

BOOK 3

CPA2007-51

LEE COUNTY ORDINANCE NO. 09-15

(San Carlos Island)

(CPA2007-51)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2007-51 (PERTAINING TO SAN CARLOS ISLAND) APPROVED DURING THE COUNTY'S 2007/2008 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Comprehensive Plan ("Lee Plan") Policy 2.4.1. and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners ("Board"); and,

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on September 29, 2008; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on October 23, 2008. At that hearing, the Board approved a motion to send, and did later send, proposed amendment CPA2007-51 pertaining to San Carlos Island to the Department of Community Affairs ("DCA") for review and comment; and,

WHEREAS, at the October 23, 2008 meeting, the Board announced its intention to

hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report." DCA issued their ORC report on January 16, 2009; and,

WHEREAS, on February 25, 2009, the Board held a public hearing and adopted the proposed amendment to the Lee Plan set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt the amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "2007/2008 Regular Comprehensive Plan Amendment Cycle CPA2007-51 San Carlos Island Ordinance."**

SECTION TWO: ADOPTION OF LEE COUNTY'S 2007/2008 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, as revised by the Board on February 25, 2009, known as CPA2007-51. CPA2007-51 amends the Future Land Use Map Series, Map 1, to change the future land use category of 28.97± acres designated "Urban Community," "Suburban," and "Industrial Development" to

"Destination Resort Mixed Use Water-Dependent," and 7.09 acres designated "Wetlands" to "Conservation Lands." See Exhibits A and B attached hereto. CPA2007-51 also incorporates a new land use category and new Objectives and Policies guiding development in the area, and amends Tables 1(a) and 1(b) to incorporate the new future land use category.

The corresponding Staff Reports and Analysis, along with all attachments for this amendment are adopted as "Support Documentation" for the Lee Plan.

Note: All text set forth below represents addition to the Lee Plan

GOAL XX: DESTINATION RESORT MIXED USE WATER DEPENDANT (DRMUWD).

To establish a land-use category that considers the uniqueness of water dependant land, with existing antiquated zoning, and out-dated uses that will provide a mechanism to create an attractive, functioning mixed use destination resort through well planned redevelopment.

OBJECTIVE XX.1: To ensure that Destination Resort Mixed Use Water Dependant categories are located in the most appropriate areas.

POLICY XX.1.1: These areas can best be characterized by their proximity to the water and need for redevelopment due to changes in the market and outdated development patterns. By virtue of their proximity to navigable water and availability of public services, these locations are suited to accommodate a mixture of uses that range between residential, resort, commercial and industrial type activities that benefit from access to the water front. As Lee

County moves toward being a larger metropolitan area and a world class destination, these types of developments can offer a diverse living, working and vacationing experience that benefit the entire area while being environmentally friendly and economically viable. The density ranges from 6 dwelling units per acre to 9.36 dwelling units per acre. Residential densities in developments that include commercial and residential uses in the same project or same building may be developed as provided for under the Glossary terms: "Mixed Use," "Mixed Use Building," and "Density."

POLICY XX.1.2: Destination Resort Mixed Use Water Dependent location criteria:

1. Areas characterized by predominantly outdated RV type living facilities meant for temporary habitation without individual type land ownership and depressed/underutilized water dependent waterfronts.
2. Located in Areas characterized as predominantly impacted by a declining water dependant industry like commercial fishing or other and with a minimum of 8 acres of contiguous lands under unified control.
3. Areas within costal wind zones depicted as 100 Year Flood Plains, as illustrated on Map 9 of the Lee Plan.
4. Areas with direct access to existing roadways and navigable bodies of water.
5. Areas with multiple zoning districts that may not be compatible with each other.

POLICY XX.1.3: Destination Resort Mixed Use Water Dependant land use category will only be allowed, subject to the other requirements of these Goals, and in the areas as defined by the location criteria.

OBJECTIVE XX.2: GROWTH MANAGEMENT. Destination Resort Mixed Use Water Dependent (DRMUWD) land use category must be consistent with the growth management principles and practices provided in the following policies.

POLICY XX.2.1: All new development in this land use category must be reviewed and rezoned as a Planned Development.

POLICY XX.2.2: Destination Resort Mixed Use Water Dependant land use location must have adequate fire protection, transportation facilities, wastewater treatment and water supply, and have no adverse effects such as noise, lighting, or odor on surrounding land uses and natural resources.

POLICY XX.2.4: Adjacent contiguous properties on San Carlos Island may be added to the category with an amendment to the Future Land Use Map and text. All existing and new developments must be under unified control for common areas.

POLICY XX.2.5: Applications for Destination Resort Mixed Use Water Dependant development will be reviewed and evaluated as to their impacts on,

and may not negatively affect, adjacent, existing residential, commercial or conservation activities.

POLICY XX.2.6: The Lee County Land Development Code (LDC) must be amended to include specific property development regulations for this category. The LDC provisions will encourage joint use of parking, access easements, and storm-water retention facilities where appropriate.

POLICY XX.2.7: The maximum height for buildings is 135 feet. Buildings that utilize multiple stories of enclosed parking under the residential or hotel use may add up to an additional 50 feet of building height, up to a maximum of 185 feet.

OBJECTIVE XX.3: COMMERCIAL LAND USES. Ensure that new development areas create a unified and pleasing aesthetic/visual quality through landscaping, architecture, lighting and signage, while providing additional employment opportunities, and eliminating uses that are not compatible with the adjacent uses. Existing and future county regulations, land use interpretations, policies, zoning approvals, and administrative actions should be undertaken in an effort to promote the goal of redevelopment for the areas with increased mixed use opportunities to service the needs of the community and surrounding areas. Commercial land uses must be designed to be compatible Old Florida or other Florida Vernacular styles of architecture and the historic identity of the area.

POLICY XX.3.1: The property owners of lands designated DRMUWD will utilize innovative open space design, mixed use concept that integrate well designed pedestrian/bicycle connections to commercial and, locations on or a walk-able distance to mass transit service.

POLICY XX.3.2: The cost for the provision and expansion of facilities for potable water and sanitary sewer that benefits development in the DRMUWD area will be borne by those who benefit. Funding may include (but is not limited to), impact fees, special taxing or benefit districts, or Uniform Community Development Districts.

POLICY XX.3.4: The DRMUWD is an area which provides the associated support development and synergism to create a viable mixed use destination type development with water dependant uses as part of the mix. This land use category allows a mixture of land uses related to and justified by the development of a destination resort. Predominant land uses within this area are expected to be residential, commercial, transitory lodging, office, public, recreation, and development all with a water related uses. The following is a list of water dependant uses that will be allowed in this category.

Water related Permitted Uses:

1. Aids to navigation
2. Bait and tackle shops
3. Boat launch and or moorage facilities, Marina, and boat charter services

4. Communication facilities essential to service water dependant uses.
5. Facilities for refueling and providing other services for boats, ships and related marine equipment
6. Laboratory research on marine/estuarine products and resources and physical and biological characteristics of the estuary.
7. Marine related specialty shop
8. Office in conjunction with a permitted or conditionally permitted use
9. Public waterfront access
10. Research and education observation
11. Storage of Marine equipment
12. Stores for sale and rental of marine supplies and equipment
13. Utilities
14. Wholesale and retail markets for marine estuarine products
15. Grocery store/ships store
16. Restaurants
17. Processing of seafood in conjunction with retail sales operation
18. Boat repair and building
19. Boat terminal facilities
20. Uses not listed as permitted but shown to be water dependent or water related by the applicant and approve by the Director of Community Development.

POLICY XX. 3.5: The following uses are prohibited within the DRMUWD:

- Drive thru facilitates
- Big box retailers and single free standing retail facilities greater than 20,000 square feet.

POLICY XX.3.6: Commercial developments must provide interconnection opportunities with adjacent uses to minimize access points onto primary road corridors; and residential developments to provide interconnect opportunities with commercial areas, including but not limited to, bike paths and pedestrian access ways.

POLICY XX.3.7: The category must be developed with a mix of uses not to exceed:

- Residential (Maximum of 271 dwelling units)
- Lodging (Maximum of 450 hotel rooms)
- Office (Maximum of 10,000 square feet)
- Retail (Maximum of 98,000 square feet)
- Marina (Maximum of 850 wet or dry boat slips)
- Civic (Maximum of 10,000 square feet)

POLICY XX.3.8: To reduce the impact on wildlife such as sea turtles and migrating birds, projects must be designed to minimize light pollution, sky glow and light trespass beyond the property lines by using appropriate light fixtures and other light management techniques. Techniques may include:

1. Utilizing fully shielded, full cut off luminaries; down style canisters with interior baffles on the balconies; pole lights less than 15 feet in height; bollard type fixtures with louvers; and other techniques acceptable to the Division of Environmental Sciences.
2. Up-lighting is prohibited. Mercury vapor or metal halide lamps are also prohibited.
3. Glass windows and doors must be treated to achieve an industry-approved, inside-to-outside light transmittance value of 45 percent or less.

OBJECTIVE XX.4: RESIDENTIAL USES. This land use category will enhance the character of the area by evaluating adjacent uses, natural resources, access and recreational or open space, and requiring compliance with enhanced buffering requirements.

POLICY XX.4.1: This land use category will provide opportunities for public access to the water and will include provisions for bicyclists/pedestrians. At a minimum, one public access easement must be provided to the waterfront per development.

POLICY XX.4.2: Road capacity improvements necessary to serve demands generated outside the community will be designed to minimize the impacts on the community.

OBJECTIVE XX.5: COMMUNITY CHARACTER. Land Development Code provisions will incorporate regulations, policies and actions affecting the character and aesthetic appearance of the development to help create a visually attractive community.

POLICY XX.5.1: In order to maintain a Marine identity for the community, commercial developments must use vernacular Florida architectural styles for all buildings. The use of Mediterranean styles of architecture is discouraged.

POLICY XX.5.2: In order to preserve/enhance/restore the heritage and natural beauty of the area, this land use category will provide an educational component with the objective of educating the public on its unique quality and rich history and how to protect the area. This will be done with descriptive display, multimedia presentations and other proven means to educate and inform.

OBJECTIVE XX.6: COORDINATION OF MASS TRANSIT. The developer(s) will coordinate with Lee County to ensure consistency with the TDP (Transit Development Plan).

POLICY XX.6.1: Mixed-use developments, as defined in the Lee Land Development Code containing both commercial and residential uses within the same development will provide for an interconnection of commercial with residential uses with pedestrian linkages. Mixed-use developments will be limited to an overall density of 9.36 dwelling units per acre at these locations.

Mixed use Developments that include commercial and residential uses within the same development will be allowed to use the entire site for density calculation.

POLICY XX.6.2: Bicycle & Pedestrian facilities will be provided throughout the development. Connections between all uses are required to facilitate alternative modes of transportation. When possible, connections to adjacent developments must be provided.

POLICY XX.6.3: Vehicular connections between residential and non-residential uses will be provided to facilitate the internal capture of trips. When possible, vehicular connections to adjacent developments will be made to provide alternative access to the non-residential and mixed use components of the development.

POLICY XX.6.4: Water access-Each development must provide at a minimum one designated public access easement point to the water.

OBJECTIVE XX.7: INCORPORATION AND UTILIZATION OF MULTIMODAL AND ALTERNATIVE MODES OF TRANSIT. The development will establish a comprehensive approach to multimodal and alternative modes of transportation for its residents and guests. These will include, but will not be limited to, mass transits stops (minimum of one), or shuttle service to a stop, bicycle rental, integrated network of sidewalks and board walks, airport shuttle services and water-taxi transportation

facilities.

POLICY XX.7.1: Each development will establish a water taxi /shuttle service to and from the property. The shuttle will be open to guests, residents and outsiders wanting an alternative access to the water. Hours of operation will be determined based on market conditions, but will at a minimum provide three (3) round trips daily.

POLICY XX.7.2: Each development will establish or participate in an airport shuttle service to and from the Southwest Florida International Airport and the development. The shuttle services hours of operation will be determined based on market conditions and can be a fixed route shuttle or a point of demand service type or combination of both.

POLICY XX.7.3: Where Projects are intersected by public roadways, a grade separation may be provided for safe pedestrian and bicycle access between the properties. The purpose of this policy is to safely move pedestrian and bicycles across the road. Examples of grade separation would involve taking the bicycle/pedestrian facilities up and over the road or involve in taking the road over the pedestrian/bicycles paths.

POLICY XX.7.4.: As part of any rezoning action, the existing roadways that are adjacent to or run through the project, particularly Main Street, will be evaluated

with a cross-sectional analysis to identify needed upgrades of driver and bicycle/pedestrian safety and bus access to and from the property. At a minimum, one bus stop will be provided along Main Street to Lee Tran standards or better. Where bicycle/pedestrian upgrades or additions are determined by Lee County to be desirable along Main Street or other area streets, those improvements will be eligible for road impact fee credits in accordance with the Lee County Land Development Code.

OBJECTIVE XX8: SERVICE AREA AND EQUIPMENT. Ensure that service and function areas are planned and designed to have the least amount of impact on the general public and adjacent neighbors. This can be accomplished by providing adequate space and incorporating these elements into the project at an early stage.

POLICY XX.8.1 Materials, supplies, or equipment must be stored inside a closed building or behind a suitable barrier so as not to be visible to the general public or to an adjoining site. Loading doors and service areas must be screened, or buffered by landscaping, so as not to be visible from any street or from any adjoining residential site. Adequate area must be provided on site for loading and maneuvering of trucks and other vehicles so that operations will not be carried out in the street.

POLICY XX.8.2: Screening devices must be of a height at least equal to that of the material or equipment screened. The design, material, textures, and colors

of screening devices must be architecturally compatible with those of the building and with the landscaping. The design of these elements will appear seamless with the building and/or landscaping. Frequently, planting material can provide an effective screen offering the same opaqueness of a wall. Plantings should be considered to soften the "hardness" of man-made screens.

OBJECTIVE XX.9: INTERGOVERNMENTAL COORDINATION WITH THE TOWN OF FORT MYERS BEACH. Due to the unique location and proximity to the town of Fort Myers Beach the development will commit to working with the town to propose and resolve concerns.

POLICY XX.9.1: The developer will establish a dialogue with the town to review parking and access issue during the Development order process.

POLICY XX.9.2: The developer will provide a liaison and resources to any harbor planning committee to coordinate activities in and around the Harbor

OBJECTIVE XX .11: Development and Redevelopment in the Destination Resort Mixed Use Water Dependent category in the Coastal High Hazard Areas must mitigate hurricane sheltering and evacuation impacts consistent with the following policy.

POLICY XX.11.1: An agreement must be executed between the County and the property owner to mitigate the project's hurricane sheltering and evacuation

impacts. The agreement will include provisions to construct on site shelter to withstand Category 5 hurricane force winds and storm surge to accommodate residents in compliance with the following requirements:

I. On-site shelters and all required equipment and supplies for these facilities must comply with the following standards:

- (a) Elevation to the anticipated storm surge from a land falling Category 5 storm.
- (b) Construction to withstand winds of 200 mph in accordance with the Florida Building Code.
- (c) Construction with minimum exterior glass with all glazed openings provided with impact protection in accordance with the Florida Building Code.
- (d) Equipped with emergency power and potable water supplies to last up to five days.
- (e) Protected with adequate ventilation, sanitary facilities, and first aid medical equipment.

II. Développeur/operator must conduct annual training of the on-site shelter managers. The training is to be conducted by the Red Cross and approved by Lee County Emergency Management.

III. Developer/operator must submit a post storm recovery plan including post storm evacuation plan for review and approval by Lee County Emergency Management.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

SECTION FOUR: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

SECTION FIVE: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

SECTION SIX: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect

the intent, may be authorized by the County Manager, or his or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administrative Commission finding the amendment in compliance with Section 163.3184(9), Florida Statutes, or until the Administrative Commission issues a final order determining the adopted amendment to be in compliance in accordance with 163.3184(10), Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status. A copy of such resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

THE FOREGOING ORDINANCE was offered by Commissioner Hall, who moved its adoption. The motion was seconded by Commissioner Janes. The vote was as follows:

Robert P. Janes	Aye
Brian Bigelow	Nay
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DONE AND ADOPTED this 25th day of February 2009.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: Marcia Wilson
Deputy Clerk

BY: Ray Judah
Ray Judah
Chair

DATE: 2/25/09

Approved as to form by:

Donna Marie Collins
Donna Marie Collins
County Attorney's Office

- Exhibit A: Map reflecting Existing Future Land Use Map Classification of Urban Community, Suburban, Industrial Development and Wetlands.
- Exhibit B: Map reflecting change to Future Land Use Map Classification of Destination Resort Mixed Use Water-Dependent and Conservation Lands.

