requested deviation preserves and promotes the general intent of Chapter 34, Land Development Code, to protect the public health, safety and welfare.

L. That, where the change proposed is within a future urban area category, urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

VI. LIST OF EXHIBITS:

Master Concept Plan, Grady's Lodge, Proposed Commercial Planned Development, Upper Captiva Island, Lee County, dated January 20, 2004, date stamped "Received January 20, 2004 Permit Counter"

Master Concept Plan, Grady's Lodge, Proposed Commercial Planned Development, Upper Captiva Island, Lee County, dated May 5 2004, date stamped "Received May 12, 2004 Permit Counter" (two copies)

STAFF'S EXHIBITS

1 Staff Report for DCI2003-00080 (Grady's Lodge), dated May 14, 2004

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

APPLICANT'S EXHIBITS

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

1 Aerial photograph [Color]

2 Artist Renderings of proposed Old Florida Style architectural designs for Main Fishing Lodge and One and Two Bedroom Cottages [board]

3 Eight (8) photographs of the Island Club and other sites near the subject property [board]

4 Site Plan for Grady's Lodge, prepared by Wilson miller, printed January 20, 2004, date stamped "Received January 20, 2004 Permit Counter"

5 Schedule of Uses

6 Grady's Lodge, Property Development Regulations

7 Proposed CPD Schedule of Uses

8 Aerial photograph, prepared by Lee County DCD-Zoning, dated April 2004 [color]

9 Composite exhibit of North Captiva Island Club Resort with Lee County Property Appraiser information, letters, rental information, etc.

10 Copies of emails and letters in support of request (24)

11 Resume for James H. Strothers, P.E., P.L.S.

12 Wastewater Treatment System Analysis, dated February 23, 2004, prepared by Sanibel Surveys, Inc.

13 Five (5) proposed additional conditions

14 Copy of Zoning Resolution Z-00-026 for DCI2000-00007 - Cabbage Key, Inc., in reference to Tarpon Lodge

15 Copy of Zoning Resolution Z-98-019 for Case #97-09-070.03Z 01.01 - McGregor Pointe Ltd., Partnership, in reference to Punta CPD

16 Dock Slip Allocation Agreement #4021530, dated August 26, 1996

OTHER EXHIBITS

Ander

1 Copies of emails and letters in support of request (14)

Bakthian

1 Photograph of roadway and vegetation [color]

Depew

1 Compact Disc entitled "Grady's Lodge: DCI2003-00080 Adjoining Property Owner's Position"

2 Copy of Power Point presentation on Depew's Exhibit 1

3 Aerial photograph entitled "Zoning Map (w/parcels), flown March 2002, dated July 9, 2004, prepared by Morris-Depew Associates, Inc. [24" x 36" color]

3A Aerial photograph entitled "Zoning Map (w/parcels), flown March 2002, dated July 9, 2004, prepared by Morris-Depew Associates, Inc. [11" x 17" color]

4 Cross section rendering of proposed development

5 Excerpt from Florida Administrative Code, Section 64E-6.008 regarding System Size Determinations, pages 15 through 19, effective date March 3, 1998

6 Pages 6 and 7 from "The Latest Illustrated Book of Development Definitions"

7 Glossary, page 3, from "ASPO, Report No 322, Planning Advisory Service, entitled "The Language of Zoning"

8 Definitions, page 5, from "A Survey of Zoning Definitions, American Planning Association, Planning Advisory Service Report Number 421

Frye

1 Certified copy of Covenant between the Island Club of Upper Captiva, Inc., Graydon W. Scott and Captiva Palms, Inc., number 3053384, dated July 1, 1991

Melvin

1 Copy of Warranty Deed (#2383169) between James M. Melvin and Bryan Brilhart; Graydon W. Scott and Darcy Scott, Husband and Wife; and John Sousa and Gretchen Sousa, Husband and Wife, dated December 10, 1987

VII. PRESENTATION SUMMARY:

See Official Court Reporter Transcripts

VIII. OTHER PARTICIPANTS AND SUBMITTALS:

ADDITIONAL APPLICANT'S REPRESENTATIVES:

1. James Strothers, % Sanibel Surveys, 2410 Palm Ridge Road, Sanibel, Florida 33957-3202

2. Matt Uhle, % Knott, Consoer, Ebelini, Hart & Swett, 1625 Hendry Street, Suite 301, Fort Myers, Florida 33901

ADDITIONAL COUNTY STAFF:

1 Joan Henry, Assistant County Attorney, P. O. Box 398, Fort Myers, Florida 33902

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

PUBLIC PARTICIPATION:

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

For:

1. Kristie Anders, P. O. Box 978, Sanibel, Florida 33957

2. Wilton Anders, P. O. Box 978, Sanibel, Florida 33957

3. Chuck Claypool, 15179 Anchorage Way, Fort Myers, Florida 33908

4. Richard F. Durling, 6720 Winkler Road, Ft. Myers, Florida 33919

5. Bill Holzapfel, Box 353, Bokeelia, Florida 33922

6. Zeke McDonald, P. O. Box 185, Captiva, Florida 33924

7. Kerry Payne, 14360 McGregor Boulevard, Fort Myers, Florida 33919

8. Eva Kinsey Scala, 15696 Bromeliad Drive, Bookelia, Florida 33922

9. Don Tant, P. O. Box 514, Pineland, Florida 33945

10. Roy Wildeman, P. O. Box 3038, Pineland, Florida 33945

Against:

1. Mitra Bakhtian, 1200 Logan Lane, Ft. Myers, Florida 33919

2. Ralf Brookes, 1217 E. Cape Coral Parkway, #107, Cape Coral, Florida 33907, representing Rosella & Henry Paul; Mike & Sarah Rapp; William & Kathrynne Powell; and Howard & Hanne Kulin

3. Michael J. Ciccarone, % Goldstein Buckley Law Firm, on behalf of Bernard S. Frey, P. O. Box 2366, Fort Myers, Florida 33902

4. Dave W. Depew, 2216 Altamont Avenue, Ft. Myers, Florida 33901

5. Craig Hensley, 12124 Matlacha Boulevard, Matlacha Isles, Florida 33991

5. Robert Hurst, 10961 Championship Drive, Fort Myers, Florida 33913

7. Mick Melvin, P. O. Box 603, Bokeelia, Florida 33922

8. Henry Paul, 3823 Corona Street, Tampa, Florida 33629

9. Rosella Paul, 3823 Corona Street, Tampa, Florida 33629

10. William Powell, 26 Tower Hill Lane, Kinnelon, New Jersey 07405

11. Michael Dean Rapp, 206 Thornewood Drive, Granville, Ohio 43023

12. Ted Schavee, 602 S.W. 39th Avenue, Cape Coral, Florida 33991

General:

1. Tom Jenkins, 7760 Buccaneer Drive, # B-2, Fort Myers Beach, Florida 33931

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

For:

1. Stephen J. Brogan, % Jones Day, 51 Louisiana Avenue, N.W., Washington, District of Columbia 20001-2113

2. Don Brooks, 6281 Metro Plantation Road, Ft. Myers, Florida 33912

3. John Brown, 9901 Eagle Preserve Drive, Englewood, Florida 34224

4. John Chipman, Box 455, Captiva, Florida 33924

5. Richard & Sharon Craven, P. O. Box 396, Pineland, Florida 33945

6. Paul R. Douglass, DVM, No Address Given, e-mail address on file

7. Neal Feltingoff, P. O. Box 477, Pineland, Florida 33945

8. Eric Flanagan, 675 Third Avenue, Suite 280, New York, New York 10017

9. Karen & Bill Fuchs, 200 White Pellican, North Captiva Island, Florida 33924

10. Glenn Hedman, Box 2266, Pineland, Florida 33945

11. Beverly A. Holley, 386 Westwinds Drive, Palm Harbor, Florida 34683

12. Dennis & Ilona Jaffe, 15875 Britten Lane, Wellington, Florida 33414

13. Diane & Nick Jarmoszuk, P. O. Box 641, Pineland Florida 33945-0641

14. David Lake and Family, 5631 Whispering Pines, West Bend, Wisconsin 53095

15. Mary Lloyd McDonald, P. O. Box 43, Captiva, Florida 33924

16. Marjorie & Ronald Montana, 118 Prospect Street, Ridgewood, New Jersey 07450

17. James B. Moore, 13 Monroy Circle, Crawfordsville, Indiana 47933

18. Jim Moore, P. O. Box 2233, Pineland, Florida 33945

19. John & Maxine Otis, P. O. Box 638, Pineland Florida 33945

20. Darylanne & Dennis Powell, 15671 Quail Trail, Bokeelia, Florida 33922

21. Katie Tant, P. O. Box 514, Pineland, Florida 33945

22. Henry Van Kesteren, One Beach Drive SE, #2706, St. Petersburg, Florida 33701

23. Gary Walker, 4241 Point House Trail, P. O. Box 334, Pineland, Florida 33945

23. Andrew Wroblewski & Marcin Szostakows, 4460 Schooner Drive, North Captiva Island, Florida 33924

Against:

1. Petition with 54 signatures

2. Dion DeLoof, Anteogroup, 1372 Peachtree Street, Suite 201, Midtown, Atlanta, Georgia 30309

3. John Bender, M.D., 13 LeBaron Way, Mattapoisett, Massachusetts 02739

4. Christine & Dean Eisner, 3136 Andrews Drive, Atlanta, Georgia 30305

5. Bernard S. Frey, 2090 Carriage Hill Road, Allison Park, Pennsylvania 15101

6. Karla Harlan, P. O. Box 163, Matlacha, Florida 33993

7. Bobb & Cindy Hirsch, 2801 N.E. 9th Court, Pompano Beach, Florida 33062

8. Howard E. Kulin, M.D. & Hanne Kulin, 6993 School House Road, Hershey, Pennsylvania 17037

9. Betsy Melvin, P. O. Box 603, Bokeelia, Florida 33922

10. Mark & Wendy Muller, P. O. Box 457, Pineland, Florida 33945

11. Henry & Rosella Paul, 540 Longboat Circle, N. Captiva, Florida 33924

12. Kathrynne Powell, 26 Tower Hill Lane, Kinnelon, New Jersey 07405

13. Mike & Sarah Rapp, 206 Thornewood Drive, Granville, Ohio 43023

14. Kim & Rodel Riley, 217 S.W. 9th Court, Pompano Beach, Florida 33060

15. Miles & Donna Southworth, 3100 Bronson Hill Road, Livonia, NY 14487

16. John & Mary Ann Wayne, 3826 Loch Highland Parkway, Roswell, Georgia 30075

17. Dale Wenzel, 626 Overlook Drive, Downington, Pennsylvania 19335

18. Ralph & Jean Woodring, 1816 Woodring Road, Sanibel, Florida 33957

19. William E. York, 101 Bedwen Bach Lane, Granville, Ohio 43023

General:

1. J. Cabaniss, 2711 First Street, Apt. 402, Ft. Myers, Florida 33916

2. Christopher Claypool, 14370 McGregor Boulevard, Fort Myers, Florida 33919

3. Jim Schretter, % Beacon Energy, LLC, 7913 Westpark Drive, Suite 101, McLean, Virginia 22102

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 24th day of September, 2004. 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.

SALVATORE TERRITO
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

LEGAL DESCRIPTION:

PARCEL A

COMMENCING AT THE SOUTHEAST CORNER OF GOVERNMENT LOT 2, SECTION 5, TOWNSHIP 45 SOUTH, RANGE 21 EAST, NORTH CAPTIVA ISLAND, LEE COUNTY, FLORIDA; THENCE N8°40'00" EAST 330.15 FEET ALONG THE EAST LINE OF SAID GOVERNMENT LOT 2; THENCE N81°20'00" WEST 151.00 FEET ALONG THE SOUTH LINE OF LOT 2, NORTH END OF CAPTIVA ISLAND (PLAT BOOK 1, PAGE 61) TO THE POINT OF BEGINNING; THENCE CONTINUE N81°20'00"W 319.00 FEET; THENCE N8°40'00"E 125.00 FEET; THENCE S81°20'00"E 5.00 FEET; THENCE N8°40'00"E 96.70 FEET; THENCE S80°37'52"E 310.23 FEET; THENCE S4°27'55"W 107.30 FEET; THENCE S12°29'25"W 61.02 FEET; THENCE S8°40'00"W 50.00 FEET TO THE POINT OF BEGINNING. CONTAINING 1.59 ACRES MORE OR LESS.
SUBJECT TO EASEMENTS, RESTRICTIONS & RESERVATIONS OF RECORD.

EASEMENTS

SUBJECT TO AND TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR ROADWAY PURPOSES OVER AND ACROSS A PORTION OF RUM ROAD, UPPER CAPTIVA ISLAND, DESCRIBED AS FOLLOWS: FROM THE SE CORNER OF GOVERNMENT LOT 2, SECTION 5, TOWNSHIP 45 SOUTH, RANGE 21 EAST, RUN N8°40'E 330.15 FEET ALONG THE EAST LINE OF SAID SECTION 5-45-21; THENCE N81°20'W 151 FEET ALONG THE SOUTH LINE OF LOT 2 OF THE NORTH END OF CAPTIVA ISLAND (PLAT BOOK 1, PAGE 61) TO THE POINT OF BEGINNING. THENCE N81°28' W 319 FEET; THENCE N8°40'E 125 FEET; THENCE S81°20'E 5.0 FEET; THENCE N8°40'E 320.21 FEET TO THE SOUTH R/W LINE OF BARTLETT PARKWAY; THENCE S81°20'E 15 FEET; THENCE S8°40'W 295.21 FEET; THENCE S25°01'24"E 36.06 FEET; THENCE S8°40'W 80 FEET; THENCE S81°20'E 279 FEET; THENCE S8°40'W 40 FEET TO THE POINT OF BEGINNING.

SUBJECT TO AND TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR ROADWAY PURPOSES OVER AND ACROSS THE FOLLOWING DESCRIBED PARCEL: FROM THE SE CORNER OF GOVERNMENT LOT 2, SECTION 5-45-21, RUN N8°40'E 330.15 FEET ALONG THE EAST LINE OF SAID SECTION 5-45-21; THENCE N81°20'W 151 FEET ALONG THE SOUTH LINE OF LOT 2 OF NORTH END OF CAPTIVA ISLAND (PLAT BOOK 1, PAGE 61); THENCE N8°40'E 40 FEET TO THE POINT OF BEGINNING. THENCE N8°40'E 10 FEET; THENCE N12°29'25"E 61.02 FEET; THENCE N4°27'55"W 107.30 FEET; THENCE N80°37'52"W 20.07 FEET; THENCE S4°27'55"E 107.62 FEET; THENCE S12°29'25"W 70.97 FEET; THENCE S81°20'E 20.71 FEET ALONG THE NORTHERLY RIGHT OF WAY LINE OF RUM ROAD TO THE POINT OF BEGINNING. BEING AN ACCESS EASEMENT 20 FEET IN WIDTH LYING IN LOT 2 OF THE NORTH END OF CAPTIVA ISLAND, AND BEING PART OF AN UNRECORDED SUBDIVISION OF SAID LOT 2, KNOWN AS CAPTIVA PALMA.

Applicant's Legal Checked by _____ Jan/22/2004.

RECEIVED
NOV 12 2003
PERMIT COUNTER

2003-00080

EXHIBIT A

DC 2003-00080

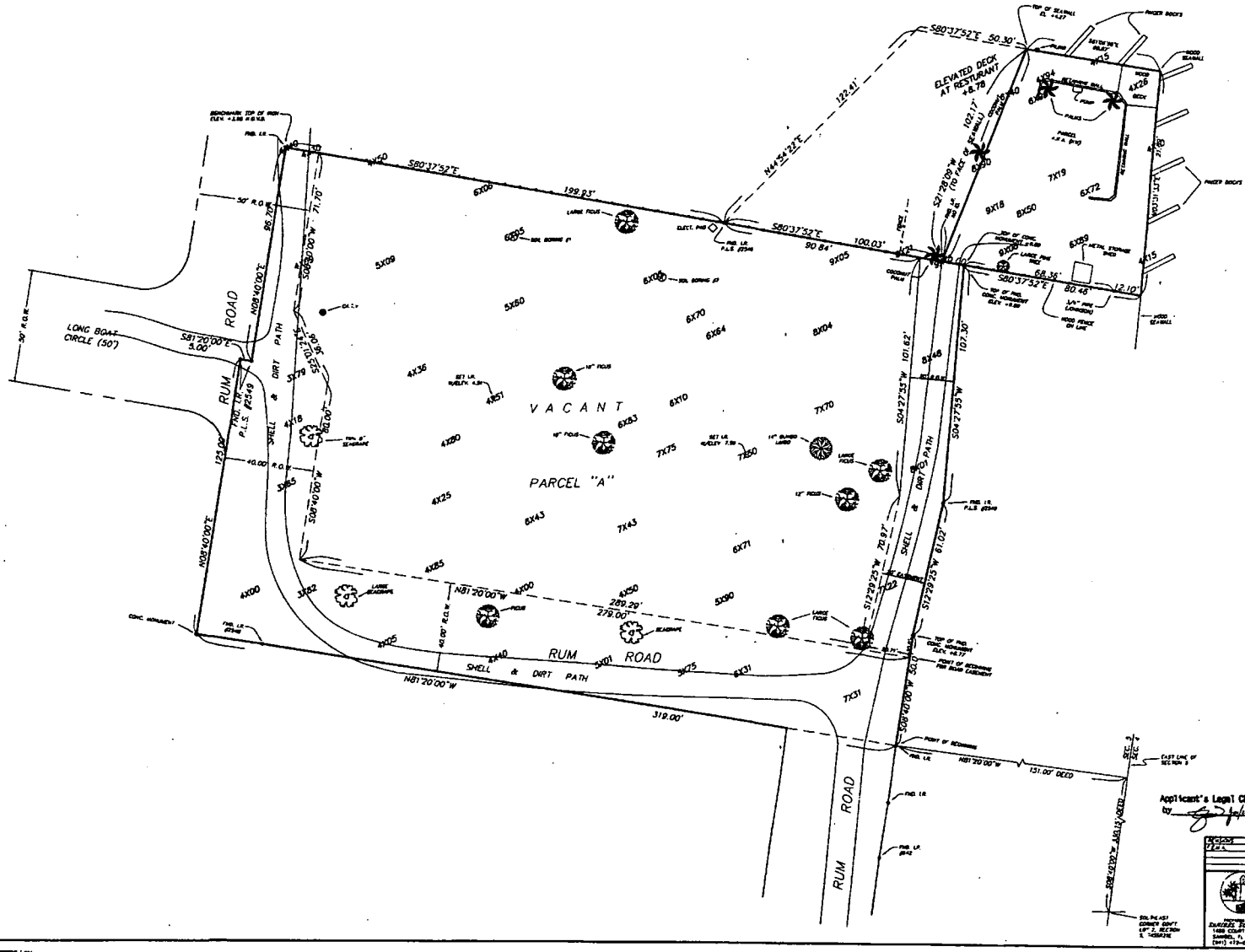
BOUNDARY SURVEY WITH ELEVATIONS

RUM ROAD

PARCEL OF LAND KNOWN AS PARCEL "A" AND PARCEL KNOWN AS K.W. OF CAPTIVA PALMA SUBDIVISION (UNRECORDED)

SECTION 06, TOWNSHIP 45 SOUTH, RANGE 21 EAST
(PLAT BOOK 1-1, PAGE 61)
UPPER CAPTIVA ISLAND, LEE COUNTY, FLORIDA

SCALE: 1" = 30'



NOTE:
PARCEL "A" HAS A GROSS AREA OF 1.60 ACRES OR 69,773.10 SQ. FEET AND A NET AREA FROM NORTH PROPERTY LINE TO ROAD RIGHT OF WAY IS 1.11 ACRES OR 48,444.12 SQUARE FEET.
PARCEL "B" CONTAINS 0.20 ACRES OR 8,557.93 SQ. FEET

LEGEND

⊗	= FOUND IRON ROD (PKB L.B.)	SEC.	= AS PER RECORDED
⊙	= SET IRON ROD (ENDS) (S.L.B.)	MEA.	= AS PER MEASURED
⊗	= CONCRETE MONUMENT (C.M.)	E.O.A.	= EDGE OF PAVEMENT
P.B.	= FOUND	P.O.B.	= POINT OF BEGINNING
R/W	= RIGHT-OF-WAY	P/P	= POWER POLE
R/T	= RAIL or TAB	SIR.	= IRON HOLE
℄	= PLATTED LINE	S/C	= SCREENHOUSE
C.L.	= CENTERLINE	S/G	= SHADE/GAZEBO
—x—	= FENCE	T.G.	= TOLDO/GAZEBO
B.M.	= BENCH MARK	T.W.	= TELEPHONE BOX
Δ	= DELTA OF CURVE	U.E.	= UTILITY EASEMENT
R	= RADIUS OF CURVE	P.U.E.	= PUBLIC UTILITY EASEMENT
L	= ARC OF CURVE	B.E.	= DRAINAGE EASEMENT
C1	= CURVE NUMBER	P.B.M.	= PERMANENT REFERENCE MONUMENT
1x1	= TYPICAL ELEVATION	P.C.P.	= PERMANENT CONTROL POINT
		M.H.W.L.	= MEAN HIGH WATER LINE

SURVEY NOTES:
1. BEARINGS SHOWN HEREON TAKEN FROM THE LEGAL DESCRIPTION
2. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
3. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
4. REPRODUCTIONS OF THIS DRAWING ARE VOID UNLESS BEARING WITH SIGNERS EMBOSSED SURVEYOR'S SEAL.
5. ELEVATIONS ARE NATIONAL GEODETIC VERTICAL DATUM (N.G.V.D.)
6. THIS PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD AREA ON THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE RATE MAPS.
7. FLOOD INSURANCE DATA:
   COMMUNITY NAME: LEE COUNTY
   PANEL NUMBER: 12071C0414G DATE: 09/05/2000 FIRM ZONE: AE
   BASE FLOOD ELEVATION: 9 FEET EFFECTIVE DATE: 9/28/2001
8. STREET NUMBER: 1000 RUM ROAD

LEGAL DESCRIPTION

PARCEL A

COMMENCING AT THE SOUTHEAST CORNER OF GOVERNMENT LOT 3, SECTION 6, TOWNSHIP 45 SOUTH, RANGE 21 EAST, NORTH CAPTIVA ISLAND, LEE COUNTY, FLORIDA; THENCE N89°59'00" EAST 130.15 FEET ALONG THE EAST LINE OF SAID GOVERNMENT LOT 3; THENCE N81°20'00" WEST 131.00 FEET ALONG THE SOUTH LINE OF LOT 2 NORTH END OF CAPTIVA ISLAND (PLAT BOOK 1-1, PAGE 61) TO THE POINT OF BEGINNING; THENCE CONTINUE N81°20'00"W 319.00 FEET; THENCE N08°40'00"E 125.00 FEET; THENCE S81°20'00"E 5.00 FEET; THENCE N08°40'00"E 95.70 FEET; THENCE S80°37'52"E 199.93 FEET; THENCE N44°54'22"E 122.41 FEET; THENCE S21°28'09"W 102.17 FEET; THENCE S12°29'25"W 61.02 FEET; THENCE S12°29'25"W 78.97 FEET; THENCE S08°40'00"W 50.00 FEET TO THE POINT OF BEGINNING. CONTAINING 1.60 ACRES, MORE OR LESS.
SUBJECT TO EASEMENTS, RESTRICTIONS & RESERVATIONS OF RECORD.

DESCRIPTION OF ROW
O.R. 1363/464

FROM THE EAST QUARTER CORNER OF SECTION 6, TOWNSHIP 45 SOUTH RANGE 21 EAST, LEE COUNTY, FLORIDA, RUN N01°00'00" ALONG THE EAST LINE OF SAID SECTION, 64.00 FEET; THENCE N88°23'32"W 61.18 FEET TO THE POINT OF BEGINNING; THENCE S41°27'27" W 960.00 FEET; THENCE N88°23'32"W 50.00 FEET; THENCE N01°27'00"E 960.00 FEET; THENCE S88°23'32"E 50.00 FEET TO THE POINT OF BEGINNING. BEING SHOWN AS LOT 10, CAPTIVA PALMA AND UNRECORDED SUBDIVISION.

EASEMENTS

SUBJECT TO AND TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR ROADWAY PURPOSES OVER AND ACROSS A PORTION OF RUM ROAD, UPPER CAPTIVA ISLAND, DESCRIBED AS FOLLOWS: FROM THE SE CORNER OF GOVERNMENT LOT 3, SECTION 3, TOWNSHIP 45 SOUTH, RANGE 21 EAST, RUN N01°00'E 238.13 FEET ALONG THE EAST LINE OF SAID SECTION 6-45-21; THENCE N81°00'W 131 FEET ALONG THE SOUTH LINE OF LOT 1 OF THE NORTH END OF CAPTIVA ISLAND (PLAT BOOK 1, PAGE 61) TO THE POINT OF BEGINNING; THENCE N81°00' W 279 FEET; THENCE N81°00' W 125 FEET; THENCE N01°00'E 95 FEET; THENCE N01°00'E 71.70 FEET TO THE SOUTH R/W LINE OF SHELL & DIRT PATH; THENCE S80°37'52" E 199.93 FEET; THENCE N44°54'22"E 122.41 FEET; THENCE S21°28'09"W 102.17 FEET; THENCE S12°29'25"W 61.02 FEET; THENCE S12°29'25"W 78.97 FEET; THENCE S08°40'00"W 50.00 FEET TO THE POINT OF BEGINNING.

SUBJECT TO AND TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR ROADWAY PURPOSES OVER AND ACROSS THE FOLLOWING DESCRIBED PARCEL: FROM THE SE CORNER OF GOVERNMENT LOT 3, SECTION 3-45-21, RUN N01°00'E 238.13 FEET ALONG THE EAST LINE OF SAID SECTION 3-45-21; THENCE N81°00'W 131 FEET ALONG THE SOUTH LINE OF LOT 1 OF NORTH END OF CAPTIVA ISLAND (PLAT BOOK 1, PAGE 61); THENCE N81°00' W 40 FEET TO THE POINT OF BEGINNING; THENCE N01°00'E 95 FEET; THENCE N41°27'27"E 61.02 FEET; THENCE N41°27'27"E 50.30 FEET; THENCE N01°27'27"E 960.00 FEET; THENCE N41°27'27"E 167.60 FEET; THENCE N12°29'25"W 89.97 FEET; THENCE S88°23'32"E 20.71 FEET ALONG THE NORTH PROPERTY RIGHT OF WAY LINE OF SHELL & DIRT ROAD TO THE POINT OF BEGINNING. BEING AN ACCESS EASEMENT 20 FEET IN WIDTH LYING IN LOT 2 THE NORTH END OF CAPTIVA ISLAND, AND PART OF AN UNRECORDED SUBDIVISION OF SAID LOT 2, KNOWN AS CAPTIVA PALMA.

REVISIONS	DATE
P.B.L.S.	08/29/03

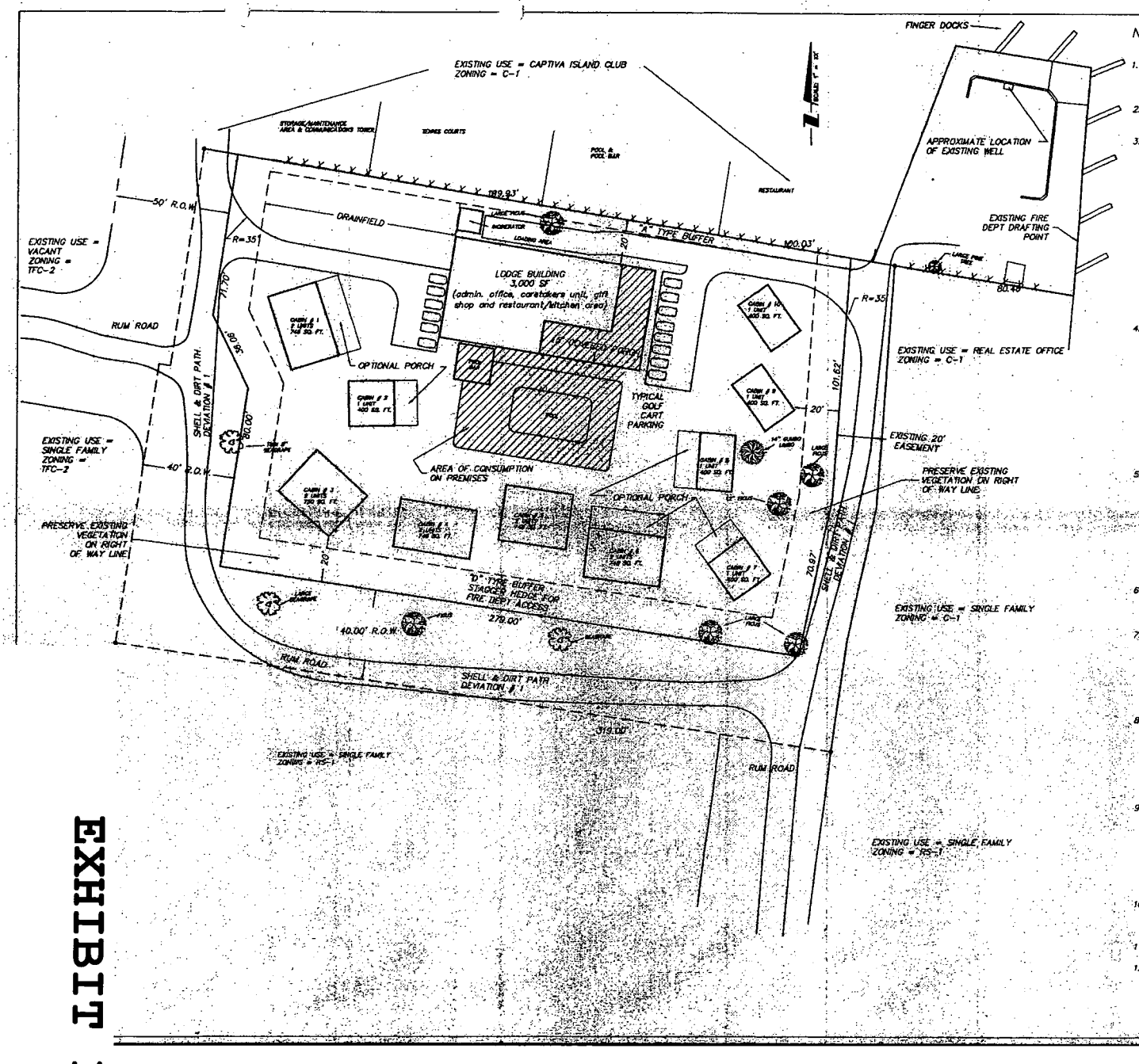
PREPARED BY:
DAVIDSON SURVEYS, INC.
1488 COURT PLACE
SANIBEL, FL 33957
(941) 472-6985

REVIEWED BY:
BRADY SCOTT
LEE COUNTY

SEAL

DESCRIPTION:
I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61G17-6 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.

BY: _____
DATE OF FIELD WORK: 7-14-03
FIELD BOOK: 1-1
FIELD COMPLETION DATE: 07/29/03



NOTES:

1. PROPOSED IS A REZONING FROM C-1 TO COMMERCIAL PLANNED DEVELOPMENT TO ALLOW A 15 UNIT FISHING LODGE.
2. THE 1.59 ACRE PARCEL IS LOCATED IN THE OUTER ISLANDS LAND USE DESIGNATION FOR THE LEE PLAN.
3. SCHEDULE OF USES:
   HOTEL/MOTEL (15 UNITS)
   ADMINISTRATIVE OFFICE (MAIN LODGE BUILDING)
   BAR OR COCKTAIL LOUNGE (POOL BAR)
   CARETAKERS RESIDENCE (MAIN LODGE BUILDING)
   CONSUMPTION ON PREMESIS
   ESSENTIAL SERVICES
   INCINERATOR
   REAL ESTATE OFFICE (MAIN LODGE BUILDING)
   RECREATIONAL FACILITIES; PRIVATE ON-SITE
   RENTAL OR LEASING ESTABLISHMENTS, GROUP I-LIMITED TO BICYCLE, GOLF CART AND BOAT RENTALS (MAIN LODGE BUILDING)
   RESTAURANT, GROUPS II & III
   SIGNS IN ACCORDANCE WITH CHAPTER 30
   SPECIALTY RETAIL GROUPS I & II
4. PROPERTY DEVELOPMENT REGULATIONS
   MINIMUM LOT AREA = 20,000 SQ. FT.
   MINIMUM LOT WIDTH = 100'
   MINIMUM LOT DEPTH = 100'
   MINIMUM STREET SETBACK = 20'
   MINIMUM SIDE SETBACK = 15'
   MINIMUM REAR SETBACK = 15'
   MAXIMUM BUILDING HEIGHT = 35'
   MAXIMUM LOT COVERAGE = 40%
   MINIMUM OPEN SPACE = 20%
   DEVELOPMENT PERIMETER SETBACK = 10'
   MINIMUM BUILDING SEPERATION = 10'
5. OPEN SPACE CALCULATION
   69,727 TOTAL SQUARE FEET
   21,335 SQ. FT. EXISTING ROW/EASEMENT
   SQ. FT. SHELL DRIVE AND GOLF CART PARKING
   [illegible] FT. POOL AREA
   9,650 SQ. FT. BUILDINGS
   SITE AREA LESS EXISTING ROW = 48,392 SQ. FT.
   48,392 @ 20% = 9,678 SQ. FT.
   20% OPEN SPACE IS PROVIDED
6. THE PARCEL IS LOCATED ON UPPER CAPTIVA ISLAND, A BARRIER ISLAND WITH NO VEHICULAR ACCESS AND THEREFORE NO PARKING IS REQUIRED PER 34-2011(d).
7. MAXIMUM RENTAL UNITS (34-1802(4)d)
   HOTELS/MOTELS APPROVED AS PLANNED DEVELOPMENTS ARE NOT SUBJECT TO RENTAL SIZE OR DENSITY REQUIREMENTS, PROVIDED ALL OTHER ASPECTS OF THE DEVELOPMENT (HEIGHT, TRAFFIC, INTENSITY OF USE) ARE FOUND TO BE COMPATIBLE WITH THE SURROUNDING AREA AND ARE OTHERWISE CONSISTENT WITH THE LEE PLAN.
8. SCHEDULE OF DEVIATIONS
   A DEVIATION FROM LDC SECTION 10-291(2) WHICH REQUIRES ALL DEVELOPMENTS TO HAVE ACCESS TO A STREET DESIGNED AND CONSTRUCTED OR IMPROVED, MEETING THE STANDARDS CONTAINED IN SECTION 10-296 (A CATEGORY "A" ROAD), TO ALLOW GOLF CART ACCESS TO THE EXISTING SHELL/GRAVEL ROAD.
9. WATER SERVICE WILL BE PROVIDED BY A PERMITTED, EXISTING PUBLIC WATER SUPPLY (WELL) LOCATED ON THE ADJACENT PARCEL.
   SEWER SERVICE WILL BE PROVIDED BY A SEPTIC SYSTEM AND DRAINFIELD.
   FIRE PROTECTION IS PROVIDED VIA AN EXISTING, FIRE DEPARTMENT APPROVED, DRAFTING POINT LOCATED IN THE CANAL ON THE ADJACENT PARCEL.
10. THE COTTAGES AND POOL AREA ARE CONCEPTUAL IN NATURE AND ARE SUBJECT TO CHANGE IN LOCATION AND CONFIGURATION.
11. ALL CABINS ARE ELIGIBLE FOR OPTIONAL PORCHES.
12. WATER MANAGEMENT WILL BE PROVIDED VIA DRY RETENTION.

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GRADY'S LODGE

PROPOSED COMMERCIAL PLANNED DEVELOPMENT
UPPER CAPTIVA ISLAND
LEE COUNTY, FL

DCI 2003-00080

PRINTED
JAN 20 2004
WilsonMiller, Inc.
4571 Colonial Boulevard
Ft. Myers, Florida 33913

SEC 5	TWP 45 RGE 21
Designed by:	1619
Drawn by:	1619
Checked by:	
Approved by:	
Date:	1/10/04
Scale:	1" = 20'
Job:	04251-000-000
File #:	
Sheet	1 of 1

EXHIBIT B

RECEIVED
MAR 1 1 2004
ZONING

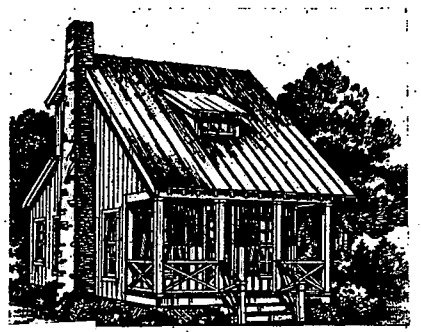
Grady's Lodge

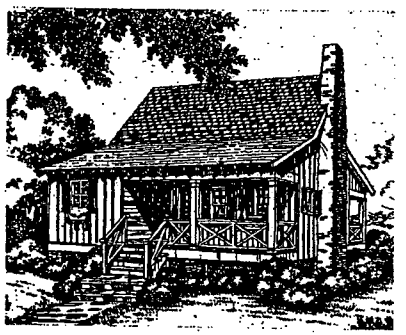
North Captiva Island

An Old Florida Style Fishing Lodge

Displayed here are artist renderings to illustrate the Old Florida Style and architectual designs, which will be used in the proposed Main Fishing Lodge and One and Two Bedroom Cottages

(for illustration only, not to exact design or scale)





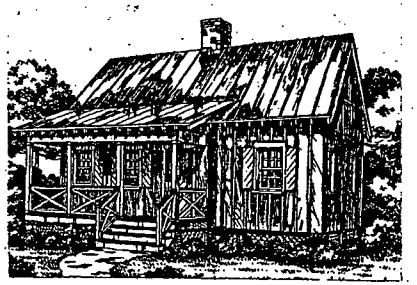
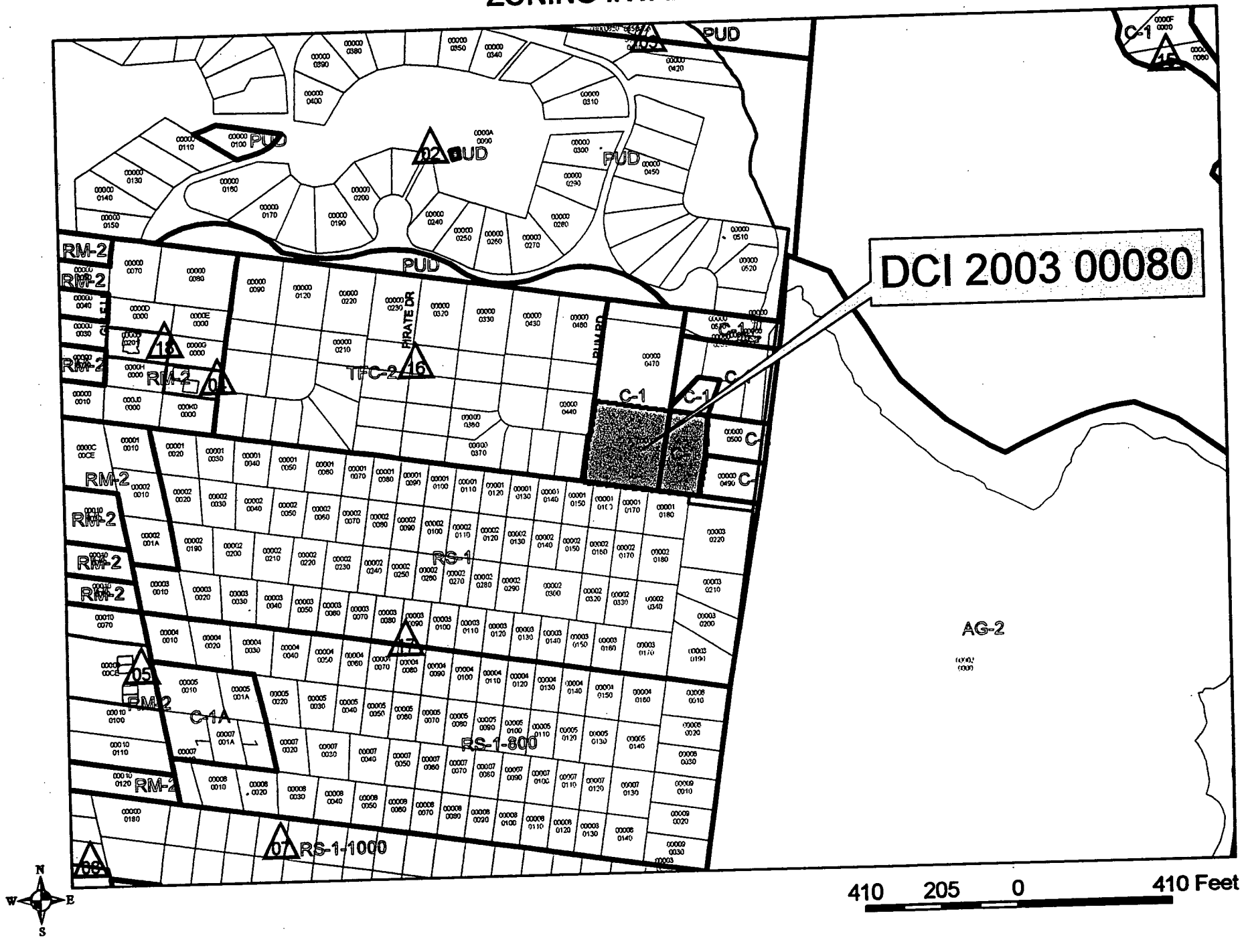


EXHIBIT C

3/29/2004

ZONING INTAKE MAP



LEE COUNTY, FLORIDA

ZONING DIVISION

STAFF REPORT

TYPE OF CASE: PLANNED DEVELOPMENT/DCI

CASE NUMBER: DCI2003-00080

HEARING EXAMINER DATE: April 22, 2004

I. APPLICATION SUMMARY:

A. Applicant: Graydon W. Scott in reg to Grady's Lodge

B. Request: Rezone a 1.59+/- acre parcel from commercial (C-1) to commercial planned development (CPD) to permit a 15 unit hotel/motel in the form of 10 one and two unit cabins including a lodge with an outdoor incinerator, not to exceed a maximum height of 35 feet.

C. Location: The subject property is located at 531 Rum Road, Captiva (the parcel is located on Upper Captiva Island east and north of Rum Road, the Captiva Island Club is located adjacent to the parcel's northern property line), in S05-T45S-R21E, Lee County, FL. (District #01)

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

Subject Property	Future Land Use Map
Vacant undeveloped land zoned commercial (C-1)	Outer Islands

E. Surrounding Land Use:

Existing Zoning & Land Use		Future Land Use Map
North:	North Captiva Island Club w/pool and tennis courts; also to the north and northeast a restaurant and boat docking facilities, zoned commercial (C-1)	Outer Islands
East:	Rum Road; then two residential dwelling units with the most northerly containing a real estate office, zoned commercial (C-1)	Outer Islands
South:	Rum Road; then developed and undeveloped residential lots, zoned residential single-family (RS-1)	Outer Islands
West:	Rum Road; then undeveloped residential lots, zoned residential two-family conservation district (TFC-2)	Outer Islands

F. Size of Property: 1.59± Acres

II. RECOMMENDATION:

Staff recommends **APPROVAL** of the Applicant's request for rezoning from commercial (C-1) to commercial planned development (CPD) with the following conditions and deviations:

A. Conditions

1. The development of this project must be consistent with the one (1) page Master Concept Plan entitled "GRADY'S LODGE," stamped received by the permit counter on January 20, 2004, 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
      EXCAVATION, water retention (dry retention only)
      HOTEL/MOTEL (maximum of 15 cabins), including the following ancillary uses:
         ADMINISTRATIVE OFFICE, only within the lodge building
         CARETAKERS RESIDENCE, only within lodge building
         CONSUMPTION ON PREMISES, within the lodge building and including the outdoor seating area and pool bar
         Food Store, Group I, only within lodge building
         INCINERATOR
         REAL ESTATE OFFICE, only within lodge building
         RECREATIONAL FACILITIES, private on-site
         RENTAL AND LEASING ESTABLISHMENTS, Group I, only within the lodge building and limited to bicycles, golf carts, and boat rentals for the guest of the lodge
         RESTAURANTS, Group II and III, only within the lodge building
         SIGNS, in accordance with Chapter 30, of the land development code
         SPECIALTY RETAIL, Groups I and II, only within the lodge building

   b. Site Development Regulations

      Minimum Lot Area and Dimensions:

      Area: 20,000 square feet
      Width: 100 feet
      Depth: 100 feet

      Minimum Setbacks:

      Street: 20 feet

Side: 15 feet
Rear: 15 feet

Development perimeter: ~~10~~ 15 feet

Maximum Height: 35 feet (maximum two (2) stories)

Maximum Lot Coverage: 40%

Minimum Building Separation: 10 feet

3. This development is limited to a 3,000 square foot lodge building containing a caretakers residence and commercial retail and/or office uses, with a 1,125 square foot covered porch and an outside 300 square foot pool bar. The development is also limited to a maximum of 15 hotel/motel units (cabins) having a maximum size of 750 square feet for the two (2) unit cabins and a maximum size of 400 square feet for the one (1) unit cabins, excluding the optional porches. The typical cabin must be in substantial compliance with the attached artist renderings attached hereto as EXHIBIT "A". The caretaker's residence, within the lodge building, is in addition to 15 unit hotel/motel.

4. Environmental Conditions

   Prior to local development order approval, the landscape plan must delineate the existing native trees to be preserved and any sabal palms to be relocated on-site. These native trees may be used to meet the land development code (LDC) landscaping requirements with the credits allowed in LDC Section 10-420(h).

5. Enhancement of the Type "D" buffer is as follows:

   a. A minimum 15-foot wide buffer with a double row hedge of native shrubs (minimum four foot height at planting) installed four foot on center and five trees per 100 linear feet along the west, south, and east property boundaries. Existing trees and native shrubs may be used toward the required buffer plantings; and

   b. At the time of local development order approval, the placement of the vegetative buffer along the south and east property lines must be coordinated with the Upper Captiva Fire Department to ensure fire department personnel have access to the rear of the most southerly and easterly cabins.

6. Consumption on Premises:

   a. The outdoor seating area and pool bar are limited to the cross-hatched area as shown on Grady's Lodge master concept plan stamped received by the permit counter on January 20, 2004; and

   b. No live musical entertainment is allowed in the outdoor seating area; however, "background" music may be piped in, at a reduced volume, so that patrons may maintain a normal level of conversation; and

c. The hours of operation for the outdoor seating area in conjunction with the consumption of alcoholic beverages are limited from no earlier than 10:00 a.m. to no later than 10:00 p.m.; and

d. The consumption on premises alcoholic beverage license series is to be used only in conjunction with a Group II or III restaurant and in conjunction with the pool bar and outdoor seating area; and

e. The hours for consumption on premises for inside the restaurant shall be limited to 10:00 a.m. to 11:00 p.m.; and

f. Lighting on the proposed pool deck must be designed so as to prevent direct glare, light spillage or hazardous interference with vehicular and pedestrian traffic on abutting streets and all abutting properties.

7. The applicant must provide, through Lee County Emergency Management, literature and brochures for Hurricane Awareness/Preparedness describing the risks of natural hazards.

8. Incinerator:

a. At the time of local development order approval, the capacity of the incinerator will be reviewed to ensure that the incinerator is limited to that required to incinerate only the waste products generated from the proposed development. The purpose of this condition is to prohibit waste from offsite to be incinerated on the property.

b. The incinerator will be approved in accordance with the Department of Environmental Regulation permits.

c. The location of the incinerator will be in accordance with the location show on the master concept plan. The incinerator may be setback to within 12 feet of the north property line.

d. The developer will provide a six (6) foot high concrete block wall faced with stucco along the north and west sides of the proposed incinerator.

e. The incinerator will only be operated from 6:00 am to 8:00 am.

9. 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.

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

B. Deviations

Deviation 4: Seeks relief from LDC Section 10-291(2), which requires that all development must abut and have access to a public or private street designed, and constructed or improved, to meet the standards in Section 10-296 (a Category "A" road); to allow golf cart access to the existing shell/gravel road. Policy 1.4.2. of the Lee Plan, addresses the continuation of the Outer Islands essentially in their present character, which is intended to provide for a rural character and lifestyle, and conserve open space and important natural upland resources. The subject property is located on a barrier island and is not required to provide parking areas pursuant to Section 34-2011, of the land development code (LDC). However, the applicant has provided parking spaces for golf carts. Upper Captiva Island is not connected to the mainland and with the exception of work and fire vehicles, the primary mode of transportation is golf carts. By requesting the deviation, the applicant is maintaining the rural character and lifestyle of the island intended by Policy 1.4.2. of the Lee Plan. Staff recommends **APPROVAL** of this deviation.

Findings and Conclusions:

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

1. The applicant has 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, as conditioned:

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

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

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

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

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

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

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

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

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

8. The deviation granted:

a) enhances the objectives of the planned development; and

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

III. BACKGROUND INFORMATION AND ANALYSIS:

Introduction/Synopsis

The property, subject to this zoning action, is located at 531 Rum Road on Upper Captiva Island. Upper Captiva Island is a barrier island where direct vehicular access to the mainland by bridge or causeway or street system is not attainable. Therefore, developments are not required to comply with the parking requirements of the land development code.

The subject property is 1.59± acres in area and zoned commercial (C-1). The subject property, plus additional adjoining lands were rezoned to commercial as a result of two rezonings requests. With regard to the subject property, the first request rezoned the most easterly portion of the property to commercial (C-1, converted from BU-1), in December 1964 (Resolution Z-64-92). The second request rezoned the most westerly portion of the property to commercial (C-1, converted from BU-1), in June 1965. (Resolution Z-65-26). Also, in the December 1964 request the Board of County Commissioners also included a special permit for a marina on the adjacent property immediately to the northeast of the subject property (See attachments E and F).

The applicant is proposing to rezone the subject property to commercial planned development (CPD) to permit the development of a 15 unit hotel/motel (Grady's Lodge, a fishing lodge). The hotel/motel will be comprised of ten (10) cabins varying in size from 400 square feet to 748 - 750 square feet. The five larger cabins (748 - 750 square feet) will have two units per cabin and the five (5) smaller cabins will be individual units. The hotel/motel will also include a lodge building, pool and covered porch attached to the lodge.

Staff has contacted the Upper Captiva Fire Department, with regard to the proposed development. The Fire District had no objections to the project, however they had two minor concerns: access to the most southerly units and access to the finger docks (Draft Point #11, See Attachment C). The District would like to ensure that the south buffer is accessible to the rear of the south units. This would entail staggering the buffer to allow ingress for their personnel. The applicant has subsequently advised staff that Fire District would like the east buffer also accessible to the rear of the east units. Staff has addressed this by providing a condition to ensure consultation with the Fire District prior to development order approval (See Condition II.A.5.b). Draft Point #11 is not on the subject property and cannot be addressed as part of this rezoning request. Also, the applicant has been coordinating with the Fire Department and they have stated that the required buffers will be planted to allow access by the fire department. Additionally, the applicant has revised the inside turning radius on the project driveways to 35 feet to accommodate fire department vehicles.

The applicant has proposed an incinerator adjacent to the north side of the lodge between the lodge and Captiva Island Club outdoor recreational area. Staff has not received any detailed information on the incinerator. However, the proposed incinerator will be within 12 feet of the north property line and is separated from the property by an existing 6 foot high wood fence. Also, the tennis courts, which are located north of the proposed incinerator are separated from the incinerator by a golf cart maintenance yard, which is approximately 24 feet wide, providing 36 feet of separation between the tennis courts and the incinerator. Staff has provided a number

of conditions to reduce the adverse impacts that may be caused by the incinerator (See Condition II.A.8., above).

Master Concept Plan

The master concept plan is a one page document entitled "Grady's Lodge", prepared by Wilson Miller, dated 1/10/04, and stamped received by the permit counter on January 20, 2004. The master concept plan shows the proposed layout of the ten (10) cabins containing a total of 15 units, with optional porches. The cabins are oriented towards the lodge and pool and away from the residential development to the south and west. The lodge is located at the north end of the property adjacent to Captiva Island Club, which is a outdoor recreational facility containing at pool, pool bar and tennis courts. Access to the lodge is from two locations off Rum Road: one at the northwest corner and the second at the northeast corner of the subject property. Both access points are adjacent to commercially zoned property to the north and east of the subject property. The applicant is proposing to have an incinerator, which will be located on the north side of the lodge adjacent to the lodge loading area.

The subject property is separated from residential properties on the west and south by Rum Road (a 40 foot wide right-of-way) and from two commercial zoned properties on the east by Rum Road. One of the commercial properties (most northerly) is used for a real estate business and the other as a single-family residence. The applicant is proposing a Type "D" buffer adjacent to Rum Road and a Type "A" buffer adjacent to the Captiva Island Club on the north side of the subject property.

The applicant is proposing consumption on premises for indoors (lodge building) and outdoors (cross hatched area). The closest residence is approximately 115 feet from the outdoor seating area. Staff has a concern with permitting consumption on premises in close proximity to residential uses, especially for the outdoor seating area. Therefore, staff has reviewed the consumption on premises approvals for Captiva Island Club and Mango Island Café, which both have outdoor seating and both are located immediately north of the subject property. Staff has recommended similar conditions to address adverse impacts that may occur, given the close proximity of the outdoor seating area to residential uses (See Condition II.A.6., above).

Lee Plan Considerations

Captiva: *This community includes the major islands of Captiva Island, Upper Captiva Island, Cayo Casta Island, Useppa Island, Buck Key, and Cabbage Key and the surrounding smaller islands. Although Captiva itself is a seasonal resort community, in comparison to the other islands in this community it is the center of activity. Due to the nature of this community, residents must satisfy their major commercial and industrial needs outside of this community. Conversely, the commercial aspects of the Captiva Community are utilized by many residents and tourists from outside of the Community. The population of Captiva is not expected to greatly change by 2020. Furthermore, the area will look much as it does today in the absence of a major hurricane or other natural disaster.*

POLICY 1.4.2: *The Outer Islands are sparsely settled, have minimal existing or planned infrastructure, and are very distant from major shopping and employment centers. They are not expected to be programmed to receive urban-type capital improvements in the time frame of this plan, and as such can anticipate a continued level of public services below that of other land use categories. The continuation of the Outer Islands essentially in their present character is*

intended to provide for a rural character and lifestyle, and conserve open space and important natural upland resources. Maximum density is one dwelling unit per acre (1 du/acre).

Upper Captiva Island is within the Captiva island community and the commercial aspects of the Captiva community are utilized by many residents and tourists from outside the Community. It is this aspect that the applicant is looking to capture by providing a hotel/motel development that mimics's the rural character and lifestyle of the community.

Section 34-1801, of the land development code defines a hotel/motel as "a building, or group of buildings on the same premises and under single control, consisting of ten or more sleeping rooms kept, used, maintained or advertised as, or held out to the public to be, a place where sleeping accommodations are supplied for pay to transient guests or tenants. Hotels/motels must be registered with the department of revenue as a bona fide hotel/motel operation and are required to pay the levied tourist development tax promulgated by the county. Hotels/motels that are not registered with the department of revenue or do not pay the tourist tax will be subject to the density limitations and property development regulations for multiple family buildings. Therefore, the applicant must have at least 10 units to be a motel/hotel, be registered with the department of revenue as a bona fide hotel/motel operation and pay the tourist development tax.

The Outer Islands land use category has maximum density is one dwelling unit per acre for residential uses, which would allow a maximum of 1.8 dwelling units on the 1.59 acre parcel.

Although the applicant is not proposing to develop under the existing conventional zoning district, it is important in understanding the two methods of determining the number of hotel/motel units that can be placed on the subject property. A hotel/motel is a permitted use in the commercial (C-1) zoning district. Under a conventional zoning district, there is a rental unit density equivalent that is used for calculating the number of hotel/motel units that can be accommodated on a given property. Section 34-1802(4)b., of the land development code, addresses hotel/motel developments within conventional zoning districts within Lee Plan future land use categories that have maximum standard density limits, which is based on the unit size. Under this section, of the land development code, three rental units with 425 square feet or less of total floor area per unit equal one dwelling unit. Therefore, with all the units being less than 425 square feet the applicant would be able to have, 5 units (cabins) on the subject property (1.8 x 3 = 5.4). Therefore, given the conventional zoning district the applicant would not be able to meet the minimum requirement to be classified as a hotel/motel (10 or more sleeping rooms).

Section 34-1802(4)d., of the land development code states that, "Hotels/motels approved as planned developments are not subject to rental unit size or density requirements set forth above provided all other aspects of the development (height, traffic, intensity of use, etc.) are found to be compatible with the surrounding area and otherwise consistent with the Lee Plan. However, any increase in the number or the floor size of the rental units approved in a planned development will require an amendment to the master concept plan" Although the applicant has exceeded the number of units that would be permitted under a conventional rezoning (five), a minimum of ten units would be necessary to qualify as a hotel/motel. The applicant has exceeded the minimum to qualify as a hotel/motel by five (5) units. Since there are no size limits on the rental units, the applicant could maintain the same number of buildings on the site but change the double units to single to reduce the total number of units to ten (10). Reducing the number of units to 10 would not necessarily reduce the intensity, since the units would be larger. The development will not increase traffic, since it is a barrier island without overland access. Guest will come to the lodge via water taxi to the adjacent marina and to a far lesser extent by air via the private air strip. The mode of transportation on the island is by golf cart and the lodge

will have golf carts available for their guests. Although parking is not required, 14 parking spaces are provided for golf carts. This is in keeping with the rural character and lifestyle of the community. The adjacent residential lots to the south, east, and west vary in size from 0.2± acres with some lots 0.5± acres. The Safety Harbour Club PUD, to the north has a density of 1.68± du's units per acre and the Village at Safety Harbor PUD has a density of 7.93± du's per acre. Both Safety Harbour Club and Village at Safety Harbor have a overall density of 2.41± du's per acre. Therefore, staff finds that the 15 hotel/motel units would be compatible with existing development.

The subject property is zoned commercial (C-1) and is 1.59± acres in area. Given the acreage, approximately 16,000 square feet of commercial retail and office uses could be developed on the subject property. Since parking is not required, the estimated commercial square footage could be increased beyond 16,000 square feet on the 1.59± acre parcel. The commercial (C-1) zoning district allows a wide variety of commercial uses. Some of the uses would not be compatible with the adjacent residential and commercial activities. Some of these uses are: boat rental; boat sales; dry boat storage; contractors and builders, groups I and II; rental and leasing establishments, groups I and II (mopeds, scooters, etc); open storage; and vehicle and equipment dealers group II (golf carts), package store, convenience food and beverage store, and restaurants. The possible development at these intensities would not be compatible with present character of the community nor would this intensity of development preserve the rural character and lifestyle, and conserve open space.

Therefore, staff finds the proposed project **CONSISTENT** with Policy 1.4.2. of the Lee 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.*

The proposed cabins are arranged and oriented around the perimeter towards the pool and lodge away from the single-family residential dwelling units to the south, west and east. The applicant has stated that exotic vegetation will be removed from the site and the cabins placed so as not to remove the remaining native vegetation on the site. The master concept shows the location of large ficus trees and a gumbo limbo trees on the site. Staff has also provided a condition that requires the applicant to delineate the existing native trees to be preserved on the site and any sabal palms to be relocated on-site.

The applicant is also indicating that they will preserve existing vegetation on the right-of-way line. Also, staff has provided a condition to enhance the required right-of-way buffer to reduce the visibility of the rear of the cabins from Rum Road.

Therefore, staff finds the proposed project, as conditioned, **CONSISTENT** with Policy 4.1.1. of the Lee Plan.

POLICY 6.1.2: *All commercial development must be consistent with the location criteria in this policy, except where specifically excepted by this policy or by Policy 6.1.7, or in Lehigh Acres by Policies 1.8.1 through 1.8.3.*

POLICY 6.1.7: *The location standards specified in Subsections 1-4 will apply to the following commercial developments: shopping centers; free-standing retail or service establishments; restaurants; convenience food stores; automobile dealerships; gas stations; car washes; and*

other commercial development generating large volumes of traffic. These location standards will not apply to the following: banks and savings and loan establishments without drive-in facilities; hotels or motels; marinas; general, medical, or professional offices; industrial, warehouse, or wholesale development; clubs, as defined in Chapter 34 of the Land Development Code (commercial clubs excepted); and other similar development. The distinction in this subsection between these two major types of commercial uses does not apply in Lehigh Acres, where commercial uses are permitted in accordance with Policies 1.8.1 through 1.8.3.