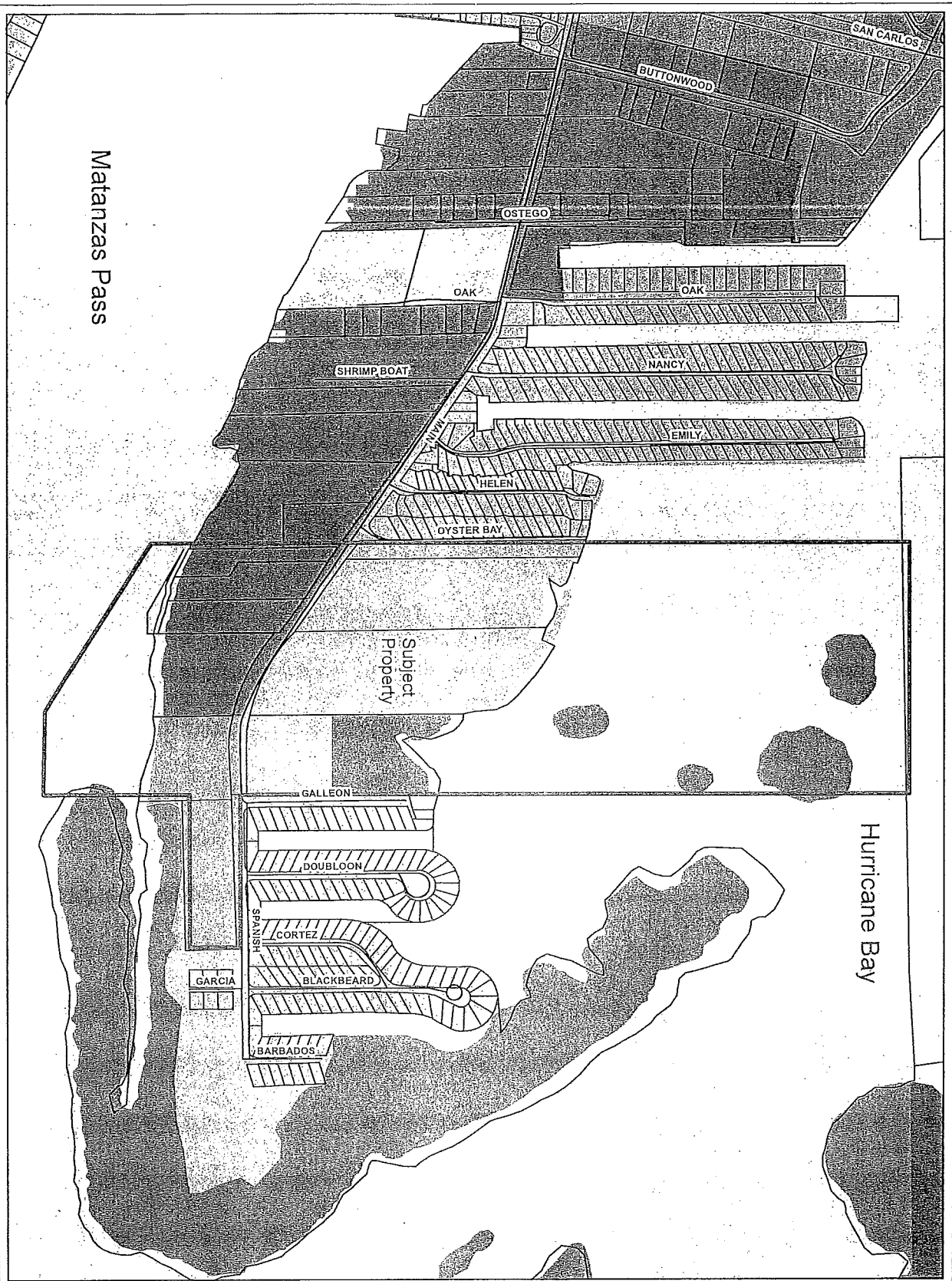
State of Florida
County of Lee

I Charlie Green, Clerk of the Circuit Court for Lee County, Florida, do hereby certify this document to be a true and correct copy of the original document filed in the Minutes Department.

Given under my hand and official seal at Fort Myers, Florida, this 6th day of March, A.D. 2009

CHARLIE GREEN, CLERK

By Marcia Wilson
Deputy Clerk



CPA2007-51
**SAN CARLOS
 ISLAND**

Existing
 Future Land Use Map

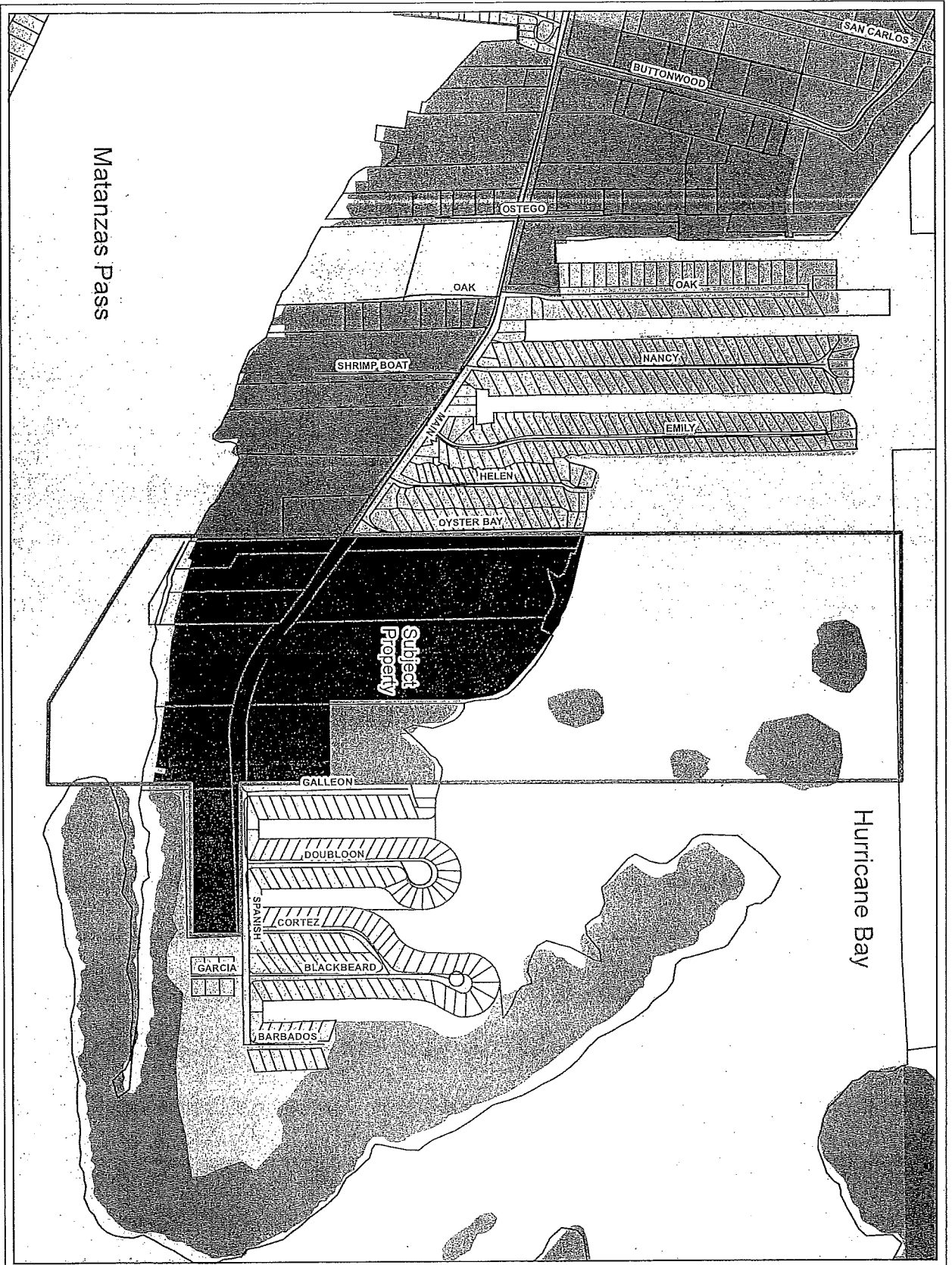
- Subject Property
- Urban Community
- Suburban
- Industrial
- Public Facilities
- Wetlands
- Conservation Lands - Wetland

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 SOUTHWEST FLORIDA
 DIVISION OF PLANNING

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Map Generated: March 2009

EXHIBIT A



CPA2007-51
**SAN CARLOS
 ISLAND**
 Proposed
 Future Land Use Map

- Subject Property
- Proposed Conservation
- Lands Wetland
- Proposed Mixed Use
- Water Dependent
- Urban Community
- Suburban
- Industrial
- Public Facilities
- Wetlands
- Conservation Lands - Wetland

LEE COUNTY
 SOUTHWEST FLORIDA
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Map Generated: March 2009

EXHIBIT B

**CPA2007-51
SAN CARLOS ISLAND
PRIVATE INITIATED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**Privately Initiated Application
and Lee County Staff Analysis**

BoCC Adoption Document

*Lee County Planning Division
1500 Monroe Street
P. O. Box 398
(239) 533-8585*

February 25, 2009

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2007-51**

This Document Contains the Following Reviews:

✓	Text Amendment	✓	Map Amendment
✓	Staff Review		
✓	Local Planning Agency Review and Recommendation		
✓	Board of County Commissioners Hearing for Transmittal		
✓	Staff Response to the DCA Objections, Recommendations and Comments (ORC) Report		
✓	Board of County Commissioners Hearing for Adoption		

Staff Report Preparation Date:	<u>September 24, 2008</u>
Hearing Date:	<u>October 23, 2008</u>
Staff Report Preparation Date:	<u>October 24, 2008</u>
Staff Report Preparation Date:	<u>February 13, 2009</u>
Hearing Date:	<u>February 25, 2009</u>

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE

A. Applicant: Darrell Hanson / Ramon Alvarez

B. Applicant's Representative: Joseph M. Mc Harris of Mc Harris Planning and Design

2. REQUEST:

Amend the Lee Plan by Creating a new Future Land Use category called "Destination Resort Mixed-Use Water-Dependent."

Amend the Future land Use Map Series, Map 1 to change 28.97 acres of land

designated "Urban Community," "Suburban" and "Industrial Development" to "Destination Resort Mixed-Use Water-Dependent," and 7.09 acres of land designated "Wetlands" to "Conservation Lands." Incorporate a New Land use category as well as a new Objective and Policies guiding development in this area. Add one foot note to Table 1(a). Amend Table 1 (b) to incorporate the new Future Land Use category.

APPLICANT'S ORIGINAL REQUESTED LANGUAGE:

GOAL XX: DESTINATION RESORT MIXED USE WATER DEPENDANT LAND USE (DRMUWDL). To create a land-use category that considers the history, the uniqueness of the land, while correcting that are present with existing zoning and out-dated uses, while providing a mechanism to create the future for the area.

OBJECTIVE XX.1: To ensure that Destination Resort Mixed Use Water Dependand Land-use are located in the most appropriate area within the future land use category.

POLICY XX.1.2: This area can best be characterized by their proximity to the water and need for redevelopment due to changes in the market and outdated development patterns. By virtue of their proximity to navigable water and availability of public services, these location are suited to accommodate a mixture of uses that range between residential, resort, commercial and industrial type activities that all benefit from access to the water front. As Lee county moves toward being a larger metropolitan area and a world class destination these types of developments can offer a diverse living, working and vacationing experience that benefits the entire area while being environmentally friendly and economically viable. The standard density ranges from 9 dwelling units per acre to 17 dwelling units per acre. The maximum number of dwelling units is 17 per acre. Developments that include commercial and residential uses in the same project or same building do not have to exclude commercial or other use lands from density calculations.

POLICY XX.1.2: Destination Resort Mixed Use Water Dependent location criteria

1. Located in areas characterized by predominantly outdated RV type living facilities meant for temporary habitation without individual type land ownership and depressed/underutilized water dependent waterfronts.
2. Located in areas characterized as predominantly impacted by a declining water dependant industry like commercial fishing or other and with a minimum of 8 acres of contiguous lands under unified control.
3. Located within costal wind zone areas depicted as 100 Year Flood Plains, as illustrated on Map 9 of the Lee Plan

4. Located in areas with direct access to existing roadways and navigable bodies of water.

5. Located in an area with multiple zoning districts that may not be compatible with each other

POLICY XX.1.3: Destination Resort Mixed Use Water Dependant land use category will only be allowed, subject to the other requirements of these Goals, and in the areas as defined by the location criteria.

OBJECTIVE XX.2: GROWTH MANAGEMENT. Development of Mixed Use Water Dependant Facilities areas must be consistent with the growth management principles and practices as provided in the following policies.

POLICY XX.2.1: Developments in this land use category will use the Mixed Use Planned development zoning category

POLICY XX.2.2: Destination Resort Mixed Use Water Dependant land Use location must have adequate fire protection, transportation facilities, wastewater treatment and water supply, and provided that they have no adverse effects such as noise, lighting, or odor on surrounding land uses and natural resources.

POLICY XX.2.4: Adjacent contiguous properties may be added to the category with an update to the map and amendment to the overall existing master plan. All existing and/or new developments shall be under unified control for common areas

POLICY XX.2.5: Applications for Destination Resort Mixed Use Water Dependant Facilities development will be reviewed and evaluated as to their impacts on, and will not negatively affect, any adjacent, existing residential, commercial or conservation activities.

POLICY XX.2.6: Destination Resort Mixed Use Water Dependant land use- will be included in the Lee County Zoning Regulations and may be the subject of deviation requests during the "planned development" rezoning process. This provision is intended to encourage joint use of parking, access easements, and storm-water retention facilities where such joint use does not negate the essential purpose of the district

OBJECTIVE XX 3: COMMERCIAL LAND USES. This amendment recognize the unique conditions and preferences of Destination Resort Mixed Use Water Dependant lands and is being developed to ensure that new development areas create a unified and pleasing aesthetic/visual quality through landscaping, architecture, lighting and signage, while providing additional employment opportunities, and eliminating uses that are not compatible

with the adjacent uses. Existing and future county regulations, land use interpretations, policies, zoning approvals, and administrative actions should be undertaken in an effort to promote the goal of redevelopment for the areas with increased mixed use opportunities to service the needs of the community and surrounding areas. County regulations should attempt to ensure that commercial areas maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, lighting and signage. Commercial land uses must be designed to be compatible Old Florida or other Florida Vernacular styles of architecture and the historic identity of the area.

POLICY XX.3.1: The property owners of lands designated DRM UWDF shall utilize innovative open space design, mixed use concept that integrate well designed pedestrian/bicycle connections to commercial and, locations on or a walk-able distance to mass transit service.

POLICY XX.3.2: The cost for the provision and expansion of facilities for potable water and sanitary sewer that benefits development in the Amendment area will be borne by those who benefit. Such funding may include (but is not limited too), impact fees, special taxing or benefit districts, or Uniform Community Development Districts.

POLICY XX.3.3: The cost for the provision and expansion of facilities necessary to comply with the recommendations of the amendment that benefits development will be borne by those who benefit. Such funding may include (but is not limited to) impact fees, special taxing or benefit districts, or Uniform Community Development Districts

POLICY XX.3.4: The DRM UWDF is an area which provides the associated support development and synergism to create a viable mixed use destination type development with water dependant uses as part of the mix. This land use allows a mixture of land uses related to and justified by the development. Predominant land uses within this area are expected to be residential, commercial, transitory lodging, office, public, recreation, and development all with a water related uses. The following is a list of water dependant uses that will be allowed within the development.

Water related Permitted Uses

1. Aids to navigatio
2. Bait and tackle shops
3. Boat launch and or moorage facilities, Marina, and boat charter services
4. Communication facilities essential to service water dependant uses.

5. Facilities for refueling and providing other services for boats, ships and related marine equipment
6. Laboratory research on marine/estuarine products and resources and physical and biological characteristics of the estuary.
7. Marine related specialty shop
8. Office in conjunction with a permitted or conditionally permitted use
9. Public waterfront access
10. Research and education observation
11. Storage of Marine equipment
12. Stores for sale and rental of marine supplies and equipment
13. Utilities
14. Wholesale and retail markets for marine estuarine products
15. Grocery store/ships store
16. Restaurants
17. Processing of seafood in conjunction with retail sales operation
18. Boat repair and building
19. Boat terminal facilities
20. Uses not listed as permitted but shown to be water dependent or water related by the applicant and approve by the director of Community Development.

POLICY XX 3.5: The following uses are prohibited within the DRMUWDF:

- Drive thru facilitates
- Big box retailers and single free standing retail facilities greater than 20,000 square feet.

POLICY XX.3.6: This amendment mandates commercial developments within the boundaries provide interconnection opportunities with adjacent uses in order to minimize access points onto primary road corridors; and residential developments to provide interconnect opportunities with commercial areas, including but not limited to bike paths and pedestrian access ways.

OBJECTIVE XX.4: RESIDENTIAL USES. This land use category will enhance the character of the area by evaluating adjacent uses, natural resources, access and recreational or open space, and requiring compliance with enhanced buffering requirements.

POLICY XX.4.1: This land use will provide opportunities for public access to the water and shall include provisions for bicyclists/pedestrians. At a minimum one public access easement shall be provided to the waterfront per development.

POLICY XX.4.2: Road capacity improvements needed within the property to serve demands generated outside the community will be designed to minimize the impacts on the community

OBJECTIVE XX 5: COMMUNITY CHARACTER. This land use category will propose regulations, policies and actions affecting the character and aesthetic appearance of the development to help create a visually attractive community while maintain the rich heritage of the area.

POLICY XX.5.1: In order to maintain a Marine identity for the community, commercial developments are shall use vernacular Florida architectural styles for all buildings. (See design standards) The use of Mediterranean styles of architecture is discouraged.

POLICY XX.5.2: Maximum height allowed for this category is 230'-0". Front set backs are set at a minimum of 25'-0", Rear setback are set at a minimum of 20'-0" and side setbacks are Set at 40'-0". Marina type uses located on open water will have a minimum set back of 15'-0". Open space will be increase for this category by 10%

POLICY XX.5.3: In order to preserve/enhance/restore the heritage and natural beauty of the area. This land use category will provide an educational component with the objective of educating the public on its unique quality and rich history and how to protect the area. This will be done with descriptive display, multimedia presentations and other proven means to educate and inform.

OBJECTIVE XX.6: COORDINATION OF MASS TRANSIT. The developer(s) will establish coordination with Lee County to ensure consistency with the TDP (Transit Development Plan)

POLICY XX.6.1: Mixed-use developments, as defined in the Lee Land Development Code containing both commercial and residential uses within the same development shall provide for an interconnection of commercial with residential uses with pedestrian linkages., mixed-use developments will be limited to an overall density of 17 dwelling units per acre at these locations. A minimum of 4 units per acre of this density can only be used for timeshare

development. Mixed use Developments that use commercial and residential within the same development shall be allowed to use the entire site for density calculation.

POLICY XX.6.2: Bicycle & Pedestrian facilities will be provided throughout the development. Connections between all uses are required to facilitate these alternative modes of transportation. When possible, connections to adjacent developments shall be provided.

POLICY XX.6.3: Vehicular connections between residential and non-residential uses will be provided to facilitate the internal capture of trips. When possible, connections to adjacent developments will be made to provide alternative access to the non-residential components of this development other than the Main Street.

POLICY XX.6.4: Water access-each development shall provide at a minimum one designated public access easement point to the water.

OBJECTIVE XX.7: INCORPORATION and UTILIZATION OF MULTIMODAL AND ALTERNATIVE MODES OF TRANSIT. The development will establish a comprehensive approach to multimodal and alternative modes of transportation for its residents and guests. These will include, but not be limited to mass transits stops (minimum of one), or shuttle service to a stop, bicycle rental, integrated network of sidewalks and board walks, Airport shuttle services and water-taxi transportation facilities

POLICY XX.7.1: Each development will establish a water taxi /shuttle service to and from the property. The shuttle will be open to guest, residents and outsiders wanting an alternative access to the water. Hours of operation will be determined based on market conditions but will at a minimum provide three (3) round trips daily.

POLICY XX.7.2: Each development will establish an airport shuttle service to and from the Southwest Florida International Airport and the development. The shuttle services hours of operation will be determined based on market conditions and can either be a fixed route shuttle or a point of demand service type or combination thereof.

POLICY XX.7.3: Where Projects are intersected by public roadways for developments greater than 20 acres and with a split greater than 15%, some sort of grade separation may be provided for safe pedestrian and bicycle access between the properties. The purpose of this is to safely move pedestrian and bicycles across the road. Examples of this would involve taking the bicycle/pedestrian facilities up and over the road or involve in taking the road over the pedestrian/bicycles paths.

OBJECTIVE XX8: GENERAL SITE DEVELOPMENT STANDARDS. The site design for projects within this Land use category will consider the individual characteristics of their site, along with the overall context of the development. This will be done by careful consideration of the site design with respect to the local climate, existing structures and adjacent vegetation, transportation access and the impact (both positive and negative) that the building or structure may have on adjacent areas.

POLICY XX.8.1: DRMUWDF shall seek solutions that minimize the impact of grading with respect to the removal of natural vegetation and the major alterations of existing grades. Impacts on mangroves other than a noted in this document are prohibited.

POLICY XX 8.2: The orientation of the building(s) should take into account any existing native vegetation, parcel configuration, solar orientation, access, adjacent structures and views.

POLICY XX 8.3: The impact and intensity of the paving, minimizing of clearing limits, and aesthetics are important factors to be considered in the design of the project entries, parking areas and roads. Landscape, circulation signage, lighting, striping and changes in paving materials should be coordinated to enhance circulation. Parking areas shall be designed to avoid long rows of parking spaces without adequate landscaping. All parking areas and driveways shall be paved using pervious materials when applicable. At a minimum fifty (50) percent of all parking and driveway areas shall be constructed using pervious materials. Landscaping in these areas shall be designed above the county minimum standards. Parking lot shade trees or cluster shall be increased by a minimum of 15%. Trees used in the parking area shall be a minimum of 14' in height and a 3.5 inch caliper.

POLICY XX 8.4: Attention shall be given to the locations of pedestals and transformers as they relate to aesthetics. All utilities shall be installed underground. Any utility items, which must protrude above ground for service, access, safety, or code, must be screened with a wall, fence, and/or landscape elements.

POLICY XX 8.5: Lighting shall be used to accent key architectural elements, to emphasize landscape features, and to provide a safe and enjoyable environment. The outlining of a building or roof with lighting is prohibited. Exterior Light sources must be concealed where possible and all light shall be in shades of white. Colored lights are prohibited. No spillover of light can occur on neighboring properties and lighting must be shielded to prevent glare. Tree-up lighting shall be concealed underground or in shrub masses. Garden lights or walkway bollards should direct the light downward with a concealed light source and shall be incorporated into landscape beds.

Parking lot light fixtures shall not exceed 25 feet in height and lighting located in pedestrian areas shall not exceed 15 feet. No "cobra" head style fixtures are permitted. Light fixtures should either be designed as an integral design element that complements the design of the project through style and material or blend into the landscape by the use of muted colors and simple designs. Exterior light fixtures are encouraged to be either wrought iron or cast aluminum. Mill finish metal is allowed. Building mounted security and service area lighting fixtures must not project above the fascia or roofline of the building and must be shielded. Such fixture and shields must be a harmonious color with the building. Security fixtures may not be substituted for parking lot or walkway lighting and are restricted to loading, storage, service and other similar locations.

POLICY XX 8.6: No wall, screen, or fence of any kind may be constructed unless they are architecturally compatible with those of the building and the landscaping. The design of these elements shall appear seamless with the building and/or landscaping.

POLICY XX 8.7: The projects within this land use category will provide to the inhabitants and guest an area of last refuge should anyone not heed the warnings of an impending storm. This area is not to be advertised as a hurricane shelter, but as a place of last resort.

OBJECTIVE XX 9: SERVICE AREA AND EQUIPMENT. The intent of this section is to ensure that service and function areas are planned and designed to have the least amount of impact on the general public and adjacent neighbors. This can be accomplished by providing adequate space and incorporating these elements into the project at an early stage.

POLICY XX 9.1 No materials, supplies, or equipment shall be stored in an area on a site except inside a closed building or behind a suitable barrier so as not to be visible to the general public or to an adjoining site. Loading doors and service areas shall be screened, and/or buffered by landscaping, so as not to be visible from any street or from any adjoining residential site. Adequate area shall be provided on site for all loading and maneuvering of trucks and other vehicles in order that such operations will not be carried out in the street.

POLICY XX 9.2: Screening devices must be of a height at least equal to that of the material or equipment being screened. The design, material, textures, and colors of screening devices shall be architecturally compatible with those of the building and with the landscaping. The design of these elements shall appear seamless with the building and/or landscaping. Frequently, planting material can provide an effective screen offering the same opaqueness of a wall. Plantings should be considered to soften the "hardness" of man-made screens.

OBJECTIVE XX.10: ARCHITECTURAL STANDARDS. The architectural theme for the development exhibits characteristics of early Florida building traditions. A common architectural theme based on the local region, along with local interpretations of these styles,

is required for all buildings within the development including ancillary buildings. All buildings should complement their surroundings. The horizontal landforms, local climate, and native vegetation, should dictate the dwelling location and form. The architectural details and definition shall consider all sides of the building and include, but not be limited to, banding, accent materials, roof character, and window treatments. The policies have been set to help create a visually attractive community. These standards are to be above and beyond the counties design standards in the LDC.

POLICY XX 10.1: Large blank unadorned walls will not be permitted. All equipment shall be screened and be placed out of view. Natural materials and paint colors shall be in warm earth tones for the exterior of buildings and structures.

POLICY XX 10.2: Special attention should be given to scale and proportion to the building site as it is of major importance to the development. The scale relationship of each building component shall relate to the overall massing for the project. The introduction of characteristics such as steep roofs, detailed eaves, balconies, and other building ornamentation is encouraged to customize the mass and design of an individual building or large structures. Retaining walls, planter walls, and privacy walls should be used to break up the elevations of a building and help relate the structure to the ground.

POLICY XX 10.3: Architectural details and design (such as changes in plane, height, texturing, banding, etc.) shall be considered in each elevation to give large surfaces and structures interest where appropriate. Equal attention to detail and architectural definition must be given to all sides of the structure, including, but not limited to, the foundations, banding, accent materials, roof character, and window treatment.

POLICY XX 10.4: The following architectural details shall be considered in the design of each building:

- Varying roof heights
- Mix of hip, gable for roofs, flat and varying slopes
- Detailed windows and/or doors
- Decorative shutters
- Recessed windows
- Railings and associated details
- Cantilevered balconies
- Verandas and courtyards
- The appearance of "thick" walls
- Decorative chimneys, tower or other roof apparatus
- Exposed rafter tails
- Planters, pergolas, and trellises

- Clap board siding or Textured “hand-toweled” wall finish or smooth stucco with banding
- Metal of flat tile roofs
- Exterior stairs

POLICY XX 10.5: Colors and materials are an intricate part of the Architecture and landscape for this development. Warm and rich colors that are evocative of the coastal region shall be considered when selecting colors for this project. An example of inappropriate color is a bright color used for large areas of wall and roof surfaces.

POLICY XX 10.6: Materials expression within the architecture includes massive wood beams, supported rooflines, cantilevered balconies and other decorative elements. Beams should be made of redwood, cedar or cypress with a finish that is rough-cut. Walls should be made of clap board or textured stucco or simulated limestone that adds richness to the wall surface. Decorative metals for gates, railings, and other decorative details should be finished black, dark bronze, galvanized or copper. Stone and simulated stone should be rough or smooth and laid in a fashion appropriate to the style of architecture. Materials like coral rock, limestone, granite, pre-cast concrete, or architectural foam should be used as decorative detailing at windows, doors, for wall material, or other decorative areas on the building. Vinyl or wood is siding is discouraged.

POLICY XX 10.7: Preferred building materials are:

- Fiber-Cement lap siding.
- Painted stucco in natural earth tones; anodized or paint finish is required on all metal surfaces including windows, flashing, drips, and caps, in colors complimenting or matching the approved colors.
- Fascias must be constructed of cedar or redwood or other similar material and painted to match the trim color. Soffits must be of wood or stucco. Metal or vinyl soffits are prohibited.
- Foam products used on the exterior of buildings shall be installed to meet industry standards to ensure quality construction and be detailed away from areas that are in high traffic areas.

POLICY XX 10.8: All buildings shall have pitched roofs or simulated pitched rooflines. The minimum roof pitch allowed in the Development is 4 in 12. Overhangs may vary as necessitated by architectural design and these design guidelines. The typical roof overhangs are very wide to protect from the sun & rain and to provide passive energy conservation.

Flat roofs are not allowed unless accompanied with a full parapet. Parapets may be appropriate in certain situations above walkways and in conjunction with a coordinated signage design or as a decorative element. Roofs shall have a minimum overhang of 2 feet on the eaves and 1 foot on gable ends or as noted otherwise in these standards. Fascias must be a minimum of 10 inches. No metal fascias are allowed.

POLICY XX 10.9: All rooftop equipment must match roofing colors and be placed as inconspicuously as possible, preferably located near the rear elevation. Exposed flashing, gutters, and downspouts must be painted to match the fascia and/or walls of the structure or be made of copper and left to weather to natural patina. Preferred roof materials: flat roof and or Standing seam metal roofs

POLICY XX 10.10: Buildings must have a minimum overhang of 24 inches with a 10inch fascia (gable ends may utilize a one foot overhang with a 10 inch fascia), or a minimum of 14-inch overhang and a 10" fascia when associated with a cornice, banding, or corbels (minimum height of 8 inches).

POLICY XX 10.11: Windows and doors are often dominant elements in the design of buildings. The trim around these openings thus becomes an important feature to link the openings to the buildings. Windows should utilize clear glass or a tinted glass of bronze, gray, green, or smoked colors. No reflective glass or tinting may be used. Aluminum window frames in white or with warm, earth tone finishes such as bronze, sepia, ochre, and terra cotta are permitted. Mill finished aluminum is prohibited. Windows within stucco walls on all facades shall provide architectural detailing or be banded. Window openings should follow classic geometry that includes both square and rectangular windows. Radius or arched top shapes are encouraged in accent areas.

POLICY XX 10.12: Awnings shall be designed as an integral part of the project or building and should be associated with an opening. Awnings shall be made of canvas and shall not be backlit. Awnings shall not be connected to another elevation or be used above the roofline of a building.

POLICY XX 10.13: Shutters are encouraged as an integral part of the building design when appropriate. Shutters should be designed and sized according to the opening it is associated with.

POLICY XX 10.14: Doors constructed of wood are encouraged. Heavy, rustic plank doors are a signature element of buildings and entrances. Recessed doorways, giving the appearance of thick walls, are encouraged. Ornamental iron or aluminum gates used as part

of the entry sequence are encouraged. Service and emergency exit doors shall be painted the same color as adjacent walls

POLICY XX 10.15: Covered walkways/loggias are required on the front of all buildings and shall be constructed of a material that is consistent with the overall look and design for the building/project.

POLICY XX 10.16: Accessory buildings shall be consistent with the style of the main buildings. An accessory building must be of the same color, material, and architectural style as the main building or of color, material, and style that is generally recognized as complimentary to that of the main structure. Any utilities servicing accessory buildings shall be installed underground. Freestanding metal utility sheds or storage sheds are not permitted.

POLICY XX 10.17: Parking Garage and Structures

Intent: to hide the function / storage of the cars in an aesthetically pleasing manner. All garage structures shall be design with punched openings and closed corners. The following are acceptable means of masking commercial garages:

- Liner Buildings can be placed in front of garage structure to disguise the function. Liner buildings are structures placed in front of the garage structure and can be functional or non functional. Liner building shall be designed with multiple facades.
- Landscaping
- Combination of liner buildings and landscaping

POLICY XX 10.18: Boardwalk Areas

Intent: to provide guidelines for the development of a boardwalk along the commercial waterfront property that promotes a multitude of activities that are waterfront related and open to the general public. Multiple access routes to the boardwalk shall be provided. The area between the boardwalk and the main buildings shall be provided with both active and passive spaces for the enjoyment of guests. Board walks through preserves are intended for passive activities only.

Commercial area Boardwalk-Minimum width shall be 6'0" or greater and shall have a large portion of the water front at 12 feet or greater for the majority of the water. The boardwalk will be made with Materials or a combination of materials that are durable and ADA compliant.

Preserve area Boardwalks shall be in a width of 5'-0" -7'-0 "and or ADA compliant. Materials shall be built with sustainable "green" Materials. Only one preserve boardwalk, defined mangrove area is allowed. Only one shaded structure with a maximum of two benches is allowed in the preserve area.

Kiosks -These are encouraged along the Commercial boardwalk at appropriate intervals and in various sizes. They may provide commercial services or information. Kiosks shall be designed to be architecturally compatible with the main building. Kiosks may be fixed or mobile.

POLICY XX10.19 Landscape Standards

DESIGN INTENT

It is intended that nature be an integral design component with the building and site plan for this project. The landscape should be carefully designed and detailed to heighten one's sense of nature as well as to promote health of the plant species within the community. A landscape design that incorporates Xeriscape principles to conserve water is required. Indigenous plant preservation/enhancement and buffering shall be provided in accordance with the zoning regulations of Lee County.

Views from the roadways, and adjacent properties toward a landscaped area should complement the appearance of the building. All front, side and rear building setback areas must be landscaped and should contain primarily native plants. A minimum of 70% native plants must be used in the landscape design. Corners of the building shall be landscaped with trees and under plantings to soften the buildings edges. All shade trees must be planted at a minimum height of 14'-0" and a 3.5 caliper. Palms should be planted in cluster of three or more and shall be a minimum height of 16' feet at planting and a minimum clear trunk of ten feet. Specimen palms may be used similar to shade tree placements in the landscape design of the project.

Ornamental plantings should be used close to the building. Existing native plants that are preserved may be credited for these requirements. A listing of approved and disapproved planting material has been provided in the index for your review.

Shrub masses can be used to channel winds, buffer intruding noises and views, and screen private areas. All shrub plantings should be massed in groupings of three or more plants. Linear hedges or box-clipped shrubs are not allowed within the buffers. Larger shrubs and plantings may be required at large wall and fencing areas.

To prevent the further infestation and choking of native plants, all species on lee counties list

of exotics shall be removed including but not limited to:

Australian Pine - Casuarina equisetifolia

Punk Tree or Cajeput - Melaleuca leucandendra

Brazilian Pepper - Schinus terebinthifolius

Downy Rose Myrtle - Rhodomytus tomentosa

Air Potato – Dioscorea bulbifera

Lather Leaf – Colubrina asiatica

Climbing Fern – Lygodium spp.

Java Plum – Syzygium cumini

Catclaw Mimosa – Mimosa pigra

Earleaf Acacia - Acacia auriculiformis

Women's tongue – Albizia lebbbeck

Laurel Fig – ficus microcarpa

PARKING AREAS AND ISLANDS

Parking areas shall provide a hedge type buffer at the perimeter of the parking area. A landscape buffer shall be provided between the building and the drive or parking area for all public areas. A landscaped parking island shall be provided per beyond county code. Landscaping shall be provided at each island with a minimum of 1 shade tree (or 3 palms) and 8 (three gallon) shrubs.

POLICY XX10.20 Xeriscape Landscape Standards Project shall incorporate the use of Xeriscape landscaping techniques such as described in the SFWMD xeriscaping principals.

OBJECTIVE XX.11: WATER QUALITY, QUANTITY, AND SURFACE WATER RESOURCES. Destination Resort Mixed Use Water Dependant Facilities must be located, designed and operated in such a way that they will not degrade the ambient surface or groundwater quality. These facilities must be located, designed and operated in such a way that they will not adversely impact the surrounding existing water. The location, design and

operation of Mixed Use Water Dependant Facilities must maintain or improve the storage and distribution of surface water resources.

POLICY XX.11.1: Any Destination Resort Mixed Use Water Dependant Facilities proposed within the land use category must cooperate with Lee County and SFWMD in implementing an overall surface water management plan as outlined in Objective 60.2 and 117.1. Compliance with these Policies must be demonstrated during Development Order approval.

OBJECTIVE XX.12: WILDLIFE. The location, design and operation of Destination Resort Facilities will incorporate preservation and/or management activities that restrict the loss of wildlife habitat or impact on protected species, species of special concern, threatened or endangered species.

POLICY XX.12.1: The development will not have an impact on any existing, viable on-site occupied wildlife habitat for protected species, species of special concern, threatened or endangered species.

POLICY XX.12.2: Through the development review process, Private Recreation Facilities will be designed and operated to conserve critical habitat of protected species. This will be accomplished through regulation, incentives and public acquisition.

POLICY XX.12.3: The development will meet the requirements of the Lee County Manatee Protection Plan at time of Development Order

OBJECTIVE XX.13: NATURAL RESOURCES. Destination Resort Facilities must be located, designed and operated to minimize environmental impacts, and where appropriate, protect, enhance and manage natural resources such as, waterways, wetlands, natural water bodies, and indigenous uplands.