Policy 6.1.2. requires all commercial development to be consistent with the site location standards. However, Policy 6.1.2.2.c., Neighborhood Commercial, states, "On Lee County's islands where there is no intersecting network of collectors and arterials, neighborhood commercial centers may be located using standards for minor commercial centers". Notwithstanding Policy 6.1.2.2.c., Policy 6.1.7. makes exceptions, and specifically addresses hotel/motel uses. Policy 6.1.7. states that hotel/motel uses do not need to comply with site location standards. Therefore, given the wide range of commercial uses that could potentially be developed on the site, the impacts on adjacent land uses and surrounding neighborhoods must be considered. Staff finds that given the orientation of the hotel/motel cabins, proximity to existing commercial establishments immediately to the north and northeast, and the additional buffering along Rum Road, the proposed hotel/motel provides an excellent transition from the more intense commercial activities to the north and the less intense single-family residential neighborhood to the west, south, and east. On balance, the proposed 15 unit hotel/motel is least intrusive on the surrounding neighborhood then developing the site with more intense commercial uses.

Therefore, staff finds the proposed project, as conditioned, **CONSISTENT** with Policy 6.1.2. and 6.1.7. of the Lee Plan.

GOAL 75: PROTECTION OF LIFE AND PROPERTY IN COASTAL HIGH HAZARD AREAS. *To protect human life and developed property from natural disasters.*

POLICY 75.1.2: *Rezonings to allow higher densities will not be permitted on barrier and coastal islands if the capacity of critical evacuation routes would thereby be exceeded.*

The protection of life and property needs to be considered in any development on barrier islands. The project is not a residential development where residential densities must be considered in reviewing projects on barrier islands. However, staff is aware of the need to provide guest of the hotel/motel with information on evacuation procedures in case of a hurricane. Therefore, staff has provided a condition to ensure that guests of the lodge are made aware of these procedures.

Therefore, staff finds the proposed project, as conditioned, **CONSISTENT** with Goal 75 and Policy 75.1.2. of the Lee Plan.

Neighborhood Compatibility

The subject property is zoned commercial (C-1) and is 1.59± acres in area. Given the acreage, approximately 16,000 square feet of commercial retail and office uses could be developed on the subject property. The commercial (C-1) zoning district allows a wide variety of commercial uses. Some of the uses would not be compatible with the adjacent residential and commercial activities. Some of these uses are: boat rental; boat sales; dry boat storage; contractors and builders, groups I and II; rental and leasing establishments, groups I and II (mopeds, scooters,

etc); open storage; and vehicle and equipment dealers group II (golf carts), package store, convenience food and beverage stores, and restaurants. Although the applicant has included a restaurant and rental and leasing establishments as permissible uses in the proposed schedule of uses, these uses are primarily for the guests of the lodge.

The proposal to develop the site for a hotel/motel with ten cabins having a total of 15 rental units and given the scale of the development, will have less impact on the surrounding residential neighborhood on the west, south and southeast then leaving the option open to develop the site with other commercial uses. Currently the more intense commercial activities are located on the north side of Safety Harbor south of the landing strip, and the development of the 1.59 acre parcel as a hotel motel will diminish the chances of more intense commercial development occurring adjacent to the surrounding residential neighborhood.

Also, the hotel/motel will provide a transition between the commercial activities to the north of the subject property (Captiva Island Club, Mango Restaurant, boat basin and docking facilities, and the commercial retail on the north side of the boat basin.

Therefore, staff finds that the proposed development, as conditioned, is compatible with the surrounding residential development.

Environmental Issues

The Division of Environmental Sciences staff have reviewed the proposed commercial planned development and completed a field investigation. The property contains existing native trees including sabal palms, gumbo limbo, and seagrape. No Lee county listed species were observed during the field investigation. The master concept plan commits to providing the required open space for a small commercial project which is 20% or 9,678 square feet.

The Division of Environmental Sciences staff have stated that the landscaping requirements may be better met on Upper Captiva Island (North Captiva) site through an Alternate Landscaping Betterment Plan at the time of local development order approval. Although not a part of the conditions attached to this zoning action, this option will still be available to the applicant at the time of development order approval. Environmental Sciences staff are available to meet with the applicant prior to a development order submittal to discuss landscaping options (See Attachment B).

Environmental Sciences staff have recommended a condition to ensure the preservation of the native tree cover within the design of the project.

Transportation

No traffic analysis was completed since this is a barrier island. However, the applicant has provided parking spaces for 14 golf carts, which is the primary mode of transportation on the island.

IV. ATTACHMENTS:

A. Map of surrounding zoning
B. Comments from Environmental Sciences, dated March 11, 2004
C. E-mailed comments from Richard Pepper, Chief, Upper Captiva Fire District, dated 12/22/2003

D. School District of Lee County, dated March 5, 2004
E. Resolution Z-64-92
F. Resolution Z-65-26
G. Additional narrative comments from the applicant, dated March 31, 2004

V. EXHIBITS:

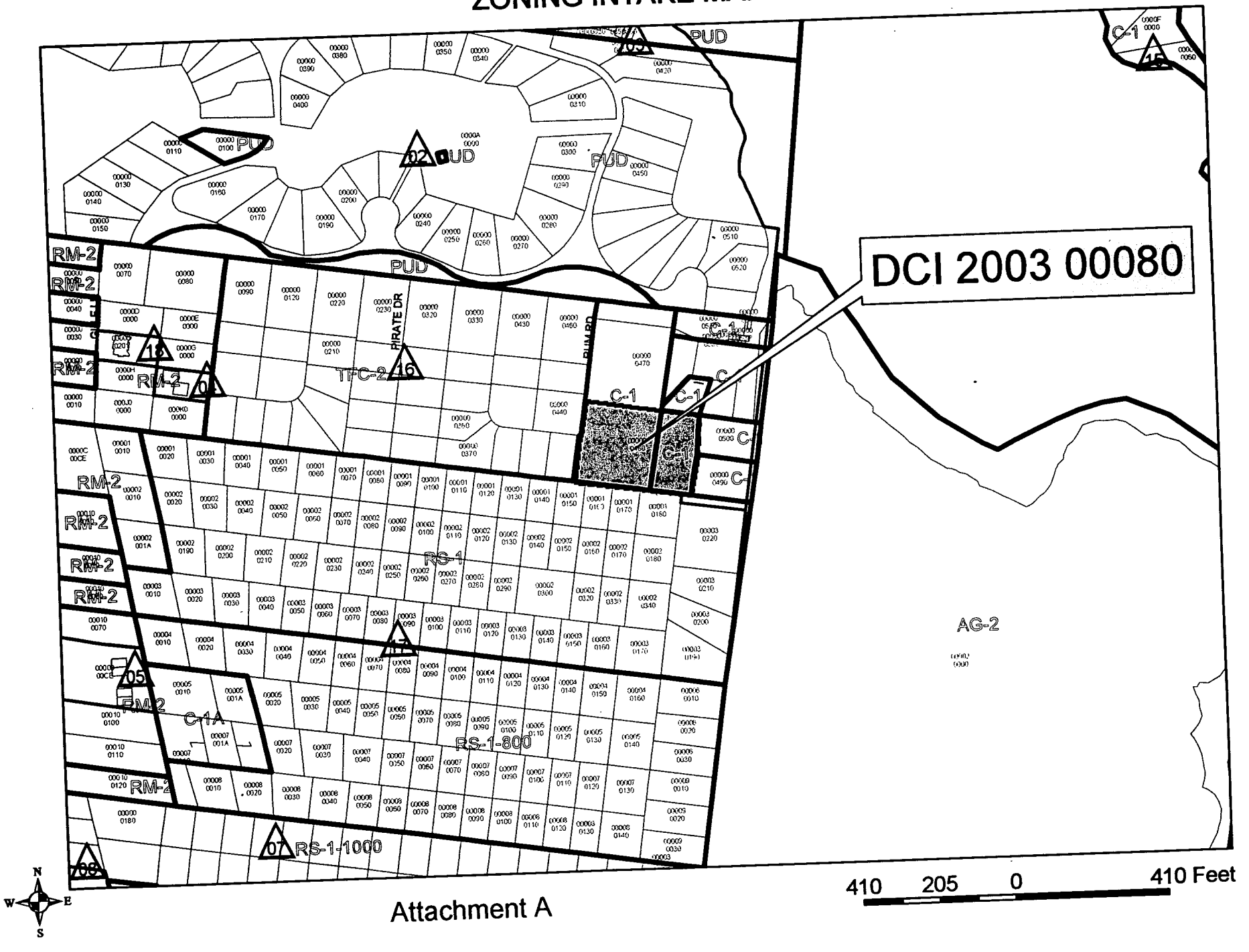
A. Grady's Lodge renderings, stamped received by zoning on march 11, 2004, labeled EXHIBIT "A"

B. Master Concept Plan entitled, "Grady's Lodge", dated 1/10/04, and stamped received by the zoning counter on January 20, 2004.

cc: Applicant
County Attorney
Zoning/DCI File

3/29/2004

ZONING INTAKE MAP



Attachment A

STAFF REPORT
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES

Date: **March 11, 2004**

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

Project: **Grady's Lodge CPD**
Case: **DCI2003-00080**
STRAP: **05-45-21-16-00000.0480**

The Division of Environmental Sciences (ES) staff have reviewed the proposed commercial planned development (CPD) and conducted a field inspection. The property contains existing native trees including sabal palms, gumbo limbo, and seagrape. However, the property does not contain a complete indigenous plant community as the understory has been mowed or cleared over time. There is remnant understory such as rouge plant and wild coffee. No Lee County listed species were observed during the field inspection.

The proposed Master Concept Plan commits to providing the Land Development Code (LDC) required open space for a small commercial project which is 20% or 9,678 square feet.

The LDC landscaping requirements were established for a county wide consistency. However, the intent of the LDC landscaping may be better met on this North Captiva site through an Alternate Landscape Betterment Plan at time of local development order review. ES staff is available to meet with the applicant prior to a development order submittal to discuss landscaping options.

ES staff recommend the following condition to insure the preservation of the native tree cover within the design of the project:

Prior to local development order approval, the landscape plan must delineate the existing native trees to be preserved and any sabal palms to be relocated on-site. These native trees may be used to meet the Land Development Code (LDC) landscaping requirements with the credits allowed in LDC Section 10-420(h).

ATTACHMENT B

Bryan Kelner - Grady's Lodge

From: <UpperCapFD@aol.com>
To: <KELNERBJ@leegov.com>
Date: 12/22/2003 1:46 PM
Subject: Grady's Lodge

At our last Fire Commission meeting 12/20/03, we reviewed the plans for Grady's Lodge.
The Fire District has no objections to this project in general. How every, we have two miner concerns.The District would like to make sure that the south buffer type "D" is accessible to rear of the south units.
If the buffer could be staggered to allow for ingress for our personnel, and access for our equipment to the finger docks (draft point # 11).

If you have any questions, please contact me.

Richard Pepper, Chief

ATTACHMENT C

THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3916 • (239) 334-1102 • TTD/TTY (239) 335-1512

March 5, 2004

Mr. Bryan Kelner
Lee County Development Services Division
P.O. Box 398
Fort Myers, FL 33902-0398

Re: Grady's Lodge, DCI Substantive Review, Case #DCI2003-00080

Dear Mr. Kelner:

Thank you for the opportunity to review Grady's Lodge for substantive comments with regard to educational impacts. This proposed development is in the South Choice Zone of the District on Upper Captiva Island. This letter is in response to your request dated March 1, 2004.

This development should have no impact on classroom needs based on the applicant's indication that no residential dwelling units are proposed for this development.

Thank you for your attention to this issue. If I may be of further assistance, please give me a call at (239) 479-4205.

Sincerely,

Kathy Babcock

Kathy Babcock, Long Range Planner
Department of Construction and Planning

Cc: William G. Moore, Jr.
Executive Director, School Support

ATTACHMENT D

RESOLUTION NO. Z 64-92

The following resolution was offered by Commissioner P. A. Geraci, seconded by Commissioner Kenneth Daniels, and upon poll of members present the vote was as follows:

Julian Hudson	aye
Herman Hastings	aye
Mack Jones	aye
P. A. Geraci	aye
Kenneth Daniels	aye

WHEREAS, Captiva Palma, Inc. has applied for a zone change from GU to IU on the following described property located on Upper Captiva Island:

> Easterly 250', lot 2 of Map of North End of Captiva Island said map showing fractional Section 4 and 5, Twp. 45, Rge. 21, and being recorded in Plat Book 1, page 61, of the Public Records of Lee County Florida.

WHEREAS, a public hearing of the Lee County Zoning Board was advertised and held, as required by law, and after hearing all parties of interest and considering adjacent areas, the Zoning Board recommended that a BU-1 zoning be granted on the entire tract of land, with a special permit on the Northerly 350 feet for a Marina, in lieu of the IU request, and

WHEREAS, this Board after reviewing the records and recommendations of the Zoning Board and having given an opportunity for interested persons to be heard, and upon due and pr consideration having been given to this matter, does hereby approve the Zoning Board's recommendation;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Lee County, Florida, that the decision the Zoning Board be, and the same is hereby approved, and said property is zoned accordingly.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Lee County Building and Zoning Department.

PASSED AND ADOPTED this 23rd day of December, 1964.

ATTACHMENT E

-15-64

their opposition to the petition.

Mr. Fred Holz stated that he built in the subdivision with the understanding th[illegible] the entire area was zoned for res[illegible]nt homes only. Holz felt if this application was approved that other business concerns would be coming into the area. Jimmie Maker stated that two of the businesses referred to earlier in the meeting are on Pondella Road and the other two come under the grandfather clause.

Walter Coles explained the BU-1 classification to the delegation present, by stating that it included retail, walk-in business, no manufacturing plants, no heavy trucks, and no outside storage of goods.

Edward Jay made a motion to approve the request for the reason that business would be the best use for the property, Lamar Street is predominately a business area, and one more appropriate business is not going to delete the area. Andrew Mellody seconded the motion and all members voted aye on the motion.

64-11-1 Request from Captiva Palma, Inc. for a zone change from GU to IU on the following described property located on Upper Captiva Island:

Easterly 250', Lot 2 of Map of North End of Captiva Island said map showing fractional Sections 4 and 5, Twp. 45S, Rge. 21E. and being recorded in Plat Book 1, Page 61, of the Public Records of Lee County, Florida.

The following persons were sworn in as required by law to tell the truth on any information concerning the application in question: Peter Lippe, President of the Captiva Palma, Inc., Lamar Rose, and Dick Barnhart. Bill Graddy, Attorney, presented the petition to the Board by stating that a marina is desired on the land. Graddy submitted photographs of the present buildings on the property. Graddy said the owner would like to build a restaurant and motel on the back of the property at a later date. Mr. Lippe told the Board that the land was 250 feet by 600 feet, located between Safety Harbor and the Gulf of Mexico. All the buildings on the land are new.

There were no objectors to the request. Property owner Lamar Rose came to the meeting in support of the zoning request.

Chairman Walter Coles suggested a BU-1 zoning on the land in lieu of the IU zoning request.

Andrew Mellody made a motion to grant a BU-1 zoning on the entire tract of land, with a special permit on the Northerly 350 feet for a Marina. Jimmie Yeomans seconded the motion and all members voted aye.

Meeting was adjorned.

Walter A. Coles, Chairman
LEE COUNTY ZONING BOARD

MINUTES OF THE LEE COUNTY ZONING BOARD

The Lee County Zoning Board met this date with the following members present: Walter A. Coles, Chairman, Jimmie Yeomans, Edward Jay, Foster Pate, Andrew Mellody. Myles Willis, Deputy Zoning Director, attended the meeting.

64-10-1 Request from Mrs. Ruby Bristow for a zone change from RU-1 to a Special permit to operate a cabinet shop on property located on Barrett Road, more particularly described as follows:

Begin at the NE corner of SE¼ of SE¼, South 345 feet, West 402.5 feet, North 345 feet to POB, West 402.5 feet to East side of Road Southeasterly alg the side of Road to a point intersecting East line Road R/W. 4-44-24

The following people were sworn in as required by law: Mrs. Ruby Bristow, Jack Elkins, Mr. and Mrs. J. R. Ewton. Frank Watson, Attorney for Mrs. Bristow, presented the petition to the Board by stating that the cabinet shop will be in the same building with the R & L Shell Shop. Mrs. Bristow has lived on the property in question for some 24 years, and has been running her shell shop for 15 years. Watson stated that the shell business is a factory operation. Mr. Watson examined the area, walked down Barrett Road while the operator turned on the saws used in the cabinet business. He said he could not even hear the machines in front of the Bristow house. Mr. Jack Elkins came to the meeting in support of the petition. The operator, Ami Drewin, was called upon to give the working hours of the cabinet business. He stated the working hours would be 8:00 A.M. until 5:00 P.M., five days a week, and possibly a half day on Saturdays when necessary.

Mr. and Mrs. J. R. Ewton appeared before the Board to oppose the application. Mr. Ewton stated that he owned approximately 80 lots in the area, and their property owners object to the idea of letting business come into the area. If approval was granted it would encourage more businesses to located in the area. Mrs. Ewton felt this would bring the value of their land down. Watson stated that no new structures will be built on the property.

With no further discussion Jimmie Yeomans made a motion to approve a Special Permit for a cabinet shop, with the following restrictions: no new structures will be erected on the land, and work will be conducted during day-light hours only. The motion died on the floor for lack of a second.

Edward Jay made a motion to deny the request on the above mentioned property, and Andrew Mellody seconded the motion. Upon poll of members present, the vote was as follows:

Walter Coles	nay
Jimmie Yeomans	nay
Foster Pate	nay
Edward Jay	aye
Andrew Mellody	aye

The Chairman then called for a new motion to be made on the petition. Jimmie Yeomans repeated the first motion as follows: Approve the special permit for a cabinet shop with the understanding that no new structures will be erected on the land, and work will be conducted during daylight hours only. Foster Pate seconded the motion and the vote was as follows:

Walter Coles	aye
Jimmie Yeomans	aye
Foster Pate	aye
Edward Jay	nay
Andrew Mellody	nay

64-10-3 Request from Boyd Strasbaugh for a zone change from RU-1 to BU-1 on the following described property located between Lamar Road and Piney Road, North Fort Myers:

West ½ of SE¼ of SW¼ of SW¼ Less Road Right-of-way, less N 140 feet of S 425 ft. E of W 136 ft. ALSO Less E 160.85 ft. of S 200 ft. ALSO Less Beg. 378.60 ft. N 25 ft. W of SE corner of W½, SE¼, SW¼ th N 72.87 ft. th 135.85 ft. th S 72.87 ft. th E 135.85 ft. Beg. at SW cor W½ of SE¼ of SW¼ of SW¼ th N alg E side of Piney Road 285 ft. to POB, th E at right angles to E side Piney Road 136 ft., th S alg Road to POB. In Section 2, Twp. 44S, Rge. 24E.

The following people were sworn in as required by law by Walter Coles: Mike Adamcik, Ralph Arnold, James Smith, and Boyd Strasbaugh in support of the petition. Mr. and Mrs. Fred Holz, Mr. and Mrs. Howard Hoffman, Mr. H. E. Locke, Charles Madson, Jimmie Maker, and Mrs. Jean Futch were against the application.

Mr. Boyd Strasbaugh stated that the property could not be used for residences and desired a business zoning to enable him to sell the property for commercial use. Strasbaugh plans to build small offices and stores. James Smith would like to locate a exterminating office building on the land. Strasbaugh explained that there would be no ordor connected with the business, all the tanks would be in the building itself. It was brought out that there are four business concerns on Lamar Street at the present time.

RESOLUTION NO. Z 65-26

The following resolution was offered by Commissioner P.A. Geraci seconded by Commissioner Kenneth Daniels, and upon poll of members present the vote was as follow:

Julian Hudson	aye
Herman Hastings	aye
P. A. Geraci	aye
Kenneth Daniels	aye
Bruce J. Scott	aye

WHEREAS, Captiva Palma, Inc. has applied for a zone change from GU to BU-1 and RU-2 on the following described property located on Upper Captiva:

BU-1: (1) The West 220 feet of the East 470 feet of Lot 2, North End of Captiva Island, as recorded in Plat Book 1, Page 61. LESS the N 50 ft. (2) Lot 2 of the North end of Captiva Island, Plat Book 1, Page 61, LESS the East 1480 feet, and Less the North 50 feet of the West 310 feet of the East 1790 feet.

RU-2: The West 1010 feet of the East 1480 feet of Lot 2, the North End of Captiva Island, Plat Book 1, Page 61. LESS the North 50 feet.

WHEREAS, a public hearing of the Lee County Zoning Board was advertised and held, as required by law, and after hearing all parties of interest and considering adjacent areas, the Zoning Board recommended that said request be approved, and

WHEREAS, this Board after reviewing the records and recommendations of the Zoning Board and having given an opportunity for interested persons to be heard, and upon due and proper consideration having been given to this matter, does hereby deny the Zoning Board's recommendations;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Lee County, Florida, that the decision of the Zoning Board be denied, and after considering the request the property was zoned as follows:

BU-1: The west 220 feet of the East 470 feet of Lot 2, North End of Captiva Island, as recorded in Plat Book 1, page 61. Less the North 50 feet.

RU-3: Lot 2 of the North end of Captiva Island, Plat Book 1, page 61, Less the East 1480 feet, and less the North 50 feet of the West 310 feet of the East 1790 feet.

RU-2: The West 1010 feet of the East 1480 feet of Lot 2, the North End of Captiva Island, Plat Book 1, Page 61. LESS the North 50 feet

ATTACHMENT F

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Lee County Building and Zoning Department.

PASSED AND ADOPTED this 2nd day of June, 1965.

Heard 4-19-65

WilsonMiller
New Directions In Planning, Design & Engineering

March 29, 2004

Mr. Bryan Kelner, Principal Planner
Lee County Zoning
PO Box 398
FT Myers, FL 33902-0398

RE: Grady's Lodge, DCI 2003-00080

Dear Mr. Kelner:

I have reviewed the issues you identified via Email and phone conversations over the past couple of weeks and I believe I have been able to clarify our positions. The initial inquiry had to do with the existing development located on the adjacent parcel, owned jointly by the applicant and another property owner. The existing development was permitted via an exemption from the Development Standards Ordinance, E10-21-84 and is no subject to this request. That approval authorized the placement of shell fill throughout the site and the construction of finger docks for mooring purposes. The improvements were construction in 1985 and have been in use since that time and therefore a lawfully existing use.

You have also asked me to address Lee Plan Goal 75, which reads, *"PROTECTION OF LIFE AND PROPERTY IN COASTAL HIGH HAZARD AREAS"*. More specifically you have referenced Policy 75.1.2, *"Rezonings to allow higher densities will not be permitted on barrier and coastal islands if the capacity of critical evacuation times would thereby be exceeded (See Objective 79.1)*. The policy you have referenced refers to "rezonings to allow higher densities" as the threshold for the review. In this case, the development is for a hotel and therefore a standard density calculation is not appropriate and therefore not applicable for this project. Further review of Objective 79.1, which states, *"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"*. I have reviewed the most recent update to the Hurricane Plan and discussed the situation with Terry Kelly with Lee County Emergency Preparedness. Because of the type and location of the lodge, the typical assumptions and percentages cannot be utilized. The majority of the visitors to the lodge will be transported to Captiva Island or Pineland for water taxi transportation to the island and then back to the airport upon checkout. Mr. Kelly of Emergency Management advised that because there is no vehicular access to the island and that because of the anticipated typical guest, there would be no effect on hurricane evacuation. He further stated that Emergency Management would be assessing a shelter mitigation fee of approximately $710 at the time of Development Order/building permit. From a practical standpoint the lodge will be closed and all guests ordered to leave at that point when landfall is predicted within 24 hours. The lodge will develop a plan of action for securing the property and phoning incoming guests with hurricane information in the event of a storm.

The Consumption on Premises approval was intended to serve the restaurant and pool bar requested with this rezoning. The applicant prefers a full liquor license/bar for use by his

Naples Fort Myers Sarasota Tampa Tallahassee Panama City Beach
3/26/2004- 32078 Ver: 01 RHUTCHERSON
CA#43
04251-000-000- PCOR- 7782
4571 Colonial Boulevard, Suite 100 Fort Myers, Florida 33912 239-939-1020 ☎ 239-939-7479
www.wilsonmiller.com
WilsonMiller, Inc. — FL Lic.# LC-C000170

ATTACHMENT G

patrons. The regulations are unclear at this point as which section of the chapter 34 are applicable. 34-1264(b)(1) states a C.O.P. may not be located within 500' of a dwelling unit under separate ownership, except when approved as part of a planned development. The lodge is being permitted as a CPD and therefore it appears that the location is acceptable because there are no churches or day cares within the 500' limitation. The closest existing C.O.P. is located more than 700' away when measured per 34-1264(b)(1)a.3. In addition to the above interpretation, the C.O.P. will be provided in conjunction with a Restaurant, Group II/III. LDC 34-1264(b)(2)b exempts restaurants groups II & III from the C.O.P. location standards, per certain conditions. Lastly, Section 34-1264(b)(2)c exempts hotels from the location requirements per certain conditions. This category makes more sense than the other categories were it now for the initial condition states that the hotel must have at least 100 rooms under the same roof. Obviously the lodge will have nowhere near the required 100 rooms and the regulation was seemingly written to address more urban type environments and does not lend itself to regulation of less urban environments. Given the small nature of the lodge, the approval of a C.O.P. will have no effect on the area.

The building heights area specified at 35', the normal maximum height for all zoning categories. Directly north and abutting our property line is Mangos Restaurant, a two story building at approximately 35' in height. Directly east and across Rum Road is another two-story building, approximately 35' in height, consisting of a real estate office and a single-family dwelling unit. Directly south of that structure is a residential structure of similar height. A review of a majority of the buildings on the island reveals that buildings approaching the maximum height are the norm here and that a restriction as to height is not necessary. This is the case because of several factors relating to minimum flood elevation, desired views, existing vegetation and the desire for larger, vacation style, single family homes. The cabins, which the applicant has presented renderings of, do not approach the maximum height, however the actual design work has not been performed.

Drafting point # 11, mentioned in the Captiva Fire District report, is located on the adjacent parcel and access to this point will be maintained as desired.

I believe I have addressed all of the outstanding issues related to your review, however should you have any questions please don't hesitate to call.

Sincerely,

WilsonMiller, Inc.

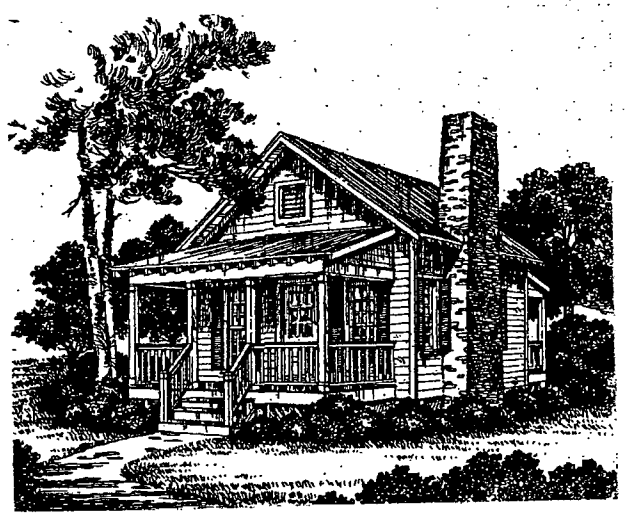
Robert D. Hutcherson, AICP
Senior Project Manger

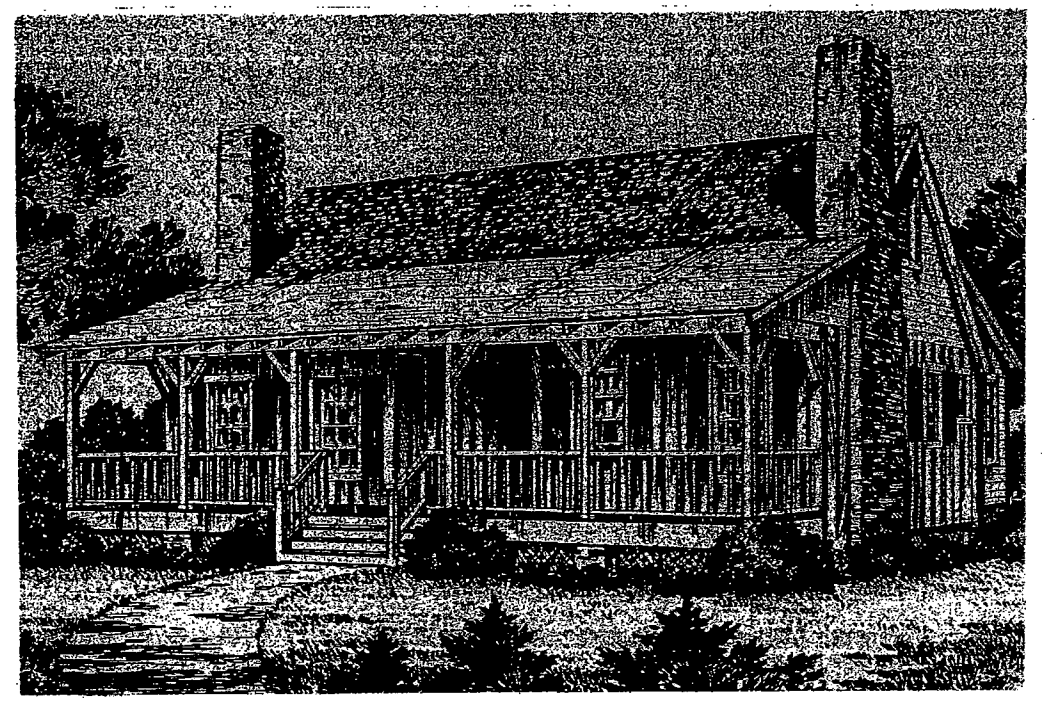
3

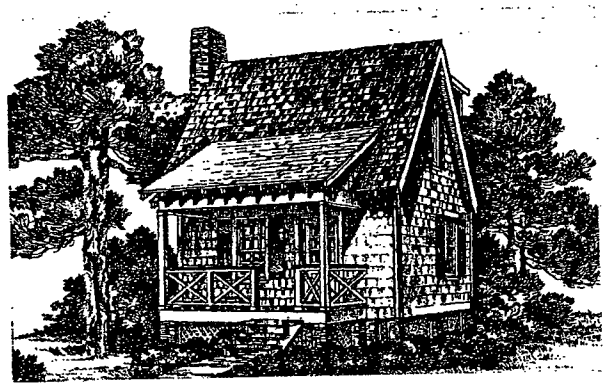
Grady's Lodge

North Captiva Island

An Old Florida Style Fishing Lodge

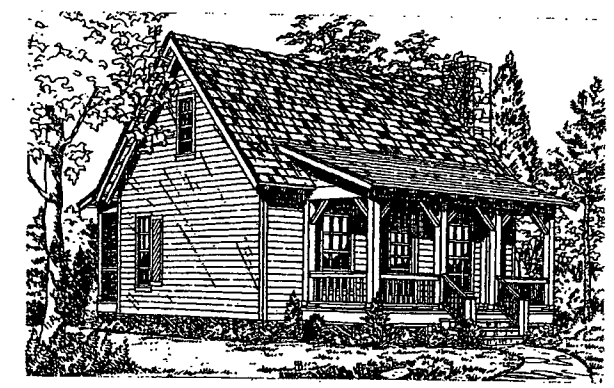


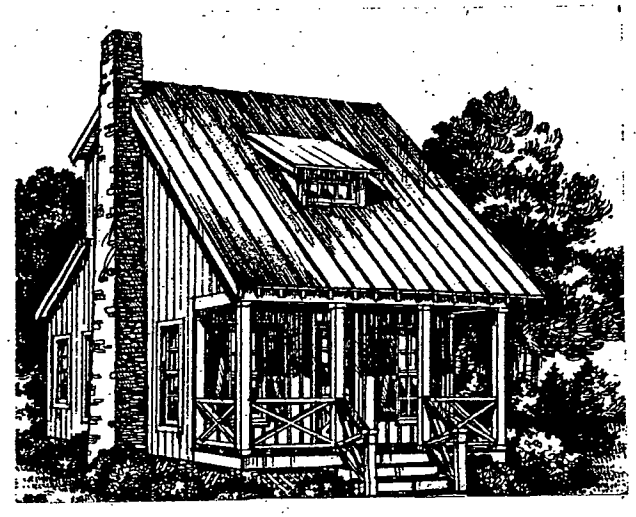


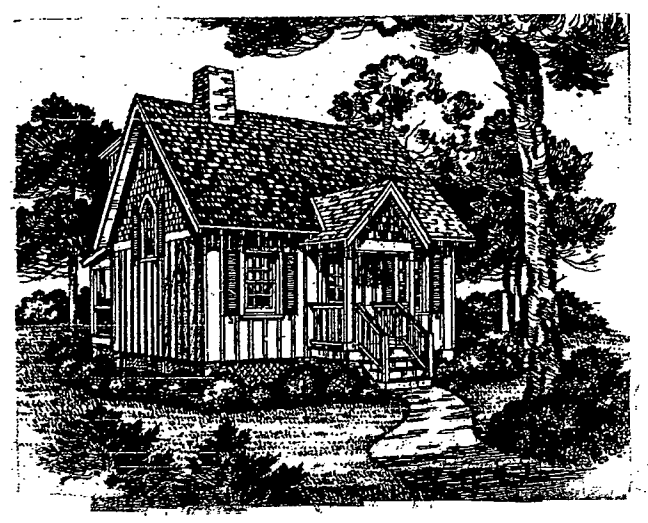


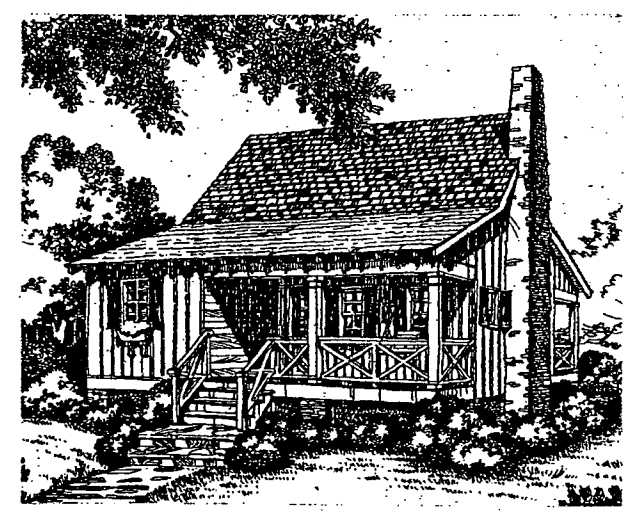
Displayed here are artist renderings to illustrate the Old Florida Style and architectual designs, which will be used in the proposed Main Fishing Lodge and One and Two Bedroom Cottages

(for illustration only, not to exact design or scale)









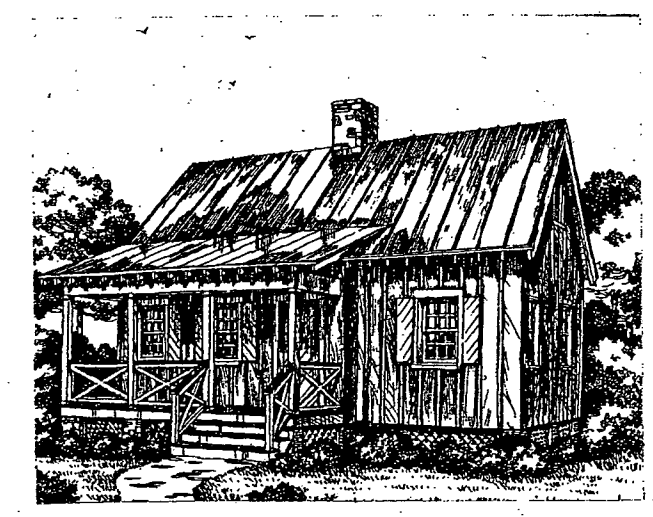
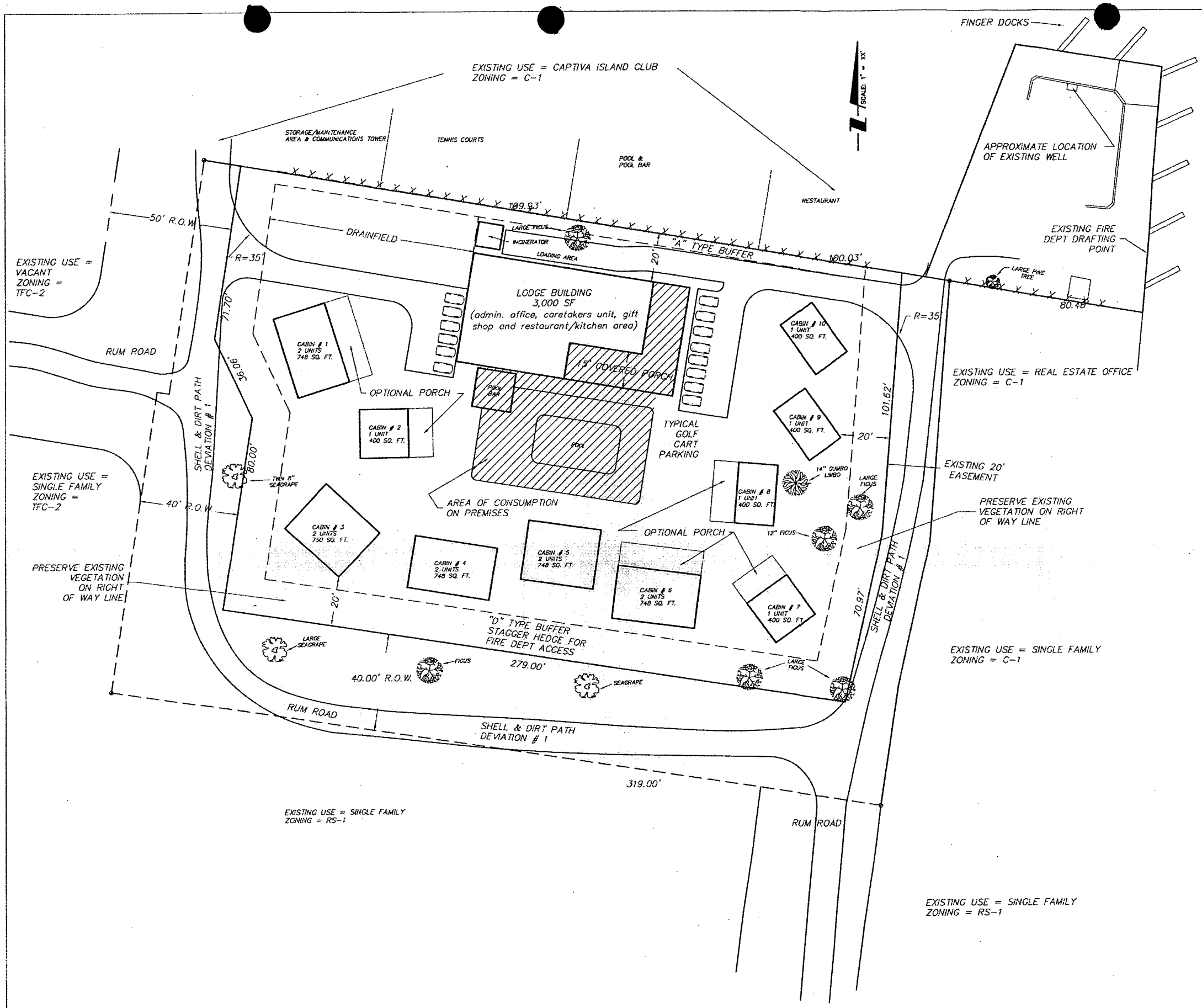


EXHIBIT A



NOTES:

1. PROPOSED IS A REZONING FROM C-1 TO COMMERCIAL PLANNED DEVELOPMENT TO ALLOW A 15 UNIT FISHING LODGE.

2. THE 1.59 ACRE PARCEL IS LOCATED IN THE OUTER ISLANDS LAND USE DESIGNATION FOR THE LEE PLAN.

3. SCHEDULE OF USES:
   HOTEL/MOTEL (15 UNITS)
   ADMINISTRATIVE OFFICE (MAIN LODGE BUILDING)
   BAR OR COCKTAIL LOUNGE (POOL BAR)
   CARETAKERS RESIDENCE (MAIN LODGE BUILDING)
   CONSUMPTION ON PREMESIS
   ESSENTIAL SERVICES
   INCINERATOR
   REAL ESTATE OFFICE (MAIN LODGE BUILDING)
   RECREATIONAL FACILITIES, PRIVATE ON-SITE
   RENTAL OR LEASING ESTABLISHMENTS, GROUP I-LIMITED TO BICYCLE, GOLF CART AND BOAT RENTALS (MAIN LODGE BUILDING)
   RESTAURANT, GROUPS II & III
   SIGNS IN ACCORDANCE WITH CHAPTER 30
   SPECIALTY RETAIL GROUPS I & II

4. PROPERTY DEVELOPMENT REGULATIONS
   MINIMUM LOT AREA = 20,000 SQ. FT.
   MINIMUM LOT WIDTH = 100'
   MINIMUM LOT DEPTH = 100'
   MINIMUM STREET SETBACK = 20'
   MINIMUM SIDE SETBACK = 15'
   MINIMUM REAR SETBACK = 15'
   MAXIMUM BUILDING HEIGHT = 35'
   MAXIMUM LOT COVERAGE = 40%
   MINIMUM OPEN SPACE = 20%
   DEVELOPMENT PERIMETER SETBACK = 10'
   MINIMUM BUILDING SEPERATION = 10'

5. OPEN SPACE CALCULATION
   69,727 TOTAL SQUARE FEET
   21,335 SQ. FT. EXISTING ROW/EASEMENT
   SQ. FT. SHELL DRIVE AND GOLF CART PARKING
   2,800 SQ. FT. POOL AREA
   9,650 SQ. FT. BUILDINGS

   SITE AREA LESS EXISTING ROW = 48,392 SQ. FT.
   48,392 @ 20% = 9,678 SQ. FT.
   20% OPEN SPACE IS PROVIDED

6. THE PARCEL IS LOCATED ON UPPER CAPTIVA ISLAND, A BARRIER ISLAND WITH NO VEHICULAR ACCESS AND THEREFORE NO PARKING IS REQUIRED PER 34-2011(d).

7. MAXIMUM RENTAL UNITS {34-1802(4)d}
   HOTELS/MOTELS APPROVED AS PLANNED DEVELOPMENTS ARE NOT SUBJECT TO RENTAL SIZE OR DENSITY REQUIREMENTS, PROVIDED ALL OTHER ASPECTS OF THE DEVELOPMENT (HEIGHT, TRAFFIC, INTENSITY OF USE) ARE FOUND TO BE COMPATIBLE WITH THE SURROUNDING AREA AND ARE OTHERWISE CONSISTENT WITH THE LEE PLAN.

8. SCHEDULE OF DEVIATIONS
   A DEVIATION FROM LDC SECTION 10-291(2) WHICH REQUIRES ALL DEVELOPMENTS TO HAVE ACCESS TO A STREET DESIGNED AND CONSTRUCTED OR IMPROVED, MEETING THE STANDARDS CONTAINED IN SECTION 10-296 (A CATEGORY "A" ROAD), TO ALLOW GOLF CART ACCESS TO THE EXISTING SHELL/GRAVEL ROAD.

9. WATER SERVICE WILL BE PROVIDED BY A PERMITTED, EXISTING PUBLIC WATER SUPPLY (WELL) LOCATED ON THE ADJACENT PARCEL.
   SEWER SERVICE WILL BE PROVIDED BY A SEPTIC SYSTEM AND DRAINFIELD.
   FIRE PROTECTION IS PROVIDED VIA AN EXISTING, FIRE DEPARTMENT APPROVED, DRAFTING POINT LOCATED IN THE CANAL ON THE ADJACENT PARCEL.

10. THE COTTAGES AND POOL AREA ARE CONCEPTUAL IN NATURE AND ARE SUBJECT TO CHANGE IN LOCATION AND CONFIGURATION.

11. ALL CABINS ARE ELIGIBLE FOR OPTIONAL PORCHES.

12. WATER MANAGEMENT WILL BE PROVIDED VIA DRY RETENTION.

EXHIBIT B

WilsonMiller
Planners • Engineers • Ecologists • Surveyors
Landscape Architects • Transportation Consultants
WilsonMiller, Inc.
Naples • Fort Myers • Sarasota • Bradenton • Tampa • Tallahassee
4571 Colonial Boulevard, Suite 100 • Fort Myers, Florida 33912
Phone 941-939-1020 • Fax 941-939-1679
E-mail FortMyers@WilsonMiller.com • Web-Site www.wilsonmiller.com

GRADY'S LODGE
PROPOSED COMMERCIAL PLANNED DEVELOPMENT
UPPER CAPTIVA ISLAND
LEE COUNTY, FL

DCI 2003-00080

PRINTED
JAN 20 2004
WilsonMiller, Inc.
4571 Colonial Boulevard
Ft. Myers, Florida 33912
WilsonMiller, Inc. - FL Lic# LC-C000279
WilsonMiller, Inc. - Certificate of Authorization 3-93

SEC 5 TWP 45 RGE 21	
Designed by:	1619
Drawn by:	1619
Checked by:	
Approved by:	
Date:	1/10/04
Scale:	1" : 20'
PIN:	04251-000-000
File #:	
Sheet	1 of 1

MEMORANDUM
FROM THE
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING DIVISION

DATE: April 15, 2004

TO: Hearing Examiner

FROM: Bryan Kelner BJK
Principal Planner

RE: Graydon W. Scott in reg to Grady's Lodge
Case #DCI2003-00080

Please be advised that changes to the staff report for the above mentioned project are attached. Staff and the applicant are in agreement with the proposed changes.

cc: Joan Henry
Robert Hutcherson
Richard Pepper
Zoning/DCI file

PROPOSED CHANGES TO THE APRIL 7, 2004 STAFF REPORT, FOR THE ABOVE NOTED CASE.

Staff and the applicant have agreed to the following changes to the staff report

A. Delete INCINERATOR, from Section II.A.2. of the schedule of uses, as follows:

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

a. Schedule of Uses

~~INCINERATOR~~

B. Delete Condition II.A.8., as follows, since incinerator has been deleted from the schedule of uses.

~~8. Incinerator:~~

~~a. At the time of local development order approval, the capacity of the incinerator will be reviewed to ensure that the incinerator is limited to that required to incinerate only the waste products generated from the proposed development. The purpose of this condition is to prohibit waste from offsite to be incinerated on the property.~~

~~b. The incinerator will be approved in accordance with the Department of Environmental Regulation permits.~~

~~c. The location of the incinerator will be in accordance with the location show on the master concept plan. The incinerator may be setback to within 12 feet of the north property line.~~

~~d. The developer will provide a six (6) foot high concrete block wall faced with stucco along the north and west sides of the proposed incinerator.~~

~~e. The incinerator will only be operated from 6:00 am to 8:00 am.~~

C. Add condition II.A.11., as follows:

11. The 15 hotel/motel units cannot be condominiumized nor can separate long term leases be granted for more than 30 days per calendar year. Prior to local development order approval, these restrictions must be recorded in the public records of Lee County.

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

ORDER FOR CONTINUANCE

CASE NUMBER: **DCI2003-00080**
APPLICANT: **GRAYDON W. SCOTT, in reference to GRADY'S LODGE**
NEW HEARING DATE: **MAY 14, 2004**

The hearing on the above-styled case began as scheduled on April 22, 2004. At the conclusion of the presentations, the matter was continued to date and time set forth below to allow additional time for the Applicant, the Staff, and the public to present additional evidence and testimony.

Accordingly, this matter is continued to **FRIDAY, MAY 14, 2004 AT 10:00 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 23rd day of April, 2004.

SALVATORE TERRITO
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 23rd day of April, 2004.

Margaret Russell
Administrative Assistant

23Apr04

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 ten (10) 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 Development Services Division in the following manner:

a. Sign for case **# DCI2003-00080/Grady's Lodge must be posted by April 6, 2004.**
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 Development Services Division, and obtain duplicate copies of the sign from the Development Services Division.

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

When a parcel abuts more than one (1) street, the applicant must post signs along each street.

When a subject parcel does not front a public road, the applicant must post the sign at a point on a public road which leads to the property, and the sign must include a notation which generally indicates the distance and direction to the parcel boundaries and the dimensions of the parcel.

NOTE: AFTER THE SIGN HAS BEEN POSTED, THE AFFIDAVIT OF POSTING NOTICE, BELOW, SHOULD BE RETURNED NO LATER THAN THREE (3) WORKING DAYS BEFORE THE HEARING DATE TO LEE COUNTY DEVELOPMENT SERVICES DIVISION, 1500 Monroe Street, Fort Myers, FL 33901

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

AFFIDAVIT OF POSTING NOTICE

STATE OF FLORIDA
COUNTY OF LEE

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

SIGNATURE OF APPLICANT OR AGENT

Robert D Hutcherson
NAME (TYPED OR PRINTED)

Colonial Blvd
ST. OR PO BOX

Ft Myers
CITY, STATE & ZIP

#DCI2003-00080/Grady's Lodge 04/22/04 JLP

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to and subscribed before me this 16th day of April, 2004, by Robert Hutcherson, personally known to me or who ~~produced~~ is personally known ~~as identification~~ and who did/did not take an oath.

CHERYL L. BERMUDEZ
MY COMMISSION # DD 046801
EXPIRES: August 1, 2005
Bonded Thru Notary Public Underwriters

Cheryl L. Bermudez
Signature of Notary Public

Cheryl L. Bermudez
Printed Name of Notary Public

My Commission Expires:
(Stamp with serial number)

2004
PERMIT COUNTER

LEE COUNTY
SOUTHWEST FLORIDA

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APPLICATION FOR PUBLIC HEARING FOR UNINCORPORATED AREAS ONLY

Applicant's Name: Graydon W. Scott

Project Name: Grady's Lodge

STRAP Number(s): 05-45-21-16-00000.0480

TYPE OF APPLICATION

_____ Special Exception **(attached Sup. A.)**

_____ Variance **(attach Sup. B)**

X Planned Development (not PRFPD) attached **(attach Sup. D)**

_____ Conventional Zoning **(attach Sup. C.)**

_____ Amendment to built Planned Development **(Sup. D may be required)**

_____ Private Recreational Facilities Planned Development **(attached Sup. D)**

_____ *DRI – without rezoning* ***(attach copy of ADA)***

_____ DRI with rezoning **(attach Sup. D)**

GENERAL INFORMATION DCI 2003-00080

Current Zoning: C-1

Planning Community: Captiva

Proposed Zoning: C.P.D.

Commissioner District: 1

Land Use Classification(s): Outer Islands

Lee Plan Density Range: 1 upa

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

****

STAFF USE ONLY

Case Number: DCI2003-00080

Date of Application: 11-12-03

Planner in charge: _____

Fee: 4,000

Date found sufficient: _____

Date Fee Paid: 11-12-03

Date HEX Public Hearing: _____

Intake by: DXO

Date BOCC Public Hearing: _____

****

LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (941) 479-8585

PART 1
APPLICANT\AGENT INFORMATION

A. **Name of applicant:** Graydon W. Scott

Address: Street: PO Box 0141

City: Captiva laland State FL Zip: 33924

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

Fax: Area Code: _____ Number: _____

E-mail address: _____

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

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

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

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

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

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

_____ Applicant 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: WilsonMiller, Inc.

Contact Person: Robert D. Hutcherson, AICP

Address: Street: 4571 Colonial Blvd.

City: Ft Myers, State FL Zip: 33912

Phone: Area Code: 239 Number: 939-1020 Ext: _____

Fax: Area Code: 239 Number: 939-3412

E-mail address: roberthutcherson@wilsonmiller.com

DCI 2003-00080

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:** Graydon W. Scott

Mailing Address: Street: PO Box 1041

City: Captiva Island State FL Zip: 33924

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

Fax: Area Code: _____ Number: _____

E-mail address: _____

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

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

C. **Multiple parcels**

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

C.2. NA **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):** 9/16/03

PART 3
PROPERTY INFORMATION

A. **STRAP Number(s):** 05-45-21-16-00000.0480

DCI 2003-00080

B. **Street Address of Property:** 531 Rum Road

C. **Legal Description**

_____ **Legal description** (on 8 ½" by 11" paper) is attached as **Exhibit PH-3.C.1.** [34-202(a)(1)]

_____ **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)(1)]

_____ 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)]

x 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.2.** [34-202(a)(2)]

E. **Planning Community:** Captiva

F. **General Location of Property:**

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

F.2. **Directions to property:** **The parcel is located on Upper Captiva Island, east and north of Rum** Road. The Captiva Island Club is located adjacent to the parcel's northern property line.

G. **Surrounding property owners:**

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

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

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

H. **Current Zoning of Property:** C-1

I. **Current use of property:**

_____ **Current Non-agricultural uses of the property are:** Vacant

J. **Land Use Classifications:**

Outer Island	1.59	Acres 100	**% of total**
		Acres	**% of total**
		Acres	**% of total**
		Acres	**% of total**

K. **Flood Hazard** (write NA if not applicable) [34-202(a)(6)]

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

A-10 The minimum elevation required for the first habitable floor is 11 NGVD (MSL)

L. **Deed Restrictions:**

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

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

L.3. NA 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): 220 Feet
2. Depth (average if irregular parcel): 300 Feet
3. Total area: 1.59 Acres or square feet
4. Frontage on road or street: 466 Feet on RUM ROAD Street
   2nd Frontage on road or street: 171 Feet on UNNAMED Street

PART 4
ACTION REQUESTED

DCI 2003-00080

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**

X **Planned Development rezoning** from C-1 **to** C.P.D.

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

X 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**

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B. **Excavations:**

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

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

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

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

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

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

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

NA Request includes rezoning of a Mobile Home Park. **Attached is Exhibit PH-4.E** [34-202(d)]

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

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

_____ A tall structure permit will be required.

_____ Property is located within Noise zone: _____

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

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

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

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

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

Section Number	Name of item

DCI 2003-00080

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PART 6
SUBMITTAL REQUIREMENTS DCI 2003-00080

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:

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			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 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 [34-202(b)(2)a]
1	1	2	PH-~~2~~.C.1.	Subject property owner list (if applicable) [34-202(a)(5)]
1	1	2	PH-~~2~~.C.2.	Subject property owner map (if applicable) [34-202(a)(5)]
2	2	2	PH-3.C.1.	Legal Description [34-202(a)(1)]
1	1	1	PH-3.C.2.	Electronic version of legal description (if available) [34-202(a)(1)]
1	1	3	PH-~~3~~.D.1.	Copy of Plat Book Page (if applicable) [34-202(a)(1)]
1	1	3	PH-~~3~~.D.2.	Certified sketch of description (lee than ten acres) [34-202(a)(2)]
1	1	3	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	2	PH-3.G.1	List of Surrounding Property Owners [34-2020(a)(6)]
1	1	2	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 [34-373(b)(2)]

			Exhibits	SUBMITTAL ITEMS
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	Development located within Estero Planning District [34-237(a)(10)]
1	1	4	PH-4.H	Developments located within Captive Planning District [Lee Plan Policy 21.7) NA
1	1	4*	PH-4.I	Approved Waivers [34-202(a)]
				ADDITIONAL REQURIEMENTS FOR DRIs NOT INVOLVING A REZONING
0	0	12		Notice of proposed change Substantial Deviation Form RPM-BSP- Proposed Change – 1 pursuant to Section 380.96(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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AUTHORIZATION TO REPRESENT

Please be advised that Graydon W. Scott, authorized representative of Grady's Lodge, does hereby authorize WilsonMiller, Inc. to act as agent for the application for a Planned Development Application Amendment on the property located in Lee County, Florida and more particularly described in Exhibit "A" attached hereto.

By: _____
Printed Name: Graydon W. Scott
For: Grady's Lodge

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STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 30th day of October, 2003, by Graydon W. Scott who is ~~personally known~~ to me or who has produced _____ as identification and who did (did not) take an oath.

(Notary Seal)

MICHELLE D. KOEHN
MY COMMISSION # DD 000369
EXPIRES: February 18, 2005
Bonded Thru Notary Public Underwriters

_____
Signature of Notary Public

_____
(Print, type or stamp commissioned name of Notary Public)

Commission No: _____

DCI 2003-00080

PART V AFFIDAVIT A1

AFFIDAVIT FOR PUBLIC HEARING
APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Graydon W. Scott, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval (s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;

2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;

3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating the 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 restriction imposed by the approved

DCI 2003-00080

Signature

Graydon W. Scott
(Type or printed name)

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STATE OF FLORIDA

COUNTY OF LEE

MICHELLE D. KOEHN
MY COMMISSION # DD 000369
EXPIRES: February 18, 2005
Bonded Thru Notary Public Underwriters

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 30th Oct, 2003 (date) by Graydon W. Scott (name of person providing oath or affirmation), who is personally known to me or who had produced _____(type of identification) as identification.

Signature of person taking oath or affirmation

Name typed, printed or stamped

Owner
Title or rank

above
Serial number, if any

LEE COUNTY
SOUTHWEST FLORIDA

DCI 2003-00080

SUPPLEMENT D

ADDITIONAL REQUIRED INFORMATION FOR A PLANNED DEVELOPMENT APPLICATION UNINCORPORATED AREAS ONLY

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Case Number: _____

Project Name: Grady's Lodge

Authorized agent: Robert D. Hutcherson, AICP, WilsonMiller, Inc.

STRAP Number(s): 05-45-21-16-00000.0480

Select one only

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

Notes:

(1) Existing development. A development that has 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 development (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 development 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 purposed of this subsection, the term "built" means that all of the roads, utilities, buffering, open pace, 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):

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

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

B. Archaeological/Historical (check one):

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

___ There are known or recorded historical or archaeological sites on the property or part of the property is located within a level 1 or level 2 zone of archaeological sensitivity pursuant to chapter 22. Attached **Exhibit 1-B** is a map indicating the nature and location of know or recorded historical 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):

_X_ 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

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

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

PART 2
TYPES OF LAND AREA ON PROPERTY

A. Gross Acres (total area within described parcel): 1.59 **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] 1.59 Acres

B. Total area not eligible as gross residential acreage. Items A.1: 1.59 **Acres**

C. Gross residential acres (A minus B) [2]: 0 **Acres**

D. Gross residential acres by Land Use Category: ___Acres

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1. a. Intensive development - Upland ___Acres
   b. Intensive development - freshwater wetland ___Acres
2. a. Central Urban - Upland ___Acres
   b. Central Urban - freshwater wetland ___Acres
3. a. Urban Community or Suburban - Upland ___Acres
   b. Urban Community or Suburban - freshwater wetland ___Acres
4. a. Outlying Suburban - Upland ___Acres
   b. Outlying Suburban - freshwater wetland ___Acres
5. a. Rural, Outer Island, Rural Community Preserve - Upland ___Acres
   b. Rural, Outer Island, Rural Community Preserve - freshwater wetland ___Acres
6. a. Open Lands - Upland ___Acres
   b. Open Lands - freshwater wetland ___Acres
7. a. DR/GR - Upland ___Acres
   b. DR/GR - freshwater wetland ___Acres
8. a. Wetlands – freshwater ___Acres
   b. Wetlands – not - freshwater wetland ___Acres
9. a. New Community - Upland ___Acres

PART 4
ENVIRONMENTAL ISSUES

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

Elevations range from 4' NGVD to 9' NGVD.

B. **Sensitive Lands:** Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in 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.