POLICY XX.13.1: All retained onsite natural areas, must be perpetually managed by the owner(s), or their assignees, with accepted Best Management Practices. The type of management techniques will be determined by the specific plant community. A natural area land management plan must be submitted to the Lee County Division of planning prior to the approval of a final local development order. This policy does not preclude areas that have been compromised in the past to be designed in such a way as to be assessable to the public for environmental and educational purposes. Management techniques addressed in the plan must include, but not be limited to the following:

- Exotic pest plant control;
- Removal of any trash and debris;

- Restoration of appropriate hydrology;
- Native plant restoration, where appropriate;
- Discussion of flora and fauna;
- Retention of dead trees and snags.

POLICY XX.13.2: The development will minimize adverse effects on wetlands and riparian areas.

POLICY XX.13.3: Destination Resort Mixed Use Water Dependant Facilities must be designed to preserve a minimum of 20% of on-site, indigenous native upland habitat.

POLICY XX.13.4: The development will incorporate energy and resource conservation devices, such as green building technologies

POLICY XX.13.5 Mangroves areas and islands located in this district shall be considered for inclusion into conservation land category in the proposed FLUM or as a conservation easement

OBJECTIVE XX.14: INTERGOVERNMENTAL COORDINATION WITH THE TOWN of Fort Myers BEACH. Due to the unique location and proximity to the town of Fort Myers Beach the development will commit to working with the town to propose and resolve concerns.

POLICY XX.14.1: The developer will set up and coordinate a dialogue with the town to review parking and access issue during the Development order process.

POLICY XX.14.2: The developer will provide a liaison to any harbor planning committee to coordinate activities in and around the Harbor

OBJECTIVE XX.15: Marina Design and Conservation

POLICY XX.15.1: Marina design must incorporate natural wetland vegetative buffers near the docking areas and in ingress/egress areas for erosion and sediment control, runoff purification and habitat purposes and protect environmentally sensitive areas

B. BACKGROUND INFORMATION

1. EXISTING CONDITIONS:

SIZE OF PROPERTY: 36.06± acres; total Uplands: 28.97± acres; total Wetlands: 7.09±. Additionally, the applicant also claims the ownership of 38.04± acres of submerged land.

PROPERTY LOCATION: The subject property is located on San Carlos Island on both sides of Main Street, and is bordered by Hurricane Bay to the north and Matanzas Pass to the south. To the east and west it abuts mobile home park and marina uses.

EXISTING USE OF LAND: The site currently contains a recreational vehicle park, a marina, and a restaurant.

CURRENT ZONING: The property is currently zoned Mobile Home Residential (MH-2), Marine Commercial (CM), Marine Industrial (IM), Light Industrial (IL), and Agricultural (AG-2).

CURRENT FUTURE LAND USE CATEGORY: The site contains several Future Land Use categories: Suburban, Urban Community, Industrial Development, and Wetlands.

2. INFRASTRUCTURE AND SERVICES

WATER & SEWER: The subject property is located in the Lee County Utilities franchise area for potable water and sanitary sewer service.

FIRE: The property is located in the Fort Myers Beach Fire District.

TRANSPORTATION: Access to the property is through Main Street, which intersects with San Carlos Boulevard on the west side and dead-end on the east side of the island. All traffic to and from this site must take Mains Street and San Carlos Boulevard.

SOLID WASTE FRANCHISE: San Carlos Island is located within the South Fort Myers Service Area. ONYX Waste Services.

C. ORIGINAL STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Planning staff recommends that the Board of County Commissioners **transmit** the proposed amendment to the Lee Plan, as modified by staff. Recommendation includes the creation of a new Land Use category called "Destination Resort Mixed-Use Water-Dependent"; and revision to Map 1 of the Future Land Use Map series to change the Future Land Use designation of the herein described 28.97 acres from "Urban Community," "Suburban" and "Industrial Development" to "Destination Resort Mixed-Use Water-Dependent." And 7.09 acres from "Wetlands" to "Conservation Lands." The site is located within the coastal high hazard area of the County. For this reason staff recommends transmittal at a lower density and height than that requested by the applicant. Staff recommends transmittal with a maximum density of 10 du/A and a height of no more than 135 feet, with a maximum of 185 feet with multiple layer parking garage under the building.

STAFF'S RECOMMENDED LANGUAGE:

Strike thru : Recommended for deletion from the transmittal by staff

Underline : Proposed language by the applicant

Double Underline : Revisions and additions by staff

GOAL XX: DESTINATION RESORT MIXED USE WATER DEPENDANT LAND USE (DRMUWDE). To create establish a land-use category that considers the history, the uniqueness of the water dependant land, while correcting that are present with existing antiquated zoning and out-dated uses, while providing that will provide a mechanism to create the future for the area an attractive, functioning mixed use destination resort through well planned redevelopment.

OBJECTIVE XX.1: To ensure that Destination Resort Mixed Use Water Dependant Land-use categories are located in the most appropriate areas within the future land use category.

POLICY XX.1.1 2: This These areas can best be characterized by their proximity to the water and need for redevelopment due to changes in the market and outdated development patterns. By virtue of their proximity to navigable water and availability of public services, these location are suited to accommodate a mixture of uses that range between residential, resort, commercial and industrial type activities that all benefit from access to the water front. As Lee

county moves toward being a larger metropolitan area and a world class destination these types of developments can offer a diverse living, working and vacationing experience that benefits the entire area while being environmentally friendly and economically viable. The standard density ranges from 9-6 dwelling units per acre to 17-10 dwelling units per acre. The maximum number of dwelling units is 17 per acre. Residential densities in developments that include commercial and residential uses in the same project or same building do not have to exclude commercial or other use lands from density calculations may be developed as provided for under the Glossary terms: "Mixed Use," "Mixed Use Building," and "Density."

POLICY XX.1.2: Destination Resort Mixed Use Water Dependent location criteria

1. Located in areas characterized by predominantly outdated RV type living facilities meant for temporary habitation without individual type land ownership and depressed/underutilized water dependent waterfronts.
2. Located in areas characterized as predominantly impacted by a declining water dependant industry like commercial fishing or other and with a minimum of 8 acres of contiguous lands under unified control.
3. Located within costal wind zone areas depicted as 100 Year Flood Plains, as illustrated on Map 9 of the Lee Plan.
4. Located in areas with direct access to existing roadways and navigable bodies of water.
5. Located in an area with multiple zoning districts that may not be compatible with each other.

POLICY XX.1.3: Destination Resort Mixed Use Water Dependant land use category will only be allowed, subject to the other requirements of these Goals, and in the areas as defined by the location criteria.

OBJECTIVE XX.2: GROWTH MANAGEMENT. Development of Mixed Use Water Dependant Facilities areas must be consistent with the growth management principles and practices as provided in the following policies.

POLICY XX.2.1: Developments in this land use category will use the Mixed Use Planned development zoning category

POLICY XX.2.2: Destination Resort Mixed Use Water Dependant land Use location must have adequate fire protection, transportation facilities, wastewater treatment and water supply,

and provided that they have no adverse effects such as noise, lighting, or odor on surrounding land uses and natural resources.

POLICY XX.2.4: Adjacent contiguous properties may be added to the category with an update to the map and amendment to the overall existing master plan. All existing and/or new developments shall be under unified control for common areas

POLICY XX.2.5: Applications for Destination Resort Mixed Use Water Dependant Facilities development will be reviewed and evaluated as to their impacts on, and will not negatively affect, any adjacent, existing residential, commercial or conservation activities.

POLICY XX.2.6: Destination Resort Mixed Use Water Dependant land use- will be included in the Lee County Zoning Regulations Land Development Code and may be the subject of deviation requests during the "planned development" rezoning process. This provision is intended to encourage joint use of parking, access easements, and storm-water retention facilities where such joint use does not negate the essential purpose of the district.

POLICY XX.2.6: The maximum height for buildings is 135 feet. Buildings that utilize multiple stories of enclosed parking under the residential or hotel use may add up to an additional 50 feet of building height, up to a maximum of 185 feet.

OBJECTIVE XX 3: COMMERCIAL LAND USES. This amendment recognize the unique conditions and preferences of Destination Resort Mixed Use Water Dependant lands and is being developed to ensure that new development areas create a unified and pleasing aesthetic/visual quality through landscaping, architecture, lighting and signage, while providing additional employment opportunities, and eliminating uses that are not compatible with the adjacent uses. Existing and future county regulations, land use interpretations, policies, zoning approvals, and administrative actions should be undertaken in an effort to promote the goal of redevelopment for the areas with increased mixed use opportunities to service the needs of the community and surrounding areas. County regulations should attempt to ensure that commercial areas maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, lighting and signage. Commercial land uses must be designed to be compatible Old Florida or other Florida Vernacular styles of architecture and the historic identity of the area.

POLICY XX.3.1: The property owners of lands designated DRMUWDF shall utilize innovative open space design, mixed use concept that integrate well designed

pedestrian/bicycle connections to commercial and, locations on or a walk-able distance to mass transit service.

POLICY XX.3.2: The cost for the provision and expansion of facilities for potable water and sanitary sewer that benefits development in the Amendment area will be borne by those who benefit. Such funding may include (but is not limited to), impact fees, special taxing or benefit districts, or Uniform Community Development Districts.

POLICY XX.3.3: The cost for the provision and expansion of facilities necessary to comply with the recommendations of the amendment that benefits development will be borne by those who benefit. Such funding may include (but is not limited to) impact fees, special taxing or benefit districts, or Uniform Community Development Districts

POLICY XX.3.4: The DRM UWDF is an area which provides the associated support development and synergism to create a viable mixed use destination type development with water dependant uses as part of the mix. This land use allows a mixture of land uses related to and justified by the development. Predominant land uses within this area are expected to be residential, commercial, transitory lodging, office, public, recreation, and development all with a water related uses. The following is a list of water dependant uses that will be allowed within the development.

Water related Permitted Uses

- Aids to navigation
- Bait and tackle shops
- Boat launch and or moorage facilities, Marina, and boat charter services
- Communication facilities essential to service water dependant uses.
- Facilities for refueling and providing other services for boats, ships and related marine equipment
- Laboratory research on marine/estuarine products and resources and physical and biological characteristics of the estuary.
- Marine related specialty shop
- Office in conjunction with a permitted or conditionally permitted use
- Public waterfront access
- Research and education observation
- Storage of Marine equipment
- Stores for sale and rental of marine supplies and equipment
- Utilities

- Wholesale and retail markets for marine estuarine products
- Grocery store/ships store
- Restaurants
- Processing of seafood in conjunction with retail sales operation
- Boat repair and building
- Boat terminal facilities
- Uses not listed as permitted but shown to be water dependent or water related by the applicant and approve by the director of Community Development.

POLICY XX 3.5: The following uses are prohibited within the DRMUWDF:

- Drive thru facilitates
- Big box retailers and single free standing retail facilities greater than 20,000 square feet.

POLICY XX.3.6: This amendment mandates Commercial developments within the boundaries must provide interconnection opportunities with adjacent uses in order to minimize access points onto primary road corridors; and residential developments to provide interconnect opportunities with commercial areas, including but not limited to bike paths and pedestrian access ways.

OBJECTIVE XX.4: RESIDENTIAL USES. This land use category will enhance the character of the area by evaluating adjacent uses, natural resources, access and recreational or open space, and requiring compliance with enhanced buffering requirements.

POLICY XX.4.1: This land use will provide opportunities for public access to the water and shall include provisions for bicyclists/pedestrians. At a minimum one public access easement shall be provided to the waterfront per development.

POLICY XX.4.2: Road capacity improvements needed within the property to serve demands generated outside the community will be designed to minimize the impacts on the community

OBJECTIVE XX 5: COMMUNITY CHARACTER. This land use category will propose regulations, policies and actions affecting the character and aesthetic appearance of the development to help create a visually attractive community while maintain the rich heritage of the area.

POLICY XX.5.1: In order to maintain a Marine identity for the community, commercial developments are shall use vernacular Florida architectural styles for all buildings. (See design standards) The use of Mediterranean styles of architecture is discouraged.

POLICY XX.5.2: Maximum height allowed for this category is 230'-0". Front set backs are set at a minimum of 25'-0", Rear setback are set at a minimum of 20'-0" and side setbacks are Set at 40'-0". Marina type uses located on open water will have a minimum set back of 15'-0". Open space will be increase for this category by 10%

POLICY XX.5.3: In order to preserve/enhance/restore the heritage and natural beauty of the area. This land use category will provide an educational component with the objective of educating the public on its unique quality and rich history and how to protect the area. This will be done with descriptive display, multimedia presentations and other proven means to educate and inform.

OBJECTIVE XX.6: COORDINATION OF MASS TRANSIT. The developer(s) will establish coordination-coordinate with Lee County to ensure consistency with the TDP (Transit Development Plan)

POLICY XX.6.1: Mixed-use developments, as defined in the Lee Land Development Code containing both commercial and residential uses within the same development shall provide for an interconnection of commercial with residential uses with pedestrian linkages.. mixed-use developments will be limited to an overall density of 17 10 dwelling units per acre at these locations. A minimum of 4 units per acre of this density can only be used for timeshare development. Mixed use Developments that use commercial and residential within the same development shall be allowed to use the entire site for density calculation.

POLICY XX.6.2: Bicycle & Pedestrian facilities will be provided throughout the development. Connections between all uses are required to facilitate these alternative modes of transportation. When possible, connections to adjacent developments shall be provided.

POLICY XX.6.3: Vehicular connections between residential and non-residential uses will be provided to facilitate the internal capture of trips. When possible, vehicular connections to adjacent developments will be made to provide alternative access to the non-residential and mixed use components of the development. this development other than the Main Street.

POLICY XX.6.4: Water access-Each development shall provide at a minimum one designated public access easement point to the water.

OBJECTIVE XX.7: INCORPORATION AND UTILIZATION OF MULTIMODAL AND ALTERNATIVE MODES OF TRANSIT. The development will establish a comprehensive

approach to multimodal and alternative modes of transportation for its residents and guests. These will include, but not be limited to mass transits stops (minimum of one), or shuttle service to a stop, bicycle rental, integrated network of sidewalks and board walks, Airport shuttle services and water-taxi transportation facilities.

POLICY XX.7.1: Each development will establish a water taxi /shuttle service to and from the property. The shuttle will be open to guest, residents and outsiders wanting an alternative access to the water. Hours of operation will be determined based on market conditions but will at a minimum provide three (3) round trips daily.

POLICY XX.7.2: Each development will establish an airport shuttle service to and from the Southwest Florida International Airport and the development. The shuttle services hours of operation will be determined based on market conditions and can either be a fixed route shuttle or a point of demand service type or combination thereof.

POLICY XX.7.3: Where Projects are intersected by public roadways for developments greater than 20 acres and with a split greater than 15%, some sort of grade separation may be provided for safe pedestrian and bicycle access between the properties. The purpose of this is to safely move pedestrian and bicycles across the road. Examples of this would involve taking the bicycle/pedestrian facilities up and over the road or involve in taking the road over the pedestrian/bicycles paths.

POLICY XX.7.4.: As part of any rezoning action, the existing roadways that are adjacent to or run through the project, particularly Main Street, will be evaluated with a cross-sectional analysis to identify needed upgrades of driver and bicycle/pedestrian safety and bus access to and from this property. At a minimum one bus stop will be provided along Main Street to Lee Tran standards or better. Where bicycle/pedestrian upgrades or additions are determined by Lee County to be desirable along Main Street or other area streets, any such improvements on behalf of this property and outside the boundaries of this property will be eligible for road impact fee credits in accordance with the Lee County Land Development Code.

OBJECTIVE XX8: GENERAL SITE DEVELOPMENT STANDARDS. The site design for projects within this Land use category will consider the individual characteristics of their site, along with the overall context of the development. This will be done by careful consideration of the site design with respect to the local climate, existing structures and adjacent vegetation, transportation access and the impact (both positive and negative) that the building or structure may have on adjacent areas.

POLICY XX.8.1: DRMUWDF shall seek solutions that minimize the impact of grading with respect to the removal of natural vegetation and the major alterations of existing grades. Impacts on mangroves other than a noted in this document are prohibited.

POLICY XX 8.2: The orientation of the building(s) should take into account any existing native vegetation, parcel configuration, solar orientation, access, adjacent structures and views.

POLICY XX 8.3: The impact and intensity of the paving, minimizing of clearing limits, and aesthetics are important factors to be considered in the design of the project entries, parking areas and roads. Landscape, circulation signage, lighting, striping and changes in paving materials should be coordinated to enhance circulation. Parking areas shall be designed to avoid long rows of parking spaces without adequate landscaping. All parking areas and driveways shall be paved using pervious materials when applicable. At a minimum fifty (50) percent of all parking and driveway areas shall be constructed using pervious materials. Landscaping in these areas shall be designed above the county minimum standards. Parking lot shade trees or cluster shall be increased by a minimum of 15%. Trees used in the parking area shall be a minimum of 14' in height and a 3.5 inch caliper.

POLICY XX 8.4: Attention shall be given to the locations of pedestals and transformers as they relate to aesthetics. All utilities shall be installed underground. Any utility items, which must protrude above ground for service, access, safety, or code, must be screened with a wall, fence, and/or landscape elements.

POLICY XX 8.5: Lighting shall be used to accent key architectural elements, to emphasize landscape features, and to provide a safe and enjoyable environment. The outlining of a building or roof with lighting is prohibited. Exterior Light sources must be concealed where possible and all light shall be in shades of white. Colored lights are prohibited. No spillover of light can occur on neighboring properties and lighting must be shielded to prevent glare. Tree-up lighting shall be concealed underground or in shrub masses. Garden lights or walkway bollards should direct the light downward with a concealed light source and shall be incorporated into landscape beds.

Parking lot light fixtures shall not exceed 25 feet in height and lighting located in pedestrian areas shall not exceed 15 feet. No "cobra" head style fixtures are permitted. Light fixtures should either be designed as an integral design element that complements the design of the project through style and material or blend into the landscape by the use of muted colors and simple designs. Exterior light fixtures are encouraged to be either wrought iron or cast aluminum. Mill finish metal is allowed. Building mounted security and service area lighting fixtures must not project above the fascia or roofline of the building and must be shielded. Such fixture and shields must be a harmonious color with the building. Security fixtures may

not be substituted for parking lot or walkway lighting and are restricted to loading, storage, service and other similar locations.