NA

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

NA

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

NA

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PART 5
SANITARY SEWER FACILITIES (34-415)

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

NA

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

1. Method and degree of treatment:

   NA- septic system proposed

2. Quality of the effluent:

3. Expected life of the facility:

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

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	12		Public Hearing Application form **[34-373(a)(1)]**
1	1		Application Fee **[34-373(a)(2)]**
			DECRIPTION OF EXISTING CONDITIONS
NA	3	**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 the 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].**
NA	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].**
3	3	**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	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	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	12	**6-D**	**Aerial photograph** with the site clearly delineated **[34-373(a)(4)d.] Originals only – photocopies not acceptable.**
12	4	**6-E**	**Soils, vegetation, rate & 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].**
12	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 delineater 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	12	**6-G**	**Lee Plan Compliance.** A narrative explanation as to how the proposed development complies with the Lee Plan. **[34-373(a)(5)]**
12	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)]**
12	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 34-415(d)(3). **[34-373(a)(5)]**

Copies* Sub.	Req.	Exhibits	Item
			MASTER CONCEPT PLAN
12	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 16 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)]**
NA	12	6-K	**Master Concept Plan, PRFPD:** A clearly legible drawing, no les than 24 inches by 36 inches is size and drawn at a scale sufficient to adequately show and identify the information required by Section 34-941(g) **[34-941(g)]**
NA	4	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	12	6-M	**Schedule of Uses.** A schedule of uses keyed to 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)]**
NA	12	6-N	**Schedule of deviations and a written justification.** A schedule of deviations and a written justification 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
NA	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)]**
NA	12	6-P	**Phasing program.** If the development is to be constructed in phases or it the traffic impact statement utilized phasing, then a description of the phasing program must be submitted. **[34-373(b)(3)]**
NA			**ADDITIONAL REQUIREMENTS FOR LARGE PROJECTS**
NA	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)]**
NA			**AMENDMENTS TO BUILD PLANNED DEVELOPMENTS**
NA	4	6-R	**Proof of notice to other property owners.** Although the consent of the owners of the reminder 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)]**
NA			**REQUIREMENTS FOR DRIs**
NA	12	6-S	**Binding letter of interpretation from DCA or a complete and sufficient ADA. [34-373(d)(2)]**
NA			**ADDITIONAL EXHIBITS – PRFPDs**
NA	4	6-T	Conceptual surface water management **[34-941(d)(3)b.i.1)]**
NA	12	6-U	If within an area identified as an anticipated draw down area, demonstration of compliance with section 34-941(d)(3)d. **[34-373(d)(3)d.]**
NA	12	6-V	Preliminary indigenous restoration plan (if applicable) **[34-373(e)(5)f]**
NA	12	6-W	Environmental Assessment **[34-373(g)(2)]**
NA	12	6-X	Demonstration of compatibility **[34-373(g)(4)]**

*** Includes one original**

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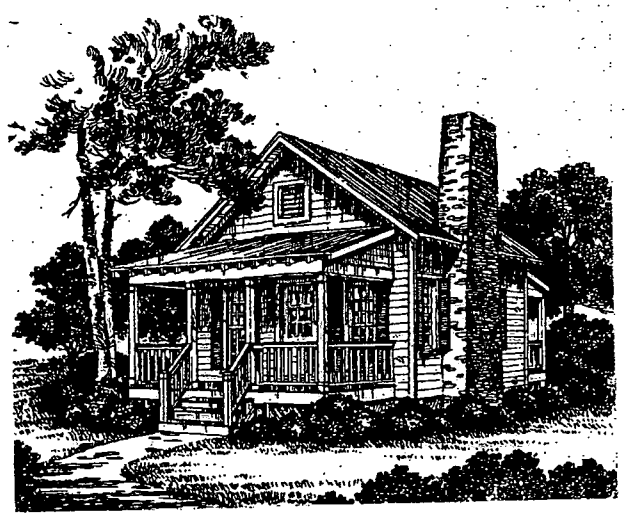
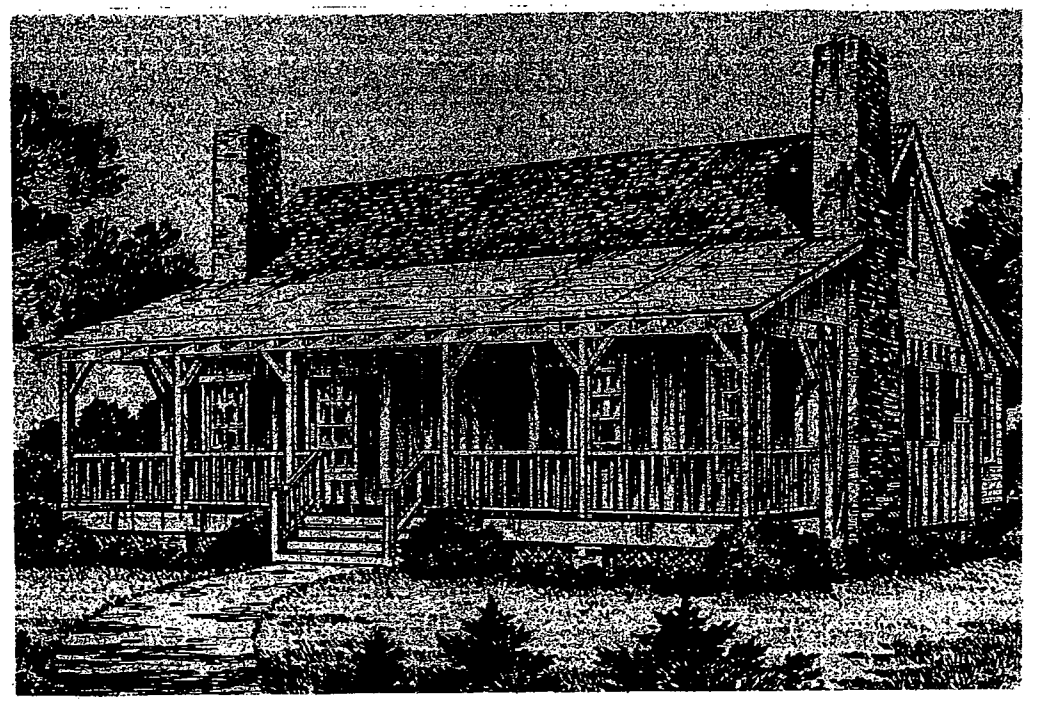
MAR 11 2004
ZONING

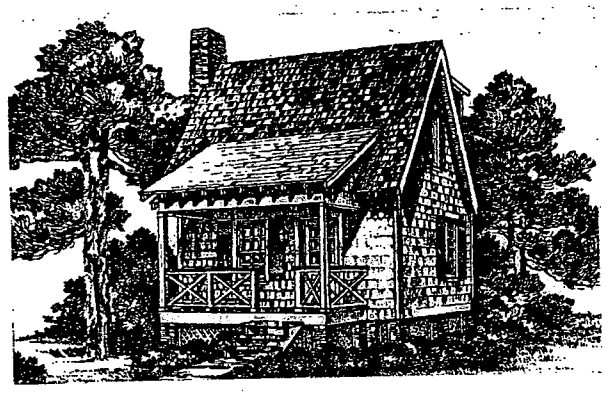
Grady's Lodge

North Captiva Island

An Old Florida Style Fishing Lodge

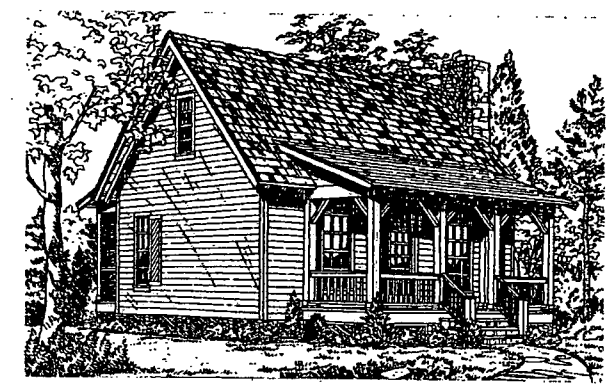


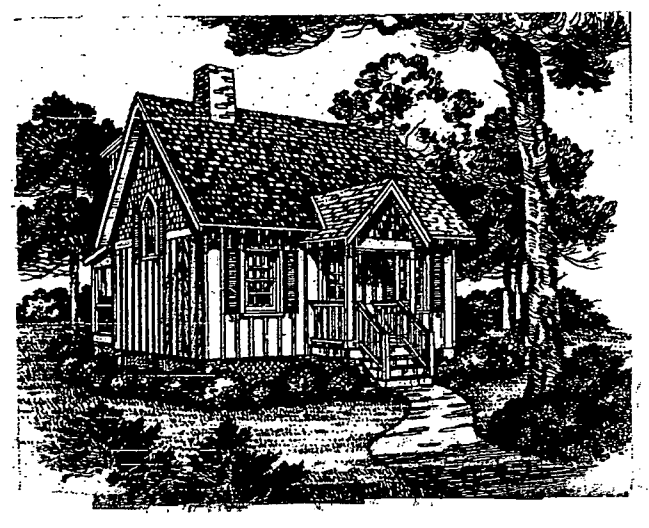


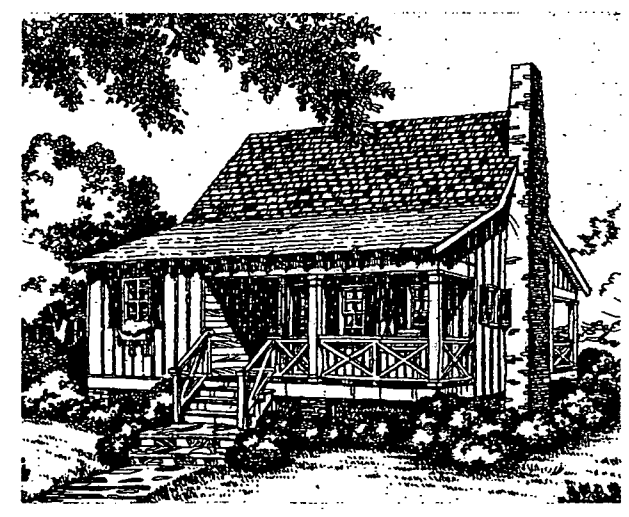


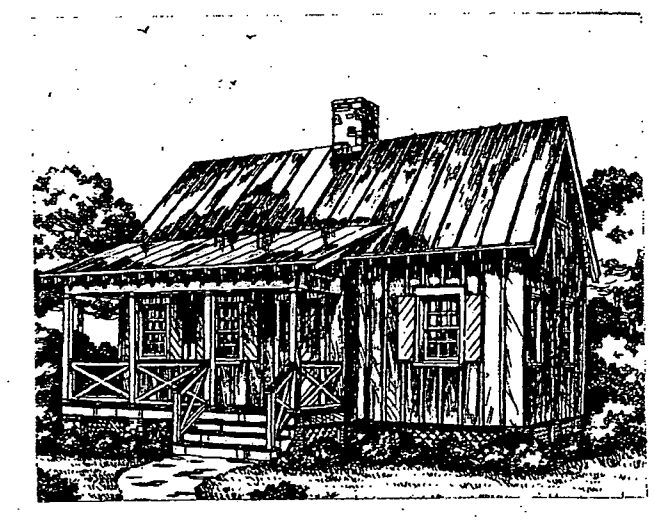
Displayed here are artist renderings to illustrate the Old Florida Style and architectual designs, which will be used in the proposed Main Fishing Lodge and One and Two Bedroom Cottages

(for illustration only, not to exact design or scale)









zone file

THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3916 • (239) 334-1102 • TTD/TTY (239) 335-1512

March 5, 2004

Mr. Bryan Kelner
Lee County Development Services Division
P.O. Box 398
Fort Myers, FL 33902-0398

Re: Grady's Lodge, DCI Substantive Review, Case #DCI2003-00080

Dear Mr. Kelner:

Thank you for the opportunity to review Grady's Lodge for substantive comments with regard to educational impacts. This proposed development is in the South Choice Zone of the District on Upper Captiva Island. This letter is in response to your request dated March 1, 2004.

This development should have no impact on classroom needs based on the applicant's indication that no residential dwelling units are proposed for this development.

Thank you for your attention to this issue. If I may be of further assistance, please give me a call at (239) 479-4205.

Sincerely,

Kathy Babcock

Kathy Babcock, Long Range Planner
Department of Construction and Planning

Cc: William G. Moore, Jr.
Executive Director, School Support

LEGAL DESCRIPTION:

PARCEL A

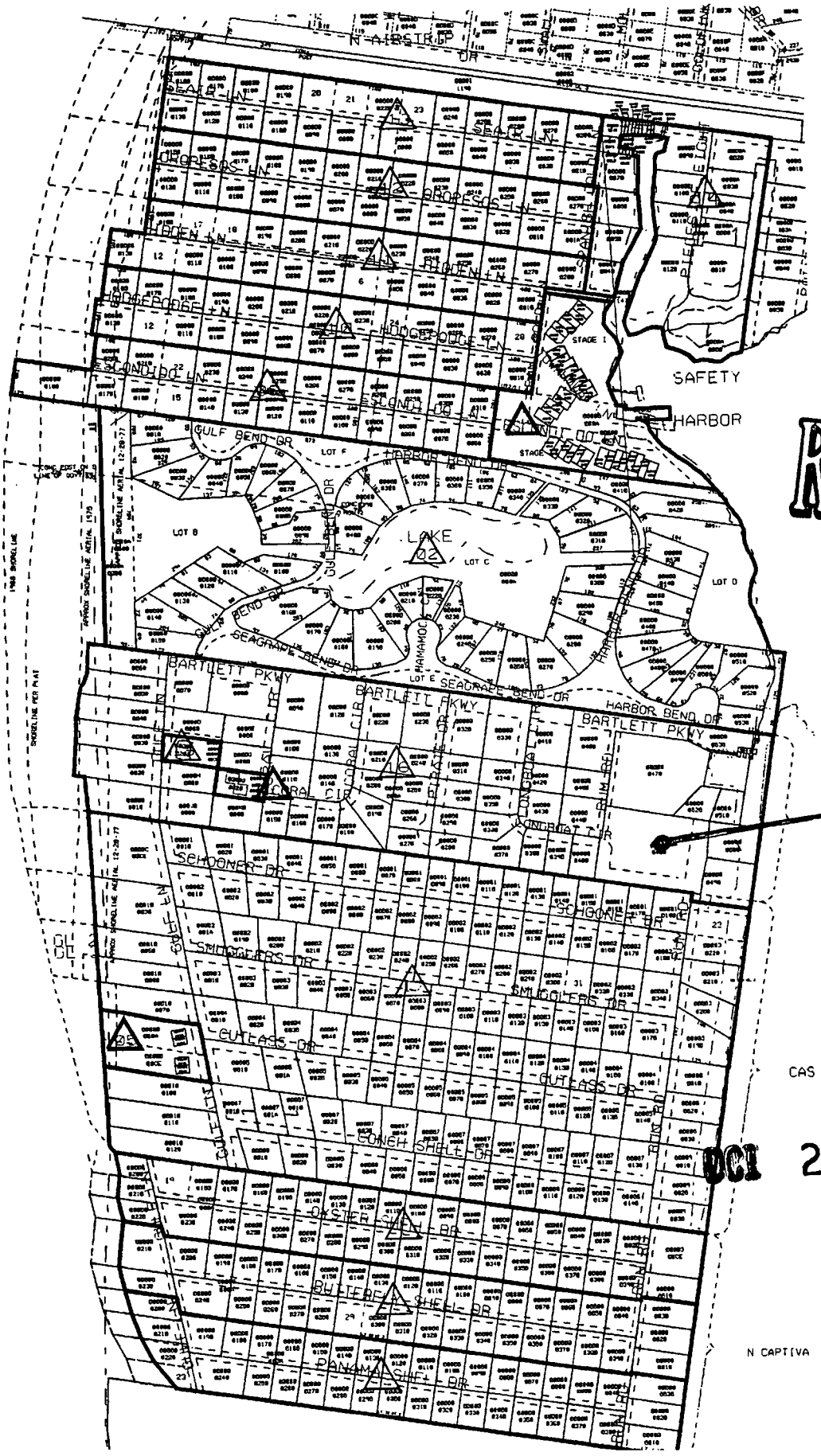
COMMENCING AT THE SOUTHEAST CORNER OF GOVERNMENT LOT 2, SECTION 5, TOWNSHIP 45 SOUTH, RANGE 21 EAST, NORTH CAPTIVA ISLAND, LEE COUNTY, FLORIDA; THENCE N8°40'00" EAST 330.15 FEET ALONG THE EAST LINE OF SAID GOVERNMENT LOT 2; THENCE N81°20'00" WEST 151.00 FEET ALONG THE SOUTH LINE OF LOT 2, NORTH END OF CAPTIVA ISLAND (PLAT BOOK 1, PAGE 61) TO THE POINT OF BEGINNING; THENCE CONTINUE N81°20'00"W 319.00 FEET; THENCE N8°40'00"E 125.00 FEET; THENCE S81°20'00"E 5.00 FEET; THENCE N8°40'00"E 96.70 FEET; THENCE S80°37'52"E 310.23 FEET; THENCE S4°27'55"W 107.30 FEET; THENCE S12°29'25"W 61.02 FEET; THENCE S8°40'00"W 50.00 FEET TO THE POINT OF BEGINNING. CONTAINING 1.59 ACRES MORE OR LESS.
SUBJECT TO EASEMENTS, RESTRICTIONS & RESERVATIONS OF RECORD.

DCI 2003-00080

EASEMENTS

SUBJECT TO AND TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR ROADWAY PURPOSES OVER AND ACROSS A PORTION OF RUM ROAD, UPPER CAPTIVA ISLAND, DESCRIBED AS FOLLOWS: FROM THE SE CORNER OF GOVERNMENT LOT 2, SECTION 5, TOWNSHIP 45 SOUTH, RANGE 21 EAST, RUN N8°40'E 330.15 FEET ALONG THE EAST LINE OF SAID SECTION 5-45-21; THENCE N81°20'W 151 FEET ALONG THE SOUTH LINE OF LOT 2 OF THE NORTH END OF CAPTIVA ISLAND (PLAT BOOK 1, PAGE 61) TO THE POINT OF BEGINNING. THENCE N81°28' W 319 FEET; THENCE N8°40'E 125 FEET; THENCE S81°20'E 5.0 FEET; THENCE N8°40'E 320.21 FEET TO THE SOUTH R/W LINE OF BARTLETT PARKWAY; THENCE S81°20'E 15 FEET; THENCE S8°40'W 295.21 FEET; THENCE S25°01'24"E 36.06 FEET; THENCE S8°40'W 80 FEET; THENCE S81°20'E 279 FEET; THENCE S8°40'W 40 FEET TO THE POINT OF BEGINNING.

SUBJECT TO AND TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR ROADWAY PURPOSES OVER AND ACROSS THE FOLLOWING DESCRIBED PARCEL: FROM THE SE CORNER OF GOVERNMENT LOT 2, SECTION 5-45-21, RUN N8°40'E 330.15 FEET ALONG THE EAST LINE OF SAID SECTION 5-45-21; THENCE N81°20'W 151 FEET ALONG THE SOUTH LINE OF LOT 2 OF NORTH END OF CAPTIVA ISLAND (PLAT BOOK 1, PAGE 61); THENCE N8°40'E 40 FEET TO THE POINT OF BEGINNING. THENCE N8°40'E 10 FEET; THENCE N12°29'25"E 61.02 FEET; THENCE N4°27'55"W 107.30 FEET; THENCE N80°37'52"W 20.07 FEET; THENCE S4°27'55"E 107.62 FEET; THENCE S12°29'25"W 70.97 FEET; THENCE S81°20'E 20.71 FEET ALONG THE NORTHERLY RIGHT OF WAY LINE OF RUM ROAD TO THE POINT OF BEGINNING. BEING AN ACCESS EASEMENT 20 FEET IN WIDTH LYING IN LOT 2 OF THE NORTH END OF CAPTIVA ISLAND, AND BEING PART OF AN UNRECORDED SUBDIVISION OF SAID LOT 2, KNOWN AS CAPTIVA PALMA.



DCI 2003-00080

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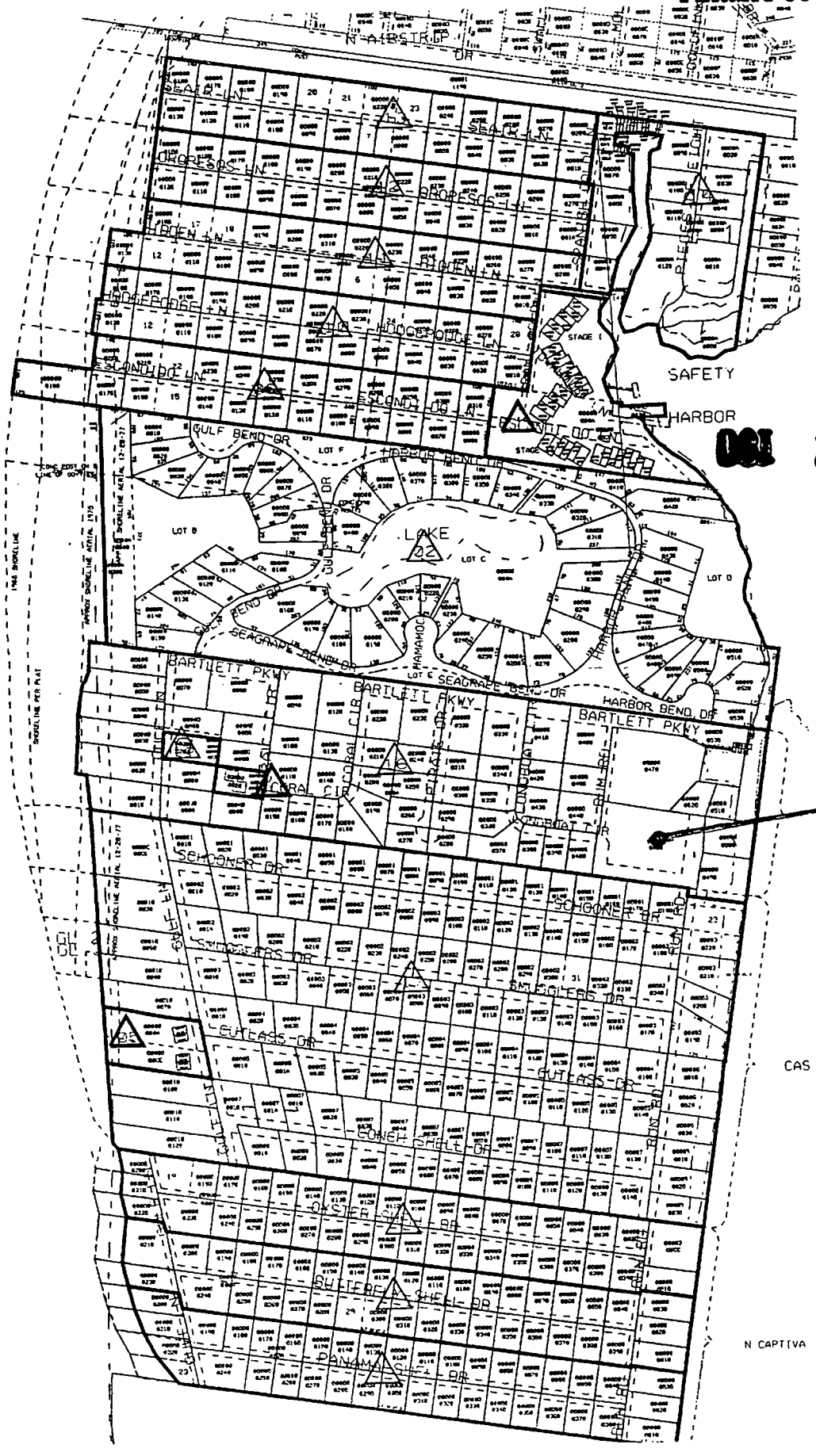

DCI 2003-00080

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Joan Henry, Asst. County Attorney
TIS Reviewer - Bob Rentz
DS Reviewer - Don Blackburn
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
William G. Moore, Lee County School District
Roland Ottolini, Natural Resources
Jerry Murphy, Zoning
Richard Pepper, Captiva Fire Department

FROM: Bryan Kelner

DATE: 11/17/2003

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: GRADY'S LODGE

CASE#: DCI2003-00080

INFORMATION SUMMARY:

NEW SUBMITTAL

To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 12/01/2003

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: Jessica M Smith

Date: 11/17/2003

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EXHIBIT 6-G
COMPREHENSIVE PLAN CONSISTENCY

DCI 2003-00080

The proposed rezoning from Commercial –1 (C-1) to Commercial Planned Development (CPD) is proposed for a 1.59 acre parcel located on Upper Captiva Island in the Outer Island Land Use designation from the Lee Plan. The rezoning to CPD will allow an eco-tourism, fishing resort and is requested in order to provide for flexibility in site usage and design. Upper Captiva Island is a barrier island, immediately south of Cayo Costa Island, accessible only by boat or airplane/helicopter. There are no motor vehicles on the island, with the exception of construction vehicles and those owned by the fire department, with golf carts and bicycles being the primary modes of transportation around the island. The southern portion of the island is owned by the state of Florida and is part of the Cayo Costa State Park.

The proposed site is currently zoned C-1, permitting an extensive list of commercial uses, and is located adjacent to the Captiva Island Club, both of which are south of the Safety Harbor development. The site is accessed by Rum Road, which is part of the public street system on the island, providing access to several commercial establishments, the islands' residential development, the state park and several docking facilities providing water taxi service from Captiva Island and Pineland. Because of the increased eco-tourism opportunities in the island chain, the island real estate market and visitors to the state park, there are more people visiting the island on a regular basis. This creates a need for overnight accommodations for those wishing to spend more than eight hours enjoying the island or for those simply missing the last water taxi returning to the mainland.

The proposed design of the lodge features 15 small, cabin type structures, scattered throughout the site and a central lodge/lobby building. The exotic vegetation will be removed from the site and the cabins will be placed so as not to remove the remaining native vegetation on the site. The development will contain a pool and pool bar area, lodge building and parking for golf carts in a central location. Walking paths will access the cabins from the pool/lodge area, again located so as not to disturb existing native vegetation.

The design of the project, featuring small cabins and extensive indigenous vegetation preservation lends itself to consistency with the Captiva Vision Statement from the Lee Plan, which reads;

> **Captiva** – This community includes the major islands of Captiva Island, Upper Captiva Island, Cayo Costa Island, Useppa Island, Buck Key, and Cabbage Key and the surrounding smaller islands. Although Captiva itself is a seasonal resort community, in comparison to the other islands in this community it is the center of activity. Due to the nature of this community, residents must satisfy their major commercial and industrial needs outside of this community. Conversely, the commercial aspects of the Captiva Community are utilized by many residents and tourists from outside of the Community.

The population of Captiva is not expected to greatly change by 2020. Furthermore, the area will look much as it does today in the absence of a major hurricane or other natural disaster. (Added by Ordinance No. 99-15)

The project is intended to serve tourists or residents from other communities, as anticipated by the Vision Statement. The project will not add to the islands' population as the use caters to tourists. Additionally the conversion of the zoning category from C-1 to CPD will increase the applicable performance standards, insuring a quality development through conservation of increased open space and the preservation of indigenous upland vegetation, pursuant to the Outer Islands designation.

> ***POLICY 1.4.2:*** *The Outer Islands are sparsely settled, have minimal existing or planned infrastructure, and are very distant from major shopping and employment centers. They are not expected to be programmed to receive urban-type capital improvements in the time frame of this plan, and as such can anticipate a continued level of public services below that of other land use categories. The continuation of the Outer Islands essentially in their present character is intended to provide for a rural character and lifestyle, and conserve open space and important natural upland resources. Maximum density is one dwelling unit per acre (1 du/acre). (Amended by Ordinance No. 98-09)*

The site is located adjacent to the Captiva Island Club on the eastern side of the island, within the commercially developed areas surrounding Safety Harbor. The site is permitted through the state to utilize an existing public water supply well, located on the adjacent property. The highest level of infrastructure on the island is found in this area. The existing water service, a water taxi service, an existing fire department drafting point and public docking facilities within close proximity to the site provide the necessary level of public services for this type of development. The site will access Rum Road, abutting the western and southern parcel boundaries, an unpaved street, accessing the residential lots to the south, Safety Harbor Club to the north and ultimately the airstrip and northern end of the island. All of the streets on the island are unpaved and used primarily by golf carts, the most common from of transportation on the island. Because there are no motor vehicles on the island, there will be no need for expansion or construction of street improvements pursuant to Policy 4.1.1, below.

> ***POLICY 4.1.1:*** *Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements. (Amended by Ordinance No. 91-19, 00-22)*

The eastern half of the site has been cleared of vegetation in the past, while limited existing indigenous vegetation exists on the western portion of the site. The lodge building, pool and parking areas will be located towards the central portion of the property within the existing cleared area. The cabins will be located around the perimeter of the development, with the structures located underneath the tree canopy, minimizing any disturbance of indigenous vegetation, demonstrating that the development will be well integrated, properly oriented and functionally related to the topographic and natural features of the site.

The Lee Plan Commercial Site Location Standards are not applicable in this case as stated in the Future Land Use Element.

> ***POLICY 6.1.2:*** *All commercial development must be consistent with the location criteria in this policy, except where specifically excepted by this policy or by Policy 6.1.7, or in Lehigh Acres by Policies 1.8.1 through 1.8.3.*

This policy requires all commercial development to comply with the location standards, unless specifically excepted by this policy. Note # 7 from this policy reads as follows:

> ***7:*** *The location standards specified in Subsections 1-4 will apply to the following commercial developments: shopping centers; free-standing retail or service establishments; restaurants; convenience food stores; automobile dealerships; gas stations; car washes; and other commercial development generating large volumes of traffic. These location standards will not apply to the following: banks and savings and loan establishments without drive-in facilities; hotels or motels; marinas; general, medical, or professional offices; industrial, warehouse, or wholesale development; clubs, as defined in Chapter 34 of the Land Development Code (commercial clubs excepted); and other similar development. The distinction in this subsection between these two major types of commercial uses does not apply in Lehigh Acres, where commercial uses are permitted in accordance with Policies 1.8.1 through 1.8.3.*

The proposed use of hotel for this site is specifically excepted by note 7, above. Although not required to comply with these standards, the proposed use must be compatible with the adjacent existing and proposed uses, as specified below.

> ***POLICY 6.1.4:*** *Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities. (Amended by Ordinance No. 94-30, 00-22)*

The Captiva Island Club, an intense commercial operation, is located adjacent to the project's entire northern boundary. The restaurant and general store building is located at the eastern end of this common boundary, with the pool area, tennis courts and outdoor pool bar located along the central portion of the property line. The maintenance facility, golf cart storage area and cell tower are located at the western end of the northern property line. The proposed use of a fishing lodge is compatible with the commercial development to the north. Rum Road forms the western and southern boundary and a 20' unnamed street easement abuts the eastern end of the site. Across Rum Road to the west are undeveloped residential parcels, while a single family home exists across Rum Road to the south. Across the road easement at the eastern end of the site is a real estate office and a single family home, both of which are zoned C-1. The construction of a fishing lodge type development at this location is compatible with this resort type community and as stated above, is compatible with the existing and programmed public service and facilities and also demonstrates consistency with Policy 6.1.7 below.

POLICY 6.1.7: *Prohibit commercial developments from locating in such a way as to open new areas to premature, scattered, or strip development; but permit commercial development to infill on small parcels in areas where existing commercial development would make a residential use clearly unreasonable.*

The location of the property, directly adjacent to the restaurant, maintenance area, outdoor pool bar and activity area of the Captiva Island Club, make the parcel susceptible to the music, noise and the activity associated with it's recreational component. Additionally the parcel will be subject to the lighted tennis courts as well as the odors associated with the restaurant use, making residential use at this location unreasonable.

POLICY 6.1.8: *Commercial development may take place, when properly zoned and when meeting the standards in Policy 6.1.2, within the Future Urban Areas. Minor or rural commercial uses which serve rural residents or marine traffic, neighborhood commercial uses which serve major non-commercial public attractions (e.g. Lee County Civic Center), limited agricultural - commercial uses which serve rural areas and agriculturally related needs, and limited commercial marinas (not including heavy marine commercial, such as extensive storage and hull, engine, and electronic repairs) may be permitted in non-urban areas. (Amended by Ordinance No. 94-30, 98-09)*

Lastly, the project is intended to as a rural commercial use designed to serve the rural area as specified above. The project will also serve visitors to the state park on Captiva, a major non-commercial public attraction and as such provides for consistency with this policy.

EXHIBIT 6-H

Grady's Lodge
Compliance with Design Standards

Grady's Lodge, proposed CPD is consistent with the Design Standards set forth in LDC Section 34-411 as detailed below.

(a) All planned developments shall be consistent with the provisions of the Lee County Plan.

The project, as proposed, is consistent with the Outer Islands criteria of the Lee Plan as demonstrated by Exhibit 6-G.

(b) All planned developments, unless otherwise excepted, shall be designed and constructed in accordance with the provisions of all applicable county development regulations in force at that time.

The proposed Grady's Lodge is consistent with the provisions of all applicable county development regulations. The proposed use of hotel is governed by LDC section 34-1801 thru 34-1805. The MCP as designed complies with the minimum lot area, width and depth requirements, as well as the minimum setbacks stipulated by these sections. LDC section 34-1802 (4)d regulates permitted rental units for this proposal. Hotels and motels permitted as planned developments are not required to comply with the rental unit size or density limitations set forth in the LDC, provided all other aspects of the development such as traffic, height, and intensity are found to be compatible with the surrounding area and otherwise consistent with the Lee Plan. The applicant has proposed a 15 cabin fishing lodge on this parcel, exceeding the minimum setbacks, property development regulations and open space requirements found for this type of use and therefore in compliance with the applicable regulations.

(c) The tract or parcel proposed for development under this article must be located so as to minimize the negative effects of the resulting land uses on surrounding properties and the public interest generally, and must be of such size, configuration and dimension as to adequately accommodate the proposed structures, all required open space, including private recreational facilities and parkland, bikeways, pedestrian ways, buffers, parking, access, on-site utilities, including wet or dry runoff retention, and reservations of environmentally sensitive land or water.

LDC Section 34-931 sets forth the specific design requirements for CPD's, which include provisions for impacts on surrounding lands, size and dimensions of proposed structures, required indigenous areas, buffers, access, water management and environmentally sensitive areas. The project, as proposed, is consistent with these provisions. The MCP demonstrates

that the parcel adequately accommodates the proposed use, including open space, vegetation preservation, onsite retention and setbacks.

(1) In large residential or commercial planned developments, the site planner is encouraged to create subunits, neighborhoods or internal communities which promote pedestrian and cyclist activity and community interaction.

The project is a minor commercial planned development and is not subject to this provision.

(d) The tract or parcel shall have access to existing or proposed roads:

(1) In accordance with Chapter 10 and as specified in the Lee Plan traffic circulation element or the official traffic ways map of the county;

(2) That have either sufficient existing capacity or the potential for expanded capacity to accommodate both the traffic generated by the proposed land use and that traffic expected from the background (through traffic plus that generated by surrounding land uses) at a level of service D or better on an annual average basis and level of service E or better during the peak season, except where higher levels of service on specific roads have been established in the Lee Plan; and

(3) That provide ingress and egress without requiring site-related industrial traffic to move through predominantly residential areas.

The project has access to Rum Road and is located on a barrier island with no vehicular access and as such no vehicular traffic. The most common means of transportation is the golf cart and as such is in compliance with this provision.

(e) If within the Lee Tran public transit service area, the development shall be designed to facilitate the use of the transit system.

The site is not located within a public transit service area.

(f) Development and subsequent use of the planned development shall not create or increase hazards to persons or property, whether on or off the site, by increasing the probability or degree of flood, erosion or other danger, nor shall it impose a nuisance on surrounding land uses or the public's interest generally through emissions of noise, glare, dust, odor, air or water pollutants.

Grady's Lodge will not increase any hazard to persons or property by increasing the probability or degree of flooding. The cabins will be designed pursuant to current FEMA regulations and all cabins will be constructed to minimum finished floor elevations.

(g) Every effort shall be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural, historic or archaeological features of the site, particularly mature native trees and other threatened or endangered native vegetation. Alteration of the vegetation or topography that unnecessarily disrupts the surface water or groundwater hydrology, increases erosion of the land, or destroys significant wildlife habitat is prohibited. That habitat is significant that is critical for the survival of rare, threatened or endangered species of flora or fauna.

There are no known historical or archaeological features on the site and the development as designed incorporates the preservation of mature native vegetation will little disruption to the natural features of the site.

(h) A fundamental principle of planned development design is the creative use of the open space requirement to produce an architecturally integrated human environment. This shall be coordinated with the achievement of other goals, e.g., the preservation or conservation of environmentally sensitive land and waters or archaeological sites.

Grady's Lodge will make creative use of its open space areas by locating the proposed structures within existing non-vegetated areas, preserving native vegetation and eliminating invasive exotic vegetation now present on the site. A central golf cart parking area at the lodge and pool area will be connected to the cabins via walking paths around and through the preserved vegetation.

(i) Site planning and design shall minimize any negative impacts of the planned development on surrounding land and land uses.

The project is adjacent to an existing commercial development, the Captiva Island Club, and as such will not have any impacts on the adjacent property to the north. The southern, eastern and western boundaries are all comprised of road easements and the provision of landscape buffers and preservation of mature native vegetation will ensure adequate protection for the uses across Rum Road.

(j) Where a proposed planned development is surrounded by existing development or land use with which it is compatible and of an equivalent intensity of use, the design emphasis shall be on the integration of this development with the existing development, in a manner consistent with current regulation.

As stated above, the project is located adjacent to the Captiva Island Club, a Commercial Recreation Facility, Group III. The Island Club features swimming pools, tennis courts, boat rental, golf cart rentals, a restaurant and outdoor pool bar with seating (1999 COP). The proposed Grady's Lodge is oriented to serve visitors to the island, at an equivalent intensity and in compliance with all applicable regulations.

MEMORANDUM

FROM THE

DEPARTMENT OF
COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES DIVISION

DATE: April 6, 2004

TO: File - DCI2003-00080

FROM: Jamie Princing
Secretary, Internal Services

RE: Notice of Public Hearing - **April 22, 2004 HEX**

I, Jamie Princing, Secretary, Internal Services, Development Services Division, do hereby certify that I have mailed notices to the adjacent property owners on the above referenced date, in the attached style, pursuant to the list marked and attached hereto and made a part of this certification.

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

CASE NUMBER: DCI2003-00080

CASE NAME: GRADY'S LODGE

REQUEST: Rezone a 1.59+/- acre parcel from commercial (C-1) to commercial planned development (CPD) to permit a 15 unit hotel/motel in the form of 10 one and two unit cabins including a lodge with an outdoor incinerator, not to exceed a maximum height of 35 feet.

LOCATION: The subject property is located at 531 Rum Road, Captiva (the parcel is located on Upper Captiva Island east and north of Rum Rd, the Captiva Island Club is located adjacent to the parcel's northern property line), in **S**05 (Section)-**T**45 (Township)**S-R**21 (Range)**E**, Lee County, Florida.

SIZE OF PROPERTY: 1.59 Acres ±

STAFF REPORT: Direct inquiries to Bryan Kelner, Principal Planner, at 239-479-8363, at the Department of Community Development, 1500 Monroe St., Ft. Myers, FL 33901.

PROPERTY OWNER'S REPRESENTATIVE: MR. ROBERT HUTCHERSON
WILSON MILLER INC
239-939-1020

Notice is hereby given that the Lee County Hearing Examiner will hold a public hearing at 1:00 p.m. on April 22, 2004, on the above case. The public hearing will be held in the Hearing Examiner's Meeting Room, 1500 Monroe St., Ft. Myers, FL 33901.

You must appear in person, or through counsel, or an authorized agent and provide testimony, legal argument or other evidence at the hearing to become a participant with the right to address the Board of County Commissioners.

After the Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the Board of County Commissioners who will review the recommendation and make a final decision.

If you do not appear before the Hearing Examiner, by law, you will not be allowed to appear before the Board of County Commissioners at the final hearing in this case.

Copies of the staff report will be available two weeks prior to the hearing. The file may be reviewed at the Development Services Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/479-8585 for additional information.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Jamie Princing at 239/479-8585.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

05-45-21-16-00000.0480
SCOTT GRAYDON W
PO BOX 1041
CAPTIVA, FL 33924

04-45-21-00-00002.0000
TIITF STATE OF FLORIDA
C/O DIV OF STATE LANDS
3900 COMMONWEALTH BLVD
MAIL STATION 115
TALLAHASSEE, FL 32399

05-45-21-02-00000.0250
HAGERMAN PETER S TR
9 INDIAN HOLLOW RD
MENDHAM, NJ 07945

05-45-21-02-00000.0260
WOODS KEVIN B + WHITNEY
2907 BAYSHORE VISTA DR
TAMPA, FL 33611

05-45-21-02-00000.0270
FEINGOLD MURRAY +
P O BOX 378
PINELAND, FL 33945

05-45-21-02-00000.0280
SMALLRIDGE JOHN D JR
C/O SMALLRIDGE ENTERPRISES
26 CAPITOL ST
CHARLESTON, WV 25301

05-45-21-02-00000.0470
BRUGGER JOHN N
600 FIFTH AV S STE 207
NAPLES, FL 34102

05-45-21-02-00000.0480
BAUMAN DAVID C + VIVIAN R
111 HOLLY LANE
PILEGROVE, NJ 08098

05-45-21-02-00000.0490
WILDEMAN ROY C + KAREN K
P O BOX 3038
PINELAND, FL 33945

05-45-21-02-00000.0500
BOLTON JAMES L JR + KRISSA TR
57 MORGAN HORSE FARM RD
WEYBRIDGE, VT 05753

05-45-21-02-00000.0510
OREM PAMELA S
7667 WINDING WAY N
TIPP CITY, OH 45371

05-45-21-02-00000.0520
CHRISTENSEN RICHARD R +
P O BOX 1342
NORTH HAMPTON, NH 03862

05-45-21-02-00000.0530
HALL STEPHEN C + MARION R
30 LOADING PLACE RD
MANCHESTER, MA 01944

05-45-21-02-0000A.0000
SAFETY HARBOR CLUB INC
PO BOX 2276
PINELAND, FL 33945

05-45-21-16-00000.0280
RIECHJAY CORP
11 DANIEL RD E
FAIRFIELD, NJ 07004

05-45-21-16-00000.0290
RIECHJAY CORP
11 DANIEL RD E
FAIRFIELD, NJ 07004

05-45-21-16-00000.0300
RIECHJAY CORP
11 DANIEL RD E
FAIRFIELD, NJ 07004

05-45-21-16-00000.0310
ALLEN JANET S
2235 ALBION AV
ORLANDO, FL 32833

05-45-21-16-00000.0320
PEMBERTON KIM
279 TORREY PINES PT
NAPLES, FL 34113

05-45-21-16-00000.0330
BALK MELVIN W + JUDITH A
96 CHESTER ST
CHESTER, NH 03036

05-45-21-16-00000.0340
BARNHART D RICHARD TR
1362 SUNBURY DR
FT MYERS, FL 33901

05-45-21-16-00000.0350
MOUTON PETER R + SAMMIE L
104 RINGNECK CT
CHESTER, MD 21619

05-45-21-16-00000.0360
CHILLON-MAY KATJA
MATTENWETT 1-1
SCHLUCHSEE 78959 D,
GERMANY

05-45-21-16-00000.0370
CHILLON-MAY KATJA
MATTENWETT 1-1
SCHLUCHSEE 78959 D,
GERMANY

05-45-21-16-00000.0380
CHILLON-MAY KATJA
MATTENWET 1-1
SCHLUCHSEE 78959 D,
GERMANY

05-45-21-16-00000.0390
RAPP MICHAEL D + SARAH M
206 THORNEWOOD DR
GRANVILLE, OH 43023

05-45-21-16-00000.0400
PARADISE PARTNERS
P O BOX 1570
FORT MYERS, FL 33902

05-45-21-16-00000.0410
FREY BERNARD SCOTT
2090 CARRIAGE HILL ROAD
ALLISON PARK, PA 15101

05-45-21-16-00000.0420
BALK MELVIN W + JUDITH A H/W
96 CHESTER ST
CHESTER, NH 03036

05-45-21-16-00000.0430
BALK MELVIN W + JUDITH A
96 CHESTER ST
CHESTER, NH 03036

05-45-21-16-00000.0440
CABANISS JOSEPH D + STEPHANIE
262 M ST SW
WASHINGTON, DC 20024

05-45-21-16-00000.0450
BALK MELVIN W + JUDITH A
96 CHESTER ST
CHESTER, NH 03036

05-45-21-16-00000.0460
BALK MELVIN W + JUDITH A H/W
96 CHESTER ST
CHESTER, NH 03036

05-45-21-16-00000.0470
NORTH CAPTIVA ISLAND CLUB INC
P O BOX 1000
PINELAND, FL 33945

05-45-21-16-00000.0490
JOHNSON DOUGLASS LP
9540 CYPRESS LAKE DR
FORT MYERS, FL 33919

05-45-21-16-00000.0500
JENKINS THOMAS H
551 RUM RD
CAPTIVA, FL 33924

05-45-21-16-00000.0510
SCOTT GRAYDON W 2/3 +
P O BOX 1041
CAPTIVA, FL 33924

05-45-21-16-00000.0520
NORTH CAPTIVA ISLAND CLUB INC
P O BOX 1000
PINELAND, FL 33945

05-45-21-16-00000.0530
NORTH CAPTIVA ISLAND CLUB INC
PO BOX 1000
PINELAND, FL 33945

05-45-21-16-00000.053D
NORTH CAPTIVA ISLAND CLUB INC
PO BOX 1000
PINELAND, FL 33945

05-45-21-16-00000.053E
HIPKENS ROBERT W + SUE
425 E 86TH ST
NEW YORK, NY 10028

05-45-21-16-00000.053F
ROSS JOHN +
81 GLENDALE RD
OSSINING, NY 10562

05-45-21-16-00000.053G
PEARCE ELIZABETH W TR
6767 DANAH CT
FORT MYERS, FL 33908

05-45-21-16-00000.053H
JOHNSON SUSAN +
RFD 2 BOX 389
SWIFTWATER, NH 03785

05-45-21-16-00000.053I
TANT KATIE L TR
3817 MARVAEZ ST
FORT MYERS, FL 33901

05-45-21-16-00000.053J
TANT DONALD E
3817 MARVAEZ ST
FORT MYERS, FL 33901

05-45-21-16-00000.053K
FISCHER GLENN L 75% +
1882 EAGLES REST DR
APOPKA, FL 32712

05-45-21-16-00000.053L
FISHER JANET L TR
P O BOX 349
PINELAND, FL 33945

05-45-21-16-00000.053M
KACHEL GLENN J
1028 SE 12TH AVE
CAPE CORAL, FL 33990

05-45-21-16-00000.053N
HENSLEY CRAIG H 1/3 INT +
C/O HISSAM + ASSOC
P O BOX 1570
FT MYERS, FL 33902

05-45-21-16-00000.053O
DAMICO DARRYL J + CARMEL J
C/O BERRY + GREUSEL
1104 NORTH COLLIER BLVD
MARCO ISLAND, FL 34145

05-45-21-16-00000.053P
HARDIMAN DENNIS F + LISA S
50 BOURNE LN
BARRINGTON, RI 02806

05-45-21-16-00000.053Q
MULLER MARK L + WENDY G
P O BOX 610
BOKEELIA, FL 33922

05-45-21-16-00000.053T
LOCICERO EMILY A
P O BOX 408
PINELAND, FL 33945

05-45-21-17-00001.0080
GUILLARMOD KEITH + KAREN L
13100 SW 28TH CT
DAVIE, FL 33330

05-45-21-17-00001.0090
GALVANO DANIEL J + KATHERINE +
2 ABBY DR
LAWRENCEVILLE, NJ 08648

05-45-21-17-00001.0100
WILCOX BRIAN E + EILEEN Q
10 EASTPORT CT
LUTHERVILLE, MD 21093

05-45-21-17-00001.0110
MARSHALL THOMAS K
7326 STATE ROUTE 19 UNIT 1311
MOUNT GILEAD, OH 43338

05-45-21-17-00001.0120
BARNHART D RICHARD TR
1362 SUNBURY DR
FT MYERS, FL 33901

05-45-21-17-00001.0130
LIPPMAN NORMAN
PO BOX 235
MONTVILLE, NJ 07045

05-45-21-17-00001.0140
BRILHART ARNOLD R JR +
P O BOX 1000
PINELAND, FL 33945

05-45-21-17-00001.0150
WROBLEWSKI ANDREW +
1130 W WISCONSIN
CHICAGO, IL 60614

05-45-21-17-00001.0160
JAQUITH KENNETH RAYMOND +
7802 N FAIRWIND LOOP
HERNANDO, FL 34442

05-45-21-17-00001.0170
TSAKIRIDIS ANATASIOS
312 S SALEM DR
SCHAMBURG, IL 60193

05-45-21-17-00001.0180
RAGO LOUIS M + DENISE L
2901 TIMBERWOOD DR
BROADVIEW HEIGHTS, OH 44147

05-45-21-17-00002.0090
MURDOCK ROBERT + PATRICIA 50 +
7193 ANDERSON WOODS DR
CINCINNATI, OH 45244

05-45-21-17-00002.0100
VALDES DONALD + JOHNNIE 1/2 +
15 SUNSET HILL
GRANVILLE, OH 43023

05-45-21-17-00002.0110
BRICK THOMAS C + CHRISTINE L
6910 SANDALWOOD LN
NAPLES, FL 34109

05-45-21-17-00002.0120
BERNARDO JOSEPH J + NANCY
1928 PICCADILLY CIR
CAPE CORAL, FL 33991

05-45-21-17-00002.0130
WUNDERLICH RICHARD + SUSAN S
5414 SW 3RD AV
CAPE CORAL, FL 33914

05-45-21-17-00002.0140
DAVENPORT DANIEL R + DEBRA
10820 HABITAT CIRCLE
BOKEELIA, FL 33922

05-45-21-17-00002.0150
UHL SUSAN R TR
5223 MARINA DR
BOKEELIA, FL 33922

05-45-21-17-00002.0160
FELICIO MANUEL + RACHEL F
233 GREEN ST
NORTH SMITHFIELD, RI 02896

05-45-21-17-00002.0170
ANDRADE JUAN + SANDRA
2806 MEADOWVIEW CT
TARPON SPRINGS, FL 34688

05-45-21-17-00002.0180
FERNSTROM CARL M
P O BOX 767
NAPLES, FL 34106

05-45-21-17-00002.0250
METALLIX REALTY LLC
64 C BRIDGE AVE
RED BANK, NJ 07701

05-45-21-17-00002.0260
GREENFIELD BARRY
2015 WILD LIME DR
SANIBEL, FL 33957

05-45-21-17-00002.0270
WORFUL JAMES + SHERYL
14595 LULU RD
IDA, MI 48140

05-45-21-17-00002.0280
LEMMERMAN WILLARD +
1449 CHARLES RD
FORT MYERS, FL 33919

05-45-21-17-00002.0290
SMITH RUSSELL M +
P O BOX 628
PINELAND, FL 33945

05-45-21-17-00002.0300
MOCALDO RONALD S
33 PETERSON RD
VERNON, CT 06066

05-45-21-17-00002.0320
FOWINKLE ROBERT W III + JANANN
705 RYE RD
BRADENTON, FL 34202

05-45-21-17-00002.0330
FALK GRETCHEN A
P O BOX 233
PINELAND, FL 33945

05-45-21-17-00002.0340
FERNSTROM CARL M
P O BOX 767
NAPLES, FL 34106

05-45-21-17-00003.0100
DENNIS MARTY
1061 27TH ST SW
NAPLES, FL 34117

05-45-21-17-00003.0110
CLAYPOOL HAROLD CHARLES
14360 MCGREGOR BLVD
FORT MYERS, FL 33919

05-45-21-17-00003.0120
JOHNSON ARIC A
129 E 10TH ST
NEW YORK, NY 10003

05-45-21-17-00003.0130
METALLIX REALTY LLC
64 C BRIDGE AVE
RED BANK, NJ 07701

05-45-21-17-00003.0140
NICHOLSON JOHN C + SUZANNE M
20 MERLIN CT
LAFAYETTE, IN 47905

05-45-21-17-00003.0150
SETTE JOSEPH M + LESLEY D
9408 CHERRY HILLS LN
SAN RAMON, CA 94583

05-45-21-17-00003.0160
EWERT ULRICH E + LINDA M
13141-3 MCGREGOR BLVD
FORT MYERS, FL 33919

05-45-21-17-00003.0170
DAVIDSON GILES C +
2245 12TH PL NW
WASHINGTON, DC 20009

05-45-21-17-00003.0190
BROOKS DONALD E +
783 CAL COVE DR
FORT MYERS, FL 33919

05-45-21-17-00003.0200
ERNEST AUDREY
2010 S RACE ST
URBANA, IL 61801

05-45-21-17-00003.0210
JARMOSZUK NICHOLAS SR + DIANE
21884 AVALON DR
ROCKY RIVER, OH 44116

05-45-21-17-00003.0220
TANT DONALD E + KATIE L
P O BOX 914
PINELAND, FL 33945

05-45-21-17-00004.0120
RIECHJAY CORP
11 DANIEL RD E
FAIRFIELD, NJ 07004

05-45-21-17-00004.0130
RIECHJAY CORP
11 DANIEL RD E
FAIRFIELD, NJ 07004

05-45-21-17-00004.0140
PIZZARELLI MARK + KIM M
82 MOUNT PLEASANT RD
NORTH SMITHFIELD, RI 02896

05-45-21-17-00004.0150
RUZICKA GERALD E + MARJORIE A
4615 SW 5TH PL
CAPE CORAL, FL 33957

Mr. Robert D. Hutcherson, AICP
WillsonMiller, Inc.
4571 Colonial Blvd.
Fort Myers, FL, 33912

Mr. Graydon W. Scott
P.O. Box 0141
Captiva Island, FL 33924

05-45-21-17-00004.0160
FELICIO MANUEL + RACHEL F
233 GREEN ST
N SMITHFIELD, RI 02896

05-45-21-17-00006.0010
PERREAULT MATTHEW + GILBERTE
PO BOX 456
PINELAND, FL 33945

Paul Garvey, Executive Director
Captiva Civic Assocation
PO Box 778
Captiva, FL 33924

Kate & Ken Gooderham
Captiva Island Property Owner's Association
5460 Beaujolais Lane
Fort Myers, FL 33919

Scott Barker, Legal Counsel
Captiva Island Property Owner's Association
12734 Kenwood Lane
Fort Myers, FL 33907

Rene Miville, Secretary/Treasurer
Captiva Island Property Owner's Association
PO Box 9
Captiva, Fl 33924

Hal Miller
Captiva Island Property Owner's Association
PO Box 656
Captiva, Fl 33924

Richard R. Donnelly
Upper Captiva Civic Association
PO Box 254
Pineland, Fl 33945

LEE COUNTY
SOUTHWEST FLORIDA

Writer's Direct Dial Number: 479-8585

March 22, 2004

Mr. Robert D. Hutcherson, AICP
WillsonMiller, Inc.
4571 Colonial Blvd.
Fort Myers, FL, 33912

Re: Agenda Schedule for Grady's Lodge
Case No. DCI2003-00080

Dear Mr. Robert D. Hutcherson, AICP:

Your zoning request has been scheduled before the Hearing Examiner on April 22, 2004, at 1:00 p.m. The hearing will be conducted in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL.

Be advised all exhibits presented to Hearing Examiner will be retained for the records. The Hearing Examiner encourages the applicant to provide reduced copies of these exhibits for the record as an alternative to a full size copy.

Your zoning sign will be ready for pickup any time after March 24, 2004, at the drive-thru window at 1500 Monroe St., Ft. Myers, FL. This sign must be posted in accordance with Department procedures no later than April 6, 2004, and is to remain posted until final decision is rendered.

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Jamie Princing

Jamie Princing
Administrative Assistant

cc: Mr. Graydon W. Scott
Mr. Bryan Kelner, Principal Planner
Zoning File

U:\200403\DCI20030.008\0\APPLICANTLETTER.WPD

RECEIVED
NOV 12 2003
PERMIT COUNTER

(k) Where the proposed planned development is surrounded by existing development or land use with which it is not compatible or which is of a significant higher or lower intensity of use (plus or minus ten percent of the gross floor area per acre if a commercial or industrial land use, or plus or minus 20 percent of the residential density), or is surrounded by undeveloped land or water, the design emphasis will be to separate and mutually protect the planned development and its environs.

The proposed Grady's Lodge is designed to separate and protect the surrounding existing developments to the east, west and to the south. Although the proposed use is not located adjacent to significantly less intense uses, buffering and preservation or existing native vegetation will serve to separate the Lodge from any adjacent development.

(l) In large residential or commercial planned developments, the site planner is encouraged to create subunits, neighborhoods or internal communities, which promote pedestrian activity and community interaction.

The project is located within the existing community of upper Captiva Island, a resort type community with extensive pedestrian and bicyclist activity with a high level of community interaction because of this resort atmosphere. The construction of this project will function as an infill type project, providing for a compact commercial subunit surrounding the harbor.

(m) In order to enhance the viability and value of the resulting development, the designer shall ensure the internal buffering and separation of potentially conflicting uses within the planned development.

Grady's Lodge is a small 15-unit fishing lodge and there are no conflicting uses within the planned development.

(n) Density or type of use, height and bulk of buildings and other parameters of intensity should vary systematically throughout the planned development. This is intended to permit the location of intense or obnoxious uses away from incompatible land uses at the planned development's perimeter, or, conversely, to permit the concentration of intensity where it is desirable, e.g., on a major road frontage or at an intersection.

The project is designed to place the majority of the site activity towards the north-central portion of the site, adjacent to he more intensive use of the island club. The cottages themselves are being placed amongst the vegetation along the perimeter of the site, providing for the variance in intensity mandated above.

(o) Unless otherwise provided for in this article, minimum parking and loading requirements shall be as set forth in article VII, divisions 25 and 26, of this chapter. Where it can be reasonably anticipated that specified land uses are generators of occasional peak demand for parking space, a portion of the required parking may be pervious or semi-pervious surfaces subject to the condition that it be constructed and maintained so as to prevent erosion of soil. In all cases, however, sufficient parking shall

be provided to prevent the spilling over of parking demand onto adjacent properties or rights-of-way at times of peak demand.

Grady's Lodge is located on an undeveloped barrier island with no vehicular access and thus no parking requirement or demand.

(p) Joint use of parking by various land uses within the planned development may be permitted by special condition where it can be demonstrated or required that the demand for parking by the various uses will not conflict. Joint parking agreements between uses within and uses without the planned development shall be governed by agreement per general regulation (see section 34-2018), without exception.

This provision is not applicable since no parking is being required.

(q) Internal consistency through sign control, architectural controls, uniform planting schedules and other similar controls is encouraged.

LDC regulations relating to signage, architectural controls and uniform planting schedules will be complied with.

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NOV 12 2003
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DCI 2003-00080

EXHIBIT 6-I

GRADY'S LODGE
Compliance with Decision-Making Guidelines

The proposed Grady's Lodge CPD is in compliance with the decision-making guidelines set forth in the Land Development Code (LDC) Section 34-145, as demonstrated below.

a. The applicant has proved entitlement to the rezoning or special exception by demonstrating compliance with the Lee Plan, this land development code, and any other applicable code or regulation: and

The proposed CPD is consistent with the Lee Plan, as demonstrated in Exhibit 6-H of this application. This project is also in compliance with the LDC.

b. The request will meet or exceed all performance and locational standards set forth for the potential uses allowed by the request; and.

The CPD will meet or exceed all performance and locational standards set forth for the potential uses. Please refer to Exhibit 6-G, Compliance with the Lee Plan.

c. The request, including the use of TDR or affordable housing bonus density units, is consistent with the densities, intensities and general uses set forth in the Lee Plan; and

The property is located within the Outer Islands land use designation and is zoned C-1 allowing numerous commercial uses. The proposed use of hotel/motel is consistent with the Lee Plan as demonstrated by Exhibit 6-G

d. The request is compatible with existing or planned uses in the surrounding area; and

The Captiva Island Club, an intense commercial operation, is located adjacent to the project's entire northern boundary. The restaurant and store building is located at the eastern end of this common boundary, with the pool area, tennis courts and outdoor pool bar located along the central portion of the property line. The maintenance facility, golf cart storage area and cell tower are located at the western end of the northern property line. The proposed use of a fishing lodge is compatible with the commercial development to the north. Rum Road forms the western and southern boundary and a 20' unnamed street easement abuts the eastern end of the site. Across Rum Road to the west are undeveloped residential parcels, while a single family home exists across Rum Road to the south. Across the road easement at the eastern end of the site is a real estate office and single family home, both of which are zoned C-1. The construction of a fishing lodge type development at this location is compatible with this resort type community and as stated above, is compatible with the existing and planned uses.

e. Approval of the request 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

The request will not generate any traffic.

f. Where applicable, the request will not adversely affect environmentally critical areas and natural resources.

The MCP features preservation of existing, indigenous vegetation that will be preserved throughout the site. There are no environmentally critical areas subject to this request.

g. In the case of a planned development rezoning, the decision of the hearing examiner must also be supported by the formal findings required by sections 34-377(a)(2) and (4).

LDC section 34-377(a)2 requires the Hearing Examiner to find that, a) The proposed mix of uses is appropriate at this location, b) The recommended conditions are adequate to provide sufficient safeguards to the public interest, and c) The proposed conditions are reasonably related to the impacts to the public interest created by the proposed development.
The applicant has provided the necessary evidence and believes the proposed mix of uses are appropriate at this location and that any impacts can be mitigated by condition of zoning.

h. Where the change proposed is within a future urban area category, the hearing examiner must also find that urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

The proposed rezoning is within the Outer Islands category, a rural area, as defined in the Lee Plan, however adequate urban services for the provision of this development are available for the project.

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SCHEDULE OF USES

15 UNIT HOTEL
ADMINISTRATIVE OFFICE
BAIT AND TACKLE SHOP
BAR OR COCKTAIL LOUNGE (POOL BAR)
CARETAKERS RESIDENCE
CONSUMPTION ON PREMISES
CONVENIENCE FOOD AND BEVERAGE STORE
ESSENTIAL SERVICES
REAL ESTATE SALES OFFICE
RECREATIONAL FACILITIES, PERSONAL
RENTAL OR LEASING ESTABLISHMENTS, GROUP I
SIGNS IN ACCORDANCE WITH CHAPTER 30
SPECIALTY RETAIL GROUPS I & II

DCI 2003-00080

Naples Fort Myers Sarasota Tampa Tallahassee Panama City Beach
4571 Colonial Boulevard, Suite 100 Fort Myers, Florida 33912 239-939-1020 ☎ 239-939-7479
www.wilsonmiller.com

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

STARP NO. 05-45-21-16-00000.0480, **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
Graydon W. Scott, PO Box 1041, Captiva Island, FL 33924	100

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

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

Name and Address	Percentage of Stock

Date of Contract: _____

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

Name and Address	

2003-00080

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

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

Signature: _____
(Applicant's agent)

Robert D. Hutcherson, AICP
(Printed or typed name of applicant's agent)

STATE OF FLORIDA
COUNTY OF LEE

The forgoing instrument was acknowledged before me this 20th day of January 2004 by Robert D. Hutcherson who is personally known to me or who has produced _____ as identification.

MICHELLE D. KOEHN
MY COMMISSION # DD 000369
EXPIRES: February 18, 2005
Bonded Thru Notary Public Underwriters
(SEAL)

_____
Signature of Notary Public

Michelle D. Koehn
Printed Name of Notary Public

STAFF REPORT
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES

Date: **March 11, 2004**

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

Project: **Grady's Lodge CPD**
Case: **DCI2003-00080**
STRAP: **05-45-21-16-00000.0480**

The Division of Environmental Sciences (ES) staff have reviewed the proposed commercial planned development (CPD) and conducted a field inspection. The property contains existing native trees including sabal palms, gumbo limbo, and seagrape. However, the property does not contain a complete indigenous plant community as the understory has been mowed or cleared over time. There is remnant understory such as rouge plant and wild coffee. No Lee County listed species were observed during the field inspection.

The proposed Master Concept Plan commits to providing the Land Development Code (LDC) required open space for a small commercial project which is 20% or 9,678 square feet.

The LDC landscaping requirements were established for a county wide consistency. However, the intent of the LDC landscaping may be better met on this North Captiva site through an Alternate Landscape Betterment Plan at time of local development order review. ES staff is available to meet with the applicant prior to a development order submittal to discuss landscaping options.

ES staff recommend the following condition to insure the preservation of the native tree cover within the design of the project:

Prior to local development order approval, the landscape plan must delineate the existing native trees to be preserved and any sabal palms to be relocated on-site. These native trees may be used to meet the Land Development Code (LDC) landscaping requirements with the credits allowed in LDC Section 10-420(h).

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Joan Henry, Asst. County Attorney
TIS Reviewer - Bob Rentz
DS Reviewer - Melissa M. Roberts
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Kathy Badcock, Lee County School District
Roland Ottolini, Natural Resources
Jerry Murphy, Zoning

FROM: Bryan Kelner

DATE: 01/20/2004

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: GRADY'S LODGE

CASE #: DCI2003-00080

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 02/03/2004

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: Becky Tatlock

Date: 01/22/2004

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March 29, 2004

Mr. Bryan Kelner, Principal Planner
Lee County Zoning
PO Box 398
FT Myers, FL 33902-0398

RE: Grady's Lodge, DCI 2003-00080

Dear Mr. Kelner:

I have reviewed the issues you identified via Email and phone conversations over the past couple of weeks and I believe I have been able to clarify our positions. The initial inquiry had to do with the existing development located on the adjacent parcel, owned jointly by the applicant and another property owner. The existing development was permitted via an exemption from the Development Standards Ordinance, E10-21-84 and is no subject to this request. That approval authorized the placement of shell fill throughout the site and the construction of finger docks for mooring purposes. The improvements were construction in 1985 and have been in use since that time and therefore a lawfully existing use.

You have also asked me to address Lee Plan Goal 75, which reads, *"PROTECTION OF LIFE AND PROPERTY IN COASTAL HIGH HAZARD AREAS"*. More specifically you have referenced Policy 75.1.2, *"Rezonings to allow higher densities will not be permitted on barrier and coastal islands if the capacity of critical evacuation times would thereby be exceeded (See Objective 79.1)*. The policy you have referenced refers to "rezonings to allow higher densities" as the threshold for the review. In this case, the development is for a hotel and therefore a standard density calculation is not appropriate and therefore not applicable for this project. Further review of Objective 79.1, which states, *"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"*. I have reviewed the most recent update to the Hurricane Plan and discussed the situation with Terry Kelly with Lee County Emergency Preparedness. Because of the type and location of the lodge, the typical assumptions and percentages cannot be utilized. The majority of the visitors to the lodge will be transported to Captiva Island or Pineland for water taxi transportation to the island and then back to the airport upon checkout. Mr. Kelly of Emergency Management advised that because there is no vehicular access to the island and that because of the anticipated typical guest, there would be no effect on hurricane evacuation. He further stated that Emergency Management would be assessing a shelter mitigation fee of approximately $710 at the time of Development Order/building permit. From a practical standpoint the lodge will be closed and all guests ordered to leave at that point when landfall is predicted within 24 hours. The lodge will develop a plan of action for securing the property and phoning incoming guests with hurricane information in the event of a storm.

The Consumption on Premises approval was intended to serve the restaurant and pool bar requested with this rezoning. The applicant prefers a full liquor license/bar for use by his

patrons. The regulations are unclear at this point as which section of the chapter 34 are applicable. 34-1264(b)(1) states a C.O.P. may not be located within 500' of a dwelling unit under separate ownership, except when approved as part of a planned development. The lodge is being permitted as a CPD and therefore it appears that the location is acceptable because there are no churches or day cares within the 500' limitation. The closest existing C.O.P. is located more than 700' away when measured per 34-1264(b)(1)a.3. In addition to the above interpretation, the C.O.P. will be provided in conjunction with a Restaurant, Group II/III. LDC 34-1264(b)(2)b exempts restaurants groups II & III from the C.O.P. location standards, per certain conditions. Lastly, Section 34-1264(b)(2)c exempts hotels from the location requirements per certain conditions. This category makes more sense than the other categories were it now for the initial condition states that the hotel must have at least 100 rooms under the same roof. Obviously the lodge will have nowhere near the required 100 rooms and the regulation was seemingly written to address more urban type environments and does not lend itself to regulation of less urban environments. Given the small nature of the lodge, the approval of a C.O.P. will have no effect on the area.

The building heights area specified at 35', the normal maximum height for all zoning categories. Directly north and abutting our property line is Mangos Restaurant, a two story building at approximately 35' in height. Directly east and across Rum Road is another two-story building, approximately 35' in height, consisting of a real estate office and a single-family dwelling unit. Directly south of that structure is a residential structure of similar height. A review of a majority of the buildings on the island reveals that buildings approaching the maximum height are the norm here and that a restriction as to height is not necessary. This is the case because of several factors relating to minimum flood elevation, desired views, existing vegetation and the desire for larger, vacation style, single family homes. The cabins, which the applicant has presented renderings of, do not approach the maximum height, however the actual design work has not been performed.

Drafting point # 11, mentioned in the Captiva Fire District report, is located on the adjacent parcel and access to this point will be maintained as desired.

I believe I have addressed all of the outstanding issues related to your review, however should you have any questions please don't hesitate to call.

Sincerely,

WilsonMiller, Inc.

Robert D. Hutcherson, AICP
Senior Project Manger

3

to: zone file

THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3916 • (239) 334-1102 • TTD/TTY (239) 335-1512

January 27, 2004

Mr. Bryan Kelner
Lee County Development Services Division
P.O. Box 398
Fort Myers, FL 33902-0398

Re: Grady's Lodge, DCI Substantive Review, Case #DCI2003-00080

Dear Mr. Kelner:

Thank you for the opportunity to review Grady's Lodge for substantive comments with regard to educational impacts. This proposed development is in the South Region of the District on Upper Captiva Island.

This development should have no impact on classroom needs with the possible exception of the caretaker's unit. Otherwise, no residential dwelling units are proposed for this development.

Thank you for your attention to this issue. If I may be of further assistance, please give me a call at (239) 479-4205.

Sincerely,

Kathy Babcock

Kathy Babcock, Long Range Planner
Department of Construction and Planning

Cc: William G. Moore, Jr.
Executive Director, School Support

To zone file

THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3916 • (239) 334-1102 • TTD/TTY (239) 335-1512

December 1, 2003

Mr. Bryan Kelner
Lee County Development Services Division
P.O. Box 398
Fort Myers, FL 33902-0398

Re: Grady's Lodge, DCI Substantive Review, Case #DCI2003-00080

Dear Mr. Kelner:

Thank you for the opportunity to review Grady's Lodge for substantive comments with regard to educational impacts. This proposed development is in the South Region of the District, east and north of Rum Road on Upper Captiva Island.

This development should have no impact on classroom needs based on the response to Item D ("Density"), in Supplement D to the Planned Development Application, which states that no residential dwelling units are proposed for this development.

Thank you for your attention to this issue. If I may be of further assistance, please give me a call at (239) 479-4205.

Sincerely,

Kathy Babcock

Kathy Babcock, Long Range Planner
Department of Construction and Planning

Cc: William G. Moore, Jr.
Executive Director, School Support

DISTRICT VISION
TO PREPARE EVERY STUDENT FOR SUCCESS

DISTRICT MISSION
TO PROVIDE A QUALITY EDUCATION IN A SAFE AND WELL-MANAGED ENVIRONMENT

THE SCHOOL DISTRICT OF LEE COUNTY

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December 1, 2003

Mr. Bryan Kelner
Lee County Development Services Division
P.O. Box 398
Fort Myers, FL 33902-0398

Re: Grady's Lodge, DCI Substantive Review, Case #DCI2003-00080

Dear Mr. Kelner:

Thank you for the opportunity to review Grady's Lodge for substantive comments with regard to educational impacts. This proposed development is in the South Region of the District, east and north of Rum Road on Upper Captiva Island.

This development should have no impact on classroom needs based on the response to Item D ("Density"), in Supplement D to the Planned Development Application, which states that no residential dwelling units are proposed for this development.

Thank you for your attention to this issue. If I may be of further assistance, please give me a call at (239) 479-4205.

Sincerely,

Kathy Babcock

Kathy Babcock, Long Range Planner
Department of Construction and Planning

Cc: William G. Moore, Jr.
Executive Director, School Support

WilsonMiller
New Directions In Planning, Design & Engineering

2003-00080

January 20, 2004

Mr. Bryan Kelner, Principal Planner
Lee County Division of Zoning
PO Box 398
Ft Myers, FL 33902-0398

RE: Grady's Lodge/ DCI 2003-00080

Dear Mr. Kelner:

2003-00080

Attached are the required number of revised Master Concept Plans and application documents for the above referenced project. The revisions were made in response to your December 11 request for additional information. The specific responses to each item is as follows:

LEGAL REQUIREMENTS CHECKLIST

5, 6) The legal description attached to the application only includes parcel (a) # 5-45-21-16-00000.0480 as shown on the submitted survey. Parcel (b) is shown for reference only and is under different ownership.

7) Pursuant to my phone conversation with Mr. Machado on 12/15, no development is proposed within the row's and therefore this requirement is not applicable.

ZONING CHECKLIST

2003-00080

1) A notarized disclosure form is attached.

12d3) The minimum side and perimeter setbacks and the minimum building separations are included in the property development regulations.

12d4, 14 & 14b) The proposed Schedule of Uses has been revised to eliminate certain uses and add certain uses, pursuant to our on-site meeting with Mr. Scott and Ms. Houck. The proposed development is intended to function as a eco-tourism/fishing lodge type development and certain subordinate uses are necessary to supply guests with the necessary equipment. Several of these uses were listed separately, when in fact they are included in Specialty Retail, Groups I & II, so they have been eliminated from the use. We have also eliminated the convenience food and beverage store use and added Food Stores, Group I, excluding supermarkets, to address this need. As we discussed with Mr. Grady, because the restaurant will be located on a barrier island provisions will need to be brought to the island from the mainland. In order to maintain the freshness of the products served at the restaurant, the provisions utilized in the restaurant will need to be offered for sale to the public to insure a constant turnover and acceptable shelf life for the products. Because the subject property is located on a barrier island, described by the Lee Plan as " rural in character and lifestyle", the use also meets a need of all island residents providing limited commercial opportunities. This is consistent with the Lee plan which anticipates such commercial activities as such:

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4571 Colonial Boulevard, Suite 100 Fort Myers, Florida 33912-1062 941-939-1020 941-939-7479
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POLICY 6.1.8: *Commercial development may take place, when properly zoned and when meeting the standards in Policy 6.1.2, within the Future Urban Areas. Minor or rural commercial uses which serve rural residents or marine traffic, neighborhood commercial uses which serve major non-commercial public attractions (e.g. Lee County Civic Center), limited agricultural - commercial uses which serve rural areas and agriculturally related needs, and limited commercial marinas (not including heavy marine commercial, such as extensive storage and hull, engine, and electronic repairs) may be permitted in non-urban areas. (Amended by Ordinance No. 94-30, 98-09)*

The development is intended to serve rural residents, marine traffic and is located adjacent to an aquatic preserve and a state park, serving those utilizing these major non-commercial public attractions, as anticipated in the above referenced policy.

The proposed use of real estate office is also intended as a subordinate use and is intended to function as Mr. Scott's office, currently located on an adjacent island. As stated in the narratives submitted with the original application, the project would also serve people looking for real estate on the island, providing overnight lodging for those stuck on the island.

12e4) I have numbered each of the cottages as requested. Mr. Scott will provide typical elevations; consistent with those we reviewed at our on-site meeting, at the hearing. Specific architectural plans have not been formulated, however the cabins will all be raised on pilings to meet the minimum finished floor elevation of 11'. Limited site clearing and placement of units within the existing tree canopies will insure the continuation of a rural character.

12e6) The proposed lodge building is shown on the MCP as 3,000 sq. ft. with a 1,125 sq. ft. covered porch. As stated above, no architectural plans have been produced at this point. The pool bar is shown as approximately 300 sq. ft. and is covered and will be enclosed (pursuant to the building code) for security purposes after hours. I have also included the area for the outdoor consumption on premises (cross-hatching), covering the pool area and covered porch.

12f) The general area for service and deliveries is now shown on the MCP.

12l) The development will not contain any excavations. Because of the sandy, permeable soils found on the island, dry retention will be utilized in areas selected at time of Development Order application.

12m) The requested deviation has been keyed to the MCP. The applicant does not believe that 10-416(d)(6) applies in this case, as no vehicle parking area is required. Additionally the golf cart parking area is located internal to the development, with cottages proposed along the perimeter meeting the intent of section stating the buffer is not required where *residences* will be located between the parking area and the existing residences.

15) A schedule of deviations and justification is attached.

WilsonMiller

Grady's Lodge
January 20, 2004

MASTER CONCEPT PLAN

1. A north arrow is now on the MCP.
2. Note number 8 has been revised.
3. The existing well is now shown on MCP. The well serves the adjacent restaurant and was permitted as public water well, designed to serve the subject property as well. I have requested a copy of the existing permit from the SFWMD.
4. We have relocated the unit near the pool to accommodate a front porch. The porches will all comply with the required setbacks and as stated above, the architectural plans have not yet been developed and a square footage for the porches is not available.
5. I have deleted the portion of the drain field under the building. The applicant will comply with the applicable regulations at the time of permitting.
6. No parking is required in this site pursuant to LDC section 34-2011(d), which states, "*Developments located on islands where direct vehicular access to the mainland by bridge, causeway or street system is not required to comply with this division (Division 26, Parking).*"
7. The dimensions along the subject property are shown on the MCP.
8. The eastern property line easement dimension of 20' has been added to the MCP.
9. The routes for the walking paths leading to the cabins will be selected at the time of Development Order approval, based on final cabin location and existing vegetation.

Other The applicant has been coordinating with the Fire Department and the required buffers will be planted to allow access by the fire department. Additionally, we have revised the inside turning radius on the project driveways to 35' to accommodate fire department vehicles. No response is required for the School Board.

I believe I have addressed all of the comments raised with your initial review and our onsite meeting, however should you have any questions or need any additional information please don't hesitate to call.

Sincerely,

2003-00080

WilsonMiller, Inc.

Robert D. Hutcherson, AICP
Senior Project Manager

- Ver. mal-

01 2003-00080

SCHEDULE OF DEVIATIONS

A DEVIATION FROM LDC SECTION 10-291(2) WHICH REQUIRES ALL DEVELOPMENTS TO HAVE ACCESS TO A STREET DESIGNED AND CONSTRUCTED OR IMPROVED, MEETING THE STANDARDS CONTAINED IN SECTION 10-296 (A CATEGORY "A" ROAD), TO ALLOW GOLF CART ACCESS TO THE EXISTING SHELL/GRAVEL ROAD.

This deviation is intended to eliminate the requirement for a paved, category "A" road for the subject property. The parcel, located on an undeveloped barrier island, is not required to provide parking areas pursuant to LDC 34-2011 and therefore the applicant also is requesting a deviation from the street construction standards that apply to commercial developments. Upper Captiva Island is not connected to the mainland by bridge, causeway or street system and consequently, with the exception of work or fire vehicles, there are no motor vehicles on the island utilizing the local street system. The main modes of transportation on the island consist of golf carts or bicycles, all utilizing the shell/dirt roads traversing the island. By requesting this deviation, the applicant insures that the island rural character and lifestyle will be maintained by the elimination of unnecessary impervious areas and improvements.

Bryan.Kelner - (no subject)

From: <UpperCapFD@aol.com>
To: <KELNERBJ@leegov.com>
Date: 12/05/2003 12:54 PM
Subject: (no subject)

Mr.Kelner

Our Fire Commissioners will review "Grady's Lodge" plan at our next board meeting on 12/20/03 at 11:00 am. I have talked to Mr. Scott about our basic concerns which are accsess to our draft points. Other than that we will prob. not have any other issues with this plan.

Richard Pepper, Chief

Bryan

To: Zone File
DCI 2005-00080

WE PURCHASED OUR PROPERTY IN 1979 AND BUILT OUR HOME 20 YEARS AGO. IN 1985 WE BOUGHT A HOUSE TWO LOTS AWAY FOR THE USE OF OUR EIGHT CHILDREN, AND RENT IT WHEN THEY ARE NOT ABLE TO BE HERE. OUR SON HAS A HOME TWO LOTS FROM THAT HOUSE. WE ARE FLORIDA RESIDENTS, AS IS OUR SON AND DAUGHTER-IN-LAW.

PEOPLE LOCATE ON NORTH CAPTIVA BECAUSE WE ARE A RELATIVELY QUIET, FAMILY ORIENTED ISLAND WITH PRISTINE BEACHES AND GOOD FISHING. CURRENT PROPERTY VALUES BEAR THIS OUT.

AS WAS POINTED OUT AT THE MAY 14th HEARING, WE HAVE VERY FEW BEACH ACCESSES. IN THE PAST SEVERAL YEARS EVERYONE ON CAPTIVA PASS HAS HAD A CONTINUING PROBLEM WITH FISHERMEN TRESPASSING ON OUR PROPERTIES AND PIERS. WE ALL HAVE BEEN FORCED TO POST "NO BEACH ACCESS" SIGNS BUT THAT DOESN'T SEEM TO MAKE MUCH DIFFERENCE. MOST FISHERMEN ARE NOT VERY POLITE WHEN REMINDED THEY ARE WERE THEY SHOULDN'T BE. IN FACT, SOME BECOME ALMOST VIOLENT . WE HAVE HAD 19 PEOPLE , AT ONE TIME, ON THE PIER NEXT DOOR AT 2:00 A.M. SLEEPING BECOMES VERY DIFFICULT.

ALTHOUGH GRADY'D LODGE IS NOW BEING PRESENTEDD AS A FAMILY MOTEL, IT WAS ORIGINALLY PRESENTED AS A FISHNG LODGE** AND THAT IS WHAT WE BELIEVE IT WILL BE. NOT MANY FAMILIES ARE GOING TO RENT A 20 X 20 CABIN WITH NO KITCHEN FACILITIES. AT CAPACITY, WE COULD HAVE 32 FISHERMEN ON OUR BEACHES AND UNDER OUR

HOMES BEFORE DAWN AND AFTER SUNSET. IT IS FRIGHTENING TO HAVE STRANGE MEN AND WOMEN ILLAGALLY WANDERING AROUND WITH ALL THEIR GEAR.

WE STRONGLY FEEL PERMITTING THIS PROJECT WILL HAVE A VERY ADVERSE EFFECT ON PROPERTY VALUES AND WILL CREATE DIFFICULT TRESPASSING PROBLEMS FOR ALL OF US ON CAPTIVA PASS.

**THE NEWS PRESS, MAY 20, 2004

Mick Melvin
Betsy Melvin

BETSY AND MICK MELVIN
101 KINGFISHER DR.
85 KINGFISHER DR.
UPPER CAPTIVA ISLAND

JULY 1, 2004

Fran

To: zone file
DCI 2003-00080

ALL SIGNATURES ARE OWNERS,

HEIRS AND REPEAT RENTERS WHO

HAVE EXPERIENCED TRESPASSING

PROBLEMS FIRST HAND.

WE, THE UNDERSIGNED, ARE OPPOSED TO GRADY'S LODGE PROJECT (CASE # DC 12003-00080) AND URGE YOU NOT TO APPROVE IT.

HURRICANE EVACUATION AND POLLUTION FROM SEPTIC OVERUSE AND RUN-OFF ARE MAJOR CONCERNS, BUT OUR PRIMARY CONCERN IS THE THREAT OF INCREASED ISLAND TRESPASSING BY FISHERMEN, SINCE THE PROPOSED PROJECT WILL BE A FISHING CAMP, NOT A FAMILY VACATION SPOT.

Betsy Melvin	101 Kingfisher Dr.
[illegible]	400 Gulf Bend Dr.
[illegible]	400 Gulf Bend Drive
Mick Melvin	101 Kingfisher Drive
Larry Blevins	161 Kingfisher Dr
Shari Blevins	161 Kingfisher Dr.
Dr. Randall Erway	Bennet Ne.
Ronda Erway	" "
Kerry Hanna	Clarksville MD.
Keith Hanna	" "
Steve Miller	Lincoln, Ne.
Janna Miller	" "
Julie Null	Mayfield, ky.
David Blevins	Orlando Florida
Kevin Melvin	Kingfisher Dr.
Robin Melvin	Kingfisher Dr.
Jill Miller	Scotland
Alan Miller	Scotland
[illegible]	[illegible]

Jane Henderson PO Box 2331 Pineland, FL 33945
Jeff Henderson 321 Spanish Gold Ln., Pineland, FL 33945
[illegible] PO Box Bokeelia 161 White Pelican
Stephanie Burgess P.O. Box 507 Bokeelia 161 white Pelican
Charlie Earhart Anderson IN
Joan Rosamond Freeh SHC Pineland Fla 33945
Molly Merryman Anderson, IN
Fred Kohler FT
Karla Stanton Kingfisher Dr.
Russ Harlan 120 White Pelican Dr. Captiva
Dale Wenzel Morning Dove Upper Captiva
John Beermeister 42 Harbor Bend Drive Upper
D. Beermeister 42 Harbor Bend Drive Upper
Kathy Unland 101 Pejuan Shores, Cayo Costa
Todd Unland 101 Pejuan Shores, Cayo Costa
Nekada Witsken 101 Pejuan Shores, Cayo
Croix Witsken 101 Pejuan Shores, Cayo Costa
Carlee Unland 101 Pejuan Shores, Cayo Costa
Jamie Unland 101 Pejuan Shores, Cayo Costa
Burton Mylin 71 Kingfisher Dr., Upper Captiva

Robin Melvin	71 Kingfisher Dr.
Laura Melvin	71 Kingfisher Dr.
Marion Hall	4380 Harbor Bend Dr. #53
Steve Hall	4380 Harbor Bend Dr. #53
Mike Southworth	Upper Captiva
Donna Southworth	" "
Janine Dunnichay	
Marian Dunnichay	9121 W. Forest Drive, Elwood
Ned Dunnichay	9121 West Forest Drive, Elwood
Kelly Schmidt	Frankton, In
Michelle Heiser	Noblesville, In. + Kingfisher Dr, Upper Captiva
R. Sam Heiser	Noblesville, In. " " " "
Jessica Heiser	" " " " " "
Joe Heiser	" " " " " "

28.50

3053384

COVENANT

THIS COVENANT ("Covenant") is made this 9th day of July 1991, between the Island Club of Upper Captiva, Inc. (herein called the "Island Club"), having an address c/o Shelby Creagh, P. O. Box 476, Captiva, Florida 33924, Graydon W. Scott (herein called "Scott"), having an address at P. O. Box 1061, Captiva, Florida 33924 and Captiva Palma, Inc. (herein called "Mortgagee") having an address at P. O. Box 5704, Destin, Florida 32541. * Darcy H. Scott

WHEREAS, on the date hereof, Island Club has conveyed approximately 1.59 acres to Scott as more particularly described in Exhibit A annexed hereto and made a part hereof (the "Property"), which Property was part of a larger parcel of land owned by Island Club (such larger parcel is herein called the "Tract" and the parcel of land which comprises the remainder of the Tract owned by Island Club after conveyance of the Property to Scott is described in Exhibit B annexed hereto and made a part hereof and is herein called the "Remaining Property");

WHEREAS, Mortgagee is the current and only mortgage holder with respect to the Remaining Property (as defined herein) under that certain mortgage dated December 29, 1986, between Mortgagee, as mortgagee, and Island Club of Captiva, as mortgagor, recorded in O.R. Book 1892, Page 4767, Public Records of Lee County (herein called the "Mortgage");

WHEREAS, as a material inducement for Scott to purchase the Property, Island Club agreed that it would not oppose the use or development of the Property by Scott, provided that any proposed use conforms to the Lee County Zoning Ordinance;

WHEREAS, pursuant to Chapter 177, Florida Statutes, and the Lee County Development Standards Ordinance, in order for Scott to develop or use the Property, a plat must be recorded against the Tract dividing the Tract into at least two (2) lots - one (1) lot for the Property and one (1) lot for the Remaining Property;

WHEREAS, pursuant to Chapter 177, Florida Statutes, all owners and mortgagees having an interest in the Tract must dedicate consent to and join in the platting of the Tract; and

WHEREAS, as a material inducement for Scott to purchase the Property, Island Club and Mortgagee have agreed to dedicate, consent to and join in the platting or any replatting of the Tract,

OR 2233 PG 2843

NOW, THEREFORE, in consideration of the mutual covenants contained herein, ten dollars ($10.00) and other good and valuable consideration, the receipt and sufficiency all of which is hereby acknowledged, the parties hereto hereby agree as follows:

1. The foregoing recitals are incorporated in this Agreement in their entirety.

2. Island Club and Mortgagee hereby consent to the platting or any further replatting of the Tract, which may include more than one lot on the Property, provided that such plat or replat contemplates that the Property will be used in accordance with the C-1 zoning classification of the Lee County Zoning Ordinance.

3. Island Club and Mortgagee shall not oppose the use or development of the Property, provided that any such use or development is permitted by the C-1 zoning classification of the Lee County Zoning Ordinance.

4. In connection with the platting or replatting described in Paragraph 2 hereof, Island Club and Mortgagee agree to deliver such duly executed, acknowledged and otherwise proper and reasonable documents as required by Lee County or Scott relating to the Tract as Scott shall request to effectuate the development of the Property, including, but not limited to, reasonable plats, documents, consents, joinders, dedications and subordinations necessary for master plan approval and for preliminary and final development orders for subdivision plat approval.

5. Mortgagee specifically affirms that it is the intent of the parties hereto that the Mortgagee and the owners of the Tract and the owners of any parcels created by the subdivision of the Tract shall be bound by the Covenant, regardless of the status of the Mortgage, unless the Mortgage has been satisfied, in which case the Mortgage shall be free of any obligations hereunder, and that a foreclosure of the Mortgage shall not extinguish the Covenant with respect to these parties or any successor of the Mortgagee or the successor of any party hereto.

6. This Covenant is appurtenant to and shall be deemed to run with the Tract. Accordingly, this Covenant shall be binding upon and inure to the benefit of the parties hereto and their respective successors, heirs, assigns and personal representatives and all future mortgage holders with respect to the Tract.

IN WITNESS WHEREOF, the parties hereto have executed this Covenant as of the date as set forth above.

OR2233 PG2845

WITNESSES:

Name: Walter Grace Jr.
Walter Grace Jr.

Name: Don Davis
Don Davis

ISLAND CLUB:

Island Club of Upper Captiva, Inc.

By: Shelby Creagh
Name: Shelby Creagh
Title: President

WITNESSES:

Name: Marlene R. Marcek
MARLENE R. MARCEK

Name: Margaret Junkin
MARGARET JUNKIN

SCOTT:

Graydon W. Scott

Graydon W. Scott

Darcy H. Scott

Darcy H. Scott

WITNESSES:

Name: Walter Grace Jr.
Walter Grace Jr.

Name: Linda J. Antonaccio
Linda J. Antonaccio

MORTGAGEE:

Captiva Palma, Inc.

By:
Name: Peter Lippe
Title: President

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 1st day of July, 1991 by SHELBY CREAGH, who is President of Island Club of Upper Captiva, Inc., a corporation, on behalf of the corporation.

My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES MAR. 24, 1992
BONDED THRU HUCKLEBERRY & ASSOCIATES

Walter Grace Jr.
Notary Public - Florida
Walter Grace Jr.

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 11th day of July, 1991 by GRAYDON SCOTT. and DARCY H. SCOTT.

My Commission Expires:

Notary Public, State of Florida
My Commission Expires Oct. 25, 1993
Bonded thru Troy Fain-Insurance Inc.

Margaret Junkin
Notary Public - Florida
MARGARET JUNKIN

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 14th day of JUNE, 1991 by PETER LIPPE, who is President of Captiva Palma, Inc., a corporation, on behalf of the corporation.

My Commission Expires:

[illegible]
[illegible]
BONDED THRU WORLD-WIDE ASSOCIATES

Walter Grace Jr.
Notary Public - Florida
Walter Grace Jr.

This document was prepared by:

Daniel M. Mackler, Esq.
Peper, Martin, Jensen, Maichel
and Hetlage
2000 Main Street, Suite 600
Fort Myers, Florida 33901

Record and Return to:

Daniel M. Mackler, Esq.
Peper, Martin, Jensen, Maichel
and Hetlage
2000 Main Street, Suite 600
Fort Myers, Florida 33901

EXHIBIT A

DESCRIPTION: PARCEL 'A'

Commencing at the Southeast Corner of Government Lot 2, Section 5, Township 45 South, Range 21 East, North Captiva Island, Lee County, Florida; Thence N 8° 40' 00" E 330.15 feet along the East line of said Government Lot 2; Thence N 81° 20' 00" West 151.00 feet along the South Line of Lot 2, North End of Captiva Island (Platbook 1, Page 61) to the POINT OF BEGINNING; Thence continue N 81° 20' 00" W 319.00 feet; Thence N 8° 40' 00" E 125.00 feet; Thence S 81° 20' 00" E 5.00 feet; Thence N 8° 40' 00" E 96.70 feet; thence S 80° 37' 52" E 310.23 feet; Thence S 4° 27' 55" W 107.30 feet; Thence S 12° 29' 25" W 61.02 feet; Thence S 8° 40' 00" W 50.00 feet, to the POINT OF BEGINNING Containing 1.59 acres more or less.

Subject to Easements, Restrictions & Reservations of Record.

EXHIBIT B

DESCRIPTION: PARCEL 'B'

Commencing at the Southeast Corner of Government Lot 2, Section 5, Township 45 South, Range 21 East, North Captiva Island, Lee County, Florida; Thence N 8° 40' 00" E 330.15 feet along the East line of Said Government Lot 2; Thence N 81° 20' 00" W 470.00 feet along the South Line of Lot 2, NORTH END OF CAPTIVA ISLAND (Platbook 1, Page 61); Thence N 8° 40' 00" E 125.00 feet, Thence S 81° 20' 00" E 5.00 feet; Thence N 8° 40' 00" E 96.70 feet to the POINT OF BEGINNING; Thence continueing N 8° 40' 00" E 223.51 feet, to a point 50.0 feet normally distance Southerly of the South Line of SAFETY HARBOR CLUB. (Platbook 34, Page 32); Thence S 81° 20' 00" E 215.00 feet, parallel to said South Line; Thence S 63° 10' 58" E 74.51 feet along the South Line of a 6 foot walkway Easement; Thence S 11° 59' 13" W, 104.29 feet; Thence N 80° 37' 52" W 7.48 feet; Thence S 44° 54' 22" W 122.41 feet; Thence N 80° 37' 52" W 199.93 feet, to the POINT OF BEGINNING.

Subject to Easements, Restrictions & Reservations of Record.

WASTERWATER TREATMENT SYSTEM ANALYSIS

For

Grady's Lodge

Upper Captiva Island
Lee County, Florida

Prepared by

Sanibel Surveys, Inc
2410 Palm Ridge Road
Sanibel, Florida 33957

James H. Strothers, PE
FL PE Number 42292

File: 03-077

Date: February 23, 2004

J H Strothers
5-13-04

APPLICANT'S EXHIBIT
#12
DCI2003-00080

Introduction

The purpose of this report is to develop a Wastewater Treatment System for the proposed Grady's Lodge. Grady's Lodge is a proposed Commercial Planned Development located on Upper Captiva Island, Lee County, Florida.

The proposed uses of this project include the following:

- Hotel/Motel
- Main Lodge Building housing Administration Office, Store and Restaurant
- Pool Bar
- Caretaker Residence
- Recreational Facilities

Site Data

The proposed development consists of two parcels. Based upon the survey of the site the total combined area consists of 78,331 square feet or 1.80 acres. The topography of the site ranges from elevation 3.6 to elevation 9.0 in the area of the proposed lodge. The slope of the tract is in the general Northeast to Southwesterly direction.

Based upon the Soil Survey for Lee County the soils present on the site are of the Wulfurt-Kesson-Captiva series.

The proposed project will be served by an existing public water well.

Authorized Sewage Flow

Computations have been made to determine the maximum daily sewage flow allowed for the project based upon current State of Florida Department of Health regulations.

As stated previously the total project area consists of 78,331 square feet. Within the property boundaries are shell and dirt paths. The area of these paths was deducted from the total site area to determine the net lot area for the calculation of the allowable daily flow. Based upon the regulations a maximum daily flow of 2500 gallons per acre is allowed if the site is served by a public drinking water well. The following calculations indicate a maximum daily sewage flow of 3850 gallons per day would be allowed for this site.

Calculations

Gross site area	=	78,331 SF
Shell and dirt paths	=	11,255 SF
Net site area	=	67,076 SF
	=	1.54 Acres
Maximum daily flow	=	
1.54 Acre x 2500 GPD	=	3850 Gallons per Day

Projected Sewage Flow

As mentioned in the introduction the proposed project includes multiple uses. The regulations list various flow rates to be used in estimating the sewage flows for the system design. Based upon the regulations and proposed uses the following calculations provide a projected daily sewage flow of 3620 gallons per day.

Calculations

Commercial Use

Hotel/Motel

Flow rate:

(a) regular per room = 100 GPD

Projected flow:

5 – One room units @ 100 GPD	=	500 GPD
5 – Two room units @ 200 GPD	=	1000 GPD
1 – Caretaker unit @ 200 GPD	=	200 GPD

Food Operation

Flow rate:

(a) Restaurant operating 16 hours or less per day per seat = 40 GPD

(e) Bar and lounge per seat = 20 GPD

Projected flow:

30 seat facility @ 40 GPD	=	1200 GPD
6 seat pool bar @ 20 GPD	=	120 GPD

Main Lodge Building

Flow rate:

Stores per bathroom = 200 GPD

Projected flow:

2 – public bathrooms (inside) @ 200 GPD	=	400 GPD
1 – unisex bathroom (outside) @ 200 GPD	=	200 GPD

Total Estimated Daily Sewage Flow = 3620 GPD

Summary

In summary it has been found that the estimated daily sewage flow for this project is 3620 gallons per day. This figure is 230 gallons less than the allowable daily sewage flow calculated for this site. It should be noted the restaurant and pool bar flows are conservative. It is also felt that the flow rate of 3620 gallons per day is also a conservative number due to the fact many of the projected flows would be over-lapping uses due to the nature of this project.

ADDITIONAL CONDITIONS

1. The developer must prove that the project will be served by an adequate water supply prior to any development order approvals.

2. Amend 6(b) to prohibit background music outdoors after 6:00 p.m.

3. Golf cart batteries may not be stored outdoors.

4. The exact location of building footprints, accessory uses, septic drainfields, driveways, and golf cart parking areas will be adjusted as necessary to avoid the unnecessary destruction of indigenous vegetation. No indigenous vegetation will be removed outside of these designated areas.

5. The developer will make an annual contribution of $4,000 to the North Captiva Road Commission to offset any additional impacts to the road system as long as the Commission continues to solicit and use funds to improve the roads on North Captiva.

JAMES H. STROTHERS, P.E., P.L.S.
Professional Engineer and Professional Land Surveyor

PROFESSIONAL REGISTRATION

- Professional Engineer
  - Pennsylvania and Florida
- Professional Land Surveyor
  - Pennsylvania, New Jersey and Delaware

PROFESSIONAL EDUCATION

- Temple University

PROFESSIONAL EXPERIENCE

- Sanibel Surveys, Inc.
  Sanibel, Florida
  - 2000 – Present
  - Professional Engineer responsible for civil engineering projects contracted by the firm.

- James H. Strothers Associates / Strothers Associates, Inc.
  Sellersville, Pennsylvania
  - 1974 – 1996 (retired from firm)
  - Principal Engineer and Surveyor of firm
  - Responsible for all activities of the firm. Since the formation of the firm in 1974, the firm has completed numerous projects of various sizes and types.

- John A. Berger Associates Inc.
  Horsham, Pennsylvania
  - 1968 – 1974
  - Party Chief, Designer, Chief of Survey
  - Responsible of supervising the field crews of the firm, office design and calculations, preparation of subdivision plans. Also headed the entire surveying operation of the firm.

- Pennsylvania General State Authority
  Philadelphia, Pennsylvania
  - 1968
  - Associate Inspector
  - Performed inspections of concrete and masonary construction

PROFESSIONAL ORGANIZATIONS

- Member
  - Pennsylvania Society of Professional Engineers
  - Pennsylvania Society of Professional Land Surveys
  - National Society of Professional Engineers

LEE COUNTY
COMMUNITY DEVELOPMENT

RECEIVED
MAY 1 1 2004
COMMUNITY DEVELOPMENT
REC'D SECOND FLOOR

IN RE: **APPLICATION OF GRAYDON W. SCOTT**
GRADY'S LODGE
STRAP NO. 05-45-21-16-00000.0480

CASE NO. **DCI 2003-00080**

NOTICE OF APPEARANCE

The undersigned hereby gives notice that he will be appearing on behalf of Bernard S. Frey in opposition to the above-captioned application.

GOLDSTEIN, BUCKLEY,
CECHMAN, RICE & PURTZ, P.A.
Attorneys for Bernard S. Frey
P. O. Box 2366
Fort Myers, Florida 33902
(239) 334-1146

Dated: 5-11-04

By: _____
MICHAEL J. CICCARONE
Florida Bar No. 437646

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing Notice of Appearance on Ralf Brookes, Esq., via fax number 239-945-8480, and to Matthew D. Uhle, Esq., via fax number 239-3341446, this 11th day of May 2004.

_____
Michael J. Ciccarone

IN RE: Grady's Lodge; Applicant Graydon W. Scott

CASE NUMBER: DCI 2003-00080

_____/

NOTICE OF APPEARANCE

The undersigned files this Notice of Appearance on behalf of the following individuals, who live adjacent to or in the vicinity of the proposed rezoning and residential development, in the hearing in the above referenced action:

MIKE RAPP & SARAH RAPP, 546 Longboat Circle, N. Captiva, Fl 33924

Objectors, under Chapter 119, Florida Statutes, and constitutional procedural due process right to notice and an opportunity to be heard, and to present and cross examine sworn witnesses under oath, hereby requests timely service of copies of any further action, submittals or notices provided in this case.

Respectfully submitted,

Ralf Brookes, Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above has been furnished by hand delivery to HEARING EXAMINER, 1500 Monroe Street, 2nd Floor and Lee County, 1500 Monroe Street, Fort Myers, Florida 33901 on this 22st day of April, 2004.

RALF BROOKES, ATTORNEY
Florida Bar No. 0778362
1217 East Cape Coral Parkway
#107
Cape Coral, Florida 33904
Telephone: (239) 910-5464
Facsimile: (239) 541-2774
Ralf@RalfBrookesAttorney.com

IN RE: Grady's Lodge; Applicant Graydon W. Scott

CASE NUMBER: DCI 2003-00080

_____/

NOTICE OF APPEARANCE

The undersigned files this Notice of Appearance on behalf of the following individuals, who live adjacent to or in the vicinity of the proposed rezoning and residential development, in the hearing in the above referenced action:

Rosella Pauland
Henry Paul, 540 Longboat Circle, N. Captiva FL 33924

Objectors, under Chapter 119, Florida Statutes, and constitutional procedural due process right to notice and an opportunity to be heard, and to present and cross examine sworn witnesses under oath, hereby requests timely service of copies of any further action, submittals or notices provided in this case.

Respectfully submitted,

Ralf Brookes, Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above has been furnished by hand delivery to HEARING EXAMINER, 1500 Monroe Street, 2nd Floor and Lee County, 1500 Monroe Street, Fort Myers, Florida 33901 on this 22st day of April, 2004.

RALF BROOKES, ATTORNEY
Florida Bar No. 0778362
1217 East Cape Coral Parkway
#107
Cape Coral, Florida 33904
Telephone: (239) 910-5464
Facsimile: (239) 541-2774
Ralf@RalfBrookesAttorney.com

To zone file

MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
ZONING DIVISION

DATE: April 21, 2004 BJK

TO: Hearing Examiner

FROM: Bryan Kelner
Principal Planner

RE: Graydon W. Scott in reg to Grady's Lodge
Case #DCI2003-00080
Letters/faxes/e-mails

Please find attached letters/faxes/e-mails staff has received from the Upper Captiiva Fire Protection and Rescue District and the public regarding the above noted case. Copies of these letters/faxes/e-mails have been forwarded to the applicant.

The letters/faxes/e-mails are from the following individuals:

1. Richard Pepper, Fire Chief, Upper Captiiva Fire Protection and Rescue District
2. Jim Moore
3. John Chipman
4. Don and Katie Tant
5. Ms. Mitra Bakhtian
6. Mr. William Powell
7. Dion Deloof
8. Bernie Fray
9. Mike and Sarah Rapp
10. Bill York

cc: Joan Henry
Robert Hutcherson
Zoning/DCI file

U:\200404\DCI20030.008\0\LETTERSE-MAILS.WPD
BJK

Upper Captiva Fire & Rescue District

P.O. Box 322 Pineland, FL 33945

Phone: 941-472-8899 • Fax: 941-472-1582 • E-Mail: uppercapfd@aol.com

TO: Bryan Kelner, Principal Planner
Pam Houck, Planner
Lee County Division of Zoning

FROM: Richard Pepper, Fire Chief RP
Upper Captiva Fire Department

RE: Plans for Grady's Lodge - Incinerator.

Per our phone conversation today, I am faxing attached letter regarding solid waste removal from Upper Captiva Island stating our opposition to any additional incinerators on the island.

Upper Captiva Fire & Rescue District
P.O. Box 322 Pineland, FL 33945
Phone: 941-472-8899 • Fax: 941-472-1582 • E-Mail: uppercapid@aol.com

August 1, 2001

To: The Honorable Robert Janes,
Lee County Commissioner,
District One.

Re: Solid Waste Removal.

Dear Sir:

On July 27th 2001, the Upper Captiva Fire Board of Commissioners, voted unanimously to be on record with Lee County government, that we are in opposition to increased incineration on Upper Captiva Island.

The Fire District feels that it is inappropriate to expose our residents and guests, to any situation that elevates the potential for disaster. We implore Lee County government to seek a less hazardous option to this evolving situation.

Sincerely,

William Holzapfel,
Vice President

CC/ Commissioners Districts two, three, four & five.
Lindsey Sampson, Director of Soiled Waste, Lee County

Bryan Kelner - Project: Grady's Lodge, North Captiva

From: "tctc.com" <captiva@tctc.com>
To: <KELNERBJ@leegov.com>
Date: 03/27/2004 4:14 PM
Subject: Project: Grady's Lodge, North Captiva

Dear Sir:

RE: Project number: DC12003-00080

I would urge you to look favorably on this project and to proceed will all due haste in its approval.

We have long needed short term rentals on our island; our only options have been to rent a whole house for large sums of money. We desperately need short term accomodations.

The property in question is nicely suited for this enterprise.

Graydon Scott has been a businessman on our island for many years and has shown himself to be capable and honest.

I have been a resident on North Captiva for 25 years; I was here prior to electricity and telephone, and I have seen many changes. One of these changes is the influx of traffic, both business and pleasure. Grady's Resort will be a welcome addition, and fill a void in our services.

Regards,

Jim Moore (239) 472 1391

Bryan Kelner - Grady's Lodge, on North Captiva

From: john chipman <jpchipman@comcast.net>
To: <kelnerbj@leegov.com>
Date: 04/17/2004 8:48 PM
Subject: Grady's Lodge, on North Captiva

Dear Mr Kelner

I have received a letter from Mitra Bakhtian outlining a series of questions about the proposed plans for Grady's Lodge.

I am a homeowner on Captiva, coming here for the winter months for the past five years. I have invested in three lots on North Captiva since coming here. I am a Landscape Architect and a serious environmentalist against the typical excesses of many commercial projects that create Urban sprawl and destroy the habitat and environment.

However, in reviewing the plans for Grady's Lodge, I don't find any of Ms Bakhtian's concerns pertinent to this project. As I understand it, this project has a density of less than half of what had been allowed on the previous zoning plan, which has been in effect since the mid '60s. So, if anything, it is a Godsend to the Island that we will have a few fishermen's cabins, a new Restaurant and General Store, all of which should be a positive addition to the entire community, rather than a commercial area at twice the density.

Since I'm a newcomer here I haven't known Mr Scott for a long time, but I have used his services in purchasing some Real Estate, and before I hired him I made several inquiries. Everyone I spoke with recommended him as a capable honest person that you could trust and depend on. Over the past five years I have found that to be true.

I have reviewed the plans for this project and from my viewpoint, I feel they are architecturally right for the Island, inasmuch as they reflect the nostalgia of "Old Florida" rather than a "plastic" contemporary style.

Altogether, as a property owner on North Captiva I believe this project will be a big improvement and a long term Asset to the community. I hope you approve it without delay.

Sincerely

John Chipman

box 455 Captiva
33924
239 395 3033

Bryan Kelner - Grady's Lodge - Project #: DCI2003-00080

From: <Sixtyminuteclean@aol.com>
To: <kelnerbj@leegov.com>
Date: 04/19/2004 1:45 PM
Subject: Grady's Lodge - Project #: DCI2003-00080

BJ Kelner-

Please find attached letter in reference to Grady's Lodge.

Thank you.

April 18, 2004

To: BJ Kelner
E-mail: kelnerbj@leegov.com
From: Don and Katie Tant
Re: Project: Grady's Lodge Project Number: DCI2003-00080

Dear Mr. Kelner-

We are writing on the behalf of Graydon W. Scott (Grady) and his upcoming project, Grady's Lodge.

We have known Grady throughout the 25 years we've been North Captiva Island residents, he has always upheld a high level of quality and taste in all his endeavors. We are sure Grady's architectural style will add to the old Florida charm of the island and should have no negative impact on the area's naturalist appeal. Furthermore, We do not see this new establishment being an infringement on our property, we are direct neighbors to the proposed site. Considering the number of single family rentals with 3-day to one-week visits, Grady's Lodge should have little or no impact on island usage.

We know this project will be received well by those who live on North Captiva Island. This project's additional services and amenities are not only needed, but will improve the level of enjoyment by all who patronize island businesses. Grady's Lodge will de-monopolize the lodging and public services of the island, and help create a rural island community with a landmark establishment that will be visited for years to come.

If you have any questions regarding this matter, please call us at 60 Minute Cleaners (239) 936-1636.

Sincerely,

Don and Katie Tant

Don Tant

Katie Tant

Bryan Kelner - Grady's Lodge Rezoning request

From: Mitra Bakhtian <MBakhtian@viprealty.com>
To: <kelnerbj@leegov.com>
Date: 04/14/2004 9:05 AM
Subject: Grady's Lodge Rezoning request
CC: <mbakhtian@viprealty.com>

Hi Mr. Kelner, Here are some questions that need to be addressed when permitting a rezoning that will create 15 more families and guests impacting this island. At only half built out (300+lots built of the 600+ buildable lots), we will have to look into the possibility that the owners of the remaining lots will exercise their building rights and will potentially build on those lots. If 15 more families and guests are added to the anticipated population, the following impacts need to be considered on this island's infrastructure. • The amount of garbage that renters generate will expound our present problems of delayed garbage removal and the health issues involved. • A need to consider the limitations of our well water system. With more than 300+ homes still to be developed, can we risk over-burdening the aquifer even more? Also, codes limit the maximum of 2 units per well system. If the number of units exceed 2 there would be a requirement of special permits and licensing to test and keep records monthly. Would that be enforced on this island? • Army Corps of Engineers (only involved when there are wetlands) or any other knowledgeable agency needs to do an overall study and projection for this island's septic and well systems to know when we would reach our capacity, if we haven't already. • Renters and the services they require heavily impact our roads. Property owners are now being assessed for the upkeep fees rather than the rental companies. • Beach access for these renters. Already properties that are private are being trespassed and parked on to get to the beach. The only public access is at the State line on the South end which would be inconvenient and couldn't accommodate the projected visitors' carts. • Visitors don't know the rules about not driving carts onto the dunes and over the grasses. There has been destruction to some of the vegetation and the dunes because of this in the past. • Garbage, abandoned rusty furniture and cigarette butts strewn on the beaches are mostly from the guests who don't have any sense of pride for keeping this island pristine. Will that be left to us to keep maintaining? • Furniture brought and left out on the beach, especially during turtle season, is the result of uninformed visitors and the inattentive rental agencies. • Water shed from the impervious surfaces created by this size structure will be a real problem. When clearing property for construction, you are removing nature's solution to flooding. Although the Dept. of Environmental Sciences will require the builder to 'successfully' transplant and maintain the protected vegetation for one year, there has been no enforcement in the past. Again, due to the remoteness of this island, the county has not followed through on their assurances to protect the vegetation that they promised and these vegetation have mostly been lost. WHAT IS THE COUNTY'S AND THE APPLICANT'S SOLUTION TO THESE PROBLEMS AND WHO WILL ENFORCE THEM? Thank you for your efforts. Mitra Bakhtian Property owner on Upper Captiva (You requested that I quickly get the objections to you, so I'm emailing these as well as sending them to you via US mail.)

William & Kathrynne Powell
4430 Schooner Drive
North Captiva, Florida 33924
239-395-2700

RECEIVED
APR 2 0 2004
ZONING

April 15, 2004

Mr. Brian Kelner
Lee Co. Division of Zoning
Dept. of Community Development
1500 Monroe St.
Ft. Myers, Fl. 33901

REF: CASE NO. DCI2003-00080
CASE NAME: Grady's Lodge
Upper Captiva Island

Dear Mr. Kelner

Pursuant to our conversation regarding the above referenced Case and relevant Case Number I would like to confirm some of the points of our conversation.

Upper Captiva Island is a small pristine Island, wherein a good portion of which is set aside as a Florida State Sanctuary. There approximately 300 homes with about the same number of buildable lots still available. In addition there are several small clubs with related convenience stores and two restaurants that meet the needs of the residents and the visiting tourists who arrive by small ferry or boat.

All homes have individual septic systems for waste disposal and potable water is secured by each property owner's individual well which is fed by an underground aquifer. While orderly growth is the preferred and generally accepted practice in most County's and Municipalities it is well recognized that continued growth, and in some cases overbuilding, has a direct impact on underground wells, and their respective aquifers as well as the ability of existing septic systems to function properly.

Having said this, there are very deep concerns with the above application some of which are as follows:

1. A development of this size on such a small island detracts from the natural Island scenic resources and does not preserve the ecological integrity of the surface and subsurface waters. If rezoning is permitted it will most assuredly have a negative impact on both the wells and septic systems of the adjacent and surrounding home owners. Given the minimal front and side yard

setbacks that the County requires, homes are already being built literally on top of one another, giving little room for septic dispersals and well water recharge. Additionally their will be further degradation to our primitive road system as well as impacting the limited resources of our small Fire Department

2. The sheer magnitude of the development, as requested in the application for rezoning is totally out of character and inconsistent with the densities and intensities of the adjacent and surrounding properties and any approval will result in the immediate reduction of the value of these properties.

3. North Captiva residents pay the same tax rates as our fellow citizens on the mainland though our homes are appraised at much higher values (therefore higher taxes) than they would be if located on the mainland. We don't however enjoy the same County and State services with regard to road maintenance and garbage removal. As of today the roads are in poor condition and a collection is being taken up by the homeowners to provide funds for the grading of all the roads. The normal trash pickups at residences have been spaced out for longer periods to compensate for the increasing amounts of trash that needs to be barged from the Island and disposed of. As a result additional storage bins at the residences are required to adequately store the trash in addition to securing it from the animal and rodent population. Taking care of these services and their obvious financial burdens is left up to the Island residents to cope with and pay for. People who live on this Island have a vested interest in keeping it in a clean and pristine condition, for it is the very heart of the reason why they moved here. Those that frequent the proposed development will substantially add to these already difficult road and garbage conditions and burden the residents even further without any recourse.

4. In short this Island does not have the infrastructure to support this kind of development. It is a known fact that tourists on vacation will produce more waste, use more water, and not have the same respect for the environmental aspects as long term residents would and in fact do. The applicant is well aware of this situation which is why the original application included a request for an outdoor incinerator. While it is my understanding that the request for an incinerator was subsequently withdrawn, for sound safety reasons, no further remedies were provided by the applicant.

5. I recognize that a landowner, who has been paying taxes, has a certain right to develop his property. In this case the developer purchased the property with the full knowledge that it was zoned (C-1) commercial. If the developer wishes to develop the property using the current (C-1) zoning criteria which limits the number of units to a more reasonable level, then let him apply for it. Hopefully his preliminary site plan and planned structure will be consistent with the existing character of the surrounding community as well as meet all the State and Municipal ordinances and codes.

6. **There is no hardship that the developer has indicated as a reason or basis for rezoning this parcel and if so the first criteria for any approval should be for the applicant to show that the change would be for the public good. The only reason for this application, and request for approval seems to be to get a higher density on the property so as to increase the return on the applicant's investment. In short to make more money while increasing the negative impact to the adjacent and surrounding homeowners.**

7. **The amount of the financial gain, whether more or less, by the applicant should not be the basis or consideration for approving a change of zoning**

8. **In summary there should be no basis for a zoning change unless it can be shown by the applicant to benefit the public good. In this case it does not and is in fact a detriment to the public who would be directly affected.**

I look forward to discussing this application further during the April 22 scheduled hearing.

Respectfully yours,

William Powell

Anteogroup.

Hearing date: April 22, 2004 at 1:00 pm
1500 Monroe St.
Ft. Myers, Fl. 33901

Questions and comments: Brian Kelner
Lee Co. Division of Zoning
Dept. of Community Development
1500 Monroe St.
Ft. Myers, Fl. 33901
239-479-8363

4-14-04

Dear Mr. Kelner,

I own a home on North Captiva Island at 541 Gulf Lane. I am writing as I will be unable to be present at the hearing regarding the zoning approval of a "lodge" on North Captiva Island. I wish to oppose the proposal to approve a multi resident property.

The primary reasons being:

1. This property would be unlike any other current built on the island. All of the homes on the island are single family residences and this structure would destroy what makes this island special. It would be completely out of character with what is presently built on the island.
2. We currently have a severe problem dealing with the garbage generated. This problem will only increase as additional homes are built. Adding a multi residence property would only exacerbate the problem at an increasing rate by having more residents per property than currently anticipated.
3. Approving a multi-family property increases the use of the limited water supply on the island. While approximately 300 lots are not built on yet on the island, at the current development rate these will be water users in a relatively short amount of time I believe. If multi-family properties were approved, the demand on the water supply will increase dramatically.

Overall, approving a multi family residence would set a bad precedence for the island given the limited resources available and would be out of character with all other structures currently built.

Thank you very much,

Dion DeLoof

1372 Peachtree Street • Suite 201 • Midtown • Atlanta, Georgia 30309
Phone 404.897.5152 • Fax 404.897.1960 • www.anteogroup.com

Bryan Kelner - Attached letter regarding Case DCI2003-00080 Grady's Lodge, Upper Captiva Island

From: <BFREYX@aol.com>
To: <kelnerbj@leegov.com>, <kelnerbj@leegov.org>
Date: 04/18/2004 6:10 PM
Subject: Attached letter regarding Case DCI2003-00080 Grady's Lodge, Upper Captiva Island
CC: <BFREYX@aol.com>

Dear Mr. Kelner:
Please see the attached letter. I have faxed it to you, but am emailing it as well, to assure you receive it in as timely a manner as possible.
Thanks very much.
Bernie Frey

April 18, 2004 ***VIA FAX***

Mr. Brian Kelner
Lee County Division of Zoning
Dept. of Community Development
1500 Monroe Street
Ft. Myers, FL 33901

Dear Mr. Kelner:

This letter is regarding **Case Number DCI2003-00080, Case Name Grady's Lodge – Upper Captiva Island.**

As a homeowner whose property is located within 500 feet of the proposed site of Grady's lodge, I am seen as potentially affected, and therefore entitled to provide input. Given the unique and delicate nature of North Captiva Island, however, I assure you that the negative effects of the construction of this lodge will reach well beyond nearby property owners. In fact, most island residents will be negatively impacted.

I understand you have received other letters, and so won't go into a level of zoning and environmental detail, to which I am sure you have already been exposed. Please allow me to add a few items of concern to the growing list. Some may be new to the list. Others may be repetitious, but only because they are of such grave concern. Most comments are about quality of life for island residents, and environmental concerns. I leave the technicalities of zoning issues to those more knowledgeable than myself.

-North Captiva Island is a secluded, quiet, wildlife-oriented place. The average Florida weekend hotel/motel visitor tends to be more interested in the party scene, which is definitely in contradiction to what has drawn the island residents to invest so much in the place. Residents want to avoid exactly what Grady's Lodge will bring to the island. That is why we chose North Captiva, instead of Sanibel, or Captiva Island. This Lodge will change the personality of our Island. It is not in the best interests of the residents.