POLICY XX 8.6: No wall, screen, or fence of any kind may be constructed unless they are architecturally compatible with those of the building and the landscaping. The design of these elements shall appear seamless with the building and/or landscaping.

POLICY XX 8.7: The projects within this land use category will provide to the inhabitants and guest an area of last refuge should anyone not heed the warnings of an impending storm. This area is not to be advertised as a hurricane shelter, but as a place of last resort.

OBJECTIVE XX 9: SERVICE AREA AND EQUIPMENT. The intent of this section is to ensure that service and function areas are planned and designed to have the least amount of impact on the general public and adjacent neighbors. This can be accomplished by providing adequate space and incorporating these elements into the project at an early stage.

POLICY XX 9.1 No materials, supplies, or equipment shall be stored in an area on a site except inside a closed building or behind a suitable barrier so as not to be visible to the general public or to an adjoining site. Loading doors and service areas shall be screened, and/or buffered by landscaping, so as not to be visible from any street or from any adjoining residential site. Adequate area shall be provided on site for all loading and maneuvering of trucks and other vehicles in order that such operations will not be carried out in the street.

POLICY XX 9.2: Screening devices must be of a height at least equal to that of the material or equipment being screened. The design, material, textures, and colors of screening devices shall be architecturally compatible with those of the building and with the landscaping. The design of these elements shall appear seamless with the building and/or landscaping. Frequently, planting material can provide an effective screen offering the same opaqueness of a wall. Plantings should be considered to soften the "hardness" of man-made screens.

OBJECTIVE XX.10: ARCHITECTURAL STANDARDS. The architectural theme for the development exhibits characteristics of early Florida building traditions. A common architectural theme based on the local region, along with local interpretations of these styles, is required for all buildings within the development including ancillary buildings. All buildings should complement their surroundings. The horizontal landforms, local climate, and native vegetation, should dictate the dwelling location and form. The architectural details and definition shall consider all sides of the building and include, but not be limited to, banding, accent materials, roof character, and window treatments. The policies have been set to help create a visually attractive community. These standards are to be above and beyond the counties design standards in the LDC.

POLICY XX 10.1: Large blank unadorned walls will not be permitted. All equipment shall be screened and be placed out of view. Natural materials and paint colors shall be in warm earth tones for the exterior of buildings and structures.

POLICY XX 10.2: Special attention should be given to scale and proportion to the building site as it is of major importance to the development. The scale relationship of each building component shall relate to the overall massing for the project. The introduction of characteristics such as steep roofs, detailed eaves, balconies, and other building ornamentation is encouraged to customize the mass and design of an individual building or large structures. Retaining walls, planter walls, and privacy walls should be used to break up the elevations of a building and help relate the structure to the ground.

POLICY XX 10.3: Architectural details and design (such as changes in plane, height, texturing, banding, etc.) shall be considered in each elevation to give large surfaces and structures interest where appropriate. Equal attention to detail and architectural definition must be given to all sides of the structure, including, but not limited to, the foundations, banding, accent materials

POLICY XX 10.4: The following architectural details shall be considered in the design of each building:

- Varying roof heights, roof character, and window treatment.
- Mix of hip, gable for roofs, flat and varying slopes
- Detailed windows and/or doors
- Decorative shutters
- Recessed windows
- Railings and associated details
- Cantilevered balconies
- Verandas and courtyards
- The appearance of "thick" walls
- Decorative chimneys, tower or other roof apparatus
- Exposed rafter tails
- Planters, pergolas, and trellises
- Clap board siding or Textured "hand-toweled" wall finish or smooth stucco with banding
- Metal of flat tile roofs
- Exterior stairs

POLICY XX 10.5: Colors and materials are an intricate part of the Architecture and landscape for this development. Warm and rich colors that are evocative of the coastal region shall be

considered when selecting colors for this project. An example of inappropriate color is a bright color used for large areas of wall and roof surfaces.

POLICY XX 10.6: Materials expression within the architecture includes massive wood beams, supported rooflines, cantilevered balconies and other decorative elements. Beams should be made of redwood, cedar or cypress with a finish that is rough-cut. Walls should be made of clap board or textured stucco or simulated limestone that adds richness to the wall surface. Decorative metals for gates, railings, and other decorative details should be finished black, dark bronze, galvanized or copper. Stone and simulated stone should be rough or smooth and laid in a fashion appropriate to the style of architecture. Materials like coral rock, limestone, granite, pre-cast concrete, or architectural foam should be used as decorative detailing at windows, doors, for wall material, or other decorative areas on the building. Vinyl or wood is siding is discouraged.

POLICY XX 10.7: Preferred building materials are:

- Fiber-Cement lap siding:
- Painted stucco in natural earth tones; anodized or paint finish is required on all metal surfaces including windows, flashing, drips, and caps, in colors complimenting or matching the approved colors:
- Fascias must be constructed of cedar or redwood or other similar material and painted to match the trim color. Soffits must be of wood or stucco. Metal or vinyl soffits are prohibited:
- Foam products used on the exterior of buildings shall be installed to meet industry standards to ensure quality construction and be detailed away from areas that are in high traffic areas:

POLICY XX 10.8: All buildings shall have pitched roofs or simulated pitched rooflines. The minimum roof pitch allowed in the Development is 4 in 12. Overhangs may vary as necessitated by architectural design and these design guidelines. The typical roof overhangs are very wide to protect from the sun & rain and to provide passive energy conservation. Flat roofs are not allowed unless accompanied with a full parapet. Parapets may be appropriate in certain situations above walkways and in conjunction with a coordinated signage design or as a decorative element. Roofs shall have a minimum overhang of 2 feet on the eaves and 1 foot on gable ends or as noted otherwise in these standards. Fascias must be a minimum of 10 inches. No metal fascias are allowed.

POLICY XX 10.9: All rooftop equipment must match roofing colors and be placed as inconspicuously as possible, preferably located near the rear elevation. Exposed flashing:

gutters, and downspouts must be painted to match the fascia and/or walls of the structure or be made of copper and left to weather to natural patina. Preferred roof materials: flat roof and or Standing seam metal roofs

POLICY XX 10.10: Buildings must have a minimum overhang of 24 inches with a 10inch fascia (gable ends may utilize a one foot overhang with a 10 inch fascia), or a minimum of 14= inch overhang and a 10" fascia when associated with a cornice, banding, or corbels (minimum height of 8 inches).

POLICY XX 10.11: Windows and doors are often dominant elements in the design of buildings. The trim around these openings thus becomes an important feature to link the openings to the buildings. Windows should utilize clear glass or a tinted glass of bronze, gray, green, or smoked colors. No reflective glass or tinting may be used. Aluminum window frames in white or with warm, earth tone finishes such as bronze, sepia, ochre, and terra cotta are permitted. Mill finished aluminum is prohibited. Windows within stucco walls on all facades shall provide architectural detailing or be banded. Window openings should follow classic geometry that includes both square and rectangular windows. Radius or arched top shapes are encouraged in accent areas.

POLICY XX 10.12: Awnings shall be designed as an integral part of the project or building and should be associated with an opening. Awnings shall be made of canvas and shall not be backlit. Awnings shall not be connected to another elevation or be used above the roofline of a building.

POLICY XX 10.13: Shutters are encouraged as an integral part of the building design when appropriate. Shutters should be designed and sized according to the opening it is associated with.

POLICY XX 10.14: Doors constructed of wood are encouraged. Heavy, rustic plank doors are a signature element of buildings and entrances. Recessed doorways, giving the appearance of thick walls, are encouraged. Ornamental iron or aluminum gates used as part of the entry sequence are encouraged. Service and emergency exit doors shall be painted the same color as adjacent walls

POLICY XX 10.15: Covered walkways/loggias are required on the front of all buildings and shall be constructed of a material that is consistent with the overall look and design for the building/project.

POLICY XX 10.16: Accessory buildings shall be consistent with the style of the main buildings. An accessory building must be of the same color, material, and architectural style

as the main building or of color, material, and style that is generally recognized as complimentary to that of the main structure. Any utilities servicing accessory buildings shall be installed underground. Freestanding metal utility sheds or storage sheds are not permitted.

POLICY XX 10.17: Parking Garage and Structures

Intent: to hide the function/ storage of the cars in an aesthetically pleasing manner. All garage structures shall be design with punched openings and closed corners. The following are acceptable means of masking commercial garages:

- Liner Buildings can be placed in front of garage structure to disguise the function. Liner buildings are structures placed in front of the garage structure and can be functional or non functional. Liner building shall be designed with multiple facades.
- Landscaping
- Combination of liner buildings and landscaping

POLICY XX 10.18: Boardwalk Areas

Intent: to provide guidelines for the development of a boardwalk along the commercial waterfront property that promotes a multitude of activities that are waterfront related and open to the general public. Multiple access routes to the boardwalk shall be provided. The area between the boardwalk and the main buildings shall be provided with both active and passive spaces for the enjoyment of guests. Board walks through preserves are intended for passive activities only.

Commercial area Boardwalk-Minimum width shall be 6'-0" or greater and shall have a large portion of the water front at 12 feet or greater for the majority of the water. The boardwalk will be made with Materials or a combination of materials that are durable and ADA compliant.

Preserve area Boardwalks shall be in a width of 5'-0" -7'-0" and or ADA compliant. Materials shall be built with sustainable "green" Materials. Only one preserve boardwalk in the a defined mangrove area is allowed. Only one shaded structure with a maximum of two benches is allowed in the preserve area.

Kiosks -These are encouraged along the Commercial boardwalk at appropriate intervals and in various sizes. They may provide commercial services or information. Kiosks shall be designed to be architecturally compatible with the main building. Kiosks may be fixed or mobile.

POLICY XX10.19 Landscape Standards

DESIGN INTENT

It is intended that nature be an integral design component with the building and site plan for this project. The landscape should be carefully designed and detailed to heighten one's sense of nature as well as to promote health of the plant species within the community. A landscape design that incorporates Xeriscape principles to conserve water is required. Indigenous plant preservation/enhancement and buffering shall be provided in accordance with the zoning regulations of Lee County.

Views from the roadways, and adjacent properties toward a landscaped area should complement the appearance of the building. All front, side and rear building setback areas must be landscaped and should contain primarily native plants. A minimum of 70% native plants must be used in the landscape design. Corners of the building shall be landscaped with trees and under plantings to soften the buildings edges. All shade trees must be planted at a minimum height of 14'-0" and a 3.5 caliper. Palms should be planted in cluster of three or more and shall be a minimum height of 16' feet at planting and a minimum clear trunk of ten feet. Specimen palms may be used similar to shade tree placements in the landscape design of the project.

Ornamental plantings should be used close to the building. Existing native plants that are preserved may be credited for these requirements. A listing of approved and disapproved planting material has been provided in the index for your review.

Shrub masses can be used to channel winds, buffer intruding noises and views, and screen private areas. All shrub plantings should be massed in groupings of three or more plants. Linear hedges or box-clipped shrubs are not allowed within the buffers. Larger shrubs and plantings may be required at large wall and fencing areas.

To prevent the further infestation and choking of native plants, all species on lee counties list of exotics shall be removed including but not limited to:

Australian Pine - Casuarina equisetifolia

Punk Tree or Cajeput - Melaleuca leucandendra

Brazilian Pepper - Schinus terebinthifolius

Downy Rose Myrtle - Rhodomytus tomentosa

Air Potato - Dioscorea bulbifera

Lather Leaf - Colubrina asiatica

Climbing Fern – Lygodium spp.

Java Plum – Syzygium cumini

Catclaw Mimosa – Mimosa pigra

Earleaf Acacia – Acacia auriculiformis

Women's tongue – Albizia lebbek

Laurel Fig – ficus microcarpa

PARKING AREAS AND ISLANDS

Parking areas shall provide a hedge type buffer at the perimeter of the parking area. A landscape buffer shall be provided between the building and the drive or parking area for all public areas. A landscaped parking island shall be provided per beyond county code. Landscaping shall be provided at each island with a minimum of 1 shade tree (or 3 palms) and 8 (three gallon) shrubs.

POLICY XX10.20 Xeriscape Landscape Standards Project shall incorporate the use of Xeriscape landscaping techniques such as described in the SFWMD xeriscaping principals:

OBJECTIVE XX.11: WATER QUALITY, QUANTITY, AND SURFACE WATER RESOURCES. Destination Resort Mixed Use Water Dependant Facilities must be located, designed and operated in such a way that they will not degrade the ambient surface or groundwater quality. These facilities must be located, designed and operated in such a way that they will not adversely impact the surrounding existing water. The location, design and operation of Mixed Use Water Dependant Facilities must maintain or improve the storage and distribution of surface water resources.

POLICY XX.11.1: Any Destination Resort Mixed Use Water Dependant Facilities proposed within the land use category must cooperate with Lee County and SFWMD in implementing an overall surface water management plan as outlined in Objective 60.2 and 117.1. Compliance with these Policies must be demonstrated during Development Order approval.

OBJECTIVE XX.12: WILDLIFE. The location, design and operation of Destination Resort Facilities will incorporate preservation and/or management activities that restrict the loss of wildlife habitat or impact on protected species, species of special concern, threatened or endangered species.

POLICY XX.12.1: The development will not have an impact on any existing, viable on-site

occupied wildlife habitat for protected species, species of special concern, threatened or endangered species.

POLICY XX.12.2: Through the development review process, Private Recreation Facilities will be designed and operated to conserve critical habitat of protected species. This will be accomplished through regulation, incentives and public acquisition.

POLICY XX.12.3: The development will meet the requirements of the Lee County Manatee Protection Plan at time of Development Order

OBJECTIVE XX.13: NATURAL RESOURCES. Destination Resort Facilities must be located, designed and operated to minimize environmental impacts, and where appropriate, protect, enhance and manage natural resources such as, waterways, wetlands, natural water bodies, and indigenous uplands.

POLICY XX.13.1: All retained onsite natural areas, must be perpetually managed by the owner(s), or their assignees, with accepted Best Management Practices. The type of management techniques will be determined by the specific plant community. A natural area land management plan must be submitted to the Lee County Division of planning prior to the approval of a final local development order. This policy does not preclude areas that have been compromised in the past to be designed in such a way as to be assessable to the public for environmental and educational purposes. Management techniques addressed in the plan must include, but not be limited to the following:

- Exotic pest plant control;
- Removal of any trash and debris;
- Restoration of appropriate hydrology;
- Native plant restoration, where appropriate;
- Discussion of flora and fauna;
- Retention of dead trees and snags;

POLICY XX.13.2: The development will minimize adverse effects on wetlands and riparian areas.

POLICY XX.13.3: Destination Resort Mixed Use Water Dependant Facilities must be designed to preserve a minimum of 20% of on-site, indigenous native upland habitat.

POLICY XX.13.4: The development will incorporate energy and resource conservation devices, such as green building technologies

POLICY XX.13.5 Mangroves areas and islands located in this district shall be considered for inclusion into conservation land category in the proposed FLUM or as a conservation easement

OBJECTIVE XX.14: INTERGOVERNMENTAL COORDINATION WITH THE TOWN OF FORT MYERS BEACH. Due to the unique location and proximity to the town of Fort Myers Beach the development will commit to working with the town to propose and resolve concerns.

POLICY XX.14.1: The developer will set up and coordinate a dialogue with the town to review parking and access issue during the Development order process.

POLICY XX.14.2: The developer will provide a liaison to any harbor planning committee to coordinate activities in and around the Harbor

OBJECTIVE XX.15: Marina Design and Conservation

POLICY XX.15.1: Marina design must incorporate natural wetland vegetative buffers near the docking areas and in ingress/egress areas for erosion and sediment control, runoff purification and habitat purposes and protect environmentally sensitive areas

OBJECTIVE XX 16: Development and Redevelopment in the Coastal High Hazard Areas:

POLICY XX 16.1: Project must construct on site shelter to withstand Category 5 hurricane force winds and storm surge to accommodate residents and hotel guests in compliance with the following requirements:

- I. On-site shelters and all required equipment and supplies for these facilities must comply with the following standards:
 - (a) Elevation to the anticipated storm surge from a land falling Category 5 storm.
 - (b) Construction to withstand winds of 200 mph in accordance with the Florida Building Code.
 - (c) Construction with minimum exterior glass with all glazed openings provided with impact protection in accordance with the Florida Building Code.

(d) Equipped with emergency power and potable water supplies to last up to five days.

(e) Protected with adequate ventilation, sanitary facilities, and first aid medical equipment.

II. Developer/operator must conduct annual training of the on-site shelter managers. The training is to be conducted by the Red Cross and approved by Lee County Emergency Management.

III. Developer/operator must submit a post storm recovery plan including post storm evacuation plan for review and approval by Lee County Emergency Management.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The property currently contains four different Future Land Use designations: Suburban, Urban Community, Industrial Development, and Wetlands.
- Increase in property taxes making harder to afford rental or ownership of travel trailer or mobile home site along the gulf-access waterfront areas of the County. This in turn is causing higher vacancy rate at rental parks and giving the area a dilapidated and abandoned look.
- Waterfront areas of the County can be a major tourist attraction and provide the economic lift the area needs.
- Some waterfront areas were developed forty or more years ago and are in need of improvements.
- Tourism and resort development may be a substitute to declining shrimping industry.
- Replacing old mobile homes with stronger conventional buildings in the flood high hazard areas will provide better protection for people's lives and properties.
- The site is located within the Coastal High Hazard area. For this reason staff believes the requested density of 17 du/a is not appropriate; however, a density cap of 10 du/a would be appropriate because it closely matches the existing

density on the property.

- Density higher than the recommended density may cause traffic and evacuation issues. However, staff recommended density will have no net increase from what is existing today.
- The requested height of 230 feet will be out of character with the low and mid rise buildings in the area. For this reason staff recommends transmittal with a height limitation of 135 feet, increased to a maximum of 185 feet with multi-layered parking structures under buildings.
- Central Water and sanitary sewer service is available to the site with adequate capacity to serve the proposed development.
- Fire District, EMS, and Sheriff Department have reviewed and have no objection to the redevelopment of the site, as proposed.
- During the winter tourist season, the roads in the area, especially San Carlos Boulevard, at times, does not function at an acceptable Level of service.

D. BACKGROUND DISCUSSION:

The applicant, Mc Harris Planning and Design, initially submitted this amendment on September 28/ 2008. The applicant is requesting to create a new Future Land Use district called "Destination Resort Mixed-Use Water-Dependent." The applicant is also requesting to change the Future Land Use designation of the subject property to this new Land Use category.

The applicant is proposing to redevelop the site with up to 376 residential units, 115 units time share, a 350 room hotel with accessory uses, a marina with a 500 boat storage capacity, 98,000 square feet of general commercial and allow for up to 110 live-aboard units.

Current Suburban Land Use designation of the area which encompasses the majority of the land allows up to six dwelling units per acre. The proposed Future Land Use category, as requested, will allow up to 17 dwelling units per acres. Furthermore, this Future Land Use district will allow residential density calculation over the entire development area for mixed use projects.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

INTRODUCTION

The proposed amendment is the result of a desire by the owners to redevelop and expand the existing uses and replace some of the uses with new uses such as residential, commercial-retail, hotel and office uses by creating a new future land use category called "Destination Resort Mixed-Use Water-Dependent". The new future land use category would facilitate the redevelopment of the existing uses as well as new uses while enhancing the waterfront and public uses thereof.

COMPREHENSIVE PLAN BACKGROUND

The subject property was designated "Urban Community" and "Industrial Development" by the original Lee County Future Land Use Map, adopted in 1984.

In 1990 the northern portion of the property was designated "Suburban" and Wetlands, while the southern portion kept its designation of "Urban Community" and "Industrial Development."

More than fifty percent of the site's current Future Land Use designation is "Suburban". Lee Plan defines Suburban as:

POLICY 1.1.5: *The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed. (Amended by Ordinance No. 94-30)*

The remainder of the property is designated as "Urban Community", "Industrial Development" and "Wetland". Lee Plan defines those categories as:

POLICY 1.1.4: *The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San*

Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30, 02-02)

POLICY 1.1.7: The Industrial Development areas play an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities, investments and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and locations that are convenient for employees to reach. Whereas the other Future Urban Areas will include a broad combination of residential, commercial, public, and limited industrial land uses, the Industrial Development area is to be reserved mainly for industrial activities per se, as well as for selective land use mixtures such as the combined uses of industrial, manufacturing, research, properly buffered recreational uses (except where precluded by airport hazard zone regulations), and office complexes (if specifically related to adjoining industrial uses) that constitute a growing part of Florida's economic development sector. New natural resource extraction (mining) activities and fill dirt operations must be approved through the Industrial Planned Development rezoning process. Retail or wholesale of products manufactured or processed upon the premises may be allowed at a ratio of 1 square foot of commercial uses to 10 square feet of industrial use in association with a Planned Development. Ancillary minor retail commercial uses intended to support the surrounding industrial land uses may not exceed 30,000 square feet per development; and, at buildout, may not exceed more than ten percent (10%) of the total acreage of the lands designated as Industrial Development areas in each community outlined in Map 16. Residential uses, other than bona fide caretaker residences, are not permitted in this category

except to the extent provided in Chapter XIII of the Plan. (Amended by Ordinance No. 94-30, 98-09, 99-15, 02-02)

OBJECTIVE 1.5: WETLANDS. Designate on the Future Land Use Map those lands that are identified as Wetlands in accordance with F.S. 373.019(17) through the use of the unified state delineation methodology described in FAC Chapter 17-340, as ratified and amended in F.S. 373.4211. (Amended by Ordinance No. 94-30)

POLICY 1.5.1: Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 114 of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan. (Amended by Ordinance No. 94-30)

POLICY 1.5.2: When the exact location of Wetlands boundaries is in question, Chapter XIII of this plan provides an administrative process, including a field check, to precisely define the boundary. (Amended by Ordinance No. 94-30)

POLICY 1.5.3: Wetlands that are conservation lands will be subject to the provisions of Policy 1.4.6 as well as the provisions of Objective 1.5. The most stringent provisions of either category will apply. Conservation wetlands will be identified on the FLUM to distinguish them from non-conservation wetlands. (Added by Ordinance No. 98-09)

POLICY 1.4.6: The Conservation Lands include uplands and wetlands that are owned and used for long range conservation purposes. Upland and wetland conservation lands will be shown as separate categories on the FLUM. Upland conservation lands will be subject to the provisions of this policy. Wetland conservation lands will be subject to the provisions of both the Wetlands category described in Objective 1.5 and the Conservation Lands category described in this policy. The most stringent provisions of either category will apply to wetland conservation lands. Conservation lands will include all public lands required to be used for conservation purposes by some type of legal mechanism such as statutory requirements, funding and/or grant conditions, and mitigation preserve areas required for land development approvals. Conservation Lands may include such uses as wildlife preserves; wetland and upland mitigation areas and banks; natural resource based parks; ancillary uses for environmental research and education, historic and cultural preservation, and natural resource based parks (such as signage, parking facilities, caretaker quarters,

interpretive kiosks, research centers, and quarters and other associated support services); and water conservation lands such as aquifer recharge areas, flowways, flood prone areas, and well fields. 2020 lands designated as conservation are also subject to more stringent use provisions of the 2020 Program or the 2020 ordinances. (Added by Ordinance No. 98-09, Amended by Ordinance No. 02-02)

The applicant's request is to create a new land use category, "Destination Resort Mixed-Use Water-Dependent" to replace all Land Use categories of the property in question. The proposed category would facilitate the redevelopment of the travel trailer park and commercial and industrial areas with residential multi-family development as well as a large hotel with all ancillary uses, commercial uses and marina and water dependant uses. The redevelopment will occur on 28.97 acres. The site is currently developed with a recreational vehicle park, a marina, a restaurant and some accessory and ancillary uses. The redevelopment of the site, as currently proposed, will include a large hotel with accessory uses, several hi-rise residential buildings, and commercial buildings along the Matanzas Pass water frontage.

WATER-DEPENDANT OVERLAY

Map 2 of the Lee Plan indicates the southern portion of the property, south of Main Street, in the in the San Carlos Island Water-Dependent Overlay. This Overlay was Adopted on January 3, 1998.

GOAL 12: SAN CARLOS ISLAND. *All development approvals on San Carlos Island must be consistent with following objective and policy in addition to other provisions of this plan. (Added by Ordinance No. 94-30)*

OBJECTIVE 12.1: SAN CARLOS ISLAND WATER-DEPENDENT OVERLAY ZONE. *To protect marine-orientated land uses on San Carlos Island from incompatible or pre-emptive land uses all development must be consistent with the following policies in addition to other provisions of this plan. (Added by Ordinance No. 99-15)*

POLICY 12.1.1: *New development and substantial redevelopment within the Industrial Development land use category on San Carlos Island will be permitted only in accordance with the following criteria. (See glossary for definitions and Map 2 for map boundaries.) However, in no event will Lee County permit new or expanded petroleum facilities which would serve uses other than marine-related uses.*

1. *At the foot of the Matanzas Pass Bridge - Within the water-dependent overlay zone which is defined as land within 150 feet of the shoreline: water-*

dependent marine industrial uses and water-dependent functions of recreational marinas.

- *Landward of the overlay zone (150-foot line): marine industrial uses, in addition to water-related accessory uses which may be permitted to occupy up to 50% of that portion of a parcel lying landward of the 150-foot line.*
2. *North of Main Street - Within the water-dependent overlay zone, which is defined as land within 150 feet of the shoreline: water-dependent marine industrial uses and recreational marinas.*
- *Landward of the overlay zone (150-foot line): marine industrial uses, in addition to commercial or marine industrial uses which support the major industrial activities and recreational marinas.*
3. *South of Main Street - Within the water-dependent overlay zone which is defined as land within 300 feet of the shoreline: water-dependent marine industrial uses only.*
- *Landward of the overlay zone (300-foot line): marine industrial uses; in addition, dry-storage recreational marinas may also be permitted through the "planned development" rezoning process, provided the following is clearly demonstrated:*
 - *Water access can be provided with only minimal interference to the waterfront industrial uses; and*
 - *Adequate road access is provided for the waterfront industrial uses; and*
 - *Any other commercial uses (such as food service or retail space) must be clearly ancillary to the recreational marina or industrial uses and comprise no more than five percent (5%) of the site.*
4. *Water-Dependent Overlay Zones in General - The water-dependent overlay zones will be included in the Lee County Zoning Regulations and may be the subject of deviation requests during the "planned development" rezoning process. This provision is particularly intended to encourage joint use of parking, access easements, and stormwater retention facilities where such joint use does not negate the essential purpose of the overlay zones. (This also applies to the water-dependent overlay zones elsewhere on San Carlos Island*

as described in Policy 12.1.1.)

5. *Ancillary Commercial Uses - Wherever water-dependent, marine industrial uses are permitted, water-related ancillary commercial uses may also be permitted, provided they are clearly subordinate to the parcel's principal use and their total development area (building, parking, required buffers, water retention, etc.) does not exceed fifteen (15) percent of the parcel's total area. However, at the foot of the Matanzas Pass Bridge, this percentage may be increased to twenty-five (25) percent so long as the resulting commercial use of land lying in the Industrial Development land use category does not exceed fifty (50) percent of all land in that category that is under unified ownership or control as of March 1, 1988. (Amended by Ordinance No. 94-30, 99-15, 00-22)*

POLICY 12.1.2: *New development and substantial redevelopment within a portion of the Urban Community land use category on San Carlos Island will be subject to the additional requirement that within a water-dependent overlay zone, wet or dry storage recreational marinas and other water-dependent uses only will be permitted. This water-dependent overlay zone affects two separate areas, both lying south of Main Street and east of San Carlos Boulevard, as depicted on Map 2 and described as follows:*

- *land within 150 feet of the shoreline along the inlet (between other lands designated as Industrial Development but exempting the Gulf Cove Trailer Park); and*
- *land within 300 feet of the shoreline and lying east of, and within 930 feet of, the main Industrial Development area. (Relocated by Ordinance No. 99-15, Amended by Ordinance No. 00-22)*

OBJECTIVE 12.2: *To manage growth, development, and redevelopment on San Carlos Island. To maintain and enhance the area's quality of life and public and private infrastructure. (Added by Ordinance No. 98-09)*

POLICY 12.2.1: *As part of the transit design process, the county will consider ways to establish pull-overs and turn-offs for the pick-up and discharge of passengers from all trolley and mass transit vehicles and requiring that such pick-up and discharge be done only at specified transit stops. (Relocated by Ordinance No. 98-09, Amended by Ordinance No. 00-22)*

POLICY 12.2.2: *Prior to the expenditure of public funds for the construction of new*

parking facilities within San Carlos Island, an analysis of the relationship of the facility to the level-of-service on constrained and backlogged roads will be undertaken, in order to determine if the location, size and function of the facility is appropriate and consistent with the adopted CRA plan and the Transportation Element of the Lee Plan. (Relocated by Ordinance No. 98-09, Amended by Ordinance No. 00-22)

POLICY 12.2.3: *Recreation areas must have a minimum of impervious surfaces. (Relocated by Ordinance No. 98-09, Amended by Ordinance No. 00-22)*

POLICY 12.2.4: *Sidewalks, bike paths and mass transit routes must be designed to provide convenient and safe access to all recreational facilities in the area. (Relocated by Ordinance No. 98-09, Amended by Ordinance No. 00-22)*

SURROUNDING ZONING, LAND USES AND FUTURE LAND USE DESIGNATION

North: Hurricane Bay and Port Carlos Cove Mobile Home Pak, zoned MHPD
Suburban Future Land Use category

South: Matanzas Pass

East: Port Carlos Cove Mobile Home Park, zoned MHPD
Suburban Future Land Use category

West: Oyster Bay Mobile Home Park, zoned MHPD, vacant parcel , zoned Port, and industrial uses (Balgas), zoned IL
Suburban Future Land Use category

PUBLIC SAFETY ISSUES:

Emergency Management - Hurricane Evacuation/Shelter Impacts

As proposed by the applicant, the approval of this plan amendment would increase density in the coastal high hazard area. The Lee County Division of Public safety has expressed concerns with the request as originally submitted by the applicant for this reason. (See Attachment# 2). However, Public Safety supports the staff recommendation of transmittal at the reduced density and height. This will maintain the existing population of the property but allow for the development of safer structures in accordance with current building code standards. In addition Public Safety requesting inclusion of a requirement that on site hurricane sheltering be provided for any redevelopment of the site.

SCHOOL IMPACTS

Staff of the School District of Lee County have reviewed the proposal. They have noted no capacity issues as a result of this request (See Attachment # 3).

POPULATION ACCOMMODATION CAPACITY DISCUSSION

The request is to create a new Future Land Use category called Destination Resort Mixed-Use Water-Dependent, and to change the Future Land Use Map (FLUM) category of approximately 28.97 acres from Suburban, Urban Community and Industrial Development to the proposed Destination Resort Mixed-Use Water-Dependent category. Suburban and Urban Community categories Standard density permits 6 du/ acre. Industrial Development category has no allowance for residential dwellings. The site currently contains 17.13 acres of Suburban and 5.12 acres of Urban community designated lands, for a total of 22.25 acres. Under the current Future Land Use designation this site may accommodate up to 133 dwelling units. However, the site has been developed with 271 RV units.

The applicant's request would allow for up to 17 dwelling units per acre for a maximum of 492 dwelling units. Staff recommends transmitting the proposed plan amendment at a maximum of 10 dwelling units per acre Staff's recommendation would cap density at 289 dwelling units, which is comparable to the existing 271 units on site today.

SOILS:

The 1984 U.S. Department of Agriculture Soil Survey of Lee County classified four soil types present on the subject parcel - 59 Urban sand, 69 Matlacha gravelly fine sand, 28 Immokalee Sand, and 23 Wulfert Muck.

The Immokalee Sand is a nearly level, poorly drained soil on flatwoods with smooth slopes ranging from 0 to 2 percent.

The Matlacha Gravelly Fine sand is a nearly level, somewhat poorly drained soil formed by filling and earthmoving with smooth to slightly convex slopes ranging from 0 to 2 percent.

The Urban Sand is a nearly level, very poorly drained soil in depressions with concave slopes ranging from 0 to 2 percent.

The Wulfert Muck is a hydric soil flooded by moving water from stream overflow, run off or high tides.

MASS TRANSIT

Lee Tran has reviewed the request and provided written comments dated September 11, 2008 (See Attachment 4). In response to Lee Trans concerns about the frequency of the water taxi service to and from Fort Myers Beach, the applicant has revised its proposal to provide round trip service "as needed" with no less than 3 round trips daily.

UTILITIES

Staff from the Lee County Division of Utilities have provided written comments to planning staff, dated September 19/ 2008 (See Attachment # 5), which states that the project is located within the Lee County's service area for water and wastewater. The memorandum from the Division of Utilities indicates that the potable water will be provided from the Green Meadows water treatment plant. There is adequate capacity to provide this service. Furthermore, The Lee County Utilities is planning to increase the capacity of this plant to 16.0 million gallons per day. This project is included in Lee County Utilities' CIP and is planned to be completed by 2010.

Sanitary sewer service will also be provided by the Lee County Utilities. Fort Myers Beach Water Treatment Plant does have excess capacity to serve the net increase in flows projected by the applicant.

"Regarding the wastewater collection system capacity, the general area covered by the amendment is currently provided with wastewater service and wastewater infrastructure is in place, however, the applicant should be aware that during the development process the developer will be responsible for performing hydraulic calculations to identify the extent of required on-site and off-site improvements to the wastewater collection system to support the projected increase in flow ."

"Regarding water distribution system capacity, the general area covered by the amendment is currently provided with potable water service and potable infrastructure is in place, however, the applicant should be aware that during the development process the developer will be responsible for performing hydraulic calculations to identify the extent of required on-site and off-site improvements to the water distribution system to support the projected increase in demand "

COASTAL ISSUES

The subject property is located in the "Coastal Planning Area" as defined by the Lee Plan. The Federal Emergency Management Agency's Flood Insurance Rate Map shows the subject parcel in an "AE" flood zone. The required base elevations to the

first habitable floor is 10 feet depending on the specific parcels location. The 1991 "Hurricane Storm Tide Atlas for Lee County," prepared by the Southwest Florida Regional Planning Council (SWFRPC), shows that the subject property is located within the Category "Tropical Storm" storm surge zone. Additionally, the property is located in the SWFRPC Category "Tropical Storm" evacuation zone. Lee Plan Map #5 shows this site in the "Coastal High Hazard Area" of the County. Furthermore, Map #9 locates the site within the 100-Year Floodplains. Due to the location of this property within the Coastal High Hazard and 100-Year Floodplains, the following Policies of the Lee Plan are applicable to the site, and staff in formulating a recommendation reviewed this request for compliance with these policies:

POLICY 5.1.2: *Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.*

POLICY 105.1.4: *Through the Lee Plan amendment process, future land use designations of undeveloped areas within coastal high hazard areas will be considered for reduced density categories in order to limit the future population exposed to coastal flooding. (Amended by Ordinance No. 92-35, 94-30, 00-22, 05-19)*

POLICY 109.1.1: *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, off-site shelter) provisions or through non-structural methods or techniques. (Amended by Ordinance No. 00-22)*

POLICY 110.1.3: *By 1995, all new residential development of more than 50 units will be required to provide continuing information to residents concerning hurricane evacuation and shelters, through the establishment of a homeowners' or residents' association. (Amended by Ordinance No. 94-30, 00-22)*

POLICY 110.1.4: *By 1995, all new residential development of more than 100 units will be required to formulate an emergency hurricane preparedness plan; this plan is subject to the approval of the Lee County Division of Public Safety. (Amended by Ordinance No. 94-30, 00-22)*

POLICY 113.1.2: *All development within the coastal planning area must be compatible with protection of natural systems. (Amended by Ordinance No. 94-30, 00-22)*

The applicant's proposed density would result in increase density in the Coastal High Hazard Area. Staff's recommendation for transmittal at 10 dwelling units per acre will have no net increase in the population of the island. In addition, redevelopment will allow for the elimination of structures that do not comply with the elevation standards of FEMA and will allow for the construction of development that complies with current construction and elevation requirements.