-The island has no local law enforcement. As it is, this has been unnecessary. If a hotel with a bar is constructed, the density and make up of our visitors will change. Our small, unlit and un-policed sand roads will become more dangerous at night. And the very special sense of safety that residents have when our small children roam free will go away forever.

-A second club, with commercial activities, is already planned for the island. This must be taken into account when one ponders just how much stress this delicate barrier island can stand. This second club, however, is for island residents to join and use. It adds value and convenience for residents who choose to use it. Grady's lodge offers no such value to residents. It benefits only its commercial owner, at the expense of the rest of the island residents.

-Many of the houses on the island are offered for rent. There is no shortage of affordable rental opportunities for anyone what wants to visit North Captiva.

-Houses are already fairly close together, and well capacity is a real concern.

-I am not sure if the canal running from safety harbor past the property is a manitee protection area. I do know that manitees regularly swim up and down that canal, and would hope that consideration would be given to this endangered species before giving the go ahead for a zoning change that will increase population density and dangers to the manitees.

-Island residents are encouraged to keep night lighting to a minimum, to protect endangered sea turtle hatchlings. A high density area of 35 foot buildings, occupied by short term uninformed tenants, will assuredly increase the ambient light that further endangers this species.

Thank you for considering these points. I realize they do not concentrate on the legal aspects of this case. But this case is as much about protecting a delicate environment, and special quality of life, as it is about the legalities of zoning. Anyone who has visited North Captiva knows the island is truly a very special place. It must be protected from the irreversible damage that commercial development will cause.

There are precious few such unspoiled areas left in Florida. The owner of the lot in question knew this when buying the lot. Let him abide by the intent of the original zoning, which is to limit commercial growth on this delicate island, so that residents and visitors alike can continue to enjoy its unique serenity.

Again, thanks for your consideration.

Sincerely,

Bernard S. Frey
523 Longboat Circle
North Captiva, FL 33924

Cell phone 978 764-6880

Mike & Sarah Rapp
546 Longboat Circle
North Captiva, Florida 33924
239-472-0276

April 19, 2004

Mr. Brian Kelner
Lee Co. Division of Zoning
Dept. of Community Development
1500 Monroe St.
Ft. Myers, Fl. 33901

REF: CASE NO. DCI2003-00080
CASE NAME: Grady's Lodge
Upper Captiva Island

Dear Mr. Kelner

I will be calling you regarding the above referenced Case and relevant Case Number.

My wife and I currently are homeowner's in close proximity to the above-referenced case. We are in disagreement with the change in zoning for this lot. The island is a residential single-family home development with the intent being to continue with that type of development versus a high-density development.

Upper Captiva Island is a small pristine Island, wherein a good portion of which is set-aside as a Florida State Sanctuary. There approximately 300 homes with about the same number of buildable lots still available. In addition there are several small clubs with related convenience stores and two restaurants that meet the needs of the residents and the visiting tourists who arrive by small ferry or boat. The island flavor is about single-family residential homes and not high-density units. The island is unique in this way and should be preserved as such.

All homes have individual septic systems for waste disposal and potable water is secured by each property owner's individual well that is fed by an underground aquifer. While orderly growth is the preferred and generally accepted practice in most County's and Municipalities it is well recognized that continued growth, and in some cases overbuilding, has a direct impact on underground wells, and their respective aquifers as well as the ability of existing septic systems to function properly.

Having said this, there are very deep concerns with the above application some of which are as follows:

1. **A development of this size on such a small island detracts from the natural Island scenic resources and does not preserve the ecological integrity of the surface and subsurface waters. If rezoning is permitted it will most assuredly have a negative impact on both the wells and septic systems of the adjacent and surrounding homeowners. Given the minimal front and side yard setbacks that the County requires, homes are already being built literally on top of one another, giving little room for septic dispersals and well water recharge. Additionally their will be further degradation to our primitive road system as well as impacting the limited resources of our small Fire Department**

2. **The sheer magnitude of the development, as requested in the application for rezoning is totally out of character and inconsistent with the densities and intensities of the adjacent and surrounding properties and any approval will result in the immediate reduction of the value of these properties.**

3. **North Captiva residents pay the same tax rates as our fellow citizens on the mainland though our homes are appraised at much higher values (therefore higher taxes) than they would be if located on the mainland. We don't however enjoy the same County and State services with regard to road maintenance and garbage removal. The report states that islands are <u>not expected to receive capital improvements in the planning horizon</u>. As of today the roads are in poor condition and a collection is being taken up by the homeowners to provide funds for the grading of all the roads. The normal trash pickups at residences have been spaced out for longer periods to compensate for the increasing amounts of trash that needs to be barged from the Island and disposed of. As a result additional storage bins at the residences are required to adequately store the trash in addition to securing it from the animal and rodent population. Taking care of these services and their obvious financial burdens is left up to the Island residents to cope with and pay for. People who live on this Island have a vested interest in keeping it in a clean and pristine condition, for it is the very heart of the reason why they moved here. Those that frequent the proposed development will substantially add to these already difficult road and garbage conditions and burden the residents even further without any recourse.**

4. **In short this Island does not have the infrastructure to support this kind of development. It is a known fact that tourists on vacation will produce more waste, use more water, and not have the same respect for the environmental aspects as long-term residents would and in fact do. The applicant is well aware of this situation, which is why the original application included a request for an outdoor incinerator. While it is the applicant provided my understanding that the request for an incinerator was subsequently withdrawn, for sound safety reasons, no further remedies are given.**

5. I recognize that a landowner, who has been paying taxes, has a certain right to develop his property. In this case the developer purchased the property with the full knowledge that it was zoned (C-1) commercial. If the developer wishes to develop the property using the current (C-1) zoning criteria that limits the number of units to a more reasonable level, then let him apply for it. Hopefully his preliminary site plan and planned structure will be consistent with the existing character of the surrounding community as well as meet all the State and Municipal ordinances and codes.

6. There is no hardship that the developer has indicated as a reason or basis for rezoning this parcel and if so the first criteria for any approval should be for the applicant to show that the change would be for the public good. The only reason for this application, and request for approval seems to be to get a higher density on the property so as to increase the return on the applicant's investment. In short to make more money while increasing the negative impact to the adjacent and surrounding homeowners.

7. The amount of the financial gain, whether more or less, by the applicant should not be the basis or consideration for approving a change of zoning!

8. Being in close proximity to the North Captiva Island Club has resulted in nights with significant noise from the club patrons and music levels. This is very disruptive to the quiet nights and attempting to enjoy a peaceful and serene location. Another establishment with higher density units means the plans will not lower the noise level but compound it. Many other commercial developments would not create this nighttime concern.

9. The island has limited public beach access with the current single family homes and high density units would add to the traffic and limited parking at the public beach access.

10. In summary there should be no basis for a zoning change unless it can be shown by the applicant to benefit the public good. In this case it does not and is in fact a detriment to the public who would be directly affected.

I and/or my attorney will look forward to discussing this application further during the April 22 scheduled hearing.

Respectfully yours,

Mike Rapp

Sarah Rapp

Mike & Sarah Rapp

Wm. York, L.L.C.

51 North Third Street, Suite 409
Newark, Ohio 43023
(740) 345-0400
(740) 345-0401 fax
byork@wmyork.com

Fax Transmittal Form

To: Bryan Kelner
Company:

Fax: (239) 499-8341

Date: 4-20-04

Total number of pages including cover: 2

Message:

From

Bill York

4/20/04
To: Bryan Kelner
From: Bill York
Re: North Captiva Re-zoning

Dear Bryan:

Thank you for your time and information this morning on the phone. As we discussed, I would like to make it known that I am not in favor of re-zoning that would increase the density on North Captiva:

1. I believe that increasing the density on North Captiva is a step in the wrong direction that diminishes the unique character of the island – that people are attracted to North Captiva because it is not crowded like Sanibel or Captiva.
2. I believe that it is important that everyone operates under the same fair set of rules and guidelines and that changing the rules at this point is unfair to existing property owners who made investments and operated within the rules.

Thank you for your time and attention.

Sincerely,

William E. York
101 Bedwen Bach Lane
Granville, Ohio 43023
(740) 345-0400

and

4611 Seaire Lane
North Captiva

To zone file

MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
ZONING DIVISION

DATE: April 21, 2004

TO: Hearing Examiner

FROM: Bryan Kelner
Principal Planner

RE: Graydon W. Scott in reg to Grady's Lodge
Case #DCI2003-00080

Please be advised that staff are recommending adding a condition to the staff report for the above mentioned project

PROPOSED CHANGE TO THE APRIL 7, 2004 STAFF REPORT, FOR THE ABOVE NOTED CASE.

The added condition is as follows:

Add condition II.A.12., as follows:

12. The 15 hotel/motel units cannot be outfitted with kitchens or cooking facilities.

cc: Joan Henry
Robert Hutcherson
Zoning/DCI file

To: zone file

MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
ZONING DIVISION

DATE: May 12, 2004

TO: Hearing Examiner

FROM: Bryan Kelner BJK
Principal Planner

RE: Graydon W. Scott in reg to Grady's Lodge
Case #DCI2003-00080
Letters/faxes/e-mails

Please find attached letters/faxes/e-mails staff has received from the public regarding the above noted case. Copies of these letters/faxes/e-mails have been forwarded to the applicant.

The letters/faxes/e-mails are from the following individuals:

1. John Bender
2. Marjorie and Ronald Montana
3. Richard and Sharon Craven
4. John and Maxine Otis
5. Paul R. Douglass, DVM
6. Henry Van Kesteren
7. Mary Lloyd McDonald
8. Christine Eisner
9. Gary Walker
10. Jim Schretter
11. John Paul Wayne
12. Howard Kulin

cc: Joan Henry
Robert Hutcherson
Zoning/DCI file

MEMORANDUM

FROM THE

DEPARTMENT OF COMMUNITY DEVELOPMENT

ZONING DIVISION

DATE: May 12, 2004

TO: Hearing Examiner

FROM: Bryan Kelner
Principal Planner

RE: Graydon W. Scott in reg to Grady's Lodge
Case #DCI2003-00080
Letters/faxes/e-mails

Please find attached letters/faxes/e-mails staff has received from the public regarding the above noted case. Copies of these letters/faxes/e-mails have been forwarded to the applicant.

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7. Mary Lloyd McDonald
8. Christine Eisner
9. Gary Walker
10. Jim Schretter
11. John Paul Wayne
12. Howard Kulin

cc: Joan Henry
Robert Hutcherson
Zoning/DCI file

Bryan Kelner - Grady's Lodge

From: <Drjwbmd@aol.com>
To: <kelnerbj@leegov.com>
Date: 05/11/2004 9:13 PM
Subject: Grady's Lodge

Dear Mr. Kelner:

I have just heard the news of the proposed Grady's Lodge on North Captiva. I own a home on North Captiva Island at 4561 Oyster Shell Drive. Although my home is not close to the proposed Grady's Lodge, I wanted to go on record that I am very opposed to this project. It will have a very negative impact on the character of the island. There will be too many people in too small an area on the island. I wish I could come to a meeting and voice my opposition. Please let me know if there is anything else that I can do to stop this proposal. Thank you. John Bender MD

Bryan Kelner - (no subject)

From: <MONTANADDS@aol.com>
To: <kelnerbj@leegov.com>
Date: 05/11/2004 11:50 PM
Subject: (no subject)
CC: <Northcaptivainc@aol.com>

Dear Mr.Kelner, It is my intention to completely endorse the project known as "GRADY'S lodge".North Captiva currently posseses no short term rental situation for such venues as 1 -3 day conferences,meetings, or family gatherings such as weddings and reunions.My wife and I have known Graydon Scott for 20 years.In fact he was a chef and was employed by him 10 years ago. while working at "GRADYS RESTAURANT" Everything that MR.Scott has put forth has been accomplished in a tasteful and sensitive fashion for the 20 years we have known him. His experience on North Captiva, Captiva and Sanibel islands has only been positive for our precious environment and the people who choose to come to such a remte location.Mr.Scott is a very experienced builder and restauranteur.He Is also a very ethical realtor.We have referred many of our friends to him, and all were very pleased. Given the chance, you will find him to be of the highest ehical and moral character.{much more than the current crop of realtors who overload rental houses,and our water septic resources. We believe that Graydon Scoyy should be allowed to go forth with "Grads Lodge". Very truly yours, Marjorie and Ronald Montana

Bryan Kelner

From: Sharon Craven <mimi1@direcway.com>
To: <kelnerbj@leegov.com>
Date: 05/11/2004 10:37 AM

Dear Sirs:

We support the "Grady's Lodge" project proposed by Graydon Scott on North Captiva Island. Having just met Grady recently, we appreciate his enthusiasm for the project & his love of the island.

We have been full time island residents for over 4 years.. We also own a rental property near our home. It is our opinion that the proposed lodge will provide services & opportunities for current residents and potential visitors.

Thank you,

Richard & Sharon Craven

From: <JOtis12529@aol.com>
To: <kelnerbj@leegov.com>
Date: 05/11/2004 7:25 AM
Subject: Grady's Resort: Upper Captiva Island

Mr. B. J. kelner
Lee County Heraring Examiner
Attn: Salvatore Territo

Dear Mr. Kelner

We approve of Mr. Grady's proposed resort project on Upper Captiva Island. We have been home owners on the island since l997.

John and Maxine Otis
4550 Oro Pesos Lane
Upper Captiva Island, FL

From: "Paul Douglass" <Douglasshsd@earthlink.net>
To: "B. J. Kelner" <Kelnerbj@leegov.com>
Date: 05/10/2004 4:33 PM
Subject: Case DC12003-00080, Grady's Lodge

Dear Mr. Kelner:

I am writing on behalf of Graydon W. Scott (Grady) and his proposed project, Grady's Lodge.

I have owned property on North Captiva island for twenty four years, and have become well acquainted with Grady over the years. My property, including a new house, is immediately adjacent to the East side of the subject property.

Over the years I have had the opportunity to observe many changes to the island. I was very happy to see that Grady is proposing a development consisting of low key, island style structures, that will fit in with and enhance the ambiance of the island. As an adjacent property owner, I have no objections to the proposed project, and know that Grady will develop and manage the property in a manner that will not be a detriment to the immediate neighbors or the island in general.

Sincerely,
Paul R. Douglass, DVM

From: <N777VK@aol.com>
To: <kelnerbj@leegov.com>
Date: 05/10/2004 10:37 AM
Subject: Project Number DC12003-00080

To: BJ Kelner
Email: kelnerbj@leegov.com
From: Henry Van Kesteren
Re: Grady's Lodge Project Number DC12003-00080

In 1990, my wife Ginny and I built a family vacation home at North Captiva Island - 4330 Seair Lane adjoining the airport. The airport allowed us to enjoy hundreds of visits to the Island with our family over the past 14 years. The trip from our home in St. Petersburg usually takes 30 minutes.

Because we are not full time residents, some problems that arise are difficult for us to attend to in person. Of all our many island friends, Grady is the one we can always count on. His cheerful manner and ability to get things done always impress us, especially his fairness and honesty.
We think his proposed lodge would be an asset to the Island. Please consider this letter a yes vote for its approval.

Sincerely,
Henry Van Kesteren
One Beach Drive SE #2706
St. Petersburg, FL 33701
727-822-3429
N777VK@aol.com

Bryan Kelner - Re: Grady's Lodge

From: "Mary Lloyd" <mlm6@earthlink.net>
To: "Bryan Kelner" <KELNERBJ@leegov.com>
Date: 05/05/2004 8:43 AM
Subject: Re: Grady's Lodge

Good morning Mr. Kelner. Unfortunately I will be out of town at the time of Grady's hearing which is why I felt moved to express my opinion in writing. Whether or not my words will legally do any good I am not aware. I would just like you to know that indeed I, as a full time resident on Upper Cap, join others to support his request.
Thank you for your consideration.
Mary Lloyd McDonald
----- Original Message -----
From: "Bryan Kelner" <KELNERBJ@leegov.com>
To: <mlm6@earthlink.net>
Sent: Wednesday, May 05, 2004 7:45 AM
Subject: Re: Grady's Lodge

Thank you for your comments.

Please note that Grady's Lodge, DCI2003-00080, has been continued by the Hearing Examiner to May 14, 2004. In order to preserve your right to speak before the Board of County Commissioner's, you must go on record and speak at the continued hearing before the Hearing Examiner scheduled for Friday, May 14, 2004 at 10:00 a.m.

The location is 1500 Monroe Street, City of Fort Myers, FL.

>>> "Mary Lloyd" <mlm6@earthlink.net> 05/04/04 09:11PM >>>

May 5, 2004

To: B. J. Kelner
Email: kelnerbj@leegov.com
From: Mary Lloyd McDonald
Re: Grady's Lodge # DCI2003-00080

Dear Mr. Kelner,

Please accept this letter as expressing my support for Grady's Lodge. Having known Grady for a number of years, both personally and professionally, I have no doubt that he will establish and run his business with the highest regard to the overall nature of Upper Captiva Island.

The architectural style he has chosen for his buildings is, in my opinion, much more in the style of "old Florida" than are the huge houses presently being built on the island and will thus be much more pleasing.

This island is Grady's home. As long as I have known him this lodge has been his dream. I am confident that he cares deeply for the welfare and the future of Upper Captiva and would never consider compromising his feelings.

In a place where prices can be easily inflated, additional competition is vital to maintaining a fair market. I know that Grady is in tune with this philosophy, as he has so clearly shown in the past.

Please seriously consider approving Grady's plans. The Lodge will definitely be an addition our island.

Thank you,

Sincerely,

Mary Lloyd McDonald
120 Swallow Dr.
Upper Captiva, FL 33924

From: "Christine Eisner" <c.eisner@comcast.net>
To: <kelnerbj@leegov.com>
Date: 04/22/2004 10:26 AM
Subject: FW: Grady's Lodge Rezoning request

From:
Christine and Dean Eisner
770 Gulf Lane (and contract pending on adjacent land)
North, Captiva Island
tel: 239-472-0660 or 404/365-8026
e-mail: c.eisner@comcast.net, dean.eisner@cox.com

*sent on 1/22 at 10:25 am

Mr. Brian Kelner
Lee Co. Division of Zoning
Dept. of Community Development
1500 Monroe St.
Ft. Myers, Fl. 33901

REF: CASE NO. DCI2003-00080
CASE NAME: Grady's Lodge, Upper Captiva Island

Dear Mr. Kelner

We would like to communicate our strong objection to the above referenced Case and relevant Case Number. We have only today been informed of your meeting which is taking place later today at 1pm and want to register our strong objection to this application.

We have owned property on the island for teh past 5 years or so and have seen extremely rapid growth in the visitor population. While this may bode well for local businesses, the presence of short term visitors ha burdened the island with issues ranging from trash pickup, joyriding golf cart drivers (of all ages, including children under 8 years old, unsupervised by adults), trash and beach furniture left on the beache at the developed tip of the island as well as on the state land, and a much higher density of population in general. We are very concerned that a small island with a fragile ecosystem will not be able to tolerate this unprecedented type of facility.

Our home is on the double lot on the southwestern most corner of teh developed land at the northern portion of the islalnd. it fronts the gulf and is adjacent to the state land. The eastern border of our property allows an easement for the public access golf cart parking to the preserve . In addition, we are about to close on the double lot behind us. The western side of that property also offers an easement that leads to that public access parking. In other words, the access to the beach parking lot is sandwiched by our existing property and the one we will be purchasing next month. We have already experienced cart parking on the easements instead of in the designated parking lot. With this type of development, this will bring more people without their own beach access and will cause even more congestion to that parking are adnn the easements that lead to it. The carts could likely park even farther from that lot, on the main roads of gulf lane and panama shell road, if the already poor situation worsens.

With this in mind, our concerns with the above application include:

1. A Threat to Existing Resources:

This type of project on such a small island will detract from the natural island scenic resources and will jeapordize the ecological integrity of the surface and subsurface waters. Witih rezoning, the wells and septic systems of the adjacent and surrounding home owners are compromised. Even now, with homes being built literally on top of one another, there is little room for septic dispersals and well water recharge. In additon, the rather rustic road system will be tapped as well as impacting the limited resources of our small Fire Department.

2. A Threat to Existing and Limited Water Supply:
All homes have individual septic systems for waste disposal and potable water is accessed from owners' individual wells which are fed by an underground aquifer. While orderly growth is the preferred and generally accepted practice in most County's and Municipalities it is well recognized that continued growth, and in some cases overbuilding, has a direct impact on underground wells, and their respective aquifers as well as the ability of existing septic systems to function properly. We are concerned that the anticipated buildout on the island would already put the aquifer in a precarious state, let alone with a motel complex added.

3. Unprecedented and Out of Character Project Concept:
The sheer magnitude of the project, as requested in the application for rezoning is totally out of character and inconsistent with the densities and intensities of the adjacent and surrounding properties. There is a wealth of rental property on the island, with a great number of vacancies at all times of the year... there is not a need for a facility to accomodate visitors that right now, are not able to obtain lodginig.

4. Further Strain on Already Limited County and State Services:
North Captiva residents pay the same tax rates as our fellow citizens on the mainland though our homes are appraised at much higher values (therefore higher taxes) than they would be if located on the mainland. We don't however enjoy the same County and State services with regard to road maintenance and garbage removal. As of today the roads are in poor condition and a collection is being taken up by the homeowners to provide funds for the grading of all the roads. The normal trash pickups at residences have been spaced out for longer periods to compensate for the increasing amounts of trash that needs to be barged from the Island and disposed of. As a result additional storage bins at the residences are required t adequately store the trash in addition to securing it from the animal and rodent population. Taking care of these services and their obvious financial burdens is left up to the Island residents to cope with and pay for People who live on this Island have a vested interest in keeping it in a clean and pristine condition, for it is the very heart of the reason why they moved here. Those that frequent the proposed development will substantially add to these already difficult road and garbage conditions and burden the residents even further without any recourse.

5. The Burden of A Tourist Poplulation vs a Homeowner-based Population:
In basic terms, this Island simply does not have the infrastructure to support this kind of development. It i a known fact that tourists on vacation will produce more waste, use more water, and not have the same respect for the environmental aspects as long term residents would and in fact do. The applicant is well aware of this situation which is why the original application included a request for an outdoor incinerator. While it is my understanding that the request for an incinerator was subsequently withdrawn, for sound safety reasons, no further remedies were provided by the applicant.

6. The Circumstances of the Owner of the C-1 Property:
While we recognize that a landowner, who has been paying taxes, has a certain right to develop hi property. In this case the developer purchased the property with the full knowledge that it was zoned (C-1 commercial. If the developer wishes to develop the property using the current (C-1) zoning criteria whic limits the number of units to a more reasonable level, then of course, that is his right and he should appl for it. Hopefully his preliminary site plan and planned structure will be consistent with the existin character of the surrounding community as well as meet all the State and Municipal ordinances and codes In addition, it would behoove him to respect the culture of the island as a sign of good faith to existin homeowners adn merchants on the island.

7. Developer Motivations Not Taking Into Account The Pulic's Best Interst:

Since it does not seem that developer has demonstrated that the change would be for the public good, we can only assume that the only reason for this application seems to be to get a higher density on the property so as to increase the return on the applicant's investment. In short to make more money while increasing the negative impact to the adjacent and surrounding homeowners. We do not think this is a legitimate reason for approving his application. As we see it, the amount of the financial gain, whether more or less by the applicant should not be the basis or consideration for approving a change of zoning.

We feel that there should be no basis for a zoning change unless it can be shown by the applicant to benefit the public good. In this case it does not and is in fact a detriment to the public who would be directly affected. We hope that you will take our objection into thoughtful connsideration. There are very few places like North Captiva Island that still remain in the United States. It is a fragile environment and one which we and many others on the island feel should be respected and protected. Please feel free to contact if you need any further information regarding this very important issue.

Respectfully yours,

Christine and Dean Eisner

From: "Gary Walker" <gary_walker@worldnet.att.net>
To: <Kelnerbj@leegov.com>
Date: 04/22/2004 11:30 AM
Subject: Fw: Grady's Lodge #2003-00080

----- Original Message -----
From: Gary Walker
To: Bryan Kelner
Sent: Thursday, April 22, 2004 10:17 AM
Subject: Grady's Lodge #2003-00080

Bryan Kelner
Principal Planner,

Years ago Grady Scott did a fine job developing a restaurant here. I trust that he will bring similar quality to this project. I have made Upper Captiva my home since 1986 and believe that Grady's Lodg will be a positive addition to this curious little off-shore community. The location of the project is contiguous to other similar activity and is therefore well situated for the purpose.We have had an unfulfilled need here for many years; that is short term accommodations for small parties (1-3).What v have had for our friends and family and others that visit have been entire homes (3-5 bedrooms) with minimum stays of 3 nights to a week. In other words we have no overnight accommodations on the Island. This request would help many of us as well as others who would care to visit.

I received material indicating that 15 units would be the minimum density. Even though I support the request I would be much more comfortable with that as a maximum.

I look forward to this community need being filled in a positive way by someone who has demonstrate his ability to sensitively develop property in this unique neighborhood.

Respectfully,
Gary Walker
4241 Point House Trail
POB 334
Pineland, FL 33945

Bryan Kelner - Grady's Lodge Case: DCI 2003-00080 Rezoning

From: "Jim Schretter" <jschretter@beaconenergy.com>
To: <kelnerbj@leegov.com>
Date: 04/22/2004 12:07 PM
Subject: Grady's Lodge Case: DCI 2003-00080 Rezoning
CC: <mbakhtian@viprealty.com>

Mr. Bryan Kelner, County Planner
Lee County, FL

We were just made aware of a rezoning case: Grady's Lodge DCI2003-00080. Cativa Castaway LLC has 27 members an owns property on North Capitva Island. Members also own individual property on North Captiva Island.

We would like to file as an interested party in the above case. Currently, we are reviewing information on the rezoning would like to reserve expressing an opinion until our review is completed. Please copy us on all appropriate reports.

Thank you for your assistance. Please use the electronic address or the mailing address below for correspondence.

Sincerely,

Jim Schretter
President, Capitva Castaway LLC

Mailing Address:
Jim Schretter
Beacon Energy, LLC
7913 Westpark Drive, Suite 101
McLean, VA 22102
703-905-8110 phone
703-905-8111 fax
703-447-2822 cell
Jschretter@BeaconEnergy.com

Bryan Kelner - NORTH CAPTIVA ISLAND-ZONING ISSUES BEFORE BOARD

From: "John Wayne" <houseofmouse@earthlink.net>
To: <kelnerbj@leegov.com>
Date: 04/24/2004 12:48 AM
Subject: NORTH CAPTIVA ISLAND-ZONING ISSUES BEFORE BOARD

Dear Mr. Kelner, I am John Paul Wayne, homeowner of 131 Swallow Drive, North (Upper) Captiva Island. . I received, April 21 late evening, "E mail" from Mitra Bakht and Jim Schretter advising that the Lee Co. Board was hearing re-zoning requests for the Island on 22 April. I was unaware before their "E's" that these requests were bef the Board at this date; indeed, Ms. Mitra and Mr. Schretter expressed their surprise as well at the "..last minute.." timing of these hearings. So, please make note that I am av of these issues before the Board, and would like to go on record as an Interested Party, wishing to have notification of further action/considerations on these matters, as well as having the opportunity to be heard by the Board regarding same. Thanks for your time. Regards, John Paul Wayne

From: Bryan Kelner
To: kulin, howard
Date: 4/28/04 11:58AM
Subject: Re: Grady'sLodge Motel rezoning request

Thank you for your comments.

I would like to take this opportinity to advise you that Grady's Lodge, DCI2003-00080, has been continued by the Hearing Examiner to May 14, 2004. In order to preserve your right to speak before the Board of County Commissioner's, you must go on record and speak at the continued hearing before the Hearing Examiner scheduled for Friday, May 14, 2004 at 10:00 a.m.

Please call if I can be of further assistance.

>>> "howard kulin" <hkulin@epix.net> 04/28/04 09:15AM >>>
Dear Mr. Kelner,

Four years ago my wife and I bought property on North Captiva Island feeling it was unique real estate and unlikely to change. We felt the lack of a bridge to the mainland and,most importantly, the existance of Florida State Park land on two-thirds of the island imposed important protection against commercial development. The occupants of North Captiva took great pride in the natural beauty of this pristine barrier island. Unfortunately, our expectations have not been met.

The building of new homes at a relatively rapid rate has taxed the resources of North Captiva greatly, including water, roads, garbage removal, wildlife, and natural vegetation. The trash created by new building sites is unsightly and clearly has increased the vermin population. A large influx of renters to these new properties brings short term guests, most of whom care little for maintaining the appearance of the island. Access to beaches is ill defined by the major rental and real estate company, and renters walk through private property willy-nilly. Large "For Sale" signs now appear everywhere with little concern for appearance. Development has brought intrusive and negative changes to the local environment as the pockets of a few are enriched.

New ventures beyond the building of additional homes will further test the ability to insure the natural beauty of North Captiva. A new recreational club under the aegis of Eva Scala will bring an arcade of shops, swimming pool, and other commercial activities to North Captiva. The zoning change request of Mr. Grady Scott to establish a motel facility and restaurant/bar will further damage hopes of maintaining North Captiva as a truly unique piece of geography on the Florida Gulf Coast. I should ask that this zoning change NOT be granted and that all efforts be exerted to protecting the status quo on North Captiva. The State of Florida has recognized the value of such action by protecting barrier ecology on Cayo Costa and part of North Captiva for future generations. Such directions need to be bolstered on these sites and creeping commercialism halted.

Thank you for your kind attention

Somcerely yours,

Howard E. Kulin, M.D.

CC: Henry, Joan

To: zone file
DCI 2003-00080

Dr. & Mrs. Nicholas Jarmoszuk
P O Box 641
Pineland, Florida 33945-0641
May 11, 2004

Dear Mr. S. Territo:

My family and I first came to this island in 1986. Since then, our family has spent numerous, memorable vacations on North Captiva. Now, we are owners of 4 rental homes: 318 Gulf Bend Drive
466 Gulf Bend Drive
161 Nighthawk Drive
4261 Point House Trail.
Our private home is located at 591 Rum Road.

We first met Grade (Graydon W.) Scott when he constructed Grady's and ran a fine restaurant. It was built in keeping with the island character and managed very competently.

Grady's Lodge is a definite asset to the island. Daily lodging is needed and a fine restaurant would give additional dining options to both residents and guests to this special island paradise. Grady has proven himself in the past and will once again in this new and exciting endeavor.

He has our approval!

Sincerely,

Diane Jarmoszuk

Diane and Nick Jarmoszuk

copy to B. Kelner 5/12/04 mk.

To: zone file.

MEMORANDUM
FROM THE
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING DIVISION

DATE: May 13, 2004

TO: Hearing Examiner

FROM: Bryan Kelner BJK
Principal Planner

RE: Graydon W. Scott in reg to Grady's Lodge
Case #DCI2003-00080
Revised Master Concept Plan Submittal

Please find attached a revised master concept plan submitted by the applicant, stamped received by the permit counter on May 12, 2004.

cc: Joan Henry
Robert Hutcherson
Zoning/DCI file

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

ORDER FOR CONTINUANCE

CASE NUMBER: **DCI2003-00080**
APPLICANT: **GRAYDON W. SCOTT, in reference to GRADY'S LODGE**
NEW HEARING DATE: **JULY 14, 2004**

The hearing on the above-styled case began as scheduled on Friday, May 14, 2004. At the conclusion of the presentations, the matter was continued to date and time set forth below to allow additional time for the Applicant, the Staff, and the public to present additional evidence and testimony.

Accordingly, this matter is continued to **WEDNESDAY, JULY 14, 2004 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 17th day of May, 2004.

SALVATORE TERRITTO
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 17th day of May, 2004.

Sharon Szenas
Administrative Assistant

17May04

To: zone file
DCI 2003-00080

FACSIMILE COPY

TO: Lee County Hearing Examiner
1500 Monroe Street
Fort Myers, Florida 33901
Fax No. 479-8106

FROM: Ralph and Jean Woodring
1816 Woodring Road
Sanibel, Florida 33957
Fax No. 472-0334

Date: May 11, 2004

SUBJECT: **PROPOSED GRADY'S LODGE ZONING CHANGE**

To whom it may concern:

This communication is to strongly urge the county staff and elected officials to strictly interpret and administer the Lee County comprehensive land use plan and to promptly dismiss any notion of rezoning any portion of barrier island Upper Captiva. The very idea of trying to crowd fifteen or more units including a lodge, an incinerator and a restaurant and pool bar on a tiny 1.5 acre parcel of land is outrageous at best and **would grossly exceed ordinary and reasonable use of this property.** There could be absolutely no justification for approval of this or any modified form of this proposed development.

Sheet 1 of 1

LEE COUNTY
HEARING EXAMINER
04 MAY 11 PM 12:39

Copy to B. Fulmer 5/11/04 MM.

POSTED

To: zone file
DCI 2003-00080

May 4, 2004

From: Andrew Wroblewski and Marcin Szostakows
4460 Schooner Drive, North Captiva Island, FL 33924

To: Bryan Kelner and Salvatore Territo

Subject: Grady's Lodge #2003-00080

Brian Kelner and Salvatore Territo,

Marcin and myself are property owners directly across from Grady's Lodge. One side of our property is on Rum Road, the other side is on Schooner Drive. We have five North Captiva Island Club rental homes, some with swimming pools, within 200 feet of our property. Having been islanders for around seven years, we understand the need for these additional amenities and services. We look forward to this wonderful new addition to the island. Furthermore, it appears that the density of Grady's project will have less impact than my direct neighbors within 200 feet. We live in Chicago and are unable to attend the hearings, please make this a registered vote, yes for Grady's Lodge.

Thank you for your time, and we're sure you'll look favorably on this long needed island service.

Sincerely,
Andrew and Marcin

copy to B. Kelner
5/11/04. MR.

POSTED

To: zone file.

LEE COUNTY
HEARING EXAMINER
04 MAY 10 AM 9:32

Salvatore Territo
Lee County Hearing Examiner
1500 Monroe Street, Suite 218
Fort Myers, FL 33902

RE: Case DC12003-00080, Grady's Lodge

Dear Sir:

I would like to reiterate my support for this project. It is needed on the island, and I can think of no better person to accomplish it with neatness, proffessionalism, honesty, and with the ecology of the island in mind. I am a twenty-five year resident; I do not rent my house.

I will briefly speak of the people who are trying to make this so difficult.

To a person, these people are "short timers" on the island. They either have a realtor's axe to grind with Mr. Scott, or they have seasonal rentals on the island. In fact, there are three houses across the road from the proposed project that have an occupancy potential greater than Mr. Scott's whole project, and they are in rental programs.

Grady's Lodge will have tourists in a specific location with facilities to offer to them. There will be a manager present who can take care of the guests and guide their behavior, if necessary.

All the rest of the landlords who rent on the island are not present, and the renters are free to behave, or misbehave, as they see fit, with no guidance or assistance from the landlord.

I can guarantee you that a full house at Grady's Lodge will make a lot less impact on the peace and ecologly of the island than one house on the north or south end rented to a group of spring breakers.

Please read this letter at the hearing.

copy to B. Kelly 5/11

POSTED

James B. Moore
13 Monroy Circle
Crawfordsville, Indiana 47933
(800) 382-0972

To: zone file.

JONES DAY
51 LOUISIANA AVENUE, N.W.
WASHINGTON, D.C. 20001-2113

STEPHEN J. BROGAN
MANAGING PARTNER

TELEPHONE: 202-879-3939
FACSIMILE: 202-626-1700
WRITER'S DIRECT NUMBER: 202-879-3926

May 11, 2004

Mr. Bryan Kelner
Mr. Salvatore Territo
Lee County Hearing Examiner
1500 Monroe Street, Suite 218
Fort Myers, Florida

Re: Case DC12003-00080, Grady's Lodge

Gentlemen:

I know that there have been numerous letters written in support of Grady Scott's plans to build "Grady's Lodge" on North Captiva Island. My family has been a property owner and regular visitor to the Island now for several years. It is truly a fantastic little corner of the world and I hope the residents and property owners can work cooperatively together to make the Island an even better destination.

I have known Grady now for several years. He is a relentless supporter of the Island and its charms. He is an outgoing personality whose enthusiasm can be infectious and his commitment can only make the Island a better place.

Accordingly, a judgment in the best interest of the Island and its residents, property owners and visitors would indicate that "Grady's Lodge" should be approved. I hope you will reach such a supportive result.

Sincerely,

Stephen J. Brogan

Stephen J. Brogan

To: zone file
DCI2003-00080

Upper Captiva Fire & Rescue District

P.O. Box 322 Pineland, FL 33945

Phone: 941-472-8899 • Fax: 941-472-1582 • E-Mail: uppercapfd@aol.com

TO: Bryan Kelner, Principal Planner
Pam Houck, Planner
Lee County Division of Zoning

FROM: Richard Pepper, Fire Chief RP
Upper Captiva Fire Department

RE: Plans for Grady's Lodge - Incinerator.

Per our phone conversation today, I am faxing attached letter regarding solid waste removal from Upper Captiva Island stating our opposition to any additional incinerators on the island.

Upper Captiva Fire & Rescue District
P.O. Box 322 Pineland, FL 33945
Phone: 941-472-8899 • Fax: 941-472-1582 • E-Mail: uppercapfd@aol.com

August 1, 2001

To: The Honorable Robert Janes,
Lee County Commissioner,
District One.

Re: Solid Waste Removal.

Dear Sir:

On July 27th 2001, the Upper Captiva Fire Board of Commissioners, voted unanimously to be on record with Lee County government, that we are in opposition to increased incineration on Upper Captiva Island.

The Fire District feels that it is inappropriate to expose our residents and guests, to any situation that elevates the potential for disaster. We implore Lee County government to seek a less hazardous option to this evolving situation.

Sincerely,

William Holzapfel,
Vice President

CC/ Commissioners Districts two, three, four & five.
Lindsey Sampson, Director of Soiled Waste, Lee County

William & Kathryne Powell
4430 Schooner Drive
North Captiva, Florida 33924
239-395-2700

RECEIVED
APR 20 2004
ZONING

April 15, 2004

Mr. Brian Kelner
Lee Co. Division of Zoning
Dept. of Community Development
1500 Monroe St.
Ft. Myers, Fl. 33901

REF: CASE NO. DCI2003-00080
CASE NAME: Grady's Lodge
Upper Captiva Island

Dear Mr. Kelner

Pursuant to our conversation regarding the above referenced Case and relevant Case Number I would like to confirm some of the points of our conversation.

Upper Captiva Island is a small pristine Island, wherein a good portion of which is set aside as a Florida State Sanctuary. There approximately 300 homes with about the same number of buildable lots still available. In addition there are several small clubs with related convenience stores and two restaurants that meet the needs of the residents and the visiting tourists who arrive by small ferry or boat.

All homes have individual septic systems for waste disposal and potable water is secured by each property owner's individual well which is fed by an underground aquifer. While orderly growth is the preferred and generally accepted practice in most County's and Municipalities it is well recognized that continued growth, and in some cases overbuilding, has a direct impact on underground wells, and their respective aquifers as well as the ability of existing septic systems to function properly.

Having said this, there are very deep concerns with the above application some of which are as follows:

1. A development of this size on such a small island detracts from the natural Island scenic resources and does not preserve the ecological integrity of the surface and subsurface waters. If rezoning is permitted it will most assuredly have a negative impact on both the wells and septic systems of the adjacent and surrounding home owners. Given the minimal front and side yard

setbacks that the County requires, homes are already being built literally on top of one another, giving little room for septic dispersals and well water recharge. Additionally their will be further degradation to our primitive road system as well as impacting the limited resources of our small Fire Department

2. The sheer magnitude of the development, as requested in the application for rezoning is totally out of character and inconsistent with the densities and intensities of the adjacent and surrounding properties and any approval will result in the immediate reduction of the value of these properties.

3. North Captiva residents pay the same tax rates as our fellow citizens on the mainland though our homes are appraised at much higher values (therefore higher taxes) than they would be if located on the mainland. We don't however enjoy the same County and State services with regard to road maintenance and garbage removal. As of today the roads are in poor condition and a collection is being taken up by the homeowners to provide funds for the grading of all the roads. The normal trash pickups at residences have been spaced out for longer periods to compensate for the increasing amounts of trash that needs to be barged from the Island and disposed of. As a result additional storage bins at the residences are required to adequately store the trash in addition to securing it from the animal and rodent population. Taking care of these services and their obvious financial burdens is left up to the Island residents to cope with and pay for. People who live on this Island have a vested interest in keeping it in a clean and pristine condition, for it is the very heart of the reason why they moved here. Those that frequent the proposed development will substantially add to these already difficult road and garbage conditions and burden the residents even further without any recourse.

4. In short this Island does not have the infrastructure to support this kind of development. It is a known fact that tourists on vacation will produce more waste, use more water, and not have the same respect for the environmental aspects as long term residents would and in fact do. The applicant is well aware of this situation which is why the original application included a request for an outdoor incinerator. While it is my understanding that the request for an incinerator was subsequently withdrawn, for sound safety reasons, no further remedies were provided by the applicant.

5. I recognize that a landowner, who has been paying taxes, has a certain right to develop his property. In this case the developer purchased the property with the full knowledge that it was zoned (C-1) commercial. If the developer wishes to develop the property using the current (C-1) zoning criteria which limits the number of units to a more reasonable level, then let him apply for it. Hopefully his preliminary site plan and planned structure will be consistent with the existing character of the surrounding community as well as meet all the State and Municipal ordinances and codes.

6. There is no hardship that the developer has indicated as a reason or basis for rezoning this parcel and if so the first criteria for any approval should be for the applicant to show that the change would be for the public good. The only reason for this application, and request for approval seems to be to get a higher density on the property so as to increase the return on the applicant's investment. In short to make more money while increasing the negative impact to the adjacent and surrounding homeowners.

7. The amount of the financial gain, whether more or less, by the applicant should not be the basis or consideration for approving a change of zoning

8. In summary there should be no basis for a zoning change unless it can be shown by the applicant to benefit the public good. In this case it does not and is in fact a detriment to the public who would be directly affected.

I look forward to discussing this application further during the April 22 scheduled hearing.

Respectfully yours,

William Powell

Anteogroup.

to zone file
DCI 2003-00090

LEE COUNTY
RECEIVED
04 APR 16 AM 10:42
COMM. DEV/
PUB. WRKS. CNTR.
SECOND FLOOR

Hearing date: April 22, 2004 at 1:00 pm
1500 Monroe St.
Ft. Myers, Fl. 33901

Questions and comments: Brian Kelner
Lee Co. Division of Zoning
Dept. of Community Development
1500 Monroe St.
Ft. Myers, Fl. 33901
239-479-8363

4-14-04

Dear Mr. Kelner,

I own a home on North Captiva Island at 541 Gulf Lane. I am writing as I will be unable to be present at the hearing regarding the zoning approval of a "lodge" on North Captiva Island. I wish to oppose the proposal to approve a multi resident property.

The primary reasons being:

1. This property would be unlike any other current built on the island. All of the homes on the island are single family residences and this structure would destroy what makes this island special. It would be completely out of character with what is presently built on the island.
2. We currently have a severe problem dealing with the garbage generated. This problem will only increase as additional homes are built. Adding a multi residence property would only exacerbate the problem at an increasing rate by having more residents per property than currently anticipated.
3. Approving a multi-family property increases the use of the limited water supply on the island. While approximately 300 lots are not built on yet on the island, at the current development rate these will be water users in a relatively short amount of time I believe. If multi-family properties were approved, the demand on the water supply will increase dramatically.

Overall, approving a multi family residence would set a bad precedence for the island given the limited resources available and would be out of character with all other structures currently built.

Thank you very much,

Dion DeLoof

1372 Peachtree Street • Suite 201 • Midtown • Atlanta, Georgia 30309
Phone 404.897.5152 • Fax 404.897.1960 • www.anteogroup.com

April 18, 2004 ***VIA FAX***

Mr. Brian Kelner
Lee County Division of Zoning
Dept. of Community Development
1500 Monroe Street
Ft. Myers, FL 33901

Dear Mr. Kelner:

This letter is regarding **Case Number DCI2003-00080, Case Name Grady's Lodge – Upper Captiva Island.**

As a homeowner whose property is located within 500 feet of the proposed site of Grady's lodge, I am seen as potentially affected, and therefore entitled to provide input. Given the unique and delicate nature of North Captiva Island, however, I assure you that the negative effects of the construction of this lodge will reach well beyond nearby property owners. In fact, most island residents will be negatively impacted.

I understand you have received other letters, and so won't go into a level of zoning and environmental detail, to which I am sure you have already been exposed. Please allow me to add a few items of concern to the growing list. Some may be new to the list. Others may be repetitious, but only because they are of such grave concern. Most comments are about quality of life for island residents, and environmental concerns. I leave the technicalities of zoning issues to those more knowledgeable than myself.

-North Captiva Island is a secluded, quiet, wildlife-oriented place. The average Florida weekend hotel/motel visitor tends to be more interested in the party scene, which is definitely in contradiction to what has drawn the island residents to invest so much in the place. Residents want to avoid exactly what Grady's Lodge will bring to the island. That is why we chose North Captiva, instead of Sanibel, or Captiva Island. This Lodge will change the personality of our Island. It is not in the best interests of the residents.

-The island has no local law enforcement. As it is, this has been unnecessary. If a hotel with a bar is constructed, the density and make up of our visitors will change. Our small, unlit and un-policed sand roads will become more dangerous at night. And the very special sense of safety that residents have when our small children roam free will go away forever.

-A second club, with commercial activities, is already planned for the island. This must be taken into account when one ponders just how much stress this delicate barrier island can stand. This second club, however, is for island residents to join and use. It adds value and convenience for residents who choose to use it. Grady's lodge offers no such value to residents. It benefits only its commercial owner, at the expense of the rest of the island residents.

-Many of the houses on the island are offered for rent. There is no shortage of affordable rental opportunities for anyone what wants to visit North Captiva.

-Houses are already fairly close together, and well capacity is a real concern.

-I am not sure if the canal running from safety harbor past the property is a manitee protection area. I do know that manitees regularly swim up and down that canal, and would hope that consideration would be given to this endangered species before giving the go ahead for a zoning change that will increase population density and dangers to the manitees.

-Island residents are encouraged to keep night lighting to a minimum, to protect endangered sea turtle hatchlings. A high density area of 35 foot buildings, occupied by short term uninformed tenants, will assuredly increase the ambient light that further endangers this species.

Thank you for considering these points. I realize they do not concentrate on the legal aspects of this case. But this case is as much about protecting a delicate environment, and special quality of life, as it is about the legalities of zoning. Anyone who has visited North Captiva knows the island is truly a very special place. It must be protected from the irreversible damage that commercial development will cause.

There are precious few such unspoiled areas left in Florida. The owner of the lot in question knew this when buying the lot. Let him abide by the intent of the original zoning, which is to limit commercial growth on this delicate island, so that residents and visitors alike can continue to enjoy its unique serenity.

Again, thanks for your consideration.

Sincerely,

Bernard S. Frey
523 Longboat Circle
North Captiva, FL 33924

Cell phone 978 764-6880

To file DCI2003-00082

Anteogroup.

LEE COUNTY RECEIVED
04 APR 16 AM 10:42
COMM. DEV/ PUB. WRKS. CNTR. 1st FLOOR

Hearing date: April 22, 2004 at 1:00 pm
1500 Monroe St.
Ft. Myers, Fl. 33901

Questions and comments: Brian Kelner
Lee Co. Division of Zoning
Dept. of Community Development
1500 Monroe St.
Ft. Myers, Fl. 33901
239-479-8363

4-14-04

Dear Mr. Kelner,

I own a home on North Captiva Island at 541 Gulf Lane. I am writing as I will be unable to be present at the hearing regarding the zoning approval of a "lodge" on North Captiva Island. I wish to oppose the proposal to approve a multi resident property.

The primary reasons being:

1. This property would be unlike any other current built on the island. All of the homes on the island are single family residences and this structure would destroy what makes this island special. It would be completely out of character with what is presently built on the island.
2. We currently have a severe problem dealing with the garbage generated. This problem will only increase as additional homes are built. Adding a multi residence property would only exacerbate the problem at an increasing rate by having more residents per property than currently anticipated.
3. Approving a multi-family property increases the use of the limited water supply on the island. While approximately 300 lots are not built on yet on the island, at the current development rate these will be water users in a relatively short amount of time I believe. If multi-family properties were approved, the demand on the water supply will increase dramatically.

Overall, approving a multi family residence would set a bad precedence for the island given the limited resources available and would be out of character with all other structures currently built.

Thank you very much,

Dion DeLoof

1372 Peachtree Street • Suite 201 • Midtown • Atlanta, Georgia 30309
Phone 404.897.5152 • Fax 404.897.1960 • www.anteogroup.com

To: zone file

MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY

DATE: April 16, 2004

TO: David Owen
Chief Assistant County Attorney

FROM: Joan C. Henry
Assistant County Attorney

RE: **Grady's Lodge Re-zoning**
DCI2003-00080

Please be advised that the applicant has withdrawn the request for an incinerator accessory to the hotel/motel use being requested. I was informed the applicant decided to delete this request in face of opposition. Attached please find a memo from Bryan Kelner, Principal Planner to the Hearing Examiner deleting the incinerator from the schedule of uses and deleting the proposed conditions pertaining to the incinerator.

If you should have any questions, or require any additional information, please do not hesitate to contact me.

JCH/tmv

cc: Pam Houck, Zoning Director
Bryan Kelner, Principal Planner

To: some file
DCI 2003-00080

Wm. York, L.L.C.

51 North Third Street, Suite 409
Newark, Ohio 43023
(740) 345-0400
(740) 345-0401 fax
byork@wmyork.com

Fax Transmittal Form

To: Bryan Kelner
Company:

Fax: (239) 499-8341

Date: 4-20-04

Total number of pages including cover: 2

Message:

From

Bill York

4/20/04
To: Bryan Kelner
From: Bill York
Re: North Captiva Re-zoning

Dear Bryan:

Thank you for your time and information this morning on the phone. As we discussed, I would like to make it known that I am not in favor of re-zoning that would increase the density on North Captiva:

1. I believe that increasing the density on North Captiva is a step in the wrong direction that diminishes the unique character of the island – that people are attracted to North Captiva because it is not crowded like Sanibel or Captiva.
2. I believe that it is important that everyone operates under the same fair set of rules and guidelines and that changing the rules at this point is unfair to existing property owners who made investments and operated within the rules.

Thank you for your time and attention.

Sincerely,

William E. York
101 Bedwen Bach Lane
Granville, Ohio 43023
(740) 345-0400

and

4611 Seaire Lane
North Captiva

Mike & Sarah Rapp
546 Longboat Circle
North Captiva, Florida 33924
239-472-0276

April 19, 2004

Mr. Brian Kelner
Lee Co. Division of Zoning
Dept. of Community Development
1500 Monroe St.
Ft. Myers, Fl. 33901

REF: CASE NO. DCI2003-00080
CASE NAME: Grady's Lodge
Upper Captiva Island

Dear Mr. Kelner

I will be calling you regarding the above referenced Case and relevant Case Number.

My wife and I currently are homeowner's in close proximity to the above-referenced case. We are in disagreement with the change in zoning for this lot. The island is a residential single-family home development with the intent being to continue with that type of development versus a high-density development.

Upper Captiva Island is a small pristine Island, wherein a good portion of which is set-aside as a Florida State Sanctuary. There approximately 300 homes with about the same number of buildable lots still available. In addition there are several small clubs with related convenience stores and two restaurants that meet the needs of the residents and the visiting tourists who arrive by small ferry or boat. The island flavor is about single-family residential homes and not high-density units. The island is unique in this way and should be preserved as such.

All homes have individual septic systems for waste disposal and potable water is secured by each property owner's individual well that is fed by an underground aquifer. While orderly growth is the preferred and generally accepted practice in most County's and Municipalities it is well recognized that continued growth, and in some cases overbuilding, has a direct impact on underground wells, and their respective aquifers as well as the ability of existing septic systems to function properly.

Having said this, there are very deep concerns with the above application some of which are as follows:

1. **A development of this size on such a small island detracts from the natural Island scenic resources and does not preserve the ecological integrity of the surface and subsurface waters. If rezoning is permitted it will most assuredly have a negative impact on both the wells and septic systems of the adjacent and surrounding homeowners. Given the minimal front and side yard setbacks that the County requires, homes are already being built literally on top of one another, giving little room for septic dispersals and well water recharge. Additionally their will be further degradation to our primitive road system as well as impacting the limited resources of our small Fire Department**

2. **The sheer magnitude of the development, as requested in the application for rezoning is totally out of character and inconsistent with the densities and intensities of the adjacent and surrounding properties and any approval will result in the immediate reduction of the value of these properties.**

3. **North Captiva residents pay the same tax rates as our fellow citizens on the mainland though our homes are appraised at much higher values (therefore higher taxes) than they would be if located on the mainland. We don't however enjoy the same County and State services with regard to road maintenance and garbage removal. The report states that islands are <u>not expected to receive capital improvements in the planning horizon</u>. As of today the roads are in poor condition and a collection is being taken up by the homeowners to provide funds for the grading of all the roads. The normal trash pickups at residences have been spaced out for longer periods to compensate for the increasing amounts of trash that needs to be barged from the Island and disposed of. As a result additional storage bins at the residences are required to adequately store the trash in addition to securing it from the animal and rodent population. Taking care of these services and their obvious financial burdens is left up to the Island residents to cope with and pay for. People who live on this Island have a vested interest in keeping it in a clean and pristine condition, for it is the very heart of the reason why they moved here. Those that frequent the proposed development will substantially add to these already difficult road and garbage conditions and burden the residents even further without any recourse.**

4. **In short this Island does not have the infrastructure to support this kind of development. It is a known fact that tourists on vacation will produce more waste, use more water, and not have the same respect for the environmental aspects as long-term residents would and in fact do. The applicant is well aware of this situation, which is why the original application included a request for an outdoor incinerator. While it is the applicant provided my understanding that the request for an incinerator was subsequently withdrawn, for sound safety reasons, no further remedies are given.**

5. I recognize that a landowner, who has been paying taxes, has a certain right to develop his property. In this case the developer purchased the property with the full knowledge that it was zoned (C-1) commercial. If the developer wishes to develop the property using the current (C-1) zoning criteria that limits the number of units to a more reasonable level, then let him apply for it. Hopefully his preliminary site plan and planned structure will be consistent with the existing character of the surrounding community as well as meet all the State and Municipal ordinances and codes.

6. There is no hardship that the developer has indicated as a reason or basis for rezoning this parcel and if so the first criteria for any approval should be for the applicant to show that the change would be for the public good. The only reason for this application, and request for approval seems to be to get a higher density on the property so as to increase the return on the applicant's investment. In short to make more money while increasing the negative impact to the adjacent and surrounding homeowners.

7. The amount of the financial gain, whether more or less, by the applicant should not be the basis or consideration for approving a change of zoning!

8. Being in close proximity to the North Captiva Island Club has resulted in nights with significant noise from the club patrons and music levels. This is very disruptive to the quiet nights and attempting to enjoy a peaceful and serene location. Another establishment with higher density units means the plans will not lower the noise level but compound it. Many other commercial developments would not create this nighttime concern.

9. The island has limited public beach access with the current single family homes and high density units would add to the traffic and limited parking at the public beach access.

10. In summary there should be no basis for a zoning change unless it can be shown by the applicant to benefit the public good. In this case it does not and is in fact a detriment to the public who would be directly affected.

I and/or my attorney will look forward to discussing this application further during the April 22 scheduled hearing.

Respectfully yours,

Mike Rapp

Sarah Rapp

Mike & Sarah Rapp

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution
Dawn Lehnert, Asst County Attorney
DS Reviewer - Melissa M. Roberts

Kim Trebatoski, Environmental Sciences

Luis Machado, Zoning

FROM: Bryan Kelner

DATE: 02/02/2005

PROJECT NAME: GRADY'S LODGE

CASE #: DCI2003-00080

INFORMATION SUMMARY:

To update your file
_X_ Review and forward substantive comments **ASAP**.

RESPONSE REQUIRED BY: 02/14/2005

Additional Comments:

Please review the attached plan to determine if it accurately reflects the approval by the BOCC on December 6, 2005 in accordance with LDC 34-377(b)(6).

cc: DCI planner/working file
DCI Zone File

Distributed by: Jessica M Smith

Date: 02/03/2005

WilsonMiller
4571 Colonial Boulevard
Ft. Myers, Florida 33912-1062
Phone No. (239) 939-1020
Fax No. (239) 939-3412

LETTER OF TRANSMITTAL

Date: 2/2/05
PIN: 04251--000--000—
File Designator:
Project Name: Grady's Lodge
Ref: DCI2003-00080

TO: Bryan Kelner, Principal Planner
Lee County Zoning
PO Box 398
Ft Myers, FL 33902-0398

We are sending attached via: ☐ Client Pickup ☐ Delivery ☐ Mail ☐ Overnight Express, the following items:

☐ Prints ☐ Plans ☐ Specifications ☐ Change Order ☐ Copy of Letter ☐ Shop Drawings
☐ Disk ☐ Thermal Plot ☐ Other:

Copies	Date	Drawing File No.	Description/Sheet Numbers
11			24 X 36 Revised MCP for Resolution
11			11 X 17 Revised MCP for Resolution

These are transmitted as checked below:

☒ For approval ☐ For your use ☒ As requested ☐ For review and comment ☐ For Bids Due
☐ ☐ Prints Returned After Loan To Us

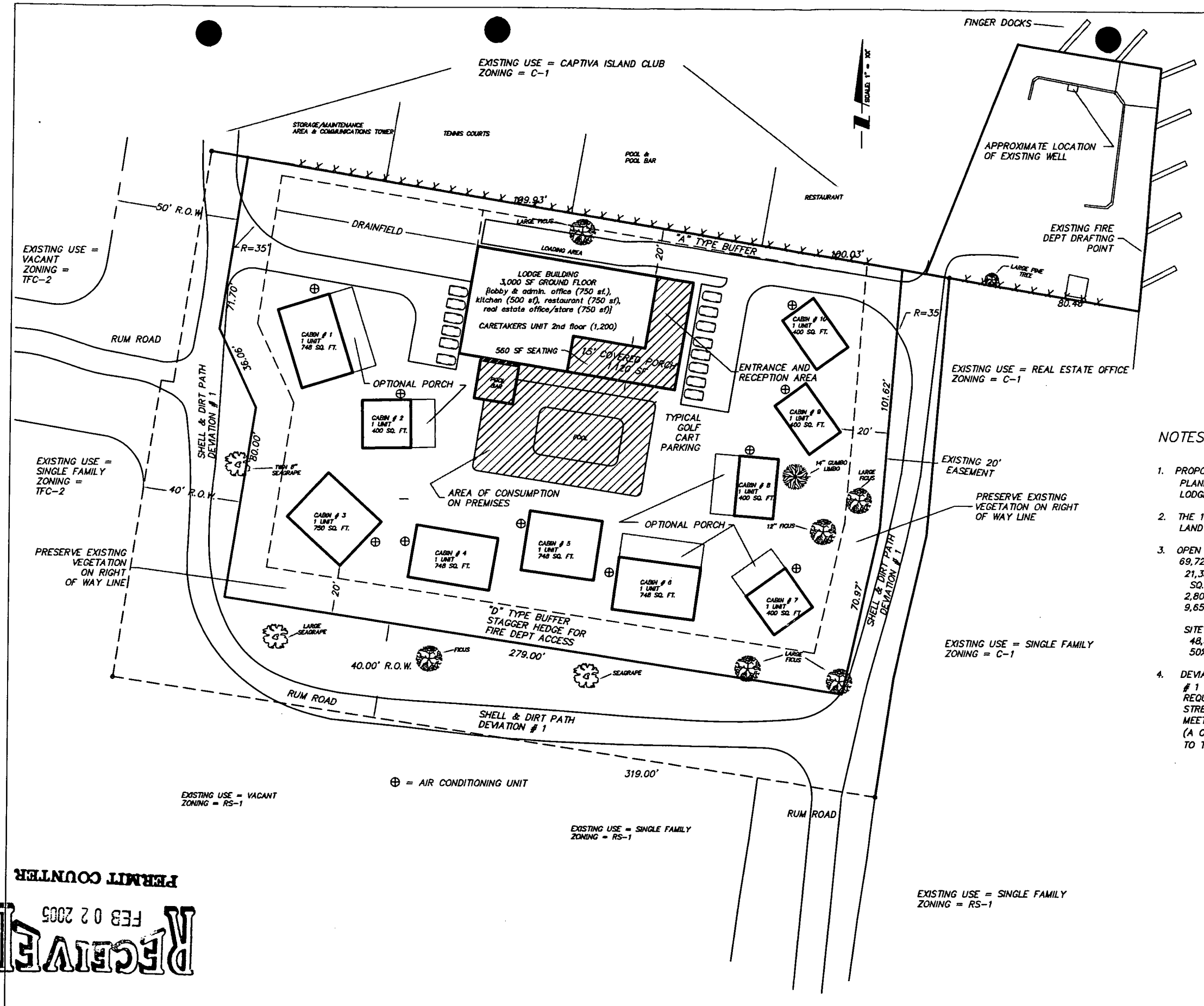
RECEIVED
FEB 02 2005
PERMIT COUNTER

COPY TO:

SIGNED _____
Robert D. Hutcherson, AICP
If enclosures are not as noted, kindly notify us at once.