TRANSPORTATION/TRAFFIC CIRCULATION IMPACTS

Staff has received a memorandum from the County Department of Transportation dated September 9, 2008 (Attachment # 6). LCDOT staff expressed concerns about the level of service problems on Estero Boulevard, and the resultant back-ups on San Carlos Boulevard. They have also expressed concerns about the ability of the narrow, curvy, two-lane configuration of Main Street to handle the additional traffic that would be generated by the applicant's proposed density of 17 dwelling units per acre. Staff's alternative recommendation of a density cap of 10 dwelling units per acre would result in essentially no net increase in the traffic generated from the existing residential development on site today. However, the traffic generated by the proposed hotel and increased commercial intensity will increase the traffic volume in the area.

ENVIRONMENTAL CONSIDERATIONS

Staff has received a memorandum from the Division of Environmental Sciences dated September 15, 2008 (See Attachment # 7). The memorandum indicates that the applicant has agreed with their recommendation and has modified the proposed language to satisfy their concerns. Environmental staff has not indicated any concerns and did not propose any further changes in the proposed language by the applicant.

PARKS, RECREATION AND OPEN SPACE

The applicant provided an analysis in Attachment #1 regarding Parks, Recreation and Open Space. The subject property is located within the South Fort Myers Community Park Benefit District. The proposed development will create a demand for .77 acres of community park as well as 6.5 acres of Regional Park acreage in the South Fort Myers district. According to the 2007 Concurrency Inventory, the projected minimum level of service in the South Fort Myers District in 2010 is approximately 86 acres, while 154 acres of developed parks currently exist. This mixed use development

contemplated by the amendment application will not adversely impact parks, recreation and open space.

POLICE

The subject property is located within the service area of the Lee County Sheriff's Department.

FIRE

The subject property is located within the Fort Myers Beach Fire Prevention District. Staff has received a memorandum from Fort Myers Beach Fire Prevention District dated September 5/2008 (See Attachment # 10) stating no objection with the proposed Comprehensive Plan Amendment.

EMERGENCY MEDICAL SERVICES (EMS)

Lee County Emergency Medical Services (LCEMS) provides services for this area. Lee County EMS has no objection to this request.

SOLID WASTE

The Lee County Solid Waste Division staff has reviewed the request and provided written comments dated January 18, 2008 (Attachment # 9). This letter states that the Lee County Solid Waste Division is capable of providing solid waste collection service for this development. Further, the Solid waste Ordinance and the LDC, Chapter 10, Section 10-261 have requirements for providing on-site space for placement and servicing of commercial solid waste containers.

FLORIDA STATE COMPREHENSIVE PLAN

The application provides a discussion concerning consistency of the proposal with the Florida State Comprehensive Plan as contained in F.S. 187.201. The discussion highlights various areas in which the plan amendment furthers and advances the State Comprehensive Plan. Staff concurs that the proposal is consistent with the State Comprehensive Plan.

AFFECT ON ADJACENT LOCAL GOVERNMENTS

The application provides that the proposed amendment "will not affect adjacent local governments and their comprehensive plans. Staff believes that the amendment may have some impact on adjacent local government. Staff forwarded a copy of this application to the Town of Fort Myers Beach, and their comments are included in this staff report. Staff has received a letter from the planning consultant for the Town of

Fort Myers dated September 4, 2008 (Attachment #8). The letter expresses concern about the height, density, and increased traffic that may result from the requested amendment as originally proposed by the applicant. They have not commented on staff's alternative proposed recommendation.

B. CONCLUSIONS

The proposed amendment provides sound planning for a new Future Land Use category. The proposed amendment will help with the redevelopment of the area in an orderly manner. Due to the property's location in the Coastal High Hazard area, staff recommends transmittal at a maximum density of 10 units per acre. This will allow for redevelopment of the Island without measurably increasing density in the coastal high hazard area.

REDEVELOPMENT

Redevelopment of an ageing or antiquated land use is an important part of maintaining a healthy and vibrant community. While there has been some redevelopment in Lee County in the past, we are entering a phase where redevelopment will be needed more and more. How we plan, oversee, regulate, and promote this redevelopment is an emerging issue that needs policy direction from the Board of County Commissioners.

The proposed redevelopment plans for both Burnt Store Marina and Old San Carlos Island offer some important challenges and opportunities that need to be addressed. The single biggest issue for these proposals is the challenge of the changing of the existing urban form. Urban form includes density, intensity, and building mass.

Redevelopment will be very limited if it is restricted to the demolition of existing uses that can only be rebuilt to their current density and intensity. This is why redevelopment proposals will almost always include an increase in density, more commercial intensity, or increases in building mass, or any combination of the three. These increases form the incentives that make the redevelopment project economically viable.

Both the Burnt Store Marina and Old San Carlos Island redevelopment proposals are asking for increased entitlements and also increased building height. Staff has evaluated the proposals and is recommending the full intensity and density request for the Burnt Store Marina Redevelopment Plan and partial density and intensity for the Old San Carlos Island Redevelopment Plan. In both proposals staff is recommending an increase in the maximum allowable height. The recommendation restricts the

increase in height to 135 feet if the parking is not integrated into the structure. If multiple layers of enclosed parking are placed under the multifamily or hotel use, staff is recommending increasing the height by an additional 50 feet for a maximum height of 185 feet.

This recommendation is based on attaining the desired urban form that will allow the redevelopment to create an at grade pedestrian friendly space where the retail, the water and the people can interact. This concept is further discussed in the section of this report on Building Height.

BUILDING HEIGHT

Building height has become a critical component of the San Carlos Island Redevelopment proposal. The mixed use pedestrian friendly objective requires an urban form unlike the single use or separated use development patterns typically found here in Lee County. Mid rise multifamily or hotel developments of 9 or 10 story require a large amount of surface parking which makes the site very pedestrian unfriendly. Allowing up to 4 or 5 levels of enclosed parking structure under the residential or hotel units frees up large amounts of the site area to be utilize as the mixed use pedestrian friendly urban space. Locating the parking under the residential or hotel use allows the development to create an at grade atmosphere where the retail, the water and the people can intermingle. This type of site development also allows for additional green areas and enhanced landscaping.

In response to this, staff is recommending restricting the height to 135 feet if the parking is not integrated into the structure. If multiple layers of enclosed parking are placed under the multifamily or hotel use, staff is recommending increasing the height by an additional 50 feet for a maximum height of 185 feet.

C. STAFF RECOMMENDATION

Staff recommends that the Board of County Commissioners transmit the proposed plan amendment with the conditions and modifications. These conditions have been included in the staff's proposed language. This recommendation includes new Objective and Policies guiding development in this area, as well as addition of a foot note to Table 1(a) and amendment to table 1 (b) to incorporate the new Future Land Use category.

ATTACHMENTS:

- 1- Application packet**
- 2- Memorandum from Lee County Division of Public Safety**
- 3- Memorandum from Lee County School District**
- 4- Memorandum from Lee County Transit**
- 5- Memorandum from Lee County Division of Utilities**
- 6- Memorandum from Lee County Department of Transportation**
- 7- Memorandum from Lee County Division of Environmental Sciences**
- 8- Correspondence from the Town of Fort Myers Beach Consultant**
- 9- Memorandum from Lee County Division of Solid Waste**
- 10-Fort Myers Beach Fire/ Rescue District**

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

PUBLIC HEARING DATE: SEPTEMBER 29/ 2008

A. LOCAL PLANNING AGENCY REVIEW

Staff and the applicant made their presentations to the LPA on September 29/ 2008. One LPA member asked about efforts to protect manatees in the area. The applicant replied that the Manatee Protection Ordinance contained in the Land Development Code is applicable throughout the County including the waters surrounding and canals of San Carlos Island.

The applicant stated that they were in agreement with staff with the exception of density, including 110 time-share units and height. The applicant had originally asked for a density of 17 dwelling units per acre for the entire development areas including commercial and mixed use buildings. Staff's recommendation was for a maximum density of 10 dwelling units per acre. The applicant had also requested a maximum height of 230 feet. Staff's recommendation was for a maximum height of 135 feet with an option to increase it to 185 feet with a multi-story parking garage under the buildings.

The applicant also stated that the letter received by staff in response to staff's request for comment from the Town of Fort Myers Beach (Attachment 8) was done by a consultant that was not duly authorized by the Town Council to comment on the issue.

Three people spoke against the project, as proposed. They did not have problem with the Plan Amendment, but they were not in favor of the increased height and high density.

The first speaker spoke about the height, density and intensity. The speaker complained that the applicant did not seek the neighboring residents input. This speaker also talked about the fact that this is a barrier island located within the Coastal High Hazard area of the County.

The second speaker was worried about the traffic this development would generate, and how much harder it will make for the residents to drive on Main Street and exit Main Street turning left or right on San Carlos Boulevard.

The third speaker talked about the obstruction of view and how 230 foot high buildings will block the sun and the view for the neighboring residents, who live in one story mobile homes. He also talked about the noise generated by all the resort activities and its impact on the surrounding residents.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

The LPA discussed the case and the LPA found that the impacts of a 185 foot tall building is not perceptively different than a 230 foot tall building. Also they discussed the density and decided to go along with the applicant request at the hearing that they needed at least 13.5 dwelling units per acre to make the development financially feasible. And the density recommended by staff was not high enough to spur redevelopment activity in the area.

By a vote of 3 to 1, the LPA recommended that the Board of County Commissioners transmit the amendment as proposed by staff, with the following changes:

- a) Increase the height from 135 or 185 with multilayered parking under buildings to 230 feet.
- b) increase the density from 10 dwelling units per acre to 13.5 dwelling units per acre.

This recommendation will require the following revisions to the proposed policies:

POLICY XX.1.1 2: This These areas can best be characterized by their proximity to the water and need for redevelopment due to changes in the market and outdated development patterns. By virtue of their proximity to navigable water and availability of public services, these location are suited to accommodate a mixture of uses that range between residential, resort, commercial and industrial type activities that all benefit from access to the water front. As Lee county moves toward being a larger metropolitan area and a world class destination these types of developments can offer a diverse living, working and vacationing experience that benefits the entire area while being environmentally friendly and economically viable. The standard density ranges from 9-6 dwelling units per acre to 17 10 13.5 dwelling units per acre. The maximum number of dwelling units is 17 per acre. Residential densities in D developments that include commercial and residential uses in the same project or same building do not have to exclude commercial or other use lands from density calculations may be developed as provided for under the Glossary terms: "Mixed Use," "Mixed Use Building," and "Density."

POLICY XX.2.6: The maximum height for buildings is ~~135~~ 230 feet. Buildings that utilize multiple stories of enclosed parking under the residential or hotel use may add up to an additional 50 feet of building height, up to a maximum of 185 feet.

POLICY XX.6.1: Mixed-use developments, as defined in the Lee Land Development Code containing both commercial and residential uses within the same development shall provide for an interconnection of commercial with residential uses with pedestrian linkages., mixed-use developments will be limited to an overall density of ~~17 to~~ 13.5 dwelling units per acre at these locations. A minimum of 4 units per acre of this density can only be used for timeshare development. Mixed use Developments that use commercial and residential within the same development shall be allowed to use the entire site for density calculation.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA agreed with staff findings of fact and basis for recommendation for approval contained in the staff report. The LPA however found the impacts of a 185 foot tall building is not perceptively different than a 230 foot tall building.

C. VOTE:

CARLETON RYFFEL	<u>ABSENT</u>
(Chair)	
LES COCHRAN	<u>AYE</u>
(Vice-Chair)	
NOEL ANDRESS	<u>AYE</u>
RONALD INGE	<u>AYE</u>
RAE ANN WESSEL	<u>NAY</u>
LELAND M. TAYLOR	<u>ABSENT</u>
JACQUE RIPPE	<u>ABSENT</u>

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: October 23, 2008

A. BOARD REVIEW: Staff provided a brief overview of the privately initiated comprehensive plan amendment including a description of the applicant's request, and the subject property. Staff reviewed the differences between staff's recommendation and the LPA recommendation. The applicant requested a maximum height of 230 feet, which was supported by the LPA. However, staff's recommendation is a maximum of 135 feet if the parking is not integrated into the structure and surface parking is utilized and 185 feet in height if multiple layers of enclosed parking are placed under the proposed multiple-family or hotel uses. Staff also highlighted the difference in the density among the original request of 17 dwelling units per acre, staff recommendation of 10 dwelling units per acre, and the LPA support of lower density of 13.5 dwelling units per acre requested by the applicant as a compromise at the LPA hearing. Staff explained that the density of 10 dwelling units per acre would be impact neutral, allowing a density very similar to the existing density of the site, which is located in the Coastal High Hazard area of the County with a constraint road network.

The applicant provided a comprehensive review of the request and redevelopment plans. This presentation included a conceptual redevelopment plan including proposed location of buildings and architectural renderings. It was noted that the redevelopment plan is to establish guidelines and is not creating specific entitlements.

Three people spoke in favor of the amendment. They were all business owners in the area and favored the amendment because of its redevelopment potential in the area. All three explained that the traffic in the area was not as bad as people thought, and the new developments would bring new opportunities including jobs and increased business to the area.

One person (a Town of Fort Myers Beach Councilman) spoke against the amendment. He made it clear that he was not speaking on behalf of the Town. He mentioned that the Town Council met and decided not to take a position on the issue. His personal issue was with the increased traffic caused as a result of this amendment and its impact on the Town of Fort Myers Beach. A County Commissioner again asked him if he was speaking on behalf of the Town of Fort Myers Beach. The Councilman stated that he was not representing the town and the Town Council decided not to take a position on the issue. During the hearing,

it was made clear that the letter received from the Town of Fort Myers Beach planning consultant ("Attachment 8" of the staff report) was the opinion of the Town consultant and did not represent the official position of the Town Council.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION: The Board voted by a 3-2 vote to **transmit** the amendment as recommended by staff with the amendments recommended by the LPA (increased height and density) with an added condition to the maximum height of 230 feet to include multi-level parking garage.

2. BASIS AND RECOMMENDED FINDINGS OF FACT: The Board accepted the finding as advanced by staff and amended by the LPA.

C. VOTE:

A. BRIAN BIGELOW	<u>NAY</u>
TAMMARA HALL	<u>AYE</u>
ROBERT P. JANES	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
FRANKLIN B. MANN	<u>NAY</u>

D. Board of County Commissioners transmitted language:

GOAL XX: DESTINATION RESORT MIXED USE WATER DEPENDANT (DRMUWD). To establish a land-use category that considers the uniqueness of water dependant land, with existing antiquated zoning and out-dated uses that will provide a mechanism to create an attractive, functioning mixed use destination resort through well planned redevelopment.

OBJECTIVE XX.1: To ensure that Destination Resort Mixed Use Water Dependand categories are located in the most appropriate areas.

POLICY XX.1.1: These areas can best be characterized by their proximity to the water and need for redevelopment due to changes in the market and outdated development patterns. By

virtue of their proximity to navigable water and availability of public services, these location are suited to accommodate a mixture of uses that range between residential, resort, commercial and industrial type activities that all benefit from access to the water front. As Lee county moves toward being a larger metropolitan area and a world class destination these types of developments can offer a diverse living, working and vacationing experience that benefits the entire area while being environmentally friendly and economically viable. The density ranges from 6 dwelling units per acre to 13.5 dwelling units per acre. Residential densities in developments that include commercial and residential uses in the same project or same building may be developed as provided for under the Glossary terms: "Mixed Use," "Mixed Use Building," and "Density."

POLICY XX.1.2: Destination Resort Mixed Use Water Dependent location criteria:

1. Located in areas characterized by predominantly outdated RV type living facilities meant for temporary habitation without individual type land ownership and depressed/underutilized water dependent waterfronts.
2. Located in areas characterized as predominantly impacted by a declining water dependant industry like commercial fishing or other and with a minimum of 8 acres of contiguous lands under unified control.
3. Located within costal wind zone areas depicted as 100 Year Flood Plains, as illustrated on Map 9 of the Lee Plan.
4. Located in areas with direct access to existing roadways and navigable bodies of water.
5. Located in an area with multiple zoning districts that may not be compatible with each other.

POLICY XX.1.3: Destination Resort Mixed Use Water Dependant land use category will only be allowed, subject to the other requirements of these Goals, and in the areas as defined by the location criteria.

OBJECTIVE XX.2: GROWTH MANAGEMENT. Development of Mixed Use Water Dependant Facilities areas must be consistent with the growth management principles and practices as provided in the following policies.

POLICY XX.2.1: Developments in this land use category will use the Mixed Use Planned development zoning category

POLICY XX.2.2: Destination Resort Mixed Use Water Dependant land Use location must have adequate fire protection, transportation facilities, wastewater treatment and water supply, and provided that they have no adverse effects such as noise, lighting, or odor on surrounding land uses and natural resources.

POLICY XX.2.4: Adjacent contiguous properties may be added to the category with an update to the map and amendment to the overall existing master plan. All existing and/or new developments shall be under unified control for common areas.

POLICY XX.2.5: Applications for Destination Resort Mixed Use Water Dependant Facilities development will be reviewed and evaluated as to their impacts on, and will not negatively affect, any adjacent, existing residential, commercial or conservation activities.

POLICY XX.2.6: Destination Resort Mixed Use Water Dependant land use- will be included in the Lee County Land Development Code and may be the subject of deviation requests during the "planned development" rezoning process. This provision is intended to encourage joint use of parking, access easements, and storm-water retention facilities where such joint use does not negate the essential purpose of the district.

POLICY XX.2.7: The maximum height for buildings is 180 feet. Buildings that utilize multiple stories of enclosed parking under the residential or hotel use may add up to an additional 50 feet of building height, up to a maximum of 230 feet.