Original to Client Copy to Project File

1/19/2005- 126 Ver: 02I- MKoehn
CA#43
Z5555-555-555- - 0000



NOTES:

1. PROPOSED IS A REZONING FROM C-1 TO COMMERCIAL PLANNED DEVELOPMENT TO ALLOW A 10 UNIT FISHING LODGE.
2. THE 1.59 ACRE PARCEL IS LOCATED IN THE OUTER ISLANDS LAND USE DESIGNATION FOR THE LEE PLAN.
3. OPEN SPACE CALCULATION
   69,727 TOTAL SQUARE FEET
   21,335 SQ. FT. EXISTING ROW/EASEMENT
   SQ. FT. SHELL DRIVE AND GOLF CART PARKING
   2,800 SQ. FT. POOL AREA
   9,650 SQ. FT. BUILDINGS

   SITE AREA LESS EXISTING ROW = 48,392 SQ. FT.
   48,392 @ 20% = 9,678 SQ. FT.
   50% OPEN SPACE IS PROVIDED
4. DEVIATIONS
   # 1 – A DEVIATION FROM LDC SECTION 10-291(2) WHICH REQUIRES ALL DEVELOPMENTS TO HAVE ACCESS TO A STREET DESIGNED AND CONSTRUCTED OR IMPROVED, MEETING THE STANDARDS CONTAINED IN SECTION 10-296 (A CATEGORY "A" ROAD), TO ALLOW GOLF CART ACCESS TO THE EXISTING SHELL/GRAVEL ROAD.

WilsonMiller
Planners • Engineers • Ecologists • Surveyors
Landscape Architects • Transportation Consultants
WilsonMiller, Inc.
Naples • Fort Myers • Sarasota • Bradenton • Tampa • Tallahassee
4071 Colonial Boulevard, Suite 200 • Fort Myers, Florida 33912
Phone: 239-277-1900 • Fax: 239-277-1987
Email: FortMyers@WilsonMiller.com • Web-Site: www.WilsonMiller.com

GRADY'S LODGE
PROPOSED COMMERCIAL PLANNED DEVELOPMENT
UPPER CAPTIVA ISLAND
LEE COUNTY, FL

SEC 5 TWP 45 RGE 21	
Designed by:	1619
Drawn by:	1619
Checked by:	
Approved by:	
Date:	1/7/05
Scale:	1" : 20'
PIN:	04251-000-000
File #:	D-4251-01

Sheet 1 of 1

MEMORANDUM

From The
Department Of
Community Development
Development Services Division

Date: November 22, 2004

To: File (DCI2003-00080)

From: Jessica Smith

RE: Notice of Public Hearing - December 6, 2004 BCC
Lee County Board of County Commissioners Meeting

I, Jessica Smith, Administrative Assistant, 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.

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8585

November 22, 2004

Mr. Robert D. Hutcherson, AICP
WillsonMiller, Inc.
4571 Colonial Blvd.
Fort Myers, FL, 33912

Re: Agenda Schedule for Grady's Lodge
Case No. DCI2003-00080

Dear Mr. Hutcherson:

Your zoning request has been scheduled before the Board of County Commissioners to take final action after reviewing the Hearing Examiner's recommendation.

DATE & TIME: December 6, 2004, Meeting commences at 9:30 a.m.

LOCATION: Commissioners' Meeting Room
2120 Main Street
Ft. Myers, Florida

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Jessica M Smith

Jessica M. Smith
Administrative Assistant

cc: Mr. Graydon W. Scott
Mr. Bryan Kelner, Principal Planner
Zoning File

U:\200411\DCI20030.008\0\BCC APPLICANT LETTER.WPD

Kristie Anders
P. 0. Box 978
Sanibel, Florida 33957

Wilton Anders
P. 0. Box 978
Sanibel, Florida 33957

Chuck Claypool
15179 Anchorage Way
Fort Myers, Florida 33908

Richard F. Durling
6720 Winkler Road
Ft. Myers, Florida 33919

Bill Holzapfel
Box 353
Bokeelia, Florida 33922

Zeke McDonald
P. 0. Box 185
Captiva, Florida 33924

Kerry Payne
14360 McGregor Blvd.
Fort Myers, Florida 33919

Eva Kinsey Scala
15696 Bromeliad Drive
Bokeelia, Florida 33922

Don Tant
P. 0. Box 514
Pineland, Florida 33945

Roy Wildeman
P. 0. Box 3038
Pineland, Florida 33945

Mitra Bakhtian
1200 Logan Lane
Ft. Myers, Florida 33919

Ralf Brookes
1217 E. Cape Coral Pkwy #107
Cape Coral, Florida 33907

Michael J. Ciccarone
c/o Goldstein Buckley Law Firm
P. 0. Box 2366
Fort Myers, Florida 33902

Dave W. Depew
2216 Altamont Avenue
Ft. Myers, Florida
33901

Craig Hensley
12124 Matlacha Blvd.
Matlacha Isles, Florida 33991

Robert Hurst
10961 Championship Dr.
Fort Myers, Florida 33913

Mick Melvin
P. 0. Box 603
Bokeelia, Florida 33922

Henry Paul
3823 Corona Street
Tampa, Florida 33629

Rosella Paul
3823 Corona Street
Tampa, Florida 33629

William Powell
26 Tower Hill Lane
Kinnelon, New Jersey 07405

Michael Dean Rapp
206 Thornewood Drive
Granville, Ohio 43023

Ted Schavee
602 S.W. 39th Avenue
Cape Coral, Florida 33991

Tom Jenkins
7760 Buccaneer Drive # B-2
Fort Myers Beach, FL 33931

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8585

November 17, 2004

Mr. Robert D. Hutcherson, AICP
WillsonMiller, Inc.
4571 Colonial Blvd.
Fort Myers, FL, 33912

Re: Agenda Schedule for Grady's Lodge
Case No. DCI2003-00080

Dear Mr. Hutcherson:

Your zoning request has been scheduled before the Board of County Commissioners to take final action after reviewing the Hearing Examiner's recommendation.

DATE & TIME: December 6, 2004, Meeting commences at 9:30 a.m.

LOCATION: Commissioners' Meeting Room
2120 Main Street
Ft. Myers, Florida

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Jessica M Smith

Jessica M. Smith
Administrative Assistant

cc: Mr. Graydon W. Scott
Mr. Bryan Kelner, Principal Planner
Zoning File

William & Kathrynne Powell
4430 Schooner Drive
North Captiva, Florida 33924
239-395-2700

RECEIVED
APR 2 0 2004
ZONING

April 15, 2004

Mr. Brian Kelner
Lee Co. Division of Zoning
Dept. of Community Development
1500 Monroe St.
Ft. Myers, Fl. 33901

REF: CASE NO. DCI2003-00080
CASE NAME: Grady's Lodge
Upper Captiva Island

Dear Mr. Kelner

Pursuant to our conversation regarding the above referenced Case and relevant Case Number I would like to confirm some of the points of our conversation.

Upper Captiva Island is a small pristine Island, wherein a good portion of which is set aside as a Florida State Sanctuary. There approximately 300 homes with about the same number of buildable lots still available. In addition there are several small clubs with related convenience stores and two restaurants that meet the needs of the residents and the visiting tourists who arrive by small ferry or boat.

All homes have individual septic systems for waste disposal and potable water is secured by each property owner's individual well which is fed by an underground aquifer. While orderly growth is the preferred and generally accepted practice in most County's and Municipalities it is well recognized that continued growth, and in some cases overbuilding, has a direct impact on underground wells, and their respective aquifers as well as the ability of existing septic systems to function properly.

Having said this, there are very deep concerns with the above application some of which are as follows:

1. A development of this size on such a small island detracts from the natural Island scenic resources and does not preserve the ecological integrity of the surface and subsurface waters. If rezoning is permitted it will most assuredly have a negative impact on both the wells and septic systems of the adjacent and surrounding home owners. Given the minimal front and side yard

setbacks that the County requires, homes are already being built literally on top of one another, giving little room for septic dispersals and well water recharge. Additionally their will be further degradation to our primitive road system as well as impacting the limited resources of our small Fire Department

2. The sheer magnitude of the development, as requested in the application for rezoning is totally out of character and inconsistent with the densities and intensities of the adjacent and surrounding properties and any approval will result in the immediate reduction of the value of these properties.

3. North Captiva residents pay the same tax rates as our fellow citizens on the mainland though our homes are appraised at much higher values (therefore higher taxes) than they would be if located on the mainland. We don't however enjoy the same County and State services with regard to road maintenance and garbage removal. As of today the roads are in poor condition and a collection is being taken up by the homeowners to provide funds for the grading of all the roads. The normal trash pickups at residences have been spaced out for longer periods to compensate for the increasing amounts of trash that needs to be barged from the Island and disposed of. As a result additional storage bins at the residences are required to adequately store the trash in addition to securing it from the animal and rodent population. Taking care of these services and their obvious financial burdens is left up to the Island residents to cope with and pay for. People who live on this Island have a vested interest in keeping it in a clean and pristine condition, for it is the very heart of the reason why they moved here. Those that frequent the proposed development will substantially add to these already difficult road and garbage conditions and burden the residents even further without any recourse.

4. In short this Island does not have the infrastructure to support this kind of development. It is a known fact that tourists on vacation will produce more waste, use more water, and not have the same respect for the environmental aspects as long term residents would and in fact do. The applicant is well aware of this situation which is why the original application included a request for an outdoor incinerator. While it is my understanding that the request for an incinerator was subsequently withdrawn, for sound safety reasons, no further remedies were provided by the applicant.

5. I recognize that a landowner, who has been paying taxes, has a certain right to develop his property. In this case the developer purchased the property with the full knowledge that it was zoned (C-1) commercial. If the developer wishes to develop the property using the current (C-1) zoning criteria which limits the number of units to a more reasonable level, them let him apply for it. Hopefully his preliminary site plan and planned structure will be consistent with the existing character of the surrounding community as well as meet all the State and Municipal ordinances and codes.

6. **There is no hardship that the developer has indicated as a reason or basis for rezoning this parcel and if so the first criteria for any approval should be for the applicant to show that the change would be for the public good. The only reason for this application, and request for approval seems to be to get a higher density on the property so as to increase the return on the applicant's investment. In short to make more money while increasing the negative impact to the adjacent and surrounding homeowners.**

7. **The amount of the financial gain, whether more or less, by the applicant should not be the basis or consideration for approving a change of zoning**

8. **In summary there should be no basis for a zoning change unless it can be shown by the applicant to benefit the public good. In this case it does not and is in fact a detriment to the public who would be directly affected.**

I look forward to discussing this application further during the April 22 scheduled hearing.

Respectfully yours,

William Powell

To: zone file

DENNIS J & ILONA T JAFFE
15875 Britten Lane
Wellington, FL 33414
(561) 792-1840 (561) 792-4650 Facsimile

TRANSMITTAL BY EMAIL

April 21, 2004

Mr. B. J. Kelner
Lee County Government
Ft. Myers, FL

Re: Project: Grady's Lodge
Project Number: DC12003-00080

Dear Mr. Kelner:

We are long time residents of North Captiva Island, having owned property on the island for over 20 years. In this period of time, we have become well acquainted with Grady (Graydon W.) Scott, both personally and professionally. Whether in the restaurant or real estate business, Grady has always produced an excellent quality product and has conducted himself in a professional manner. If past experience is any example, I would expect that the above referenced project he is intending to build on the island will be built and managed in exemplary fashion and be an asset to the island.

There is a definite need for short term rentals on the island, as the shortest stay which most homeowners allow for their homes is one week, and these rates are quite high. I do not anticipate the addition of Grady's Lodge to the island to hinder the quality and value of life on North Captiva island at all. As a matter of fact, an aesthetically pleasing lodge is much more appealing than a vacant lot, overgrown with weeds. As a government official, I am sure you would rather collect taxes on the facility Grady anticipates building than on a vacant lot.

I trust you will view this project's completion favorably.

Sincerely,

Dennis & Ilona Jaffe

To: zone file.

THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3916 • (239) 334-1102 • TTD/TTY (239) 335-1512

LEE COUNTY
RECEIVED
04 MAY 21 AM 9:00
COMM. DEV/
PUB. WRKS. CNTR.
SECOND FLOOR

May 20, 2004

Mr. Bryan Kelner
Lee County Development Services Division
P.O. Box 398
Fort Myers, FL 33902-0398

Re: Grady's Lodge, DCI Substantive Review, Case #DCI2003-00080

Dear Mr. Kelner:

Thank you for the opportunity to review Grady's Lodge for substantive comments with regard to educational impacts. This proposed development is in the South Choice Zone of the District on Upper Captiva Island. This letter is in response to your request dated May 12, 2004.

This development should have no impact on classroom needs based on the applicant's indication that no residential dwelling units are proposed for this development.

Thank you for your attention to this issue. If I may be of further assistance, please give me a call at (239) 479-4205.

Sincerely,

Kathy Babcock

Kathy Babcock, Long Range Planner
Department of Construction and Planning

Cc: William G. Moore, Jr.
Executive Director, School Support

DISTRICT VISION
TO PREPARE EVERY STUDENT FOR SUCCESS

DISTRICT MISSION
TO PROVIDE A QUALITY EDUCATION IN A SAFE AND WELL-MANAGED ENVIRONMENT

April 18, 2004 *VIA FAX*

Mr. Brian Kelner
Lee County Division of Zoning
Dept. of Community Development
1500 Monroe Street
Ft. Myers, FL 33901

Dear Mr. Kelner:

This letter is regarding **Case Number DCI2003-00080, Case Name Grady's Lodge – Upper Captiva Island.**

As a homeowner whose property is located within 500 feet of the proposed site of Grady's lodge, I am seen as potentially affected, and therefore entitled to provide input. Given the unique and delicate nature of North Captiva Island, however, I assure you that the negative effects of the construction of this lodge will reach well beyond nearby property owners. In fact, most island residents will be negatively impacted.

I understand you have received other letters, and so won't go into a level of zoning and environmental detail, to which I am sure you have already been exposed. Please allow me to add a few items of concern to the growing list. Some may be new to the list. Others may be repetitious, but only because they are of such grave concern. Most comments are about quality of life for island residents, and environmental concerns. I leave the technicalities of zoning issues to those more knowledgeable than myself.

-North Captiva Island is a secluded, quiet, wildlife-oriented place. The average Florida weekend hotel/motel visitor tends to be more interested in the party scene, which is definitely in contradiction to what has drawn the island residents to invest so much in the place. Residents want to avoid exactly what Grady's Lodge will bring to the island. That is why we chose North Captiva, instead of Sanibel, or Captiva Island. This Lodge will change the personality of our Island. It is not in the best interests of the residents.

-The island has no local law enforcement. As it is, this has been unnecessary. If a hotel with a bar is constructed, the density and make up of our visitors will change. Our small, unlit and un-policed sand roads will become more dangerous at night. And the very special sense of safety that residents have when our small children roam free will go away forever.

-A second club, with commercial activities, is already planned for the island. This must be taken into account when one ponders just how much stress this delicate barrier island can stand. This second club, however, is for island residents to join and use. It adds value and convenience for residents who choose to use it. Grady's lodge offers no such value to residents. It benefits only its commercial owner, at the expense of the rest of the island residents.

-Many of the houses on the island are offered for rent. There is no shortage of affordable rental opportunities for anyone what wants to visit North Captiva.

-Houses are already fairly close together, and well capacity is a real concern.

-I am not sure if the canal running from safety harbor past the property is a manitee protection area. I do know that manitees regularly swim up and down that canal, and would hope that consideration would be given to this endangered species before giving the go ahead for a zoning change that will increase population density and dangers to the manitees.

-Island residents are encouraged to keep night lighting to a minimum, to protect endangered sea turtle hatchlings. A high density area of 35 foot buildings, occupied by short term uninformed tenants, will assuredly increase the ambient light that further endangers this species.

Thank you for considering these points. I realize they do not concentrate on the legal aspects of this case. But this case is as much about protecting a delicate environment, and special quality of life, as it is about the legalities of zoning. Anyone who has visited North Captiva knows the island is truly a very special place. It must be protected from the irreversible damage that commercial development will cause.

There are precious few such unspoiled areas left in Florida. The owner of the lot in question knew this when buying the lot. Let him abide by the intent of the original zoning, which is to limit commercial growth on this delicate island, so that residents and visitors alike can continue to enjoy its unique serenity.

Again, thanks for your consideration.

Sincerely,

Bernard S. Frey
523 Longboat Circle
North Captiva, FL 33924

Cell phone 978 764-6880

To: zone file
DCI 2003-00080

From: Bryan Kelner
To: Lloyd, Mary
Date: 5/5/04 7:45AM
Subject: Re: Grady's Lodge

Thank you for your comments.

Please note that Grady's Lodge, DCI2003-00080, has been continued by the Hearing Examiner to May 14, 2004. In order to preserve your right to speak before the Board of County Commissioner's, you must go on record and speak at the continued hearing before the Hearing Examiner scheduled for Friday, May 14, 2004 at 10:00 a.m.

The location is 1500 Monroe Street, City of Fort Myers, FL.

>>> "Mary Lloyd" <mlm6@earthlink.net> 05/04/04 09:11PM >>>

May 5, 2004

To: B. J. Kelner
Email: kelnerbj@leegov.com
From: Mary Lloyd McDonald
Re: Grady's Lodge # DCI2003-00080

Dear Mr. Kelner,

Please accept this letter as expressing my support for Grady's Lodge. Having known Grady for a number of years, both personally and professionally, I have no doubt that he will establish and run his business with the highest regard to the overall nature of Upper Captiva Island.

The architectural style he has chosen for his buildings is, in my opinion, much more in the style of "old Florida" than are the huge houses presently being built on the island and will thus be much more pleasing.

This island is Grady's home. As long as I have known him this lodge has been his dream. I am confident that he cares deeply for the welfare and the future of Upper Captiva and would never consider compromising his feelings.

In a place where prices can be easily inflated, additional competition is vital to maintaining a fair market. I know that Grady is in tune with this philosophy, as he has so clearly shown in the past.

Please seriously consider approving Grady's plans. The Lodge will definitely be an addition our island.

Thank you,

Sincerely,

Mary Lloyd McDonald
120 Swallow Dr.
Upper Captiva, FL 33924

To: zone file
DC12003-00080

Bryan Kelner - Grady'sLodge Mo[illegible]rezoning request

From: "howard kulin" <hkulin@epix.net>
To: <kelnerbj@leegov.com>
Date: 04/28/2004 9:34 AM
Subject: Grady'sLodge Motel rezoning request
CC: <ralf@ralfbrookesattorney.com>

Dear Mr. Kelner,

Four years ago my wife and I bought property on North Captiva Island feeling it was unique real estate and unlikely to change. We felt the lack of a bridge to the mainland and,most importantly, the existance of Florida State Park land on two-thirds of the island imposed important protection against commercial development. The occupants of North Captiva took great pride in the natural beauty of this pristine barrier island. Unfortunately, our expectations have not been met.

The building of new homes at a relatively rapid rate has taxed the resources of North Captiva greatly, including water, roads, garbage removal, wildlife, and natural vegetation. The trash created by new building sites is unsightly and clearly has increased the vermin population. A large influx of renters to these new properties brings short term guests, most of whom care little for maintaining the appearance of the island. Access to beaches is ill defined by the major rental and real estate company, and renters walk through private property willy-nilly. Large "For Sale" signs now appear everywhere with little concern for appearance. Development has brought intrusive and negative changes to the local environment as the pockets of a few are enriched.

New ventures beyond the building of additional homes will further test the ability to insure the natural beauty of North Captiva. A new recreational club under the aegis of Eva Scala will bring an arcade of shops, swimming pool, and other commercial activities to North Captiva. The zoning change request of Mr. Grady Scott to establish a motel facility and restaurant/bar will further damage hopes of maintaining North Captiva as a truly unique piece of geography on the Florida Gulf Coast. I should ask that this zoning change NOT be granted and that all efforts be exerted to protecting the status quo on North Captiva. The State of Florida has recognized the value of such action by protecting barrier ecology on Cayo Costa and part of North Captiva for future generations. Such directions need to be bolstered on these sites and creeping commercialism halted.

Thank you for your kind attention

Somcerely yours,

Howard E. Kulin, M.D.

To: zone file.
DCI 2003-00080

From: Bryan Kelner
To: kulin, howard
Date: 4/28/04 11:58AM
Subject: Re: Grady'sLodge Motel rezoning request

Thank you for your comments.

I would like to take this opportinity to advise you that Grady's Lodge, DCI2003-00080, has been continued by the Hearing Examiner to May 14, 2004. In order to preserve your right to speak before the Board of County Commissioner's, you must go on record and speak at the continued hearing before the Hearing Examiner scheduled for Friday, May 14, 2004 at 10:00 a.m.

Please call if I can be of further assistance.

>>> "howard kulin" <hkulin@epix.net> 04/28/04 09:15AM >>>
Dear Mr. Kelner,

Four years ago my wife and I bought property on North Captiva Island feeling it was unique real estate and unlikely to change. We felt the lack of a bridge to the mainland and,most importantly, the existance of Florida State Park land on two-thirds of the island imposed important protection against commercial development. The occupants of North Captiva took great pride in the natural beauty of this pristine barrier island. Unfortunately, our expectations have not been met.

The building of new homes at a relatively rapid rate has taxed the resources of North Captiva greatly, including water, roads, garbage removal, wildlife; and natural vegetation. The trash created by new building sites is unsightly and clearly has increased the vermin population. A large influx of renters to these new properties brings short term guests, most of whom care little for maintaining the appearance of the island. Access to beaches is ill defined by the major rental and real estate company, and renters walk through private property willy-nilly. Large "For Sale" signs now appear everywhere with little concern for appearance. Development has brought intrusive and negative changes to the local environment as the pockets of a few are enriched.

New ventures beyond the building of additional homes will further test the ability to insure the natural beauty of North Captiva. A new recreational club under the aegis of Eva Scala will bring an arcade of shops, swimming pool, and other commercial activities to North Captiva. The zoning change request of Mr. Grady Scott to establish a motel facility and restaurant/bar will further damage hopes of maintaining North Captiva as a truly unique piece of geography on the Florida Gulf Coast. I should ask that this zoning change NOT be granted and that all efforts be exerted to protecting the status quo on North Captiva. The State of Florida has recognized the value of such action by protecting barrier ecology on Cayo Costa and part of North Captiva for future generations. Such directions need to be bolstered on these sites and creeping commercialism halted.

Thank you for your kind attention

Somcerely yours,

Howard E. Kulin, M.D.

CC: Henry, Joan

Bryan Kelner - Re: Grady's Lodge

To: zone file
DCI 2003-00080

From: "Mary Lloyd" <mlm6@earthlink.net>
To: "Bryan Kelner" <KELNERBJ@leegov.com>
Date: 05/05/2004 8:43 AM
Subject: Re: Grady's Lodge

Good morning Mr. Kelner. Unfortunately I will be out of town at the time of Grady's hearing which is why I felt moved to express my opinion in writing. Whether or not my words will legally do any good I am not aware. I would just like you to know that indeed I, as a full time resident on Upper Cap, join others to support his request.
Thank you for your consideration.
Mary Lloyd McDonald
----- Original Message -----
From: "Bryan Kelner" <KELNERBJ@leegov.com>
To: <mlm6@earthlink.net>
Sent: Wednesday, May 05, 2004 7:45 AM
Subject: Re: Grady's Lodge

Thank you for your comments.

Please note that Grady's Lodge, DCI2003-00080, has been continued by the Hearing Examiner to May 14, 2004. In order to preserve your right to speak before the Board of County Commissioner's, you must go on record and speak at the continued hearing before the Hearing Examiner scheduled for Friday, May 14, 2004 at 10:00 a.m.

The location is 1500 Monroe Street, City of Fort Myers, FL.

>>> "Mary Lloyd" <mlm6@earthlink.net> 05/04/04 09:11PM >>>

To: zone file
DCI 2003-00080

From: Bryan Kelner
To: DavidLake7@aol.com
Date: 5/12/04 12:19PM
Subject: Re: Grady's Lodge

Thank you for your e-mail, dated 5-12-04. I already received a copy from the Hearing Examiner's Office.

Please note that Grady's Lodge, DCI2003-00080, has been continued by the Hearing Examiner to May 14, 2004. In order to preserve your right to speak before the Board of County Commissioner's, you must go on record and speak at the continued hearing before the Hearing Examiner scheduled for Friday, May 14, 2004 at 10:00 a.m.

Thank you.

>>> <DavidLake7@aol.com> 05/12/04 10:42AM >>>
Please see attached letter. Thank you.

Bryan Kelner - Grady's Lodge

From: <DavidLake7@aol.com>
To: <kelnerbj@leegov.com>
Date: 05/12/2004 10:43 AM
Subject: Grady's Lodge

Please see attached letter. Thank you.

5-12-04

Mr. BJ Kelner
Lee County Government
Fort Myers, Florida

Dear Mr. Kelner:

Re: Project: ***Grady's Lodge***

Thank you for taking the time to go over the project for our island of **North Captiva**. My family has been going to southern Florida for many years. We decided to purchase land on the island about three years ago on Humming Bird Lane. It is the thought of quite, private and livable shores that will commit us to build on this island. Grady has been an important part of that equation.

Grady's vision and commitment to be in touch with the needs of the islanders and visitors has been evident for over 25 years. He was one of the first to believe and invest on the island with a restaurant and docks over 15 years ago. **We are in very much support** of his efforts to bring a needed amenity to the residents. We are unhappy with the few options available to us on island. We are not exacting a direction of major development but are looking for private parties like Grady to take the challenge of small integrated and quaint services.

It has been my experience with land development that there is usually more than one perspective on a given project. However it is usually not the current businesses that fight the coming project but embrace this as a balanced and fair approach at customer and residential service. **My family is thankful for your consideration of these views.**

Sincerely,

David Lake Family

To: zone file
DCI 2003-00080

Bryan Kelner - Grady's Lodge

From: <Drjwbmd@aol.com>
To: <kelnerbj@leegov.com>
Date: 05/11/2004 9:13 PM
Subject: Grady's Lodge

Dear Mr. Kelner:
I have just heard the news of the proposed Grady's Lodge on North Captiva. I own a home on North Captiva Island at 4561 Oyster Shell Drive. Although my home is not close to the proposed Grady's Lodge, I wanted to go on record that I am very opposed to this project. It will have a very negative impact on the character of the island. There will be too many people in too small an area on the island. I wish I could come to a meeting and voice my opposition. Please let me know if there is anything else that I can do to stop this proposal. Thank you. John Bender MD

From: Bryan Kelner
To: Drjwbmd@aol.com
Date: 5/12/04 7:50AM
Subject: Re: Grady's Lodge

Thank you for your comments.

Please note that Grady's Lodge, DCI2003-00080, has been continued by the Hearing Examiner to May 14, 2004. In order to preserve your right to speak before the Board of County Commissioner's, you must go on record and speak at the continued hearing before the Hearing Examiner scheduled for Friday, May 14, 2004 at 10:00 a.m.

Thank you.

>>> <Drjwbmd@aol.com> 05/11/04 09:12PM >>>
Dear Mr. Kelner:
I have just heard the news of the proposed Grady's Lodge on North Captiva. I own a home on North Captiva Island at 4561 Oyster Shell Drive. Although my home is not close to the proposed Grady's Lodge, I wanted to go on record that I am very opposed to this project. It will have a very negative impact on the character of the island. There will be too many people in too small an area on the island. I wish I could come to a meeting and voice my opposition.
Please let me know if there is anything else that I can do to stop this proposal.
Thank you. John Bender MD

To: zone file
DCI 2003-00080

Bryan Kelner - (no subject)

From: <MONTANADDS@aol.com>
To: <kelnerbj@leegov.com>
Date: 05/11/2004 11:50 PM
Subject: (no subject)
CC: <Northcaptivainc@aol.com>

Dear Mr.Kelner, It is my intention to completely endorse the project known as "GRADY'S lodge".North Captiva currently posseses no short term rental situation for such venues as 1 -3 day conferences,meetings, or family gatherings such as weddings and reunions.My wife and I have known Graydon Scott for 20 years.In fact he was a chef and was employed by him 10 years ago. while working at "GRADYS RESTAURANT" Everything that MR.Scott has put forth has been accomplished in a tasteful and sensitive fashion for the 20 years we have known him. His experience on North Captiva, Captiva and Sanibel islands has only been positive for our precious environment and the people who choose to come to such a remte location.Mr.Scott is a very experienced builder and restauranteur.He Is also a very ethical realtor.We have referred many of our friends to him, and all were very pleased. Given the chance, you will find him to be of the highest ehical and moral character.{much more than the current crop of realtors who overload rental houses,and our water septic resources. We believe that Graydon Scoyy should be allowed to go forth with "Grads Lodge". Very truly yours, Marjorie and Ronald Montana

From: Bryan Kelner
To: MONTANADDS@aol.com
Date: 5/12/04 7:52AM
Subject: Re: (no subject)

Thank you for your comments.

Please note that Grady's Lodge, DCI2003-00080, has been continued by the Hearing Examiner to May 14, 2004. In order to preserve your right to speak before the Board of County Commissioner's, you must go on record and speak at the continued hearing before the Hearing Examiner scheduled for Friday, May 14, 2004 at 10:00 a.m.

Thank you.

>>> <MONTANADDS@aol.com> 05/11/04 11:49PM >>>
Dear Mr.Kelner, It is my intention to completely endorse the project known as "GRADY'S lodge".North Captiva currently posseses no short term rental situation for such venues as 1 -3 day conferences,meetings, or family gatherings such as weddings and reunions.My wife and I have known Graydon Scott for 20 years.In fact he was a chef and was employed by him 10 years ago. while working at "GRADYS RESTAURANT" Everything that MR.Scott has put forth has been accomplished in a tasteful and sensitive fashion for the 20 years we have known him. His experience on North Captiva, Captiva and Sanibel islands has only been positive for our precious environment and the people who choose to come to such a remte location.Mr.Scott is a very experienced builder and restauranteur.He Is also a very ethical realtor.We have referred many of our friends to him, and all were very pleased. Given the chance, you will find him to be of the highest ehical and moral character.{much more than the current crop of realtors who overload rental houses,and our water septic resources. We believe that Graydon Scoyy should be allowed to go forth with "Grads Lodge". Very truly yours, Marjorie and Ronald Montana

To: zone file
DOI 2003-00080

Bryan Kelner

From: Sharon Craven <mimi1@direcway.com>
To: <kelnerbj@leegov.com>
Date: 05/11/2004 10:37 AM

Dear Sirs:

We support the "Grady's Lodge" project proposed by Graydon Scott on North Captiva Island. Having just met Grady recently, we appreciate his enthusiasm for the project & his love of the island.

We have been full time island residents for over 4 years.. We also own a rental property near our home. It is our opinion that the proposed lodge will provide services & opportunities for current residents and potential visitors.

Thank you,

Richard & Sharon Craven

From: Bryan Kelner
To: Craven, Sharon
Date: 5/11/04 11:07AM
Subject: Re:

Thank you for your comments.

Please note that Grady's Lodge, DCI2003-00080, has been continued by the Hearing Examiner to May 14, 2004. In order to preserve your right to speak before the Board of County Commissioner's, you must go on record and speak at the continued hearing before the Hearing Examiner scheduled for Friday, May 14, 2004 at 10:00 a.m.

Thank you.

>>> Sharon Craven <mimi1@direcway.com> 05/11/04 10:36AM >>>
Dear Sirs:

We support the "Grady's Lodge" project proposed by Graydon Scott on North Captiva Island. Having just met Grady recently, we appreciate his enthusiasm for the project & his love of the island.

We have been full time island residents for over 4 years.. We also own a rental property near our home. It is our opinion that the proposed lodge will provide services & opportunities for current residents and potential visitors.

Thank you,

Richard & Sharon Craven

To: zone file

From: "Paul Douglass" <Douglasshsd@earthlink.net>
To: "B. J. Kelner" <Kelnerbj@leegov.com>
Date: 05/10/2004 4:33 PM
Subject: Case DC12003-00080, Grady's Lodge

Dear Mr. Kelner:

I am writing on behalf of Graydon W. Scott (Grady) and his proposed project, Grady's Lodge.

I have owned property on North Captiva island for twenty four years, and have become well acquainted with Grady over the years. My property, including a new house, is immediately adjacent to the East side of the subject property.

Over the years I have had the opportunity to observe many changes to the island. I was very happy to see that Grady is proposing a development consisting of low key, island style structures, that will fit in with and enhance the ambiance of the island. As an adjacent property owner, I have no objections to the proposed project, and know that Grady will develop and manage the property in a manner that will not be a detriment to the immediate neighbors or the island in general.

Sincerely,
Paul R. Douglass, DVM

From: Bryan Kelner
To: Douglass, Paul
Date: 5/11/04 7:35AM
Subject: Re: Case DC12003-00080, Grady's Lodge

Thank you for your comments.

Please note that Grady's Lodge, DCI2003-00080, has been continued by the Hearing Examiner to May 14, 2004. In order to preserve your right to speak before the Board of County Commissioner's, you must go on record and speak at the continued hearing before the Hearing Examiner scheduled for Friday, May 14, 2004 at 10:00 a.m.

Thank you.

>>> "Paul Douglass" <Douglasshsd@earthlink.net> 05/10/04 04:33PM >>>
Dear Mr. Kelner:

I am writing on behalf of Graydon W. Scott (Grady) and his proposed project, Grady's Lodge.

I have owned property on North Captiva island for twenty four years, and have become well acquainted with Grady over the years. My property, including a new house, is immediately adjacent to the East side of the subject property.

Over the years I have had the opportunity to observe many changes to the island. I was very happy to see that Grady is proposing a development consisting of low key, island style structures, that will fit in with and enhance the ambiance of the island. As an adjacent property owner, I have no objections to the proposed project, and know that Grady will develop and manage the property in a manner that will not be a detriment to the immediate neighbors or the island in general.

Sincerely,
Paul R. Douglass, DVM

Bryan Kelner - Grady's Resort: Upper Captiva Island

From: <JOtis12529@aol.com>
To: <kelnerbj@leegov.com>
Date: 05/11/2004 7:25 AM
Subject: Grady's Resort: Upper Captiva Island

Mr. B. J. kelner
Lee County Heraring Examiner
Attn: Salvatore Territo

Dear Mr. Kelner

We approve of Mr. Grady's proposed resort project on Upper Captiva Island. We have been home owners on the island since l997.

John and Maxine Otis
4550 Oro Pesos Lane
Upper Captiva Island, FL

From: Bryan Kelner
To: JOtis12529@aol.com
Date: 5/11/04 7:36AM
Subject: Re: Grady's Resort: Upper Captiva Island

Thank you for your comments.

Please note that Grady's Lodge, DCI2003-00080, has been continued by the Hearing Examiner to May 14, 2004. In order to preserve your right to speak before the Board of County Commissioner's, you must go on record and speak at the continued hearing before the Hearing Examiner scheduled for Friday, May 14, 2004 at 10:00 a.m.

Thank you.

>>> <JOtis12529@aol.com> 05/11/04 07:24AM >>>

Mr. B. J. kelner
Lee County Heraring Examiner
Attn: Salvatore Territo

Dear Mr. Kelner

We approve of Mr. Grady's proposed resort project on Upper Captiva Island. We have been home owners on the island since l997.

John and Maxine Otis
4550 Oro Pesos Lane
Upper Captiva Island, FL

Z: zone file.

From: Bryan Kelner
To: N777VK@aol.com
Date: 5/10/04 10:47AM
Subject: Re: Project Number DC12003-00080

Thank you for your comments.

However, please note that Grady's Lodge, DCI2003-00080, has been continued by the Hearing Examiner to May 14, 2004. In order to preserve your right to speak before the Board of County Commissioner's, you must go on record and speak at the continued hearing before the Hearing Examiner scheduled for Friday, May 14, 2004 at 10:00 a.m.

Thank you.

>>> <N777VK@aol.com> 05/10/04 10:36AM >>>
To: BJ Kelner
Email: kelnerbj@leegov.com
From: Henry Van Kesteren
Re: Grady's Lodge Project Number DC12003-00080

In 1990, my wife Ginny and I built a family vacation home at North Captiva Island – 4330 Seair Lane adjoining the airport. The airport allowed us to enjoy hundreds of visits to the Island with our family over the past 14 years. The trip from our home in St. Petersburg usually takes 30 minutes.

Because we are not full time residents, some problems that arise are difficult for us to attend to in person. Of all our many island friends, Grady is the one we can always count on. His cheerful manner and ability to get things done always impress us, especially his fairness and honesty.
We think his proposed lodge would be an asset to the Island. Please consider this letter a yes vote for its approval.

Sincerely,

Henry Van Kesteren
One Beach Drive SE #2706
St. Petersburg, FL 33701
727-822-3429
N777VK@aol.com

From: <N777VK@aol.com>
To: <kelnerbj@leegov.com>
Date: 05/10/2004 10:37 AM
Subject: Project Number DC12003-00080

To: BJ Kelner
Email: kelnerbj@leegov.com
From: Henry Van Kesteren
Re: Grady's Lodge Project Number DC12003-00080

In 1990, my wife Ginny and I built a family vacation home at North Captiva Island - 4330 Seair Lane adjoining the airport. The airport allowed us to enjoy hundreds of visits to the Island with our family over the past 14 years. The trip from our home in St. Petersburg usually takes 30 minutes.

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We think his proposed lodge would be an asset to the Island. Please consider this letter a yes vote for its approval.

Sincerely,
Henry Van Kesteren
One Beach Drive SE #2706
St. Petersburg, FL 33701
727-822-3429
N777VK@aol.com

To: Save file

From: <AFeltingoff@aol.com>
To: <Kelnerbj@leegov.com>
Date: 04/21/2004 8:33 PM
Subject: Grady's Lodge caseDC12003-0080

My name is Neal Feltingoff and I have been a resident on Upper Captiva for the last five years. I currently serve as a volunteer fireman and a Fire Commissioner on the Upper Captiva fire and rescue dept. My wife owns Upper Captiva Island Properties. and is a Realestate Broker on the Island. We have watched the growth of the Island and the soaring prices of homes and land. In order to help sustain our growth and tax base WE NEED GRADY'S LODGE ! This project will give us affordable Daily rentals which does not exist today. It will give the Island more amenities and fairer competion which is sorley needed to help spur our growth. The design as presented will add ambiance and beauty to the island.Please see to it that this project proceeds for the benefit of the majority of property owners on the Island. Thank-You. Neal Feltingoff

To: zone file
DCI 2003-00080

Bryan Kelner - Support letter for Grady's Lodge, North Captiva

From: "KarenandBill Fuchs" <burntstoreflorida@earthlink.net>
To: <kelnerbj@leegov.com>
Date: 05/13/2004 11:09 AM
Subject: Support letter for Grady's Lodge, North Captiva

We have been homeowners on North Captiva Island for 10 years and can attest to Grady's personal and professional integrity. We feel that the proposed project of Grady's Lodge would be a welcome addition to the island and would urge your approval.

Karen & Bill Fuchs
200 White Pelican
North Captiva Island, FL
239-209-HOME(4663)
941-639-4539 fax
burntstoreflorida@earthlink.net

To: Sono file

DENNIS J & ILONA T JAFFE
15875 Britten Lane
Wellington, FL 33414
(561) 792-1840 (561) 792-4650 Facsimile

TRANSMITTAL BY EMAIL

April 21, 2004

Mr. B. J. Kelner
Lee County Government
Ft. Myers, FL

Re: Project: Grady's Lodge
Project Number: DC12003-00080

Dear Mr. Kelner:

We are long time residents of North Captiva Island, having owned property on the island for over 20 years. In this period of time, we have become well acquainted with Grady (Graydon W.) Scott, both personally and professionally. Whether in the restaurant or real estate business, Grady has always produced an excellent quality product and has conducted himself in a professional manner. If past experience is any example, I would expect that the above referenced project he is intending to build on the island will be built and managed in exemplary fashion and be an asset to the island.

There is a definite need for short term rentals on the island, as the shortest stay which most homeowners allow for their homes is one week, and these rates are quite high. I do not anticipate the addition of Grady's Lodge to the island to hinder the quality and value of life on North Captiva island at all. As a matter of fact, an aesthetically pleasing lodge is much more appealing than a vacant lot, overgrown with weeds. As a government official, I am sure you would rather collect taxes on the facility Grady anticipates building than on a vacant lot.

I trust you will view this project's completion favorably.

Sincerely,

Dennis & Ilona Jaffe

To: zone file
DCI 2003-00080

Bryan Kelner - Grady Scott

From: "ZsuZsanna Weigel" <ZWeigel@Knott-law.com>
To: <kelnerbj@leegov.com>
Date: 05/13/2004 1:58 PM
Subject: Grady Scott

Per Matt Uhle's request, here is list of proposed conditions for your information--not finally approved by client as of this date:

ADDITIONAL CONDITIONS

1. The developer must prove that the project will be served by an adequate water supply prior to any development order approvals.

2. Amend 6(b) to prohibit background music outdoors after 6:00.

3. Golf cart batteries may not be stored outdoors.

4. The exact location of building footprints, accessory uses, driveways, and golfcart parking areas will be adjusted as necessary to avoid the unnecessary destruction of indigenous vegetation. No indigenous vegetation will be removed outside of these designated areas.

5. The developer will make an annual contribution of $4,000 to the North Captiva Road Commission to offset any additional impacts to the road system as long as the Commission continues to solicit and use funds to improve the roads on North Captiva.

To: zone file.

MEMORANDUM
FROM THE
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING DIVISION

DATE: May 13, 2004

TO: Hearing Examiner

FROM: Bryan Kelner
Principal Planner

RE: Graydon W. Scott in reg to Grady's Lodge
Case #DCI2003-00080
Letters/faxes/e-mails

Please find attached letters/faxes/e-mails staff has received from the public regarding the above noted case. Copies of these letters/faxes/e-mails have been forwarded to the applicant.

The letters/faxes/e-mails are from the following individuals:

1. John Wayne
2. Eric Flanagan
3. Neal Feltingoff
4. Karen and Bill Fuchs
5. Dennis and Ilona Jaffe

cc: Joan Henry
Robert Hutcherson
Zoning/DCI file

From: "John Wayne" <houseofmouse@earthlink.net>
To: <kelnerbj@leegov.com>
Date: 05/13/2004 12:04 AM
Subject: re:Item # DC-12003-0080, "GRADY'S LODGE"

Dear Mr. Kelner, Thanks for your couteous prior response to my request for info. regarding the item known as "GRADY'S LODGE". Unfortunately, I will be unable to attend the May 14th. meeting. However, I would like to reiterate our SUPPORT for this project, and urge the Board to approve in due haste and without reservation. I have known Mr. Scott since 1989, and we have been North Captiva homeowners/property-owners since 1994. I have had many business dealings with Grady, have always known him to be fair, and his enthusiasm and care for the "Island" are unsurpassed ! If you would share our SUPPORT for this Project with the other Board Members, I would be most appreciative ! Thanks again for your time, Warmest regards, JOHN and MARY ANN WAYNE 131 Swallow Drive, North Captiva Island

From: "Eric Flanagan" <eflanagan@emffp.com>
To: <Northcaptivainc@aol.com>
Date: 5/12/04 5:59PM
Subject: RE: Grady's Lodge

Dear Grady,

I am in favor of your plan for a group of small cottages. It sounds nicer than one huge hotel-like building. I feel like you have made a consistent positive impact on the island since we first met in the late 1980's when you ran Grady's restaurant on N. Captiva. I hope you are able to permit the plan you have proposed. I think it may also provide an opportunity for people who can't afford to rent a private home for a week to visit N. Captiva. I am sure many newer island residents would like it to be an exclusive preserve for the wealthy, but I like the island more the way it has always been, an electic mix of people from different backrounds with different views and ideas. Best of luck with your project. Eric Flanagan

-----Original Message-----
From: Northcaptivainc@aol.com [mailto:Northcaptivainc@aol.com]
Sent: Tue 5/11/2004 1:03 AM
To: Eric Flanagan
Cc:
Subject: Grady's Lodge

Dear Eric,

I found it necessary to receive as much support as possible. It appears I have opposition directed from North Captiva Island Club rental properties.

I have enclosed a few of my support letters for Grady's Lodge. You being a home and property owner on the island, your input would be very helpful. You could assist me best by attending the hearing on May 14, 2004 at 10 a.m. at 1500 Monroe Street, Fort Myers in person. If you're unable to attend, please send your support letter by Thursday, May 13th registering a vote of "yes" in favor of Grady's Lodge to Lee County Hearing Examiner, attn. Salvatore Territo at his fax: 239-479-8106 or BJ Kelner at his e-mail: kelnerbj@leegov.com. Also forward a copy of your letter to my fax: 239-472-2515 or my e-mail: northcaptivainc@aol.com. Your support and vote are greatly appreciated.

Thank you,
Grady and family
239-472-1500

From: <AFeltingoff@aol.com>
To: <Kelnerbj@leegov.com>
Date: 04/21/2004 8:33 PM
Subject: Grady's Lodge caseDC12003-0080

My name is Neal Feltingoff and I have been a resident on Upper Captiva for the last five years. I currently serve as a volunteer fireman and a Fire Commissioner on the Upper Captiva fire and rescue dept. My wife owns Upper Captiva Island Properties. and is a Realestate Broker on the Island. We have watched the growth of the Island and the soaring prices of homes and land. In order to help sustain our growth and tax base WE NEED GRADY'S LODGE ! This project will give us affordable Daily rentals which does not exist today. It will give the Island more amenities and fairer competion which is sorley needed to help spur our growth. The design as presented will add ambiance and beauty to the island.Please see to it that this project proceeds for the benefit of the majority of property owners on the Island. Thank-You. Neal Feltingoff

Bryan Kelner - Support letter for Grady's Lodge, North Captiva

From: "KarenandBill Fuchs" <burntstoreflorida@earthlink.net>
To: <kelnerbj@leegov.com>
Date: 05/13/2004 11:09 AM
Subject: Support letter for Grady's Lodge, North Captiva

We have been homeowners on North Captiva Island for 10 years and can attest to Grady's personal and professional integrity. We feel that the proposed project of Grady's Lodge would be a welcome addition to the island and would urge your approval.

Karen & Bill Fuchs
200 White Pelican
North Captiva Island, FL
239-209-HOME(4663)
941-639-4539 fax
burntstoreflorida@earthlink.net

DENNIS J & ILONA T JAFFE
15875 Britten Lane
Wellington, FL 33414
(561) 792-1840 (561) 792-4650 Facsimile

TRANSMITTAL BY EMAIL

April 21, 2004

Mr. B. J. Kelner
Lee County Government
Ft. Myers, FL

Re: Project: Grady's Lodge
Project Number: DC12003-00080

Dear Mr. Kelner:

We are long time residents of North Captiva Island, having owned property on the island for over 20 years. In this period of time, we have become well acquainted with Grady (Graydon W.) Scott, both personally and professionally. Whether in the restaurant or real estate business, Grady has always produced an excellent quality product and has conducted himself in a professional manner. If past experience is any example, I would expect that the above referenced project he is intending to build on the island will be built and managed in exemplary fashion and be an asset to the island.

There is a definite need for short term rentals on the island, as the shortest stay which most homeowners allow for their homes is one week, and these rates are quite high. I do not anticipate the addition of Grady's Lodge to the island to hinder the quality and value of life on North Captiva island at all. As a matter of fact, an aesthetically pleasing lodge is much more appealing than a vacant lot, overgrown with weeds. As a government official, I am sure you would rather collect taxes on the facility Grady anticipates building than on a vacant lot.

I trust you will view this project's completion favorably.

Sincerely,

Dennis & Ilona Jaffe

To: zone file

Bryan Kelner - re:Item # DC-12003-0080, "GRADY'S LODGE"

From: "John Wayne" <houseofmouse@earthlink.net>
To: <kelnerbj@leegov.com>
Date: 05/13/2004 12:04 AM
Subject: re:Item # DC-12003-0080, "GRADY'S LODGE"

Dear Mr. Kelner, Thanks for your couteous prior response to my request for info. regarding the item known as "GRADY'S LODGE". Unfortunately, I will be unable to attend the May 14th. meeting. However, I would like to reiterate our SUPPORT for this project, and urge the Board to approve in due haste and without reservation. I have known Mr. Scott since 1989, and we have been North Captiva homeowners/property-owners since 1994. I have had many business dealings with Grady, have always known him to be fair, and his enthusiasm and care for the "Island" are unsurpassed ! If you would share our SUPPORT for this Project with the other Board Members, I would be most appreciative ! Thanks again for your time, Warmest regards, JOHN and MARY ANN WAYNE 131 Swallow Drive, North Captiva Island

To: zone file
DCI 2003-00080

From: "Eric Flanagan" <eflanagan@emffp.com>
To: <Northcaptivainc@aol.com>
Date: 5/12/04 5:59PM
Subject: RE: Grady's Lodge

Dear Grady,

I am in favor of your plan for a group of small cottages. It sounds nicer than one huge hotel-like building. I feel like you have made a consistent positive impact on the island since we first met in the late 1980's when you ran Grady's restaurant on N. Captiva. I hope you are able to permit the plan you have proposed. I think it may also provide an opportunity for people who can't afford to rent a private home for a week to visit N. Captiva. I am sure many newer island residents would like it to be an exclusive preserve for the wealthy, but I like the island more the way it has always been, an electic mix of people from different backrounds with different views and ideas. Best of luck with your project. Eric Flanagan

-----Original Message-----
From: Northcaptivainc@aol.com [mailto:Northcaptivainc@aol.com]
Sent: Tue 5/11/2004 1:03 AM
To: Eric Flanagan
Cc:
Subject: Grady's Lodge

Dear Eric,

I found it necessary to receive as much support as possible. It appears I have opposition directed from North Captiva Island Club rental properties.

I have enclosed a few of my support letters for Grady's Lodge. You being a home and property owner on the island, your input would be very helpful. You could assist me best by attending the hearing on May 14, 2004 at 10 a.m. at 1500 Monroe Street, Fort Myers in person. If you're unable to attend, please send your support letter by Thursday, May 13th registering a vote of "yes" in favor of Grady's Lodge to Lee County Hearing Examiner, attn. Salvatore Territo at his fax: 239-479-8106 or BJ Kelner at his e-mail: kelnerbj@leegov.com. Also forward a copy of your letter to my fax: 239-472-2515 or my e-mail: northcaptivainc@aol.com. Your support and vote are greatly appreciated.

Thank you,
Grady and family
239-472-1500

From: Bryan Kelner
To: Wayne, John
Date: 4/26/04 11:27AM
Subject: Re: NORTH CAPTIVA ISLAND-ZONING ISSUES BEFORE BOARD

Thank you for your comments.

Please note that Grady's Lodge, DCI2003-00080, has been continued by the Hearing Examiner to May 14, 2004. In order to preserve your right to speak before the Board of County Commissioner's, you must go on record and speak at the continued hearing before the Hearing Examiner scheduled for Friday, May 14, 2004 at 10:00 a.m.

>>> "John Wayne" <houseofmouse@earthlink.net> 04/24/04 12:44AM >>>
Dear Mr. Kelner, I am John Paul Wayne, homeowner of 131 Swallow Drive, North (Upper) Captiva Island. . I received, April 21 late evening, "E mail" from Mitra Bakhtian and Jim Schretter advising that the Lee Co. Board was hearing re-zoning requests for the Island on 22 April. I was unaware before their "E's" that these requests were before the Board at this date; indeed, Ms. Mitra and Mr. Schretter expressed their surprise as well at the "..last minute.." timing of these hearings. So, please make note that I am aware of these issues before the Board, and would like to go on record as an Interested Party, wishing to have notification of further action/considerations on these matters, as well as having the opportunity to be heard by the Board regarding same. Thanks for your time. Regards, John Paul Wayne

Bryan Kelner - NORTH CAPTIVA [redacted]AND-ZONING ISSUES BEFORE [redacted]ARD

From: "John Wayne" <houseofmouse@earthlink.net>
To: <kelnerbj@leegov.com>
Date: 04/24/2004 12:48 AM
Subject: NORTH CAPTIVA ISLAND-ZONING ISSUES BEFORE BOARD

Dear Mr. Kelner, I am John Paul Wayne, homeowner of 131 Swallow Drive, North (Upper) Captiva Island. . I received, April 21 late evening, "E mail" from Mitra Bakhtian and Jim Schretter advising that the Lee Co. Board was hearing re-zoning requests for the Island on 22 April. I was unaware before their "E's" that these requests were before the Board at this date; indeed, Ms. Mitra and Mr. Schretter expressed their surprise as well at the "..last minute.." timing of these hearings. So, please make note that I am aware of these issues before the Board, and would like to go on record as an Interested Party, wishing to have notification of further action/considerations on these matters, as well as having the opportunity to be heard by the Board regarding same. Thanks for your time. Regards, John Paul Wayne

From: Bryan Kelner
To: Schretter, Jim
Date: 4/26/04 11:32AM
Subject: Re: Grady's Lodge Case: DCI 2003-00080 Rezoning

Thank you for your comments.

Please note that Grady's Lodge, DCI2003-00080, has been continued by the Hearing Examiner to May 14, 2004. In order to preserve your right to speak before the Board of County Commissioner's, you must go on record and speak at the continued hearing before the Hearing Examiner scheduled for Friday, May 14, 2004 at 10:00 a.m.

>>> "Jim Schretter" <jschretter@beaconenergy.com> 04/22/04 11:54AM >>>
Mr. Bryan Kelner, County Planner
Lee County, FL

We were just made aware of a rezoning case: Grady's Lodge DCI2003-00080. Cativa Castaway LLC has 27 members and owns property on North Capitva Island. Members also own individual property on North Captiva Island.

We would like to file as an interested party in the above case. Currently, we are reviewing information on the rezoning and would like to reserve expressing an opinion until our review is completed. Please copy us on all appropriate reports.

Thank you for your assistance. Please use the electronic address or the mailing address below for correspondence.

Sincerely,

Jim Schretter
President, Capitva Castaway LLC

Mailing Address:
Jim Schretter
Beacon Energy, LLC
7913 Westpark Drive, Suite 101
McLean, VA 22102
703-905-8110 phone
703-905-8111 fax
703-447-2822 cell
Jschretter@BeaconEnergy.com

Bryan Kelner - Grady's Lodge Case: DCI 2003-00080 Rezoning

From: "Jim Schretter" <jschretter@beaconenergy.com>
To: <kelnerbj@leegov.com>
Date: 04/22/2004 12:07 PM
Subject: Grady's Lodge Case: DCI 2003-00080 Rezoning
CC: <mbakhtian@viprealty.com>

Mr. Bryan Kelner, County Planner
Lee County, FL

We were just made aware of a rezoning case: Grady's Lodge DCI2003-00080. Cativa Castaway LLC has 27 members and owns property on North Capitva Island. Members also own individual property on North Captiva Island.

We would like to file as an interested party in the above case. Currently, we are reviewing information on the rezoning and would like to reserve expressing an opinion until our review is completed. Please copy us on all appropriate reports.

Thank you for your assistance. Please use the electronic address or the mailing address below for correspondence.

Sincerely,

Jim Schretter
President, Capitva Castaway LLC

Mailing Address:
Jim Schretter
Beacon Energy, LLC
7913 Westpark Drive, Suite 101
McLean, VA 22102
703-905-8110 phone
703-905-8111 fax
703-447-2822 cell
Jschretter@BeaconEnergy.com

From: Bryan Kelner
To: Walker, Gary
Date: 4/26/04 11:40AM
Subject: Grady's Lodge - DCI2003-000080

You had spoken to me on the phone and I had given you the date and time for the continued hearing. As a folloe up, the continued hearing date is as follow:

Please note that Grady's Lodge, DCI2003-00080, has been continued by the Hearing Examiner to May 14, 2004. In order to preserve your right to speak before the Board of County Commissioner's, you must go on record and speak at the continued hearing before the Hearing Examiner scheduled for Friday, May 14, 2004 at 10:00 a.m.

Thank you.

From: "Gary Walker" <gary_walker@worldnet.att.net>
To: <Kelnerbj@leegov.com>
Date: 04/22/2004 11:30 AM
Subject: Fw: Grady's Lodge #2003-00080

----- Original Message -----
From: Gary Walker
To: Bryan Kelner
Sent: Thursday, April 22, 2004 10:17 AM
Subject: Grady's Lodge #2003-00080

Bryan Kelner
Principal Planner,

Years ago Grady Scott did a fine job developing a restaurant here. I trust that he will bring similar quality to this project. I have made Upper Captiva my home since 1986 and believe that Grady's Lodge will be a positive addition to this curious little off-shore community. The location of the project is contiguous to other similar activity and is therefore well situated for the purpose.We have had an unfulfilled need here for many years; that is short term accommodations for small parties (1-3).What we have had for our friends and family and others that visit have been entire homes (3-5 bedrooms) with minimum stays of 3 nights to a week. In other words we have no overnight accommodations on the Island. This request would help many of us as well as others who would care to visit.

I received material indicating that 15 units would be the minimum density. Even though I support the request I would be much more comfortable with that as a maximum.

I look forward to this community need being filled in a positive way by someone who has demonstrated his ability to sensitively develop property in this unique neighborhood.

Respectfully,
Gary Walker
4241 Point House Trail
POB 334
Pineland, FL 33945

From: Postmaster <postmaster@worldnet.att.net>
To: <gary_walker@worldnet.att.net>
Date: 4/22/04 10:18AM
Subject: Returned mail: delivery problems encountered

--NextPart_Webmail_9m3u9jl4l_28167_1082648920_1
Content-Type: message/delivery-status

Reporting-MTA: dns; worldnet.att.net
Arrival-Date: 22 Apr 2004 14:18:33 +0000

Final-Recipient: rfc822; <kelnerbj@leegov.gov>
Action: failed
Status: 5.1.2 MAIL FROM: <gary_walker@worldnet.att.net> 512 REPLY: DNS reply: HOST NOT FOUND
Diagnostic-Code: smtp; Permanent Failure: Bad destination system address
Last-Attempt-Date: Thu, 22 Apr 2004 14:18:43 -0000

From: Postmaster <postmaster@worldnet.att.net>
To: <gary_walker@worldnet.att.net>
Date: 4/22/04 10:18AM
Subject: Returned mail: delivery problems encountered

--NextPart_Webmail_9m3u9jl4l_28167_1082648920_1
Content-Type: message/delivery-status

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Arrival-Date: 22 Apr 2004 14:18:33 +0000

Final-Recipient: rfc822; <kelnerbj@leegov.gov>
Action: failed
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Diagnostic-Code: smtp; Permanent Failure: Bad destination system address
Last-Attempt-Date: Thu, 22 Apr 2004 14:18:43 -0000

From: Bryan Kelner
To: Eisner, Christine
Date: 4/26/04 11:48AM
Subject: Grady's Lodge - DCI2003-00080

Again, thank you for your comments.

I would like to take this opportinity to advise you that Grady's Lodge, DCI2003-00080, has been continued by the Hearing Examiner to May 14, 2004. In order to preserve your right to speak before the Board of County Commissioner's, you must go on record and speak at the continued hearing before the Hearing Examiner scheduled for Friday, May 14, 2004 at 10:00 a.m.

Please call if I can be of further assistance.

From: "Christine Eisner" <c.eisner@comcast.net>
To: <kelnerbj@leegov.com>
Date: 04/22/2004 10:26 AM
Subject: FW: Grady's Lodge Rezoning request

From:
Christine and Dean Eisner
770 Gulf Lane (and contract pending on adjacent land)
North, Captiva Island
tel: 239-472-0660 or 404/365-8026
e-mail: c.eisner@comcast.net, dean.eisner@cox.com

***sent on 1/22 at 10:25 am**

Mr. Brian Kelner
Lee Co. Division of Zoning
Dept. of Community Development
1500 Monroe St.
Ft. Myers, Fl. 33901

REF: CASE NO. DCI2003-00080
CASE NAME: Grady's Lodge, Upper Captiva Island

Dear Mr. Kelner

We would like to communicate our strong objection to the above referenced Case and relevant Case Number. We have only today been informed of your meeting which is taking place later today at 1pm and want to register our strong objection to this application.

We have owned property on the island for teh past 5 years or so and have seen extremely rapid growth in the visitor population. While this may bode well for local businesses, the presence of short term visitors has burdened the island with issues ranging from trash pickup, joyriding golf cart drivers (of all ages, including children under 8 years old, unsupervised by adults), trash and beach furniture left on the beaches at the developed tip of the island as well as on the state land, and a much higher density of population in general. We are very concerned that a small island with a fragile ecosystem will not be able to tolerate this unprecedented type of facility.

Our home is on the double lot on the southwestern most corner of teh developed land at the northern portion of the islalnd. it fronts the gulf and is adjacent to the state land. The eastern border of our property allows an easement for the public access golf cart parking to the preserve . In addition, we are about to close on the double lot behind us. The western side of that property also offers an easement that leads to that public access parking. In other words, the access to the beach parking lot is sandwiched by our existing property and the one we will be purchasing next month. We have already experienced carts parking on the easements instead of in the designated parking lot. With this type of development, this will bring more people without their own beach access and will cause even more congestion to that parking area adnn the easements that lead to it. The carts could likely park even farther from that lot, on the main roads of gulf lane and panama shell road, if the already poor situation worsens.

With this in mind, our concerns with the above application include:

1. A Threat to Existing Resources:

This type of project on such a small island will detract from the natural Island scenic resources and will jeapordize the ecological integrity of the surface and subsurface waters. With rezoning, the wells and septic systems of the adjacent and surrounding home owners are compromised. Even now, with homes being built literally on top of one another, there is little room for septic dispersals and well water recharge. In additon, the rather rustic road system will be tapped as well as impacting the limited resources of our small Fire Department.

2. A Threat to Existing and Limited Water Supply:
All homes have individual septic systems for waste disposal and potable water is accessed from owners' individual wells which are fed by an underground aquifer. While orderly growth is the preferred and generally accepted practice in most County's and Municipalities it is well recognized that continued growth, and in some cases overbuilding, has a direct impact on underground wells, and their respective aquifers as well as the ability of existing septic systems to function properly. We are concerned that the anticipated buildout on the island would already put the aquifer in a precarious state, let alone with a motel complex added.

3. Unprecedented and Out of Character Project Concept:
The sheer magnitude of the project, as requested in the application for rezoning is totally out of character and inconsistent with the densities and intensities of the adjacent and surrounding properties. There is a wealth of rental property on the island, with a great number of vacancies at all times of the year... there is not a need for a facility to accomodate visitors that right now, are not able to obtain lodginig.

4. Further Strain on Already Limited County and State Services:
North Captiva residents pay the same tax rates as our fellow citizens on the mainland though our homes are appraised at much higher values (therefore higher taxes) than they would be if located on the mainland. We don't however enjoy the same County and State services with regard to road maintenance and garbage removal. As of today the roads are in poor condition and a collection is being taken up by the homeowners to provide funds for the grading of all the roads. The normal trash pickups at residences have been spaced out for longer periods to compensate for the increasing amounts of trash that needs to be barged from the Island and disposed of. As a result additional storage bins at the residences are required to adequately store the trash in addition to securing it from the animal and rodent population. Taking care of these services and their obvious financial burdens is left up to the Island residents to cope with and pay for. People who live on this Island have a vested interest in keeping it in a clean and pristine condition, for it is the very heart of the reason why they moved here. Those that frequent the proposed development will substantially add to these already difficult road and garbage conditions and burden the residents even further without any recourse.

5. The Burden of A Tourist Poplulation vs a Homeowner-based Population:
In basic terms, this Island simply does not have the infrastructure to support this kind of development. It is a known fact that tourists on vacation will produce more waste, use more water, and not have the same respect for the environmental aspects as long term residents would and in fact do. The applicant is well aware of this situation which is why the original application included a request for an outdoor incinerator. While it is my understanding that the request for an incinerator was subsequently withdrawn, for sound safety reasons, no further remedies were provided by the applicant.

6. The Circumstances of the Owner of the C-1 Property:
While we recognize that a landowner, who has been paying taxes, has a certain right to develop his property. In this case the developer purchased the property with the full knowledge that it was zoned (C-1) commercial. If the developer wishes to develop the property using the current (C-1) zoning criteria which limits the number of units to a more reasonable level, them of course, that is his right and he should apply for it. Hopefully his preliminary site plan and planned structure will be consistent with the existing character of the surrounding community as well as meet all the State and Municipal ordinances and codes. In addition, it would behoove him to respect the culture of the island as a sign of good faith to existing homeowners adn merchants on the island.

7. Developer Motivations Not Taking Into Account The Pulic's Best Interst:

Since it does not seem that developer has demonstrated that the change would be for the public good, we can only assume that the only reason for this application seems to be to get a higher density on the property so as to increase the return on the applicant's investment. In short to make more money while increasing the negative impact to the adjacent and surrounding homeowners. We do not think this is a legitimate reason for approving his application. As we see it, the amount of the financial gain, whether more or less, by the applicant should not be the basis or consideration for approving a change of zoning.

We feel that there should be no basis for a zoning change unless it can be shown by the applicant to benefit the public good. In this case it does not and is in fact a detriment to the public who would be directly affected. We hope that you will take our objection into thoughtful connsideration. There are very few places like North Captiva Island that still remain in the United States. It is a fragile environment and one which we and many others on the island feel should be respected and protected. Please feel free to contact if you need any further information regarding this very important issue.

Respectfully yours,

Christine and Dean Eisner

Bryan Kelner - Grady's Lodge, North Captiva

To zone file
DCI 2003-00080

From: john chipman <jpchipman@comcast.net>
To: <kelnerbj@leegov.com>
Date: 04/17/2004 8:48 PM
Subject: Grady's Lodge, on North Captiva

Dear Mr Kelner

I have received a letter from Mitra Bakhtian outlining a series of questions about the proposed plans for Grady's Lodge.

I am a homeowner on Captiva, coming here for the winter months for the past five years. I have invested in three lots on North Captiva since coming here. I am a Landscape Architect and a serious environmentalist against the typical excesses of many commercial projects that create Urban sprawl and destroy the habitat and environment.

However, in reviewing the plans for Grady's Lodge, I don't find any of Ms Bakhtian's concerns pertinent to this project. As I understand it, this project has a density of less than half of what had been allowed on the previous zoning plan, which has been in effect since the mid '60s. So, if anything, it is a Godsend to the Island that we will have a few fishermen's cabins, a new Restaurant and General Store, all of which should be a positive addition to the entire community, rather than a commercial area at twice the density.

Since I'm a newcomer here I haven't known Mr Scott for a long time, but I have used his services in purchasing some Real Estate, and before I hired him I made several inquiries. Everyone I spoke with recommended him as a capable honest person that you could trust and depend on. Over the past five years I have found that to be true.

I have reviewed the plans for this project and from my viewpoint, I feel they are architecturally right for the Island, inasmuch as they reflect the nostalgia of "Old Florida" rather than a "plastic" contemporary style.

Altogether, as a property owner on North Captiva I believe this project will be a big improvement and a long term Asset to the community. I hope you approve it without delay.

Sincerely

John Chipman

box 455 Captiva
33924
239 395 3033

Bryan Kelner - Project: Grady's Lodge, North Captiva

From: "tctc.com" <captiva@tctc.com>
To: <KELNERBJ@leegov.com>
Date: 03/27/2004 4:14 PM
Subject: Project: Grady's Lodge, North Captiva

Dear Sir:

RE: Project number: DC12003-00080

I would urge you to look favorably on this project and to proceed will all due haste in its approval.

We have long needed short term rentals on our island; our only options have been to rent a whole house for large sums of money. We desperately need short term accomodations.

The property in question is nicely suited for this enterprise.

Graydon Scott has been a businessman on our island for many years and has shown himself to be capable and honest.

I have been a resident on North Captiva for 25 years; I was here prior to electricity and telephone, and I have seen many changes. One of these changes is the influx of traffic, both business and pleasure. Grady's Resort will be a welcome addition, and fill a void in our services.

Regards,

Jim Moore (239) 472 1391

to file DCI 2003-00080

Bryan Kelner - Grady's Lodge Rezoning request

From: Mitra Bakhtian <MBakhtian@viprealty.com>
To: <kelnerbj@leegov.com>
Date: 04/14/2004 9:05 AM
Subject: Grady's Lodge Rezoning request
CC: <mbakhtian@viprealty.com>

Hi Mr. Kelner, Here are some questions that need to be addressed when permitting a rezoning that will create 15 more families and guests impacting this island. At only half built out (300+lots built of the 600+ buildable lots), we will have to look into the possibility that the owners of the remaining lots will exercise their building rights and will potentially build on those lots. If 15 more families and guests are added to the anticipated population, the following impacts need to be considered on this island's infrastructure. • The amount of garbage that renters generate will expound our present problems of delayed garbage removal and the health issues involved. • A need to consider the limitations of our well water system. With more than 300+ homes still to be developed, can we risk over-burdening the aquifer even more? Also, codes limit the maximum of 2 units per well system. If the number of units exceed 2 there would be a requirement of special permits and licensing to test and keep records monthly. Would that be enforced on this island? • Army Corps of Engineers (only involved when there are wetlands) or any other knowledgeable agency needs to do an overall study and projection for this island's septic and well systems to know when we would reach our capacity, if we haven't already. • Renters and the services they require heavily impact our roads. Property owners are now being assessed for the upkeep fees rather than the rental companies. • Beach access for these renters. Already properties that are private are being trespassed and parked on to get to the beach. The only public access is at the State line on the South end which would be inconvenient and couldn't accommodate the projected visitors' carts. • Visitors don't know the rules about not driving carts onto the dunes and over the grasses. There has been destruction to some of the vegetation and the dunes because of this in the past. • Garbage, abandoned rusty furniture and cigarette butts strewn on the beaches are mostly from the guests who don't have any sense of pride for keeping this island pristine. Will that be left to us to keep maintaining? • Furniture brought and left out on the beach, especially during turtle season, is the result of uninformed visitors and the inattentive rental agencies. • Water shed from the impervious surfaces created by this size structure will be a real problem. When clearing property for construction, you are removing nature's solution to flooding. Although the Dept. of Environmental Sciences will require the builder to 'successfully' transplant and maintain the protected vegetation for one year, there has been no enforcement in the past. Again, due to the remoteness of this island, the county has not followed through on their assurances to protect the vegetation that they promised and these vegetation have mostly been lost. WHAT IS THE COUNTY'S AND THE APPLICANT'S SOLUTION TO THESE PROBLEMS AND WHO WILL ENFORCE THEM? Thank you for your efforts. Mitra Bakhtian Property owner on Upper Captiva (You requested that I quickly get the objections to you, so I'm emailing these as well as sending them to you via US mail.)

To: zone file

Bryan Kelner - staff report

From: Mitra Bakhtian <MBakhtian@viprealty.com>
To: <kelnerbj@leegov.com>
Date: 04/16/2004 6:21 AM
Subject: staff report
CC: <kpfromsr@optonline.net>, Ralf Brookes <Ralf@RalfBrookesAttorney.com>, Mitra Bakhtian <mbakhtian@viprealty.com>

Hi Brian,

Would you please email the staff report on Grady's Lodge to Bill Powell and Ralf Brookes, if you haven't already. This will be the fastest way for them to have it to review before the hearing please.

Their email addresses are:

Bill Powell: kpfromsr@optonline.com
Ralf Brookes: ralf@ralfbrookesattorney.com

Thank you,

Mitra Bakhtian

Bryan Kelner - Attached letter regarding Case DCI2003-00080 Grady's Lodge, Upper Captiva Island

DCI 2003-00080

From: <BFREYX@aol.com>
To: <kelnerbj@leegov.com>, <kelnerbj@leegov.org>
Date: 04/18/2004 6:10 PM
Subject: Attached letter regarding Case DCI2003-00080 Grady's Lodge, Upper Captiva Island
CC: <BFREYX@aol.com>

Dear Mr. Kelner:
Please see the attached letter. I have faxed it to you, but am emailing it as well, to assure you receive it in as timely a manner as possible.
Thanks very much.
Bernie Frey

Bryan Kelner - Grady's Motel, Upper Captiva

From: "David W. Depew" <Planning@m-da.com>
To: Bryan Kelner <KELNERBJ@leegov.com>
Date: 04/20/2004 1:32 PM
Subject: Grady's Motel, Upper Captiva

DCI 2003-00080

Dear Bryan,
Do you have a copy of the Staff Report on this case (scheduled for Thursday at 1 PM) that you can ~~e-mail~~ to me?
Thanks.

Regards,

David W. Depew, AICP

President, Morris-Depew Associates, Inc.

2216 Altamont Avenue

Fort Myers, Florida 33901

Telephone: (239) 337-3993

Facsimile: (239) 337-3994

E-Mail: PLANNING@M-DA.COM

Jessica,
Please e-mail staff report to Dave Depew.
Bryan

To: zone file
DCI 2005-00080

From: Mitra Bakhtian <MBakhtian@viprealty.com>
To: <kelnerbj@leegov.com>
Date: 04/14/2004 9:05 AM
Subject: Grady's Lodge Rezoning request
CC: <mbakhtian@viprealty.com>

Hi Mr. Kelner, Here are some questions that need to be addressed when permitting a rezoning that will create 15 more families and guests impacting this island. At only half built out (300+lots built of the 600+ buildable lots), we will have to look into the possibility that the owners of the remaining lots will exercise their building rights and will potentially build on those lots. If 15 more families and guests are added to the anticipated population, the following impacts need to be considered on this island's infrastructure. • The amount of garbage that renters generate will expound our present problems of delayed garbage removal and the health issues involved. • A need to consider the limitations of our well water system. With more than 300+ homes still to be developed, can we risk over-burdening the aquifer even more? Also, codes limit the maximum of 2 units per well system. If the number of units exceed 2 there would be a requirement of special permits and licensing to test and keep records monthly. Would that be enforced on this island? • Army Corps of Engineers (only involved when there are wetlands) or any other knowledgeable agency needs to do an overall study and projection for this island's septic and well systems to know when we would reach our capacity, if we haven't already. • Renters and the services they require heavily impact our roads. Property owners are now being assessed for the upkeep fees rather than the rental companies. • Beach access for these renters. Already properties that are private are being trespassed and parked on to get to the beach. The only public access is at the State line on the South end which would be inconvenient and couldn't accommodate the projected visitors' carts. • Visitors don't know the rules about not driving carts onto the dunes and over the grasses. There has been destruction to some of the vegetation and the dunes because of this in the past. • Garbage, abandoned rusty furniture and cigarette butts strewn on the beaches are mostly from the guests who don't have any sense of pride for keeping this island pristine. Will that be left to us to keep maintaining? • Furniture brought and left out on the beach, especially during turtle season, is the result of uninformed visitors and the inattentive rental agencies. • Water shed from the impervious surfaces created by this size structure will be a real problem. When clearing property for construction, you are removing nature's solution to flooding. Although the Dept. of Environmental Sciences will require the builder to 'successfully' transplant and maintain the protected vegetation for one year, there has been no enforcement in the past. Again, due to the remoteness of this island, the county has not followed through on their assurances to protect the vegetation that they promised and these vegetation have mostly been lost. WHAT IS THE COUNTY'S AND THE APPLICANT'S SOLUTION TO THESE PROBLEMS AND WHO WILL ENFORCE THEM? Thank you for your efforts. Mitra Bakhtian Property owner on Upper Captiva (You requested that I quickly get the objections to you, so I'm emailing these as well as sending them to you via US mail.)

From: <AFeltingoff@aol.com>
To: <Kelnerbj@leegov.com>
Date: 04/21/2004 8:33 PM
Subject: Grady's Lodge caseDC12003-0080

My name is Neal Feltingoff and I have been a resident on Upper Captiva for the last five years. I currently serve as a volunteer fireman and a Fire Commissioner on the Upper Captiva fire and rescue dept. My wife owns Upper Captiva Island Properties. and is a Realestate Broker on the Island. We have watched the growth of the Island and the soaring prices of homes and land. In order to help sustain our growth and tax base WE NEED GRADY'S LODGE ! This project will give us affordable Daily rentals which does not exist today. It will give the Island more amenities and fairer competion which is sorley needed to help spur our growth. The design as presented will add ambiance and beauty to the island.Please see to it that this project proceeds for the benefit of the majority of property owners on the Island. Thank-You. Neal Feltingoff

To: zone file

Bryan Kelner - Grady's Lodge[redacted]se#DC12003-00080

From: "karla harlan" <karlaharlan@hotmail.com>
To: <kelnerbj@leegov.com>
Date: 05/21/2004 2:27 PM
Subject: Grady's Lodge-case#DC12003-00080

Dear Mr Kilner:

I oppose the proposed motel for North Captiva. I have been a resident of Noth Captiva for the last 20 years. My family andI believes that this motel (for families - but no cookinfg facilities?) will negatively affect not only your property, but also our experience on the island and the overall island environment.

There are a number of reasons to oppose building a motel and lodge for short term island visitors. The most important of which is that frequent weekend visitors will have no interest in the long-term interest of the island.
The visitors will use private and public roads to access beach and fishing areas increasing the strain on the already fragile island and beach environment.
There is an increased risk of vandalism, litter, theft and crime since there is no active law enforcement.
The increased and frequent tourism will continue to overload and strain the sewage, trash and septic systems.

The quiet tranquil island experience that we know today will continue to decrease as we bring in more crowds to overload the beaches and fishing areas

There are many more reasons to oppose this island addition. My question to you- is this what is needed on this island? I have been here for 20 years and have seen a lot of changes, but I believe if we rent to people who have no vested interest in the Island we are only inviting trouble. I do not rent out my home- and it is not in any renal program. But I do pick up trash from uncaring visitor, some who come by boat for the day and leave their trash behind on the beach.

There are many residents who oppose the building of this motel.
Thank you for your consideration
Karla Harlan
Island Resident, 20 years.

To: zone file

Bryan Kelner - Grady's Lodge Rezoning objections

From: Mitra Bakhtian <MBakhtian@viprealty.com>
To: Bryan Kelner <kelnerbj@leegov.com>
Date: 07/12/2004 5:55 PM
Subject: Grady's Lodge Rezoning objections
CC: <mbakhtian@viprealty.com>

July 12, 2004

Mr. Brian Kelner

Lee Co. Division of Zoning
Dept. of Community Development
1500 Monroe St.
Ft. Myers, Fl. 33901

REF: CASE NO. DCI2003-00080

CASE NAME: Grady's Lodge

Upper Captiva Island

Dear Mr. Kelner,

Pursuant to the above referenced Case and relevant Case Number I would like to confirm and support some important points of objections.

OBJECTIONS TO THE PROPOSED
'Grady's Lodge'

With rampant over-development butting heads with environmental issues across Florida, the strong pro-development influence has compromised the Lee Plan's important goals and policies through zoning changes and variances. We are going beyond the point of no return with each precedent slipping through these government channels. Creative loopholes in the proposed standards and the practice of case law allow applicants to meet the letter of the law but not the spirit of the current proposed standards, so everyone loses.

Below are some of the assurances given to us from just one chapter of the Lee Plan, Conservation and Coastal Management. Our government has spent large amounts of time and our tax dollars to create these protective services. Yet, not only are we being denied many of these services, but our system is burdening us by the outcome of heedless and irresponsible decisions made by our officials. Special considerations should be given here when deciding the fate of this remote island based on our unique circumstances, especially with our lack of code enforcement and services such as emergency medical, road and garbage, water and sewage.

LEE PLAN
VII. CONSERVATION AND COASTAL MANAGEMENT

OBJECTIONS: Under the following policies, we would be increasing the population over and beyond what this island is planned and given protective services for, thus increasing additional risks of injury or death to the residents.

.GOAL 71: PLANNING, COORDINATION AND IMPLEMENTATION

Objective 71.1: The county will maintain a system that provides a reasonable opportunity for protecting the population at risk to injury or death from natural....hazards.

GOAL 76: LIMITATION OF PUBLIC EXPENDITURES IN COASTAL HIGH HAZARD AREAS.

Policy 76.1.2: No new causeways (public or private) will be constructed to any islands.

GOAL 79: EVACUATION AND SHELTER. To provide evacuation and shelter capaabilities adequate to safeguard against the effects of hurricanes and tropical storms.

Policy 79.1.1: The county will assess the impact of all new residential development upon the projected hurricane evacuation network and upon projected hurricane evacuation times, and will require mitigation either through structural (on-site or off-site shelter) provisions or through non-structural methods or techniques.

Policy 79.2.4: On-site shelters for the general public must not be built on barrier or coastal islands.

GOAL 75: PROTECTION OF LIFE AND PROPERTY IN COASTAL HIGH HAZARD AREAS. To protect human life and developed property from natural disasters.

Policy 75.1.2: Rezonings to allow higher densities will not be permitted on barrier and coastal islands if the capacity of critical evacuation routes would thereby be exceeded.

Policy 75.1.4: Through the Lee Plan amendment process, land use designations of undeveloped areas within coastal high hazard areas will 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."

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OBJECTIONS: Given the following goals and policies, higher densities on this barrier island are incompatible with the Lee Plan. Allowing additional development or re-zoning to higher densities will alter and disrupt the already tasked functions of our systems in and around our environmentally sensitive land, with 300 more lots still to be developed. Additional impervious surfaces and removal and clearing of the natural vegetation and understory will impact the already problematic flooding on this major access road.

GOAL 74: COASTAL RESOURCE PROTECTION. To protect the natural resources of the coastal planning area from damage caused by inappropriate development.

GOAL 77: RESOURCE PROTECTION. To manage the county's wetland and upland ecosystems so as to maintain and enhance native habitats, floral an faunal species diversity, water, quality, and natural surface water characteristics.

Policy 77.1.1: County agencies implementing the natural resources management program will be responsible for the following:

4. Conducting a sensitive lands acquisition program, which will consist of the following elements:

c. Beginning in 1997, the county will adopt and implement a program to acquire and manage lands critical to water supply, flood protection, wildlife habitat, and passive recreation....the Conservation Lands Acquisition and Stewardship Advisory Committee (CLASAC) will develop and implement the program.

.d. The county will take full advantage of opportunities to cooperatively acquire and mange sensitive lands and to leverage other funding sources by working with state land acquisition and land management agencies such as the Florida Communities Trust and the Florida Game and Fresh Water Fish Commission and by participating in state land acquisition programs such as the Save Our Rivers program and the Conservation and Recreational Lands program.

f. The county will encourage the establishment of and provide assistance to community-based land trusts, whose purpose is the preservation and protection of Lee County's natural resources.

6. Compiling, maintaining and regularly updating county mapping of vegetation communities; ....water resources including watersheds, floodplains, wetlands, aquifers, and surface water features.

9. Providing an annual progress report to the county commission on the resource management program. The report should address the adequacy of the program and land use regulations to protect and enhance these natural systems.

> Policy 77.2.2: Continue to provide regulations and incentives to prevent incompatible development in an around environmentally sensitive lands.
>
> Policy 77.2.3: Prevent water management and development projects from altering or disrupting the natural function of significant natural systems.
>
> Policy 77.2.5: Maintain regulations to control the clearing of natural vegetation, including tree removal and clearing of understory, prior to development of property...
>
> Policy 77.2.7: Require inventories and assessments of the impacts of development in environmentally sensitive lands.
>
> Policy 77.2.8: Promote the long-term maintenance of natural systems through such instruments as conservation easements, transfer of development rights, restrictive zoning, and public acquisition.
>
> Policy 77.2.10: Development adjacent to aquatic and other nature preserves, wildlife refuges, and recreation areas must protect the natural character and public benefit of these areas including, but not limited to, scenic values for the benefit of future generations.

****

OBJECTIONS: A vital part of our quality of life is our water source. There is already salt water intrusion in our aquifer. Projections of intensified water consumption demands and studies need to ensure that our water quality is maintained or improved for the protection of the environment and people.

GOAL 85: WATER QUALITY AND WASTEWATER.

> Objective 85.1: Maintain high water quality, meeting or exceeding state and federal water quality standards.
>
> Policy 85.1.2: New development and additions to existing development must not degrade surface and ground water quality.
>
> Policy 85.1.4: Developments which have the potential of lowering existing water quality below state and federal water quality standards will provide standardized appropriate monitoring data.
>
> Policy 85.1.6: The county will initiate a wellfield protection program to prevent the contamination of

shallow wells by pollutant generating development including surface water runoff.

GOAL 87: WATER RESOURCES. To conserve, manage, and protect the natural hydrologic system of Lee County to insure continued water resource availability.

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 87.1.2: The county will 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 87.1.5: The county will cooperate with the US Geological Survey, SFWMD and state agencies to develop an are-wide water resource plan emphasizing planning and management of water resources on the basis of drainage basins; and addressing the needs of the existing and potential built environment, natural hydrologic system requirements, and freshwater flow impacts on estuarine systems.

Policy 87.1.6: The county will continue to support a monitoring program of existing baseline conditions of water resources.

****

OBJECTIONS: The lack of promised services or enforcement of critical codes and regulations has already left many manatees injured or dead in our bay and in the Sound, where these protected species come for refuge. Permitting this Lodge would invite additional daily visitors (nightly motel accommodations rather than the three-day minimum stay rentals). These specific visitors would be coming and going in their individual water crafts daily (rather than using the mass transport provided by the taxi boats that are economically feasible for longer stays) and will exponentially impact this critical wildlife habitat.

GOAL 77: RESOURCE PROTECTION

OBJECTIVE 77.7: West Indian Manatees. Minimize injuries and mortality of manatees to maintain the existing population ... in Lee County.

Policy 77.7.5:Construction and expansion of multi-slip docking facilities and boat ramps will be encouraged in locations where there is quick access to deep, open waters where the associated increase in boat traffic will be outside areas of high manatee concentration.

Policy 77.7.7: The county will continue to provide a permanent funding source to assist in the enforcement of vessel regulations for manatee protection.

GOAL 83: COASTAL PLANNING AREAS

OBJECTIVE 83.1: Coastal Planning area in general. Lee County will manage the coastal planning area to provide a balance among conservation of resources, public safety capabilities, and development.

Policy 83.1.1: Coastal areas with significant public value for water retention and purification, wildlife habitat, and primary productivity will be protected through the development permitting process and enforcement of appropriate codes and regulations.

Policy 83.1.2: All development within the coastal planning area must be compatible with protection of natural systems.

Policy 83.1.5: Lee County will protect and conserve the following environmentally sensitive coastal areas: wetlands, estuaries, mangrove stands, undeveloped barrier islands, beach and dune systems, aquatic preserves and wildlife refuges, undeveloped tidal creeks and inlets, critical wildlife habitats, benthic communities, and marine grass beds.

Policy 83.1.6: The county will gather and utilize available technical criteria and supporting information necessary to guide the formulation of plans, ordinances, and regulations to insure that development in the coastal planning area is compatible with the continued or improved functioning of natural coastal systems.

Policy 83.1.7: Levels of service for facilities and services within the coastal planning area will be the same as those established for the remainder of the county. The county's Concurrency Management System will apply in full within the coastal planning area.

****

OBJECTIONS: Regarding present and anticipated marina/boat-slip usage, a necessary and critical part of the success of this Lodge will be the water access and docking capabilities provided for these additional visitors. As attested by the Taxi Boat Captains, the marine grass beds are already being destroyed by boaters not knowledgeable or adherent to the rules of markers in our channels. Through the following goals and policies, we are given assurances which should prevent such impacts to our fragile harbor and its ecosystem.

GOAL 82: INTERGOVERNMENTAL COORDINATION. To protect natural resource systems that cross governmental boundaries through intergovernmental coordination.

Policy 82.1.1: The county will continue to participate with other governments to prepare and implement water management plans, including the ...Charlotte Harbor National Estuary Program, the Charlotte Harbor Management Plan, the Water Management District Surface Water Improvement and Management (SWIM) plans, DEP aquatic preserve management plans, water supply plans, and other water resource management plans.

GOAL 94: MARINE AND NAVIGATION MANAGEMENT. To develop and implement a comprehensive marine resources management program.

Policy 94.2.1: Navigational markers. The county....will assess the conditions of unmarked channels and identify those used to traverse shallow inshore waters (a practice that damages seagrass beds) and develop a program to mark these channels (if appropriate on the basis of the assessment) so as to reduce injury to seagrass beds.

GOAL 95: WATER ACCESS. To develop and implement a public water access program.

Objective 95.2: WATER ACCESS IN PRIVATE DEVELOPMENTS. The county will encourage private landowners to provide some form of water access to the public.

GOAL 98: SHORELINE MANAGEMENT. To encourage the maintenance and development of water dependent shoreline uses and to avoid their displacement by non-water dependent uses.

Policy 98.1.3: The county will encourage the maximum use of dry storage by multi-slip docking facilities when reviewing re-zoning and/or development-of-regional-impact applications.

Policy 98.5.1: Proposed marinas (and expansion of wet slips at existing marinas and new boat ramps) in the following areas face a variety of technical, legal, or environmental obstacles which must be addressed during the review process.

Aquatic Preserve (DEP)

Outstanding Florida Waters (DEP)

Class I Waters (DEP)

Marine or Estuarine Sanctuarties (NOAA)

Manatee Sanctuaries or Critical Manatee Habitats (DEP, USFWS, USACE)

Other Endangered/Threatened Species Habitat (DEP, USFWS, USACE)

Extra caution and consideration will be given prior to authorizing use of areas with high environmental values.

Policy 98.5.2: Cumulative effects of several marinas and/or boat ramps in a small area will be considered in the review of proposed marina projects.

Policy 98.5.3: Marina and /or boat ramp siting must be consistent with the appropriate aquatic preserve management plan where applicable.

Policy 98.5.4: Marina and boat ramp siting must be consistent with the following recommendations of the DNR Blue Ribbon Marina Committee.

Marinas should be encouraged where adequate uplands are available to develop related support activities and to allow for possible future expansion.

Location of marinas in highly productive marine habitats should be discouraged.

Location of marinas in or near well-flushed, deep-water areas should be encouraged.

Impacts upon state-designed manatee sanctuaries should be considered. Particular marina locations or design features which threaten manatees in these sanctuaries should be discouraged.

Policy 98.5.7: Marinas, multi-slip docking facilities, and boat ramps which would disturb or destroy wetlands or grassbeds much demonstrate a pressing need for the proposed facility and must provide for continued used by the general public.

Policy 98.5.10: Marina and boat ramp construction in dead-end canals are discouraged due to difficulty in meeting state water quality standards.

Policy 98.6.6: Marinas and multi-slip docking facilities must prepare hurricane plans with the assistance of the county which describe measures to be taken to minimize damage to marina sites, neighboring properties, and the environment; this hurricane plan is subject to county approval.

****

Characteristically in human nature, the next person will want the same if not more than what the previous person got, especially when it involves lucrative opportunities for the speculators and business owners on this island. As

already seen here, a variance* request slipped through and was approved to build a house close to the water. The next applicant used that approval as one of the important corner stones to get his variance* approved to build in that same questionable zone and so did a third house. All three are now being challenged and the financial burdens of the residents to rectify in court. The issue that re-zonings or variances* impact this island and distract from its character didn't enter anyone's conscience or priorities. As expected in the Grady's Lodge case, if this re-zoning application is approved, there will follow other re-zoning requests for parcels that would seem to be better qualified to be changed for this type of business, with dock spaces already approved. At least one supportive participant of this application has capabilities to do so and most likely will pursue further intense development through another re-zoning request, and do it again with little regard shown for protecting this micro-environment.

We are at the mercy of decisions that lack moral and responsible thought and interpretations. These bad decisions have been and are the foundation for future bad decisions. There will be detrimental and irreversible consequences, not just for what's considered our community, but what is one of Florida's last unique barrier islands. This environment can't protect itself. It is the private property of this nation. We will not tolerate a system that expropriates our personal property. The NIMBY accusation (Not In My Back Yard argument), would be invalid. What is being argued here is to put a stop to the prejudiced changes that are a detriment to existing rights and claims that take away the protective assurances for those who are already here. Anyone else who wants to come into this community under the same established standards and parameters which attracted the rest of us, is welcomed.

The demise of our state is revealing itself as our legislature has gone below the minimums of the Growth Management Act to squeeze in as much revenue producing population as possible, under the guise of being democratic. This fragile environment is the foundation for everything we depend on and the engine that drives our economy. Our lawmakers need a wake-up call to depart from their political influences and use common sense, before an inevitable crisis arises, which will be too late to turn the tide for our community.

It is urged that this re-zoning request be denied. Furthermore, that all future requests of variances* and changes to the comprehensive land use plans for this island to be brought to the neighborhood level and be subject to review and approval by the citizens of this island.

****

* variance >noun 1 (usu. in phrase at variance with) the fact or quality of being different or inconsistent. 2 the state of disagreeing or quarreling. 3 chiefly Law a discrepancy between two statements or documents.

Respectfully yours,

Mitra Bakhtian
Upper Captiva, Florida

Bryan Kelner - Growth Management

To: zone file
DCI 2003-00080

From: "walnutstreet walnutstreet" <wez323@hotmail.com>
To: <kelnerbj@leegov.com>
Date: 05/23/2004 2:16 AM
Subject: Growth Management
CC: <karlaharlan@hotmail.com>

I, Dale Wenzel, a property owner on North Captiva Island full hardly object to any motel or lodge on an island of this size. I have been coming to the island for 10 years because of its aquatic life and peacefulness. The very nature of even thinking of this project can destroy the island's aquatic life and bird wildlife let alone the environment. Solid waste is a problem on the island, and Lee County wants to contribute to this problem by approving a project of this nature. Saltwater intrusion! Where does all the sewage go -- into the ground. Where does all the drinking water come from -- the ground, well water. This sounds like saltwater instrusion because of the overpumping the aquifer. Who is running the show at Lee County? Freshwater and saltwater are in equilbrum but it won't be with this miss management in government. Who are representing? This is amajor problem in coastal areas, saltwater instrusion. Freshwater is being removed from an aquifer faster than it is being replenished, saltwater moves towards the wells. Under these conditions,the wells may be limited in withdrawal to prevent further saltwater instrusion. Water in an aquifer moves quite slowly and is not subject to purifying action. Contamination can be a long lasting problem. Does Lee County want this problem? Oppose this project!

Thank You Dale

From: Bryan Kelner
To: harlan, karla
Date: 5/21/04 2:39PM
Subject: Re: Grady's Lodge-case#DC12003-00080

Thank you. Your comments will be forwarded to the Hearing Examiner's Office

Please note that Grady's Lodge, DCI2003-00080, has been continued by the Hearing Examiner to July 14, 2004. In order to preserve your right to speak before the Board of County Commissioner's, you must go on record and speak at the continued hearing before the Hearing Examiner scheduled for Wednesday, July 14, 2004 at 9:00 a.m.

>>> "karla harlan" <karlaharlan@hotmail.com> 05/21/04 02:26PM >>>
Dear Mr Kilner:

I oppose the proposed motel for North Captiva. I have been a resident of Noth Captiva for the last 20 years. My family andl believes that this motel (for families - but no cookinfg facilities?) will negatively affect not only your property, but also our experience on the island and the overall island environment.

There are a number of reasons to oppose building a motel and lodge for short term island visitors. The most important of which is that frequent weekend visitors will have no interest in the long-term interest of the island.
The visitors will use private and public roads to access beach and fishing areas increasing the strain on the already fragile island and beach environment.
There is an increased risk of vandalism, litter, theft and crime since there is no active law enforcement.
The increased and frequent tourism will continue to overload and strain the sewage, trash and septic systems.

The quiet tranquil island experience that we know today will continue to decrease as we bring in more crowds to overload the beaches and fishing areas

There are many more reasons to oppose this island addition. My question to you- is this what is needed on this island? I have been here for 20 years and have seen a lot of changes, but I believe if we rent to people who have no vested interest in the Island we are only inviting trouble. I do not rent out my home- and it is not in any renal program. But I do pick up trash from uncaring visitor, some who come by boat for the day and leave their trash behind on the beach.

There are many residents who oppose the building of this motel.
Thank you for your consideration
Karla Harlan
Island Resident, 20 years.

Bryan Kelner - North Captiva proposed motel

To: zone file
DC/2003-00080

From: <KRiley2232@aol.com>
To: <kelnerbj@leegov.com>
Date: 05/24/2004 10:00 AM
Subject: North Captiva proposed motel

We are residents of North Captiva for approximately 20 years. We are against the motel lodge being built.

The motel lodge will be an overflow to the environment. The people will have no good interest in the well being of the Island.

Respectfully,

Kim and Rodel Riley
180 Mourning Dove, North Captiva

From: Bryan Kelner
To: KRiley2232@aol.com
Date: 5/24/04 11:55AM
Subject: Re: North Captiva proposed motel

Thank you. Your comments will be forwarded to the Hearing Examiner's Office

Please note that Grady's Lodge, DCI2003-00080, has been continued by the Hearing Examiner to July 14, 2004. In order to preserve your right to speak before the Board of County Commissioner's, you must go on record and speak at the continued hearing before the Hearing Examiner scheduled for Wednesday, July 14, 2004 at 9:00 a.m.

>>> <KRiley2232@aol.com> 05/24/04 09:59AM >>>
We are residents of North Captiva for approximately 20 years. We are against the motel lodge being built.

The motel lodge will be an overflow to the environment. The people will have no good interest in the well being of the Island.

Respectfully,

Kim and Rodel Riley
180 Mourning Dove, North Captiva

Bryan Kelner

To: zone file
DCI 2003-00080

From: "Bobb Hirsch" <Bobb.Hirsch@auxis.com>
To: <kelnerbj@leegov.com>
Date: 05/24/2004 12:03 PM
CC: <cindy@north-captiva.com>

Dear Mr. Kelner,

It has come to our attention that the zoning board is considering a change on North Captiva Island that would allow a hotel/motel with 20 units (Ref: DC12003-00080). As home owners, we are strongly opposed to this change. Lee County has been unable to make any progress in supporting the residents and home owners of the island with basic functions such as garbage removal, marina access and road services. Allowing this will only magnify the lack of county capabilities in these and other areas.

Additionally, North Captiva Island is a very environmentally sensitive place. Adding the additional impact of a multi-unit hotel to the already strained island infrastructure will only cause more damage. Further, this will show the lack of accountability and support in keeping our island harmonious with nature and sensitive to the needs of the residents.

Bobb and Cindy Hirsch

North Captiva Island Home Owners

954-914-5440

From: Bryan Kelner
To: Hirsch, Bobb
Date: 5/24/04 2:17PM
Subject: Re:

Thank you. Your comments will be forwarded to the Hearing Examiner's Office

Please note that Grady's Lodge, DCI2003-00080, has been continued by the Hearing Examiner to July 14, 2004. In order to preserve your right to speak before the Board of County Commissioner's, you must go on record and speak at the continued hearing before the Hearing Examiner scheduled for Wednesday, July 14, 2004 at 9:00 a.m.

>>> "Bobb Hirsch" <Bobb.Hirsch@auxis.com> 05/24/04 12:03PM >>>
Dear Mr. Kelner,

It has come to our attention that the zoning board is considering a change on North Captiva Island that would allow a hotel/motel with 20 units (Ref: DC12003-00080). As home owners, we are strongly opposed to this change. Lee County has been unable to make any progress in supporting the residents and home owners of the island with basic functions such as garbage removal, marina access and road services. Allowing this will only magnify the lack of county capabilities in these and other areas.

Additionally, North Captiva Island is a very environmentally sensitive place. Adding the additional impact of a multi-unit hotel to the already strained island infrastructure will only cause more damage. Further, this will show the lack of accountability and support in keeping our island harmonious with nature and sensitive to the needs of the residents.

Bobb and Cindy Hirsch

North Captiva Island Home Owners

954-914-5440

Bryan Kelner - Attached letter regarding Case DCI2003-00080 Grady's Lodge, Upper Captiva Island

From: <BFREYX@aol.com>
To: <kelnerbj@leegov.com>, <kelnerbj@leegov.org>
Date: 04/18/2004 6:10 PM
Subject: Attached letter regarding Case DCI2003-00080 Grady's Lodge, Upper Captiva Island
CC: <BFREYX@aol.com>

Dear Mr. Kelner:
Please see the attached letter. I have faxed it to you, but am emailing it as well, to assure you receive it in as timely a manner as possible.
Thanks very much.
Bernie Frey

To zone file
DCI 2003-00080

Bryan Kelner - Re: Grady's Lodge

From: Bryan Kelner
To: Northcaptivainc@aol.com
Date: 10/13/2004 3:15 PM
Subject: Re: Grady's Lodge

Thank you for your e-mail and I'll place your e-mail in the file. Further, the case is closed and no further input can be had. However, if you spoke at the public hearing before the Hearing Examiner, you can speak before the Board of County Commissioners. The case is scheduled before the Board of County Commissioners, in the Commissioner's Meeting Room, 2120 Main Street, Fort Myers, Florida, on October 18, 2004, at 9:30 am.

>>> <Northcaptivainc@aol.com> 10/11/04 02:04PM >>>
In a message dated 8/9/2004 12:07:59 PM Eastern Daylight Time, KRiley2232 writes:

> The Grady's Lodge, DC12003-00080, hearing examiner scheduled with the Board of County Commissioner's.
>
> We are residents of North Captiva for approximately 20 years. We had sent a letter against the building of a complex hotel on North Captiva.
>
> More recently, information about the plans have been given to us. The care that is being given to make the complex an environment that is Island friendly.
>
> We are requesting that our against note be removed and our affirmation of a good idea go forward.
>
> Thank you for this opportunity.
>
> Respectfully, Kim and Rodel Riley

To Zone file
DC12003-00080

Bryan Kelner - Grady's Lodge

From: <Northcaptivainc@aol.com>
To: <kelnerbj@leegov.com>
Date: 10/11/2004 2:05 PM
Subject: Grady's Lodge

In a message dated 8/9/2004 12:07:59 PM Eastern Daylight Time, KRiley2232 writes:

> The Grady's Lodge, DC12003-00080, hearing examiner scheduled with the Board of County Commissioner's.
>
> We are residents of North Captiva for approximately 20 years. We had sent a letter against the building of a complex hotel on North Captiva.
>
> More recently, information about the plans have been given to us. The care that is being given to make the complex an environment that is Island friendly.
>
> We are requesting that our against note be removed and our affirmation of a good idea go forward.
>
> Thank you for this opportunity.
>
> Respectfully, Kim and Rodel Riley

LEE COUNTY
SOUTHWEST FLORIDA

479-8585

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number:_____

September 30, 2004

Mr. Robert D. Hutcherson, AICP
WilsonMiller, Inc.
4571 Colonial Blvd.
Fort Myers, FL, 33912

Re: Agenda Schedule for Grady's Lodge
Case No. DCI2003-00080

Dear Mr. Hutcherson:

Your zoning request has been scheduled before the Board of County Commissioners to take final action after reviewing the Hearing Examiner's recommendation.

DATE & TIME: October 18, 2004, Meeting commences at 9:30 a.m.

LOCATION: Commissioners' Meeting Room
2120 Main Street
Ft. Myers, Florida

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Billie Jacoby

Billie Jacoby
Administrative Assistant

cc: Mr. Graydon W. Scott
Mr. Bryan Kelner, Principal Planner
Zoning File

U:\200409\DCI20030.008\0\APPLICANT LETTER BCC.WPD

MEMORANDUM

From The
Department Of
Community Development
Zoning Division

Date: October 5, 2004

To: DC1200 3-00080

From: Billie Jacoby

RE: Notice of Public Hearing - October 18, 2004 BCC
Lee County Board of County Commissioners Meeting

I, Billie Jacoby, Administrative Assistant, Zoning 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:	DCI2003-00080
NAME:	Grady's Lodge
REQUEST:	Request is to rezone a 1.59-acre parcel from the Commercial (C-I) zoning district to the Commercial Planned Development (CPD) zoning district to permit a 10-unit hotel/motel in the form of one- and two-unit cabins including a lodge, a recreation area, and a restaurant, not to exceed a maximum height of 35 feet.
LOCATION:	The subject property is located at 531 Rum Road, Captiva (the parcel is located on Upper Captiva Island east and north of Rum Road, the Captiva Island Club is located adjacent to the parcel's northern property line), in S05, T45S, R21E, Lee County, FL.
PROPERTY OWNER'S REPRESENTATIVE:	Mr. Robert D. Hutcherson, AICP WilsonMiller, Inc. 239-939-1020

Notice is hereby given that the Lee County Board of Commissioners will hold a public hearing at 9:30 a.m. on October 18, 2004, 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 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 Billie Jacoby at 479-8585.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

DCI2003-00080

Mr. Graydon W. Scott
PO Box 0141
Captiva Island, FL 33924

Mr. Robert D. Hutcherson, AICP
WilsonMiller, Inc.
4571 Colonial Blvd.
Fort Myers, FL, 33912

Kristie Anders
P. 0. Box 978
Sanibel, Florida
33957

Wilton Anders
P. 0. Box 978
Sanibel, Florida
33957

Chuck Claypool
15179 Anchorage Way
Fort Myers, Florida 33908

Richard F. Durling
6720 Winkler Road
Ft. Myers, Florida 33919

Bill Holzapfel
Box 353
Bokeelia, Florida
33922

Zeke McDonald
P. 0. Box 185
Captiva, Florida
33924

Kerry Payne
14360 McGregor Blvd.
Fort Myers, Florida 33919

Eva Kinsey Scala
15696 Bromeliad Drive
Bokeelia, Florida
33922

Don Tant
P. O. Box 514
Pineland, Florida
33945

Roy Wildeman
P. 0. Box 3038
Pineland, Florida
33945

Mitra Bakhtian
1200 Logan Lane
Ft. Myers, Florida
33919

Ralf Brookes
1217 E. Cape Coral Parkway, #107
Cape Coral, Florida 33907
representing Rosella & Henry Paul; Mike & Sarah Rapp; William & Kathrynne Powell; and Howard & Hanne Kulin

Michael J. Ciccarone
c/o Goldstein Buckley Law Firm
on behalf of Bernard S. Frey
P. 0. Box 2366
Fort Myers, Florida 33902

Dave W. Depew
2216 Altamont Avenue
Ft. Myers, Florida
33901

Craig Hensley
12124 Matlacha Blvd.
Matlacha Isles, Florida 33991

Robert Hurst
10961 Championship Dr.
Fort Myers, Florida 33913

Mick Melvin
P. 0. Box 603
Bokeelia, Florida
33922

Henry Paul
3823 Corona Street
Tampa, Florida
33629

Rosella Paul
3823 Corona Street
Tampa, Florida
33629

William Powell
26 Tower Hill Lane
Kinnelon, New Jersey 07405

Michael Dean Rapp
206 Thornewood Drive
Granville, Ohio
43023

Ted Schavee
602 S.W. 39th Avenue
Cape Coral, Florida 33991

Tom Jenkins
7760 Buccaneer Drive
B-2
Fort Myers Beach, FL 33931

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LEE COUNTY
SOUTHWEST FLORIDA

Writer's Direct Dial Number: 239-479-8363

December 11, 2003

MR. ROBERT HUTCHERSON
WILSON MILLER INC
4571 COLONIAL BLVD
FORT MYERS, FL 33912

Re: GRADY'S LODGE
DCI2003-00080 - PDS Application (Minor PD)

Dear MR. ROBERT HUTCHERSON :

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

Bryan Kelner
Principal Planner

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Joan Henry, Assistant County Attorney
Kim Trebatoski, Environmental Sciences
Roland Ottolini, Natural Resources
Andy Getch, LCDOT
Billie Jacoby, DCD Admin
Melissa M Roberts, Development Review
DCI Zoning File
DCI Working File

Legal Requirements Sufficiency Checklist

5) Applications must be presented on the official forms provided by the department, or on county-approved computer-generated forms containing the same information. [34-201(b)(2)]

According to the submitted Application for Public Hearing & attached Supplement D, STRAP #: 05-45-21-16-00000.0480 was the only parcel subject to this request. All the information that was provided in the application (including all required calculations, location maps & aerials) was made only for this parcel. However, in the submitted Legal Description, MCP & Survey an extra Parcel is described and labeled as Parcel B or KW and appears to be subject to this request too. Please correct, clarify and provide or explain.

6) All applications requiring a public hearing must include the following: [34-202(a)]

See below.

6a) Legal description. The request must include a legal description of the property upon which the action is to be initiated. [34-202(a)(1)]

Note that the submitted Legal Description describes only Parcel A and the easements but does not describe Parcel B (KW). Please review and provide the aforementioned Legal Description on an 8.5" by 11" page, describing the perimeter boundary of the TOTAL property to be developed by metes and bounds "excluding Less and Except" with accurate bearings and distances for every line, but not each individual parcels.

6a4) The individual STRAP number for each parcel must be provided. [34-202(a)(1)]

Please, provide STRAP # for Parcel B or KW.

7) Miscellaneous Items.

With regard to the ROW easements encroaching the subject parcels and depicted on the submitted MCP and Boundary Survey, a letter of Authorization, an Agreement or some sort of acceptable documentation from the person(s) holding interest in the easements authorizing the proposed development within its easements is needed at this time and /or easements have to be Vacated or Extinguish and documentation submitted to prove this has been done. This evidence must be submitted no less than 3 weeks prior the first HEX.

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 Technician / Zoning at (239) 479-8485 or e-mail: lmachado@leegov.com

Lee County Sufficiency Checklist for Planned Developments, Amendments, and Existing Developments Requesting Planned Development Zoning

1) Initiation of Application-Legal Requirements. Ownership. Except for Condominiums, Timeshare Condominiums, or Subdivisions, where there is more than one owner, either legal or equitable, all such owners must jointly initiate the application or petition. [34-201(a)(1)a.]

Please note that the disclosure of interest form is not notarized. Please resubmit the a corrected notarized disclosure form.

12d3) Setbacks. The minimum proposed setbacks for principal structures on each lot or parcel (including outparcels). [34-373(a)(6)c.]

Please provide, in the property development regulations, the setback between buildings and structures (See Section 34-935(e)(4) of the LDC).

Please provide minimum side setbacks and perimiter setbacks in your property development regulations as shown on the MCP in "NOTES", item #4.

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.]

Staff has a concern with the proposed schedule of uses given the requirements of hotels/motels Section 34-1804, of the LDC, as this pertains to subordinate uses. The schedule of uses should be limited to those subordinate uses referenced in Section 34-3021, of the LDC, for hotel/motels. Please revise your schedule of uses accordingly. Further, the uses should be reflective of the location of the subject property and all subordinate uses listed in Section 34-3021, of the LDC, may not be appropriate.

12e4) Hotel/Motel. If hotel or motel is proposed, the number of rooms, by size. [34-373(a)(6)d.iv.]

For convenience of referencing the motel/hotel buildings, please number each building. Also, please provide an elevations of the proposed hotel/motel units with and without porches and the proposed lodge/lobby as they would look meeting flood elevation.

The Lee Plan for the Outer Islands states that, "The continuation of the Outer Islands essentially in their present character is intended to provide for a rural character and lifestyle, and conserve open space and important natural uplanbd resources". Staff finds that elevations are essential to evaluate whether the proposed development preserves the rural character and lifestyle of the Outer Islands as was envisioned in this policy of the Lee Plan.

The photo of an existing cottage from another location is not sufficient to provide a true representation of the elevations for the proposed cottages.

12e6) Commercial/Industrial. If commercial or industrial is proposed, the type(s) and the total floor area of each type. [34-373(a)(6)d.vi.]

The MCP shows a proposed lodge/lobby and covered porch. The square footage for the lodge/lobby is 1,800 square feet. However, using the scale (1":20') for the MCP, the building footprint indicates a much larger building for the lodge/lobby. Please check the square footage for the lodge/lobby. Also, please provide square foot calculations for the caretaker's residence in the lodge, the commercial component of the lodge, the lodge/lobby, and the covered porch.

Also, please provide square footage calculation for the pool bar. Is the pool bar covered and enclosed?

You have requested consumption on premises. However, you have not indicated whether this will include consumption on premises for outdoor seatimg; that is, adjacent to the pool area and the covered porch associated with the lodge/lobby. Please advise if consumption on premises is to include these outdoor areas. If so, please indicate the limits of the area around the pool where the service and consuming of alcoholic beverages will be permitted.

12f) Service Areas. The general location of service areas for delivery of goods or services must be shown for all developments that are not residential subdivisions. [34-373(a)(6)e.]

Please show ther general location of service areas for the delivery of goods and services.

12l) Excavations. The general location of excavations for on-site fill and wet retention. [34-373(a)(6)k.]

The schedule of uses does not indicate any excavations for water retention. However, will there be dry retention and if so, where will the dry retention be located on the site?

12m) Location of Deviations. The location of any requested deviations, keyed to the schedule of deviations, including sample drawings demonstrating the effect the requested deviations will have on the site plan. [34-373(a)(6)l.]

Please key the requested deviation to the schedule of deviations

Also, please see Section 34-935(b)(4) of the LDC, which references Section 10-416(d)(6) of the LDC. A deviation may be required from Section 416(d)(6).

14) Schedule of Uses. A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property must be provided including the following: [34-373(a)(8)]

See 12d4), above

14b) Units by Uses. The number of units (gross square feet for commercial/industrial uses, number of units for residential or motel/hotel uses, number of beds for institutional type uses, etc.) for each proposed use. [34-373(a)(8)ii]

See 12e6), above

15) Schedule of Deviations. A schedule of deviations and a written justification for each deviation requested as part of the master Concept Plan must be submitted. The location of each requested deviation must be indicated on the Master Concept Plan. [34-373(a)(9)]

Please provide a written justification for the requested deviation.

21) Miscellaneous Items.

MASTER CONCEPT PLAN:

1. Please provide the approppriate north arrow.

2. Under the "NOTES" section of the MCP item #8, Schedule of Deviations, you also have three unrelated items that are not deviations. Please renumber your notes to exclude these items from the Schedule of Deviations.

3. In the "NOTES" on the MCP, you indicate that water service will be provided by a permitted existing public water supply (well) located on an adjacent parcel. Please advise if this public well has the capacity to sevice your project and show the location of the well.

4. You mentioned that each cottage may have a porch. There is a two unit cottage within approximately 6 feet of the pool area. It would appear that in this instance a porch would not be appropriate. Therefore, to have a porch on this unit it may be necessary to relocate the unit on the MCP. Also, please indicate the square footage of the porches for the single and two unit hotel/motel units.

5. The MCP shows a portion of the drainfield under the lodge/lobby. Please provide documentation that this does not contravene any state or local health regulations.

6. Section 34-1802(3), of the land development code addresses parking for hotel/motels. Although this is a barrier island and only golf carts are used as the primary mode of transportation, it can be assumed that the guest of the lodge will require golf carts for transpotation and parking spaces will be required. Based on the requirement of 1.2 spaces per unit, 18 spaces will be required whereas only 14 are provided. This may require a deviation. Also, if there are ancillary uses for non guests, in separate buildings (Lodge/lobby) additional parking may be required. Please address these issues.

7. Please complete the property dimensions on the MCP along the west side of the subject property.

8. Please show the right-of-way width for the shell & dirt path along the east side of the subject property.

9. In your Lee Plan narrative you mention walking paths will access the cabins (cottages) from the pool/lodge area located so as not to disturb existing vegetation. Please show these paths on the MCP.

OTHER COMMENTS:

1. Upper Captiva Fire Department spoke to Mr. Scott about their basic concerns which are access to their drafft points. Please address their concerns. Also, Mr. Richard Pepper advised that the Fire Commissioners will review "Grady's Lodge" plan at their next board meeting on 12/20/03 at 11:00 am (See attached e-mail). Additional comments may be forthcoming.

2. See attached coments from the School District of Lee County, dated December 1, 2003.

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution
Joan Henry, Asst. County Attorney
TIS Reviewer - Bob Rentz
DS Reviewer - Melissa M. Roberts
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Kathy Babcock, Lee County School District
Roland Ottolini, Natural Resources
Jerry Murphy, Zoning
Richard Pepper, Upper-Captiva Fire Department

FROM: Bryan Kelner

DATE: 03/01/2004

PROJECT NAME: GRADY'S LODGE

CASE #: DCI2003-00080

INFORMATION SUMMARY:

To update your file
_X_ Review and forward substantive comments **ASAP**.

RESPONSE REQUIRED BY: 03/11/2004

Additional Comments:

cc: DCI planner/working file
DCI Zone File

Distributed by: Jodi M Payne

Date: 03/01/2004

LEE COUNTY
SOUTHWEST FLORIDA

Writer's Direct Dial Number: 239-479-8363

February 27, 2004

MR. ROBERT HUTCHERSON
WILSON MILLER INC
4571 COLONIAL BLVD
FORT MYERS, FL 33912

Re: GRADY'S LODGE
DCI2003-00080 - PDS Application (Minor PD)

Dear MR. ROBERT HUTCHERSON :

The Zoning Division has reviewed the information provided and supplemented for the rezoning request referenced above. The application is now sufficient subject to conditions and the formal request has been drafted from your application as follows:

> Rezone a 1.59+/- acre parcel from commercial (C-1) to commercial planned development (CPD) to permit a 15 unit hotel/motel in the form of 10 one and two unit cabins, not to exceed a maximum height of 35 feet.
>
> NOTE: If approved, the Master Concept Plan (available for inspection at 1500 Monroe St., in Ft. Myers) may deviate from certain Land Development Code (LDC) standards.

Please review this language carefully, and notify me in writing by March 12, 2004 whether or not this wording is satisfactory. Staff's substantive comments, along with the staff report, are being prepared. This request has been tentatively scheduled for public hearing before the Lee County Hearing Examiner on April 22, 2004. However, please note that this is a tentative date that is subject to change and that Lee County will be held harmless for any potential delay in effectuating compliance with the tentative hearing date.

You may schedule or waive a formal pre-hearing conference to discuss substantive issues. Contact me if you have any questions or if you would like to meet informally prior to the public hearings.

The finding of sufficiency is subject to the following condition(s) and/or comment(s):

Lee County Sufficiency Checklist for Planned Developments, Amendments, and Existing Developments Requesting Planned Development Zoning

12e4) Hotel/Motel. If hotel or motel is proposed, the number of rooms, by size. [34-373(a)(6)d.iv.]

The Lee Plan for the Outer Islands states that, "The continuation of the Outer Islands essentially in their present character is intended to provide for a rural character and lifestyle, and conserve open space and important natural uplanbd resources". Staff finds that elevations are essential to evaluate whether the proposed development preserves the rural character and lifestyle of the Outer Islands as was envisioned in this policy of the Lee Plan.

Please provide staff with exhibits of the type of cabins you are proposing for the property. These were show to staff, on Upper Captiva, during our field site inspection. The exhibits are a condition of our finding of sufficiency.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Bryan Kelner
Principal Planner

copy w/o attachments
Pamela Houck, Division Director
Joan Henry, Assistant County Attorney
DS Reviewer - Melissa M. Roberts
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Roland Ottolini, Natural Resources
Andy Getch, LCDOT
Kathy Babcock, Lee County School District
Billie Jacoby, DCD Admin
DCI Zoning File
DCI Working File

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Joan Henry, Asst. County Attorney
TIS Reviewer - Bob Rentz
DS Reviewer - Melissa M. Roberts
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Kathy Babcock, Lee County School District
Roland Ottolini, Natural Resources
Jerry Murphy, Zoning

FROM: Bryan Kelner

DATE: 03/31/2004

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: GRADY'S LODGE

CASE #: DCI2003-00080

INFORMATION SUMMARY:

RESUBMITTAL

X To update your file

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: Billie Jacoby

Date: 04/02/2004

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution
Joan Henry, Asst. County Attorney
TIS Reviewer - Bob Rentz
DS Reviewer - Melissa M. Roberts
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Kathy Babcock, Lee County School District
Roland Ottolini, Natural Resources
Jerry Murphy, Zoning

FROM: Bryan Kelner

DATE: 05/12/2004

PROJECT NAME: GRADY'S LODGE

CASE #: DCI2003-00080

INFORMATION SUMMARY:

X To update your file
Review and forward substantive comments **ASAP**.

Additional Comments:
The applicant has revised the water concept plan in response to the public hearing, which was continued to May 14, 2004.

cc: DCI planner/working file
DCI Zone File

Distributed by: Jodi M Payne

Date: 05/13/2004

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Joan Henry, Asst. County Attorney
TIS Reviewer - Bob Rentz
DS Reviewer - Melissa M Roberts
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
William G. Moore, Lee County School District
Roland Ottolini, Natural Resources
Jerry Murphy, Zoning

FROM: Bryan Kelner

DATE: 11/20/2003

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: GRADY'S LODGE

CASE #: DCI2003-00080

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 12/04/2003

Additional Comments:

Please find attached a revised MCP. The changes are relative to parking layout, street setback, optional porches and schedule of use. The sufficiency review period has extended to December 4, 2003 from November 26, 2003.

(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: Jessica M Smith

Date: 11/20/2003

WilsonMiller
4571 Colonial Boulevard
Ft. Myers, Florida 33912-1062
Phone No. (239) 939-1020
Fax No. (239) 939-7479 (Admin/Eng.)
Fax No. (239) 939-3412 (Planning/Survey/Environmental)

LETTER OF TRANSMITTAL

Date: 11/19/03
PIN: 04251--000--000—
File Designator:
Project Name: Grady's Lodge
Ref: DCI2003-00080

TO: Bryan Kelner
Zoning and Development Services

We are sending attached via: ☐ Client Pickup ☒ Delivery ☐ Mail ☐ Overnight Express, the following items:

☒ Prints ☐ Plans ☐ Specifications ☐ Change Order ☐ Copy of Letter ☐ Shop Drawings
☐ Disk ☐ Thermal Plot ☐ Other:

Copies	Date	Drawing File No.	Description/Sheet Numbers
12	11/19/03		Master Concept Plan

These are transmitted as checked below:

☒ For approval ☒ For your use ☐ As requested ☐ For review and comment ☐ For Bids Due
☐ ☐ Prints Returned After Loan To Us

Bryan,
Attached are the prints of the correct MCP for this project. The only differences are minor, and include the parking layout, street setback to 20', optional porches and the schedule of uses. Sorry for the confusion.

DCI2003-00080
RECEIVED
NOV 19 2003
DLL
ZONING COUNTER

COPY TO:

SIGNED _____
Robert D. Hutcherson, AICP
If enclosures are not as noted, kindly notify us at once.

Original to Client Copy to Project File

5/15/02- 126 Ver: 01I- MKoehn
CA#43
Z5555-555-555- - 0000

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Ft. Myers, Florida 33912-1062
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5/15/02- 126 Ver: 01l- MKoehn
CA#43
Z5555-555-555- - 0000

LEE COUNTY
SOUTHWEST FLORIDA

Case # DCI2003-00080

Jurisdiction : Lee County

Agent/Applicant : WILSON MILLER INC

Owner SCOTT GRAYDON W
PO BOX 1041
CAPTIVA FL 33924

Description of Request

RECEIVED
NOV 12 2003
PERMIT COUNTER

Following is a list of submittal requirements which were missing from your application received on 11/12/03

Thank you

We appreciate your submitting all required documents for the above referenced Planned Development application.

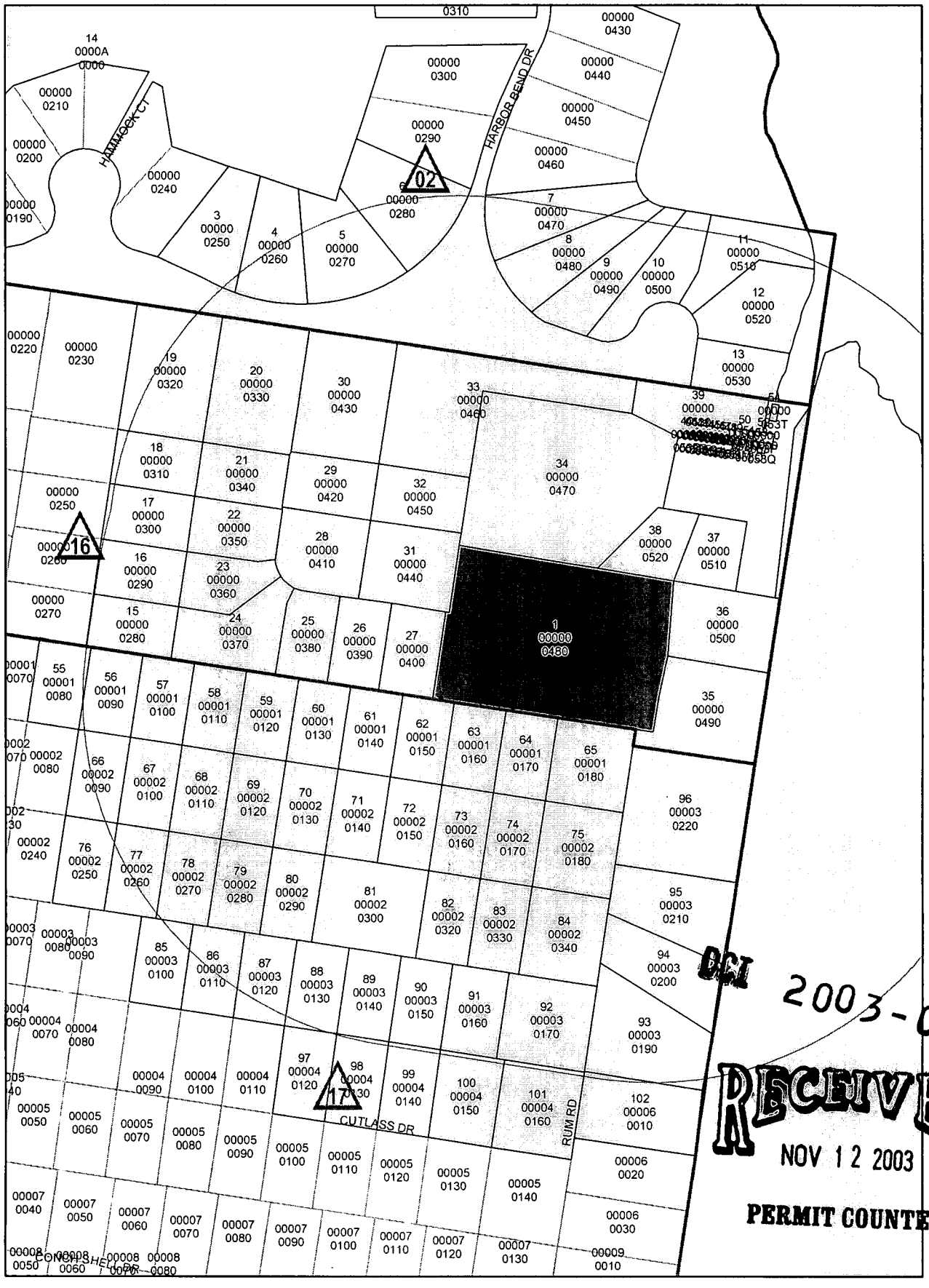
This document is for informational purposes only and is not intended to be construed as a finding of sufficiency or completeness of the application or documentation submitted.

DCI 2003-00080

VARIANCE REPORT

11/12/2003

Subject Parcels : 1 Affected Parcels : 101 Buffer Distance : 500 ft



DCI 2003-00080

RECEIVED
NOV 12 2003
PERMIT COUNTER

N W E S

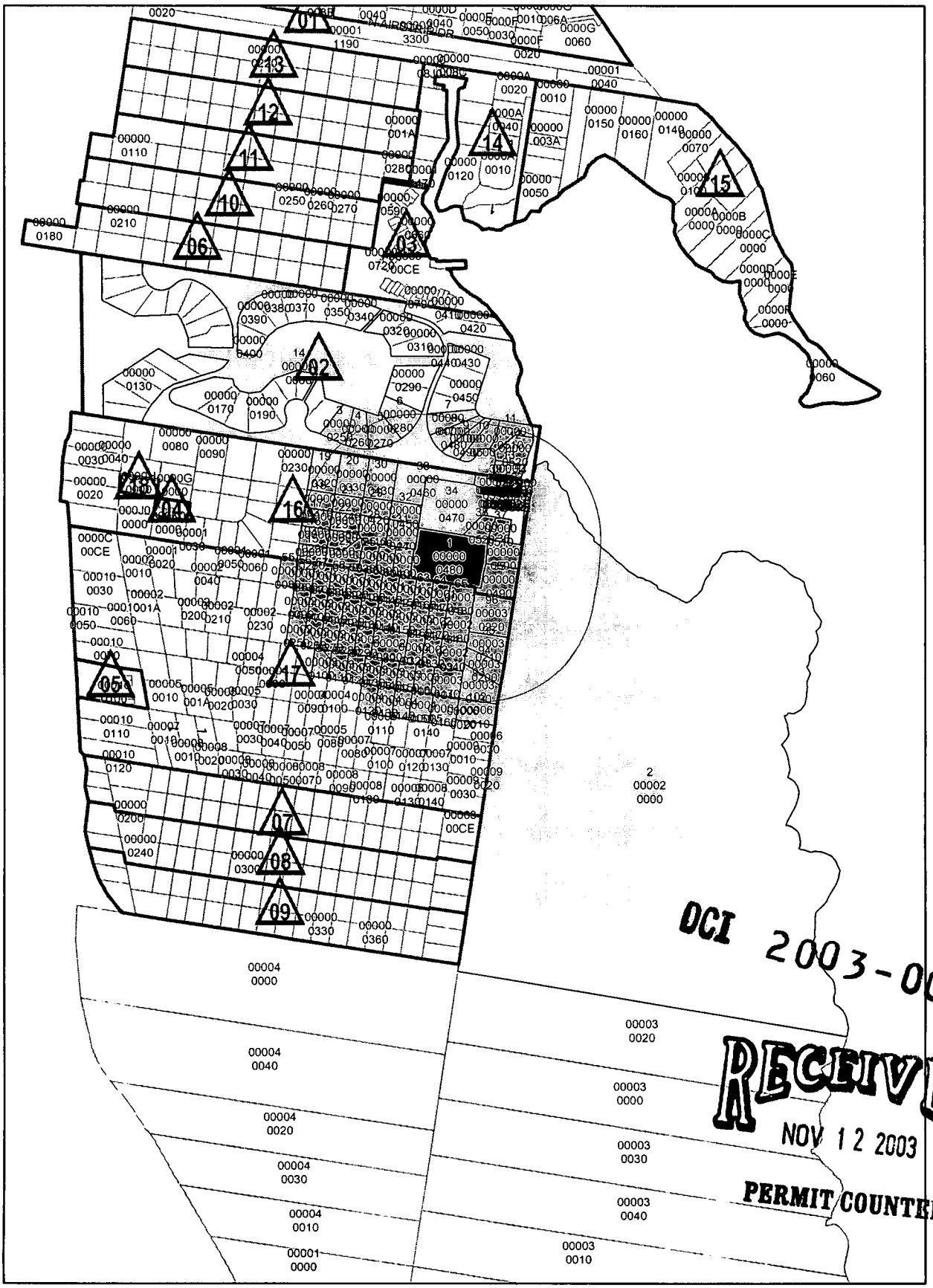
05-45-21-16-00000.0480

240 120 0 240 Feet

VARIANCE REPORT

11/12/2003

Subject Parcels : 1 Affected Parcels : 101 Buffer Distance : 500 ft



N W E S

05-45-21-16-00000.0480

730 365 0 730 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

Date of Report: November 12, 2003
Buffer Distance: 500 ft
Parcels Affected: 101
Subject Parcel: 05-45-21-16-00000.0480

OCI 2003-00080

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
SCOTT GRAYDON W PO BOX 1041 CAPTIVA FL 33924	**05-45-21-16-00000.0480** 531 RUM RD CAPTIVA FL 33924	FR SE COR GL2; N 8 E FOR 330.15 FT;N 81 E FOR 151FT TO POB;CONT N81E FOR 319FT	1
TIITF STATE OF FLORIDA C/O DIV OF STATE LANDS 3900 COMMONWEALTH BLVD MAIL STATION 115 TALLAHASSEE FL 32399	**04-45-21-00-00002.0000** GOVT LOT CAPTIVA FL 33924	GOVT LOT 2	2
HAGERMAN PETER S TR 9 INDIAN HOLLOW RD MENDHAM NJ 07945	**05-45-21-02-00000.0250** 4470 SEAGRAPE BEND DR CAPTIVA FL 33924	SAFETY HARBOR CLUB PB 34 PG 33 LOT 25	3
WOODS KEVIN B + WHITNEY 2907 BAYSHORE VISTA DR TAMPA FL 33611	**05-45-21-02-00000.0260** 4460 SEAGRAPE BEND DR CAPTIVA FL 33924	SAFETY HARBOR CLUB PB 34 PG 33 LOT 26	4
FEINGOLD MURRAY + P O BOX 378 PINELAND FL 33945	**05-45-21-02-00000.0270** 4450 SEAGRAPE BEND DR CAPTIVA FL 33924	SAFETY HARBOR CLUB PB 34 PG 33 LOT 27	5
SMALLRIDGE JOHN D JR C/O SMALLRIDGE ENTERPRISES 26 CAPITOL ST CHARLESTON WV 25301	**05-45-21-02-00000.0280** 4441 HARBOR BEND DR CAPTIVA FL 33924	SAFETY HARBOR CLUB PB 34 PG 33 LOT 28	6
BRUGGER JOHN N 600 FIFTH AV S STE 207 NAPLES FL 34102	**05-45-21-02-00000.0470** 4440 HARBOR BEND DR CAPTIVA FL 33924	SAFETY HARBOR CLUB PB 34 PG 33 LOT 47	7
BAUMAN DAVID C + VIVIAN R 111 HOLLY LANE PILEGROVE NJ 08098	**05-45-21-02-00000.0480** 4430 HARBOR BEND DR CAPTIVA FL 33924	SAFETY HARBOR CLUB PB 34 PG 33 LOT 48	8
WILDEMAN ROY C + KAREN K P O BOX 3038 PINELAND FL 33945	**05-45-21-02-00000.0490** 4420 HARBOR BEND DR CAPTIVA FL 33924	SAFETY HARBOR CLUB PB 34 PG 33 LOT 49	9
BOLTON JAMES L JR + KRISSA TR 57 MORGAN HORSE FARM RD WEYBRIDGE VT 05753	**05-45-21-02-00000.0500** 4410 HARBOR BEND DR CAPTIVA FL 33924	SAFETY HARBOR CLUB PB 34 PG 33 LOT 50	10
OREM PAMELA S 7667 WINDING WAY N TIPP CITY OH 45371	**05-45-21-02-00000.0510** 4400 HARBOR BEND DR CAPTIVA FL 33924	SAFETY HARBOR CLUB PB 34 PG 33 LOT 51	11
CHRISTENSEN RICHARD R + P O BOX 1342 NORTH HAMPTON NH 03862	**05-45-21-02-00000.0520** 4390 HARBOR BEND DR CAPTIVA FL 33924	SAFETY HARBOR CLUB PB 34 PG 33 LOT 52	12
HALL STEPHEN C + MARION R 30 LOADING PLACE RD MANCHESTER MA 01944	**05-45-21-02-00000.0530** 4380 HARBOR BEND DR CAPTIVA FL 33924	SAFETY HARBOR CLUB PB 34 PG 33 LOT 53	13

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
SAFETY HARBOR CLUB INC PO BOX 2276 PINELAND FL 33945	**05-45-21-02-0000A.0000** COMMON ELEMENT CAPTIVA FL 33924	SAFETY HARBOR CLUB PB 34 PG 33 + PB 36 PG 44 TR A + LTS A THRU G + R/W C/E	14
RIECHJAY CORP 11 DANIEL RD E FAIRFIELD NJ 07004	**05-45-21-16-00000.0280** 535 PIRATE DR CAPTIVA FL 33924	N END CAPTIVA IS PB1 PG61 PT GL 2 DESC OR 1733 PG 2356 AKA LOT 28	15
RIECHJAY CORP 11 DANIEL RD E FAIRFIELD NJ 07004	**05-45-21-16-00000.0290** 529 PIRATE DR CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG61 PT GOVT LOT 2 DESC IN OR 1733 PG 2358 LOT 29	16
RIECHJAY CORP 11 DANIEL RD E FAIRFIELD NJ 07004	**05-45-21-16-00000.0300** 523 PIRATE DR CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT GL 2 DESC OR 3416 PG 4864 AKA LOT 30 CAPTIVA PALMA U/R	17
ALLEN JANET S 2235 ALBION AV ORLANDO FL 32833	**05-45-21-16-00000.0310** 517 PIRATE DR CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LOT 2 DESC OR 1207 PG 1236 AKA CAPTIVA PALMA LOT 31 U/R	18
PEMBERTON KIM 279 TORREY PINES PT NAPLES FL 34113	**05-45-21-16-00000.0320** 4521 BARTLETT PKWY CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LOT 2 AS DESC IN OR 980 PG 840 AKA LT 32 CAPTIVA PALMA	19
BALK MELVIN W + JUDITH A 96 CHESTER ST CHESTER NH 03036	**05-45-21-16-00000.0330** 4511 BARTLETT PKWY CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LOT 2 AS DESC IN OR 980 PG 839	20
BARNHART D RICHARD TR 1362 SUNBURY DR FT MYERS FL 33901	**05-45-21-16-00000.0340** 516 LONGBOAT CIR CAPTIVA FL 33924	N END CAPTIVA IS PB 1/61 PT LT 2 DESC OR 1122/512 AKA LT 34 CAPTIVA PALMA	21
MOUTON PETER R + SAMMIE L 104 RINGNECK CT CHESTER MD 21619	**05-45-21-16-00000.0350** 522 LONGBOAT CIR CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LOT 2 AS DESC IN OR 1077 PG 708 AKA LOT 35 CAPTIVA PALMA U/R	22
CHILLON-MAY KATJA MATTENWETT 1-1 SCHLUCHSEE 78959 D GERMANY	**05-45-21-16-00000.0360** 528 LONGBOAT CIR CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LOT 2 DESC OR 3288 PG 4780 AKA LOT 36 CAPTIVA PALMA U/R	23
CHILLON-MAY KATJA MATTENWETT 1-1 SCHLUCHSEE 78959 D GERMANY	**05-45-21-16-00000.0370** 534 LONGBOAT CIR CAPTIVA FL 33924	N END CAPTIVA IS PB1 PG61 PT GL2 DESC OR1731 PG75 AKA LOT 37 CAPTIVA PALMA U/R	24
CHILLON-MAY KATJA MATTENWET 1-1 SCHLUCHSEE 78959 D GERMANY	**05-45-21-16-00000.0380** 540 LONGBOAT CIR CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LOT 2 AS DESC IN OR 1092 PG 925 AKA LOT 38 CAPTIVA PALMA U/R	25
RAPP MICHAEL D + SARAH M 206 THORNEWOOD DR GRANVILLE OH 43023	**05-45-21-16-00000.0390** 546 LONGBOAT CIR CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LOT 2 AS DESC IN OR 997 PG 443 AKA LOT 39 CAPTIVA PALMA U/R	26
PARADISE PARTNERS P O BOX 1570 FORT MYERS FL 33902	**05-45-21-16-00000.0400** 552 LONGBOAT CIR CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LOT 2 AS DESC IN OR 1049 PG 892 AKA LOT 40 CAPTIVA PALMA U/R	27
FREY BERNARD SCOTT 2090 CARRIAGE HILL ROAD ALLISON PARK PA 15101	**05-45-21-16-00000.0410** 523 LONGBOAT CIR CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LOT 2 AS DESC IN OR 411 PG 252 AKA LOT 41 CAPTIVA PALMA	28
BALK MELVIN W + JUDITH A H/W 96 CHESTER ST CHESTER NH 03036	**05-45-21-16-00000.0420** 517 LONGBOAT CIR CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LOT 2 AS DESC IN OR 1072 PG 1447	29
BALK MELVIN W + JUDITH A 96 CHESTER ST CHESTER NH 03036	**05-45-21-16-00000.0430** 539 LONGBOAT CIR CAPTIVA FL 33924	MAP N END CAPTIVA ISL DESC IN OR 1387 PG 1998 PT LOT 2 AKA LT 43 CAPTIVA PALMA	30
CABANISS JOSEPH D + STEPHANIE 262 M ST SW WASHINGTON DC 20024	**05-45-21-16-00000.0440** 522 RUM RD CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LOT 2 AKA LT 44 CAPTIVA PALMA	31

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
BALK MELVIN W + JUDITH A 96 CHESTER ST CHESTER NH 03036	**05-45-21-16-00000.0450** 516 RUM RD CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LT 2 DESC OR1218 PG1870 CAPTIVA PALMA LT45	32
BALK MELVIN W + JUDITH A H/W 96 CHESTER ST CHESTER NH 03036	**05-45-21-16-00000.0460** 4471 BARTLETT PKWY CAPTIVA FL 33924	N END CAPTIVA IS PB 1/61 PT LT 2 DESC OR 1000/645 AKA LT 46 CAPTIVA PALMA	33
NORTH CAPTIVA ISLAND CLUB INC P O BOX 1000 PINELAND FL 33945	**05-45-21-16-00000.0470** 4451 BARTLETT PKWY CAPTIVA FL 33924	MAP N END CAPTIVA ISLAND PB1/61 PT LT2(OR1892/4760) LESS 2.101 + 2.102	34
JOHNSON DOUGLASS LP 9540 CYPRESS LAKE DR FORT MYERS FL 33919	**05-45-21-16-00000.0490** 561 RUM RD CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LOT 2 AS DESC IN OR 1122 PG 511 + PARC DESC IN OR 2789 PG 0876	35
JENKINS THOMAS H 551 RUM RD CAPTIVA FL 33924	**05-45-21-16-00000.0500** 551 RUM RD CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LOT 2 AS DESC IN OR 1122 PG 510	36
SCOTT GRAYDON W 2/3 + P O BOX 1041 CAPTIVA FL 33924	**05-45-21-16-00000.0510** 539 RUM RD CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 LOT K W CAPTIVA PALMA UNREC DESCOR1272/980	37
NORTH CAPTIVA ISLAND CLUB INC P O BOX 1000 PINELAND FL 33945	**05-45-21-16-00000.0520** 533 RUM RD CAPTIVA FL 33924	MAP N END CAPTIVA IS PB 1 PG 61 FR E 1/4 COR RUN DESC OR 1189 PG 1429 AKA LOT EW CAPTIVA PALMA	38
NORTH CAPTIVA ISLAND CLUB INC PO BOX 1000 PINELAND FL 33945	**05-45-21-16-00000.0530** 4421 BARTLETT PKWY CAPTIVA FL 33924	MAP OF N END CAPTIVA ISLD PB 1 PG 61 PT LT 2 DESC OR 1929 PG 574	39
NORTH CAPTIVA ISLAND CLUB INC PO BOX 1000 PINELAND FL 33945	**05-45-21-16-00000.053D** 4433 BARTLETT PKWY CAPTIVA FL 33924	PT LT 2 N END CAPTIVA PB1/61 OR 1892-4760 DOCK D	40
HIPKENS ROBERT W + SUE 425 E 86TH ST NEW YORK NY 10028	**05-45-21-16-00000.053E** 4437 BARTLETT PKWY CAPTIVA FL 33924	MAP N END CAPTIVA ISLAND PB 1 PG 61 PT GOVT LOT 2 DESC IN OR 1749 PG 2496	41
ROSS JOHN + 81 GLENDALE RD OSSINING NY 10562	**05-45-21-16-00000.053F** ACCESS UNDETERMINED CAPTIVA FL 33924	PT LT 2 N END OF CAPTIVA PB 1/61 OR 1892/4760 DOCK F	42
PEARCE ELIZABETH W TR 6767 DANAH CT FORT MYERS FL 33908	**05-45-21-16-00000.053G** ACCESS UNDETERMINED CAPTIVA FL 33924	PT LT 2 N END CAPTIVA PB 1/61 OR 1892/4760 DOCK G	43
JOHNSON SUSAN + RFD 2 BOX 389 SWIFTWATER NH 03785	**05-45-21-16-00000.053H** ACCESS UNDETERMINED CAPTIVA FL 33924	PT LT 2 N END CAPTIVA PB 1/61 OR 1892/4760 DOCK H	44
TANT KATIE L TR 3817 MARVAEZ ST FORT MYERS FL 33901	**05-45-21-16-00000.053I** ACCESS UNDETERMINED CAPTIVA FL 33924	MAP N END CAPTIVA ISLAND PB 1 PG 61 PT LOT 2 DESC IN OR 1701 PG 1707	45
TANT DONALD E 3817 MARVAEZ ST FORT MYERS FL 33901	**05-45-21-16-00000.053J** 4427 BARTLETT PKWY CAPTIVA FL 33924	MAP N END CAPTIVA ISLAND PB 1 PG 61 PT LT 2 DESC OR1674 PG3056 AKA PARCEL J	46
FISCHER GLENN L 75% + 1882 EAGLES REST DR APOPKA FL 32712	**05-45-21-16-00000.053K** 4425 BARTLETT PKWY CAPTIVA FL 33924	MAP N END CAPTIVA ISLAND PB 1 PG 61 PT G L 2 DESC IN OR 1748 PG 0650	47
FISHER JANET L TR P O BOX 349 PINELAND FL 33945	**05-45-21-16-00000.053L** 4423 BARTLETT PKWY CAPTIVA FL 33924	MAP N END CAPTIVA ISLAND PB 1 PG 61 PT LOT 2 DESC IN OR 1680 PG 1649	48
KACHEL GLENN J 1028 SE 12TH AVE CAPE CORAL FL 33990	**05-45-21-16-00000.053M** 4415 BARTLETT RD CAPTIVA FL 33924	N END CAPTIVA ISLAND DESC OR 3021 PG 3446 DOCK SLIP SPACE M	49

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HENSLEY CRAIG H 1/3 INT + C/O HISSAM + ASSOC P O BOX 1570 FT MYERS FL 33902	**05-45-21-16-00000.053N** 4413 BARTLETT RD CAPTIVA FL 33924	N END CAPTIVA ISLAND DESC OR 3052 PG 0696 DOCK SLIP SPACE N	50
DAMICO DARRYL J + CARMEL J C/O BERRY + GREUSEL 1104 NORTH COLLIER BLVD MARCO ISLAND FL 34145	**05-45-21-16-00000.053O** 4411 BARTLETT RD CAPTIVA FL 33924	N END CAPTIVA ISLAND DESC OR 3034 PG 3545 DOCK SLIP SPACE O	51
HARDIMAN DENNIS F + LISA S 50 BOURNE LN BARRINGTON RI 02806	**05-45-21-16-00000.053P** 4407 BARTLETT RD CAPTIVA FL 33924	N END CAPTIVA ISLAND DESC OR 3073 PG 0759 DOCK SLIP SPACE P	52
MULLER MARK L + WENDY G P O BOX 610 BOKEELIA FL 33922	**05-45-21-16-00000.053Q** 4409 BARTLETT RD CAPTIVA FL 33924	N END CAPTIVA ISLAND DESC OR 3021 PG 3441 DOCK SLIP SPACE Q	53
LOCICERO EMILY A P O BOX 408 PINELAND FL 33945	**05-45-21-16-00000.053T** 4401 BARTLETT PKWY CAPTIVA FL 33924	N END CAPTIVA ISLAND DESC OR 3178 PG 4082 DOCK SLIP SPACE T	54
GUILLARMOD KEITH + KAREN L 13100 SW 28TH CT DAVIE FL 33330	**05-45-21-17-00001.0080** 4530 SCHOONER DR CAPTIVA FL 33924	N END CAP IS PB1/61 PT LT3 FR SE COR GL2 TH N330 TH W 965 TO POB AKA BLK1 LT8 CA	55
GALVANO DANIEL J + KATHERINE + 2 ABBY DR LAWRENCEVILLE NJ 08648	**05-45-21-17-00001.0090** 4520 SCHOONER DR CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LT 3 DESC OR 1149/428 AKA LT 9 BLK 1	56
WILCOX BRIAN E + EILEEN Q 10 EASTPORT CT LUTHERVILLE MD 21093	**05-45-21-17-00001.0100** 4510 SCHOONER DR CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LOT 3 AS DESC IN OR 381 PG 359	57
MARSHALL THOMAS K 7326 STATE ROUTE 19 UNIT 1311 MOUNT GILEAD OH 43338	**05-45-21-17-00001.0110** 4500 SCHOONER DR CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LOT 3 AS DESC IN OR 1255 PG 229	58
BARNHART D RICHARD TR 1362 SUNBURY DR FT MYERS FL 33901	**05-45-21-17-00001.0120** 0 SCHOONER DR CAPTIVA FL 33924	MAP N END CAPTIVA IS PB 1 PG 61 PART OF LT 3	59
LIPPMAN NORMAN PO BOX 235 MONTVILLE NJ 07045	**05-45-21-17-00001.0130** 4480 SCHOONER DR CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LOT 3 AS DESC IN OR 362 PG 320	60
BRILHART ARNOLD R JR + P O BOX 1000 PINELAND FL 33945	**05-45-21-17-00001.0140** 4470 SCHOONER DR CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LOT 3 AS DESC IN OR 1180 PG 291 AKA LOT 14 BLK 1 CASTAWAY KEY U/R	61
WROBLEWSKI ANDREW + 1130 W WISCONSIN CHICAGO IL 60614	**05-45-21-17-00001.0150** 4460 SCHOONER DR CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LOT 3 DESC OR 1189 PG 290 AKA LOT 15 BLK 1 CASTAWAY KEY U/R	62
JAQUITH KENNETH RAYMOND + 7802 N FAIRWIND LOOP HERNANDO FL 34442	**05-45-21-17-00001.0160** 4450 SCHOONER DR CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LOT 3 DESC OR 686 PG 755 AKA LOT 16 BLK 1 CASTAWAY KEY U/R	63
TSAKIRIDIS ANATASIOS 312 S SALEM DR SCHAMBURG IL 60193	**05-45-21-17-00001.0170** 4440 SCHOONER DR CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LOT 3 AS DESC IN OR 348 PG 288	64
RAGO LOUIS M + DENISE L 2901 TIMBERWOOD DR BROADVIEW HEIGHTS OH 44147	**05-45-21-17-00001.0180** 4430 SCHOONER DR CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LOT 3 AS DESC IN OR 788 PG 354	65
MURDOCK ROBERT + PATRICIA 50 + 7193 ANDERSON WOODS DR CINCINNATI OH 45244	**05-45-21-17-00002.0090** 4521 SCHOONER DR CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LOT 3 AS DESC IN OR 1137 PG 1617 AKA BLK 2 LOT 9 CASTAWAY KEY U/R	66
VALDES DONALD + JOHNNIE 1/2 + 15 SUNSET HILL GRANVILLE OH 43023	**05-45-21-17-00002.0100** 4511 SCHOONER DR CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LOT 3 DESC IN OR 311 PG 193 AKA CASTAWAY KEY U/R BLK 2 LOT 10	67

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
BRICK THOMAS C + CHRISTINE L 6910 SANDALWOOD LN NAPLES FL 34109	**05-45-21-17-00002.0110** 4501 SCHOONER DR CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LOT 3 AS DESC IN OR 955 PG 674 AKA LOT 11 BLK 2 CASTAWAY KEY U/R	68
BERNARDO JOSEPH J + NANCY 1928 PICCADILLY CIR CAPE CORAL FL 33991	**05-45-21-17-00002.0120** 4491 SCHOONER DR CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LOT 3 DESC OR 955 PG 675 AKA LOT 12 CASTAWAY KEY U/R	69
WUNDERLICH RICHARD + SUSAN S 5414 SW 3RD AV CAPE CORAL FL 33914	**05-45-21-17-00002.0130** 4481 SCHOONER DR CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LOT 3 DESC OR 1209 PG 1494 AKA LOT 13 CASTAWAY KEY U/R	70
DAVENPORT DANIEL R + DEBRA 10820 HABITAT CIRCLE BOKEELIA FL 33922	**05-45-21-17-00002.0140** 4471 SCHOONER DR CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LOT 3 DESC OR 1038 PG 586 AKA LOT 14 CASTAWAY KEY U/R	71
UHL SUSAN R TR 5223 MARINA DR BOKEELIA FL 33922	**05-45-21-17-00002.0150** 4461 SCHOONER DR CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LOT 3 AS DESC IN OR 966 PG 658	72
FELICIO MANUEL + RACHEL F 233 GREEN ST NORTH SMITHFIELD RI 02896	**05-45-21-17-00002.0160** 4451 SCHOONER DR CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LOT 3 DESC OR 3407 PG 3681 AKA LOT 16 BLK 2 CASTAWAY KEY U/R	73
ANDRADE JUAN + SANDRA 2806 MEADOWVIEW CT TARPON SPRINGS FL 34688	**05-45-21-17-00002.0170** 4441 SCHOONER DR CAPTIVA FL 33924	FR SE COR GL2 TH NE210 TH NW290 TO POB TH SW125 TH NW75 TH NE125 TH SE75 POB	74
FERNSTROM CARL M P O BOX 767 NAPLES FL 34106	**05-45-21-17-00002.0180** 4431 SCHOONER DR CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LOT 3 DESC OR 829 PG 668 AKA LOT 18 BLK 2 CASTAWAY KEY U/R	75
METALLIX REALTY LLC 64 C BRIDGE AVE RED BANK NJ 07701	**05-45-21-17-00002.0250** 4520 SMUGGLERS DR CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 DESC OR 916/511 AKA BLK 2 LT25 CASTAWAY KEY	76
GREENFIELD BARRY 2015 WILD LIME DR SANIBEL FL 33957	**05-45-21-17-00002.0260** 4510 SMUGGLERS DR CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LOT 3 AS DESC IN OR 1160 PG 2174	77
WORFUL JAMES + SHERYL 14595 LULU RD IDA MI 48140	**05-45-21-17-00002.0270** 4500 SMUGGLERS DR CAPTIVA FL 33924	N END CAPTIVA IS PB 1/61 PT LT 3 DESC OR 918 PG 652 AKA BLK 2 LOT 27 CASTAWAY	78
LEMMERMAN WILLARD + 1449 CHARLES RD FORT MYERS FL 33919	**05-45-21-17-00002.0280** 4490 SMUGGLERS DR CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LOT 3 DESC OR 1166 PG 570 AKA LOT 28 BLK 2 CASTAWAY KEY U/R	79
SMITH RUSSELL M + P O BOX 628 PINELAND FL 33945	**05-45-21-17-00002.0290** 4480 SMUGGLERS DR CAPTIVA FL 33924	N END CAPTIVA IS PB 1/61 DESC OR 579/66 AKA LT 29 BLK 2 CASTAWAY KEY	80
MOCALDO RONALD S 33 PETERSON RD VERNON CT 06066	**05-45-21-17-00002.0300** 4460 SMUGGLERS DR CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LOT 3 AS DESC IN OR 1076 PG 1356	81
FOWINKLE ROBERT W III + JANANN 705 RYE RD BRADENTON FL 34202	**05-45-21-17-00002.0320** 4450 SMUGGLERS DR CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LOT 3 AS DESC IN OR 1030 PG 173	82
FALK GRETCHEN A P O BOX 233 PINELAND FL 33945	**05-45-21-17-00002.0330** 4440 SMUGGLERS DR CAPTIVA FL 33924	N END CPTIVA IS PB 1 PG 61 PT LOT 3 DESC OR 675 PG 500 AKA BLK 2 LOT 33 CASTAWAY KEY U/R	83
FERNSTROM CARL M P O BOX 767 NAPLES FL 34106	**05-45-21-17-00002.0340** 4430 SMUGGLERS DR CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LT 3 AKA BLK 2 LOT 34 CASTAWAY KEY U/R DESC OR 829 PG 668	84
DENNIS MARTY 1061 27TH ST SW NAPLES FL 34117	**05-45-21-17-00003.0100** 4501 SMUGGLERS DR CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LOT 3 AS DESC IN OR 918 PG 651	85

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
CLAYPOOL HAROLD CHARLES 14360 MCGREGOR BLVD FORT MYERS FL 33919	**05-45-21-17-00003.0110** 4491 SMUGGLERS DR CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LOT 3 AS DESC IN OR 904 PG 625	86
JOHNSON ARIC A 129 E 10TH ST NEW YORK NY 10003	**05-45-21-17-00003.0120** 4481 SMUGGLERS DR CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LOT 3 AS DESC IN OR 940 PG 114	87
METALLIX REALTY LLC 64 C BRIDGE AVE RED BANK NJ 07701	**05-45-21-17-00003.0130** 4471 SMUGGLERS DR CAPTIVA FL 33924	MAP N END CAPTIVA ISL PB 1 PG 61 PT LOT 3 DESC IN OR 1792 PG 3821 AKA BLK 3 LOT 13 CASTAWAY KEY	88
NICHOLSON JOHN C + SUZANNE M 20 MERLIN CT LAFAYETTE IN 47905	**05-45-21-17-00003.0140** 4461 SMUGGLERS DR CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LOT 3 DESC IN OR 452 PG 176 LES 3.014A	89
SETTE JOSEPH M + LESLEY D 9408 CHERRY HILLS LN SAN RAMON CA 94583	**05-45-21-17-00003.0150** 4451 SMUGGLERS DR CAPTIVA FL 33924	N END CAPTIVA ISLAND PB 1/61 PT LT3 DESC OR836/589 AKA BLK 3 LT 15 CASTAWY KEY	90
EWERT ULRICH E + LINDA M 13141-3 MCGREGOR BLVD FORT MYERS FL 33919	**05-45-21-17-00003.0160** 4441 SMUGGLERS DR CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LOT 3 AS DESC IN OR 885 PG 257	91
DAVIDSON GILES C + 2245 12TH PL NW WASHINGTON DC 20009	**05-45-21-17-00003.0170** 4431 SMUGGLERS DR CAPTIVA FL 33924	N END CAPTIVA ISPB 1 PG 61 PT LOT 3 AS DESC IN OR 427 PG 425 AKA BLK 3 LOT 17 CASTAWAY KEY UN REC	92
BROOKS DONALD E + 783 CAL COVE DR FORT MYERS FL 33919	**05-45-21-17-00003.0190** 611 RUM RD CAPTIVA FL 33924	PARL IN G L 2 AS DESC IN OR 1340 PG 1344 AKA BLK 3 LT 19 CASTAWAY KEY U/R	93
ERNEST AUDREY 2010 S RACE ST URBANA IL 61801	**05-45-21-17-00003.0200** 601 RUM RD CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 PT LOT 3 AS DESC IN OR 904 PG 627	94
JARMOSZUK NICHOLAS SR + DIANE 21884 AVALON DR ROCKY RIVER OH 44116	**05-45-21-17-00003.0210** 591 RUM RD CAPTIVA FL 33924	N END CAPTIVA IS PB1/61 DESC OR 1271/1993 PT LT 3 AKA LT 21 BLK 3 CASTAWAY KEY	95
TANT DONALD E + KATIE L P O BOX 914 PINELAND FL 33945	**05-45-21-17-00003.0220** 581 RUM RD CAPTIVA FL 33924	N END CAPTIVA IS PB 1 PG 61 OR 904/626 + OR 1299/0072 + OR 2787/4155	96
RIECHJAY CORP 11 DANIEL RD E FAIRFIELD NJ 07004	**05-45-21-17-00004.0120** 4470 CUTLASS DR CAPTIVA FL 33924	MAP N END CAP IS PB1/61 PT LT4 FR SE COR GL2 S165 W530 POB AKA BLK4 LT12 CAS	97
RIECHJAY CORP 11 DANIEL RD E FAIRFIELD NJ 07004	**05-45-21-17-00004.0130** 4460 CUTLASS DR CAPTIVA FL 33924	FR SE COR GL2 SW165 TH NW 455 TO POB DESC OR2584/300 AKA BLK 4 LT 13 CASTAWAY	98
PIZZARELLI MARK + KIM M 82 MOUNT PLEASANT RD NORTH SMITHFIELD RI 02896	**05-45-21-17-00004.0140** 4450 CUTLASS DR CAPTIVA FL 33924	N END CAP IS PB1/61 PT LT4 FR SE COR GL2 TH S165 TH W 380 TO POB AKA BLK4 LT14	99
RUZICKA GERALD E + MARJORIE A 4615 SW 5TH PL CAPE CORAL FL 33957	**05-45-21-17-00004.0150** 4440 CUTLASS DR CAPTIVA FL 33924	MAP N END CAPTIVA IS PB 1 PG 61 PT OF LOT 4 AS DESC IN OR 0523 PG 0849	100
FELICIO MANUEL + RACHEL F 233 GREEN ST N SMITHFIELD RI 02896	**05-45-21-17-00004.0160** 4430 CUTLASS DR CAPTIVA FL 33924	MAP N END CAPTIVA IS PB 1 PG 61 PT OF LOT 4 AS DESC IN OR 1182 PG 0351	101
PERREAULT MATTHEW + GILBERTE PO BOX 456 PINELAND FL 33945	**05-45-21-17-00006.0010** 621 RUM RD CAPTIVA FL 33924	PARL IN GOVT LTS 2 & 3 AKA LT 1 BLK 6 CASTAWAY KEY UN REC SUBD OR2230/4777	102

102 RECORDS PRINTED

LEE COUNTY
SOUTHWEST FLORIDA

COURTESY NOTICE
OF RECEIPT OF ZONING APPLICATION

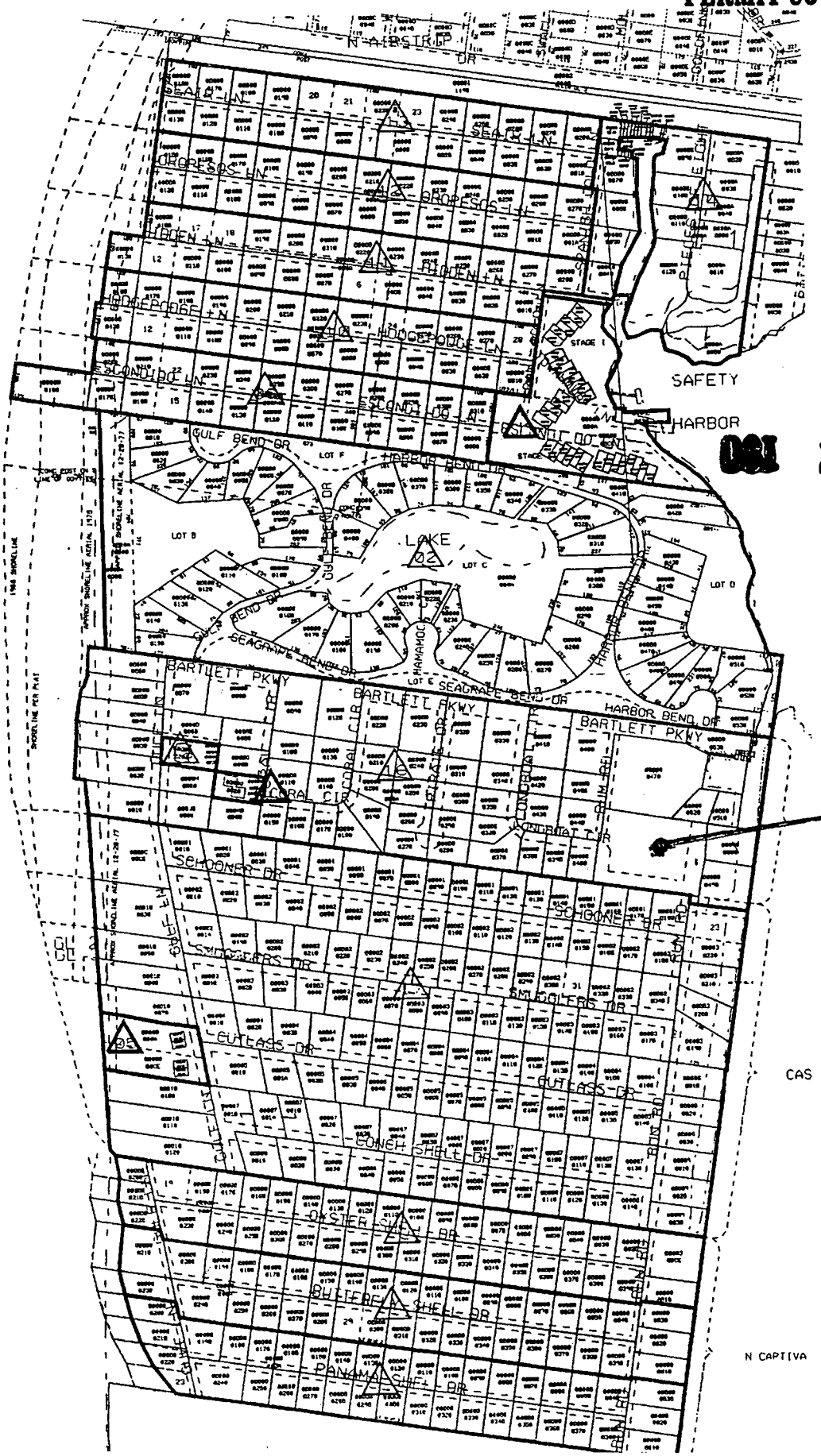
Date:	November 19, 2003
Case Number:	DCI2003-00080
Case Name:	GRADY'S LODGE
Request:	Rezone a 1.59+/- acre parcel from commercial (C-1) to commercial planned development (CPD) to permit a 15 unit hotel/motel in the form of 10 one and two unit cabins, not to exceed a maximum height of 35 feet.
Location:	The subject property is located at 531 Rum Road, Captiva (the parcel is located on Upper Captiva Island east and north of Rum Road, the Captiva Island Club is located adjacent to the parcel's northern property line)
Location Map:	SEE REVERSE
PROPERTY OWNER'S REPRESENTATIVE:	MR. ROBERT HUTCHERSON WILSON MILLER INC 239-939-1020
Lee County Planner:	Bryan Kelner 239-479-8363

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.

JSS

RECEIVED
NOV 12 2003
PERMIT COUNTER



DGI 2003-0008

05-45-21-16-00000.0480
SCOTT GRAYDON W
PO BOX 1041
CAPTIVA, FL 33924

04-45-21-00-00002.0000
TIITF STATE OF FLORIDA
C/O DIV OF STATE LANDS
3900 COMMONWEALTH BLVD
MAIL STATION 115
TALLAHASSEE, FL 32399

05-45-21-02-00000.0250
HAGERMAN PETER S TR
9 INDIAN HOLLOW RD
MENDHAM, NJ 07945

05-45-21-02-00000.0260
WOODS KEVIN B + WHITNEY
2907 BAYSHORE VISTA DR
TAMPA, FL 33611

05-45-21-02-00000.0270
FEINGOLD MURRAY +
P O BOX 378
PINELAND, FL 33945

05-45-21-02-00000.0280
SMALLRIDGE JOHN D JR
C/O SMALLRIDGE ENTERPRISES
26 CAPITOL ST
CHARLESTON, WV 25301

05-45-21-02-00000.0470
BRUGGER JOHN N
600 FIFTH AV S STE 207
NAPLES, FL 34102

05-45-21-02-00000.0480
BAUMAN DAVID C + VIVIAN R
111 HOLLY LANE
PILEGROVE, NJ 08098

05-45-21-02-00000.0490
WILDEMAN ROY C + KAREN K
P O BOX 3038
PINELAND, FL 33945

05-45-21-02-00000.0500
BOLTON JAMES L JR + KRISSA TR
57 MORGAN HORSE FARM RD
WEYBRIDGE, VT 05753

05-45-21-02-00000.0510
OREM PAMELA S
7667 WINDING WAY N
TIPP CITY, OH 45371

05-45-21-02-00000.0520
CHRISTENSEN RICHARD R +
P O BOX 1342
NORTH HAMPTON, NH 03862

05-45-21-02-00000.0530
HALL STEPHEN C + MARION R
30 LOADING PLACE RD
MANCHESTER, MA 01944

05-45-21-02-0000A.0000
SAFETY HARBOR CLUB INC
PO BOX 2276
PINELAND, FL 33945

05-45-21-16-00000.0280
RIECHJAY CORP
11 DANIEL RD E
FAIRFIELD, NJ 07004

~~05-45-21-16-00000.0290~~
~~RIECHJAY CORP~~
~~11 DANIEL RD E~~
~~FAIRFIELD, NJ 07004~~

~~05-45-21-16-00000.0300~~
~~RIECHJAY CORP~~
~~11 DANIEL RD E~~
~~FAIRFIELD, NJ 07004~~

05-45-21-16-00000.0310
ALLEN JANET S
2235 ALBION AV
ORLANDO, FL 32833

05-45-21-16-00000.0320
PEMBERTON KIM
279 TORREY PINES PT
NAPLES, FL 34113

05-45-21-16-00000.0330
BALK MELVIN W + JUDITH A
96 CHESTER ST
CHESTER, NH 03036

05-45-21-16-00000.0340
BARNHART D RICHARD TR
1362 SUNBURY DR
FT MYERS, FL 33901

05-45-21-16-00000.0350
MOUTON PETER R + SAMMIE L
104 RINGNECK CT
CHESTER, MD 21619

05-45-21-16-00000.0360
CHILLON-MAY KATJA
MATTENWETT 1-1
SCHLUCHSEE 78959 D,
GERMANY

05-45-21-16-00000.0370
CHILLON-MAY KATJA
MATTENWETT 1-1
SCHLUCHSEE 78959 D,
GERMANY

05-45-21-16-00000.0380
CHILLON-MAY KATJA
MATTENWET 1-1
SCHLUCHSEE 78959 D,
GERMANY

05-45-21-16-00000.0390
RAPP MICHAEL D + SARAH M
206 THORNEWOOD DR
GRANVILLE, OH 43023

05-45-21-16-00000.0400
PARADISE PARTNERS
P O BOX 1570
FORT MYERS, FL 33902

05-45-21-16-00000.0410
FREY BERNARD SCOTT
2090 CARRIAGE HILL ROAD
ALLISON PARK, PA 15101

05-45-21-16-00000.0420
BALK MELVIN W + JUDITH A H/W
96 CHESTER ST
CHESTER, NH 03036

05-45-21-16-00000.0430
BALK MELVIN W + JUDITH A
96 CHESTER ST
CHESTER, NH 03036

05-45-21-16-00000.0440
CABANISS JOSEPH D + STEPHANIE
262 M ST SW
WASHINGTON, DC 20024

05-45-21-16-00000.0450
BALK MELVIN W + JUDITH A
96 CHESTER ST
CHESTER, NH 03036

05-45-21-16-00000.0460
BALK MELVIN W + JUDITH A H/W
96 CHESTER ST
CHESTER, NH 03036

05-45-21-16-00000.0470
NORTH CAPTIVA ISLAND CLUB INC
P O BOX 1000
PINELAND, FL 33945

05-45-21-16-00000.0490
JOHNSON DOUGLASS LP
9540 CYPRESS LAKE DR
FORT MYERS, FL 33919

05-45-21-16-00000.0500
JENKINS THOMAS H
551 RUM RD
CAPTIVA, FL 33924

05-45-21-16-00000.0510
SCOTT GRAYDON W 2/3 +
P O BOX 1041
CAPTIVA, FL 33924

05-45-21-16-00000.0520
NORTH CAPTIVA ISLAND CLUB INC
P O BOX 1000
PINELAND, FL 33945

05-45-21-16-00000.0530
NORTH CAPTIVA ISLAND CLUB INC
PO BOX 1000
PINELAND, FL 33945

05-45-21-16-00000.053D
NORTH CAPTIVA ISLAND CLUB INC
PO BOX 1000
PINELAND, FL 33945

05-45-21-16-00000.053E
HIPKENS ROBERT W + SUE
425 E 86TH ST
NEW YORK, NY 10028

05-45-21-16-00000.053F
ROSS JOHN +
81 GLENDALE RD
OSSINING, NY 10562

05-45-21-16-00000.053G
PEARCE ELIZABETH W TR
6767 DANAH CT
FORT MYERS, FL 33908

05-45-21-16-00000.053H
JOHNSON SUSAN +
RFD 2 BOX 389
SWIFTWATER, NH 03785

05-45-21-16-00000.053I
TANT KATIE L TR
3817 MARVAEZ ST
FORT MYERS, FL 33901

05-45-21-16-00000.053J
TANT DONALD E
3817 MARVAEZ ST
FORT MYERS, FL 33901

05-45-21-16-00000.053K
FISCHER GLENN L 75% +
1882 EAGLES REST DR
APOPKA, FL 32712

05-45-21-16-00000.053L
FISHER JANET L TR
P O BOX 349
PINELAND, FL 33945

05-45-21-16-00000.053M
KACHEL GLENN J
1028 SE 12TH AVE
CAPE CORAL, FL 33990

05-45-21-16-00000.053N
HENSLEY CRAIG H 1/3 INT +
C/O HISSAM + ASSOC
P O BOX 1570
FT MYERS, FL 33902

05-45-21-16-00000.053O
DAMICO DARRYL J + CARMEL J
C/O BERRY + GREUSEL
1104 NORTH COLLIER BLVD
MARCO ISLAND, FL 34145

05-45-21-16-00000.053P
HARDIMAN DENNIS F + LISA S
50 BOURNE LN
BARRINGTON, RI 02806

05-45-21-16-00000.053Q
MULLER MARK L + WENDY G
P O BOX 610
BOKEELIA, FL 33922

05-45-21-16-00000.053T
LOCICERO EMILY A
P O BOX 408
PINELAND, FL 33945

05-45-21-17-00001.0080
GUILLARMOD KEITH + KAREN L
13100 SW 28TH CT
DAVIE, FL 33330

05-45-21-17-00001.0090
GALVANO DANIEL J + KATHERINE +
2 ABBY DR
LAWRENCEVILLE, NJ 08648

05-45-21-17-00001.0100
WILCOX BRIAN E + EILEEN Q
10 EASTPORT CT
LUTHERVILLE, MD 21093

05-45-21-17-00001.0110
MARSHALL THOMAS K
7326 STATE ROUTE 19 UNIT 1311
MOUNT GILEAD, OH 43338

05-45-21-17-00001.0120
BARNHART D RICHARD TR
1362 SUNBURY DR
FT MYERS, FL 33901

05-45-21-17-00001.0130
LIPPMAN NORMAN
PO BOX 235
MONTVILLE, NJ 07045

05-45-21-17-00001.0140
BRILHART ARNOLD R JR +
P O BOX 1000
PINELAND, FL 33945

05-45-21-17-00001.0150
WROBLEWSKI ANDREW +
1130 W WISCONSIN
CHICAGO, IL 60614

05-45-21-17-00001.0160
JAQUITH KENNETH RAYMOND +
7802 N FAIRWIND LOOP
HERNANDO, FL 34442

05-45-21-17-00001.0170
TSAKIRIDIS ANATASIOS
312 S SALEM DR
SCHAMBURG, IL 60193

05-45-21-17-00001.0180
RAGO LOUIS M + DENISE L
2901 TIMBERWOOD DR
BROADVIEW HEIGHTS, OH 44147

05-45-21-17-00002.0090
MURDOCK ROBERT + PATRICIA 50 +
7193 ANDERSON WOODS DR
CINCINNATI, OH 45244

05-45-21-17-00002.0100
VALDES DONALD + JOHNNIE 1/2 +
15 SUNSET HILL
GRANVILLE, OH 43023

05-45-21-17-00002.0110
BRICK THOMAS C + CHRISTINE L
6910 SANDALWOOD LN
NAPLES, FL 34109

05-45-21-17-00002.0120
BERNARDO JOSEPH J + NANCY
1928 PICCADILLY CIR
CAPE CORAL, FL 33991

05-45-21-17-00002.0130
WUNDERLICH RICHARD + SUSAN S
5414 SW 3RD AV
CAPE CORAL, FL 33914

05-45-21-17-00002.0140
DAVENPORT DANIEL R + DEBRA
10820 HABITAT CIRCLE
BOKEELIA, FL 33922

05-45-21-17-00002.0150
UHL SUSAN R TR
5223 MARINA DR
BOKEELIA, FL 33922

05-45-21-17-00002.0160
FELICIO MANUEL + RACHEL F
233 GREEN ST
NORTH SMITHFIELD, RI 02896

05-45-21-17-00002.0170
ANDRADE JUAN + SANDRA
2806 MEADOWVIEW CT
TARPON SPRINGS, FL 34688

05-45-21-17-00002.0180
FERNSTROM CARL M
P O BOX 767
NAPLES, FL 34106

05-45-21-17-00002.0250
METALLIX REALTY LLC
64 C BRIDGE AVE
RED BANK, NJ 07701

05-45-21-17-00002.0260
GREENFIELD BARRY
2015 WILD LIME DR
SANIBEL, FL 33957

05-45-21-17-00002.0270
WORFUL JAMES + SHERYL
14595 LULU RD
IDA, MI 48140

05-45-21-17-00002.0280
LEMMERMAN WILLARD +
1449 CHARLES RD
FORT MYERS, FL 33919

05-45-21-17-00002.0290
SMITH RUSSELL M +
P O BOX 628
PINELAND, FL 33945

05-45-21-17-00002.0300
MOCALDO RONALD S
33 PETERSON RD
VERNON, CT 06066

05-45-21-17-00002.0320
FOWINKLE ROBERT W III + JANANN
705 RYE RD
BRADENTON, FL 34202

05-45-21-17-00002.0330
FALK GRETCHEN A
P O BOX 233
PINELAND, FL 33945

05-45-21-17-00002.0340
FERNSTROM CARL M
P O BOX 767
NAPLES, FL 34106

05-45-21-17-00003.0100
DENNIS MARTY
1061 27TH ST SW
NAPLES, FL 34117

05-45-21-17-00003.0110
CLAYPOOL HAROLD CHARLES
14360 MCGREGOR BLVD
FORT MYERS, FL 33919

05-45-21-17-00003.0120
JOHNSON ARIC A
129 E 10TH ST
NEW YORK, NY 10003

05-45-21-17-00003.0130
METALLIX REALTY LLC
64 C BRIDGE AVE
RED BANK, NJ 07701

05-45-21-17-00003.0140
NICHOLSON JOHN C + SUZANNE M
20 MERLIN CT
LAFAYETTE, IN 47905

05-45-21-17-00003.0150
SETTE JOSEPH M + LESLEY D
9408 CHERRY HILLS LN
SAN RAMON, CA 94583

05-45-21-17-00003.0160
EWERT ULRICH E + LINDA M
13141-3 MCGREGOR BLVD
FORT MYERS, FL 33919

05-45-21-17-00003.0170
DAVIDSON GILES C +
2245 12TH PL NW
WASHINGTON, DC 20009

05-45-21-17-00003.0190
BROOKS DONALD E +
783 CAL COVE DR
FORT MYERS, FL 33919

05-45-21-17-00003.0200
ERNEST AUDREY
2010 S RACE ST
URBANA, IL 61801

05-45-21-17-00003.0210
JARMOSZUK NICHOLAS SR + DIANE
21884 AVALON DR
ROCKY RIVER, OH 44116

05-45-21-17-00003.0220
TANT DONALD E + KATIE L
P O BOX 914
PINELAND, FL 33945

05-45-21-17-00004.0120
RIECHJAY CORP
11 DANIEL RD E
FAIRFIELD, NJ 07004

05-45-21-17-00004.0130
RIECHJAY CORP
11 DANIEL RD E
FAIRFIELD, NJ 07004

05-45-21-17-00004.0140
PIZZARELLI MARK + KIM M
82 MOUNT PLEASANT RD
NORTH SMITHFIELD, RI 02896

05-45-21-17-00004.0150
RUZICKA GERALD E + MARJORIE A
4615 SW 5TH PL
CAPE CORAL, FL 33957

05-45-21-17-00004.0160
FELICIO MANUEL + RACHEL F
233 GREEN ST
N SMITHFIELD, RI 02896

05-45-21-17-00006.0010
PERREAULT MATTHEW + GILBERTE
PO BOX 456
PINELAND, FL 33945

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Captiva Civic Assocation
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Captiva, FL 33924

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PO Box 254
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