OBJECTIVE XX 3: COMMERCIAL LAND USES. This amendment recognize the unique conditions and preferences of Destination Resort Mixed Use Water Dependant lands and is being developed to ensure that new development areas create a unified and pleasing aesthetic/visual quality through landscaping, architecture, lighting and signage, while providing additional employment opportunities, and eliminating uses that are not compatible with the adjacent uses. Existing and future county regulations, land use interpretations, policies, zoning approvals, and administrative actions should be undertaken in an effort to promote the goal of redevelopment for the areas with increased mixed use opportunities to service the needs of the community and surrounding areas. County regulations should attempt to ensure that commercial areas maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, lighting and signage. Commercial land uses must be designed to be compatible Old Florida or other Florida Vernacular styles of architecture and the historic identity of the area.

POLICY XX.3.1: The property owners of lands designated DRMUWD shall utilize innovative open space design, mixed use concept that integrate well designed pedestrian/bicycle connections to commercial and, locations on or a walk-able distance to mass transit service.

POLICY XX.3.2: The cost for the provision and expansion of facilities for potable water and sanitary sewer that benefits development in the Amendment area will be borne by those who benefit. Such funding may include (but is not limited to), impact fees, special taxing or benefit districts, or Uniform Community Development Districts.

POLICY XX.3.3: The cost for the provision and expansion of facilities necessary to comply with the recommendations of the amendment that benefits development will be borne by those who benefit. Such funding may include (but is not limited to) impact fees, special taxing or benefit districts, or Uniform Community Development Districts

POLICY XX.3.4: The DRMUWD is an area which provides the associated support development and synergism to create a viable mixed use destination type development with water dependant uses as part of the mix. This land use allows a mixture of land uses related to and justified by the development. Predominant land uses within this area are expected to be residential, commercial, transitory lodging, office, public, recreation, and development all with a water related uses. The following is a list of water dependant uses that will be allowed within the development.

Water related Permitted Uses

- Aids to navigation
- Bait and tackle shops
- Boat launch and or moorage facilities, Marina, and boat charter services
- Communication facilities essential to service water dependant uses.
- Facilities for refueling and providing other services for boats, ships and related marine equipment
- Laboratory research on marine/estuarine products and resources and physical and biological characteristics of the estuary.
- Marine related specialty shop
- Office in conjunction with a permitted or conditionally permitted use
- Public waterfront access
- Research and education observation
- Storage of Marine equipment
- Stores for sale and rental of marine supplies and equipment
- Utilities
- Wholesale and retail markets for marine estuarine products
- Grocery store/ships store
- Restaurants
- Processing of seafood in conjunction with retail sales operation
- Boat repair and building
- Boat terminal facilities
- Uses not listed as permitted but shown to be water dependent or water related by the applicant and approve by the director of Community Development.

POLICY XX 3.5: The following uses are prohibited within the DRMUWD:

- Drive thru facilitates
- Big box retailers and single free standing retail facilities greater than 20,000 square feet.

POLICY XX.3.6: Commercial developments must provide interconnection opportunities with adjacent uses in order to minimize access points onto primary road corridors; and residential developments to provide interconnect opportunities with commercial areas, including but not limited to bike paths and pedestrian access ways.

OBJECTIVE XX.4: RESIDENTIAL USES. This land use category will enhance the character of the area by evaluating adjacent uses, natural resources, access and recreational or open space, and requiring compliance with enhanced buffering requirements.

POLICY XX.4.1: This land use will provide opportunities for public access to the water and shall include provisions for bicyclists/pedestrians. At a minimum one public access easement shall be provided to the waterfront per development.

POLICY XX.4.2: Road capacity improvements needed within the property to serve demands generated outside the community will be designed to minimize the impacts on the community

OBJECTIVE XX 5: COMMUNITY CHARACTER. This land use category will propose regulations, policies and actions affecting the character and aesthetic appearance of the development to help create a visually attractive community while maintain the rich heritage of the area.

POLICY XX.5.1: In order to maintain a Marine identity for the community, commercial developments are shall use vernacular Florida architectural styles for all buildings. The use of Mediterranean styles of architecture is discouraged.

POLICY XX.5.2: In order to preserve/enhance/restore the heritage and natural beauty of the area. This land use category will provide an educational component with the objective of educating the public on its unique quality and rich history and how to protect the area. This will be done with descriptive display, multimedia presentations and other proven means to educate and inform.

OBJECTIVE XX.6: COORDINATION OF MASS TRANSIT. The developer(s) will coordinate with Lee County to ensure consistency with the TDP (Transit Development Plan)

POLICY XX.6.1: Mixed-use developments, as defined in the Lee Land Development Code containing both commercial and residential uses within the same development shall provide for an interconnection of commercial with residential uses with pedestrian linkages. Mixed-use developments will be limited to an overall density of 13.5 dwelling units per acre at these locations. Mixed use Developments that use commercial and residential within the same development shall be allowed to use the entire site for density calculation.

POLICY XX.6.2: Bicycle & Pedestrian facilities will be provided throughout the development. Connections between all uses are required to facilitate these alternative modes of transportation. When possible, connections to adjacent developments shall be provided.

POLICY XX.6.3: Vehicular connections between residential and non-residential uses will be provided to facilitate the internal capture of trips. When possible, vehicular connections to adjacent developments will be made to provide alternative access to the non-residential and mixed use components of the development.

POLICY XX.6.4: Water access-Each development shall provide at a minimum one designated public access easement point to the water.

OBJECTIVE XX.7: INCORPORATION AND UTILIZATION OF MULTIMODAL AND ALTERNATIVE MODES OF TRANSIT. The development will establish a comprehensive approach to multimodal and alternative modes of transportation for its residents and guests. These will include, but not be limited to mass transits stops (minimum of one), or shuttle service to a stop, bicycle rental, integrated network of sidewalks and board walks, Airport shuttle services and water-taxi transportation facilities.

POLICY XX.7.1: Each development will establish a water taxi /shuttle service to and from the property. The shuttle will be open to guest, residents and outsiders wanting an alternative access to the water. Hours of operation will be determined based on market conditions but will at a minimum provide three (3) round trips daily.

POLICY XX.7.2: Each development will establish an airport shuttle service to and from the Southwest Florida International Airport and the development. The shuttle services hours of operation will be determined based on market conditions and can either be a fixed route shuttle or a point of demand service type or combination thereof.

POLICY XX.7.3: Where Projects are intersected by public roadways some sort of grade separation may be provided for safe pedestrian and bicycle access between the properties. The purpose of this is to safely move pedestrian and bicycles across the road. Examples of this would involve taking the bicycle/pedestrian facilities up and over the road or involve in taking the road over the pedestrian/bicycles paths.

POLICY XX.7.4.: As part of any rezoning action, the existing roadways that are adjacent to or run through the project, particularly Main Street, will be evaluated with a cross-sectional analysis to identify needed upgrades of driver and bicycle/pedestrian safety and bus access to and from this property. At a minimum one bus stop will be provided along Main Street to Lee Tran standards or better. Where bicycle/pedestrian upgrades or additions are determined by Lee County to be desirable along Main Street or other area streets, any such improvements on behalf of this property and outside the boundaries of this property will be eligible for road impact fee credits in accordance with the Lee County Land Development Code.

OBJECTIVE XX 8: SERVICE AREA AND EQUIPMENT. The intent of this section is to ensure that service and function areas are planned and designed to have the least amount of impact on the general public and adjacent neighbors. This can be accomplished by providing adequate space and incorporating these elements into the project at an early stage.

POLICY XX 8.1 No materials, supplies, or equipment shall be stored in an area on a site except inside a closed building or behind a suitable barrier so as not to be visible to the general public or to an adjoining site. Loading doors and service areas shall be screened, and/or buffered by landscaping, so as not to be visible from any street or from any adjoining residential site. Adequate area shall be provided on site for all loading and maneuvering of trucks and other vehicles in order that such operations will not be carried out in the street.

POLICY XX 8.2: Screening devices must be of a height at least equal to that of the material or equipment being screened. The design, material, textures, and colors of screening devices shall be architecturally compatible with those of the building and with the landscaping. The design of these elements shall appear seamless with the building and/or landscaping. Frequently, planting material can provide an effective screen offering the same opaqueness of a wall. Plantings should be considered to soften the "hardness" of man-made screens.

OBJECTIVE XX.9: INTERGOVERNMENTAL COORDINATION WITH THE TOWN OF FORT MYERS BEACH. Due to the unique location and proximity to the town of Fort Myers Beach the development will commit to working with the town to propose and resolve concerns.

POLICY XX.9.1: The developer will set up and coordinate a dialogue with the town to review parking and access issue during the Development order process.

POLICY XX.9.2: The developer will provide a liaison to any harbor planning committee to coordinate activities in and around the Harbor

OBJECTIVE XX.10: Marina Design and Conservation

POLICY XX.10.1: Marina design must incorporate natural wetland vegetative buffers near the docking areas and in ingress/egress areas for erosion and sediment control, runoff purification and habitat purposes and protect environmentally sensitive areas

OBJECTIVE XX 11: Development and Redevelopment in the Coastal High Hazard Areas:

POLICY XX 11.1: Project must construct on site shelter to withstand Category 5 hurricane force winds and storm surge to accommodate residents and hotel guests in compliance with the following requirements:

- I. On-site shelters and all required equipment and supplies for these facilities must comply with the following standards:

- (a) Elevation to the anticipated storm surge from a land falling Category 5 storm.
 - (b) Construction to withstand winds of 200 mph in accordance with the Florida Building Code.
 - (c) Construction with minimum exterior glass with all glazed openings provided with impact protection in accordance with the Florida Building Code.
 - (d) Equipped with emergency power and potable water supplies to last up to five days.
 - (e) Protected with adequate ventilation, sanitary facilities, and first aid medical equipment.
- II. Developer/operator must conduct annual training of the on-site shelter managers. The training is to be conducted by the Red Cross and approved by Lee County Emergency Management.
- III. Developer/operator must submit a post storm recovery plan including post storm evacuation plan for review and approval by Lee County Emergency Management.

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: January 16, 2009

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

The Florida Department of Community Affairs (DCA) Objection, Recommendation, and Comments report (ORC) contained the following concerning this proposed Amendment.

M. Amendment 2007-51: A proposed amendment to the Future Land Use Element to:

- (1) Establish a new future land use category of "Destination Resort Mixed-Use Water-Dependent" (DRMUWD);*
- (2) Establish new goal, objectives (11 objectives) and associated policies to guide and implement the new DRMUWD category;*
- (3) Amend 28.97 acres on San Carlos Island from Suburban (17.13 acres), Urban Community (5.12 acres), and Industrial Development (5.92 acres) to Destination Resort Mixed-Use Water-Dependent;*
- (4) Amend 7.09 acres on San Carlos Island from Wetland to Conservation Lands; and*
- (5) Amend Tables I(a) and I (b) to add the new future land use category reallocate acres to accommodate the amendment.*

The Department raises the following objections and comment to proposed Amendment 2007-51:

- 14. Objection (Coastal High Hazard Area): The 28.97 acre amendment parcel is located entirely within the Coastal High Hazard Area (CHHA). The proposed Amendment increases the potential number of residential dwelling units in the Coastal High Hazard Area by 238. Therefore, the proposed Amendment 2007-51 does not direct population concentrations away from the Coastal High Hazard Area. The Amendment 2007-51 is not appropriately supported by data and analysis demonstrating that the Amendment 2007-51 is consistent with the Rule 9J-5.012, F.A.C., requirements to: (1) direct population concentrations*

away from the Coastal High Hazard Area; (2) maintain or reduce hurricane evacuation clearance times; and (3) utilize general hazard mitigation for land use to reduce the exposure of human life and private property to natural hazards.

The subject amendment parcel is located within the CHHA. The amendment includes proposed Objective XX.11 and Policy XX.11.1, which requires that DRMUWD development projects must construct on-site shelter to withstand Category 5 hurricane force winds and storm surge to accommodate residents and hotel guests in compliance with criteria stated in the policy. The Objective and Policy intend that residents and hotel guests be given on-site shelter within the Coastal High Hazard Area rather than evacuate to a location outside of the Category 5 evacuation area or evacuate out-of County. The amendment is not supported by data and analysis regarding in-county and out-of-county evacuation times and demonstrating that those times can be maintained with Amendment 2007-51. The amendment is not consistent with Section 163.3178(9), F.S., because the amendment requires evacuation shelters to be provided within the CHHA and this is inconsistent with the intent of Section 163.3178(9), F.S., to plan for the safe evacuation of persons from within the area to be evacuated for a Category 1 through Category 5 storm event. Section 163.3178, F.S., intends that persons evacuate to locations outside of the area that needs to be evacuated for a Category 5 storm event. The proposed amendment allows the placement of and reliance upon shelter space within the area that is to be planed for evacuation, and this is inconsistent with Section 163.3178(9), F.S.

Rules 9J-5.006(3); and 9J-5.012(3), F.A.C.; and Sections 163.3177(6)(a); 163.3178, F.S.

Recommendation: Do not increase residential in the CHHA. Alternatively, support the amendment with data and analysis demonstrating that Amendment 2007-51 is consistent with requirements of Section 163.3178(9), F.S., and Rule 9J-5.012, F.A.C. Revise the amendment objective and policy to not require on-site shelter. . Shelter space should be provided outside of the area that is to be evacuated for the Category 1 through Category 5 storm events. Revise the objective and policy and then support the amendment with data and analysis demonstrating that the in-county and out-of-county evacuation times can be maintained consistent with Section 163.3178(9), F.S

15. Objection (Land Use Category Policy Guidelines): The amendment support material states that there is a proposed amendment to Future Land Use Element Table 1(a) and 1 (b) to add the new category "Destination Resort Mixed Use Water Dependent;" however, the proposed amendment does not include a proposed Future Land Use Element Table 1(a) and 1(b) showing the proposed amendments. The amendment does not establish intensity of use standards for the nonresidential land uses that are allowed within the Destination Resort Mixed Use Water Dependent future land use category. As a point of clarification, this objection also applies to transitory lodging uses. The amendment allows for a mix of land uses within the Destination Resort Mixed Use Water Dependent future land use category; however, the amendment does not establish the percentage distribution among the mix of land uses to ensure a mix of land uses is developed within the Destination Resort Mixed Use Water Dependent future land use category.

Rules 9J-5.006(3 and 4), F.A.C.; and Section 163.3177(6)(a), F.S.

Recommendation: Revise the amendment to include Table 1 (a) and 1(b) addressing the Destination Resort Mixed Use Water Dependent category. Revise the amendment to establish intensity of use standards for the nonresidential land uses that are allowed within the Destination Resort Mixed Use Water Dependent future land use category. Revise the amendment to establish the percentage distribution among the mix of land uses to ensure a mix of land uses is developed within the Destination Resort Mixed Use Water Dependent future land use category.

16. Objection (Potable Water, Sanitary Sewer, Water Supply): The proposed FLUM amendment is not appropriately supported by data and analysis, based on the maximum development potential of the PLUM amendment parcel, demonstrating the availability (or planned availability) of potable water and sanitary sewer facilities to meet the adopted level of service standards and adequate potable water supply for the five-year and long-term planing timeframes based on the maximum development potential allowed by the DRMUWD future land use category and growth in background demand on water and sewer facilities and water supply, including coordination of any needed capital facility improvements with the Capital Improvements Element. The amount of potential water and sewer demand from the nonresidential uses (including transitory lodging, commercial, etc.) allowed by the new DRMUWD future land use designation has not been adequately analyzed with all

assumptions clearly stated. Also, the RMUWD category lacks intensity standards for the nonresidential uses. Thus, the DRMUWD category needs to be revised to include intensity standards and then the water and sewer analysis appropriately revised based on the intensity standards.

Rules 9J-5.002(8); 9J-5.005(2 and 5); 9J-5.011(1)(a through t); 9J-5.013(1); 9J-5.016(1)(a); 9J-5.016(2)(b, c, and t); 9J-5.016(4)(a), F.A.C.; and Sections 163.3167(13); 163.3177(1,2,3,4, and 8); 163.3177(6)(a, c and d); and 163.3177(6)(h)1 and 2, F.S.

Recommendation: The County should revise the plan amendment to include intensity standards for the nonresidential uses allowed within the DRMUWD future land use category as indicated in the objections in this Report. Then, based on the density and intensity standards of the DRMUWD category, revise the amendment data/and analysis to demonstrate the availability (or planned availability) of potable water and sanitary sewer facilities to meet the adopted level of service standards and adequate potable water supply for the five-year and long-term planning timeframes based on the maximum development potential allowed by the DRMWD future land use category and growth in background demand on water and sewer facilities and water supply. If capital facility improvements are needed to maintain the adopted level of service standards, the capital facility improvements needed within five years should be coordinated with the Five-Year Schedule of Capital Improvements and the long-term improvements addressed through plan policy strategies.

- 17. Objection (School Planning): The proposed Amendment 2007-51 increases the potential number of residential dwelling units and the potential number of school students. Lee County has adopted its Public School Facilities Element; therefore, the County is required to assess the facility impacts on its public school facilities. The amendments are not supported by data and analysis demonstrating that the adopted level of service standards for schools will be met over the five-year short-term planning timeframe. Absent this data and analysis and any related changes, the proposed amendments have not been demonstrated to be consistent with the Public School Facilities Element and Capital Improvements Element.*

Rules 9J-5.005(2 and 5); 9J-5.006(1 and 2); and 9J-5.025(2), F.A.C.; and Sections 163.3177(2,3,8,10, and 12); 163.3177(6)(a); and 163.3180(13), F.S.

Recommendation: Support the FLUM amendment with data and analysis for the five-year planing timeframe addressing: (1) identification of the cumulative impact of the amendments transmitted in Amendment 09- 1 on the projected enrollment of students (elementary, middle, and high school students) for the applicable school concurrency service area; (2) the impact of additional students on the level of service standards for the school concurrency service area; (3) the need for any school facility capacity improvements (scope, cost, and timing) that are needed to achieve and maintain the adopted level of service standards; and (4) coordination of any needed school facility improvements with the Public School Facilities Element and Capital Improvements Element. If there are any identified school facility deficiencies in the first five years and there are no planed school facilities to address these deficiencies, then the school facility improvements needed to maintain and achieve the adopted level of service standards must be included in the Five-Year Schedule of Capital Improvements. Revise the amendment to be supported by and consistent with the data and analysis.

18. Objection (Transportation Planing): The proposed FLUM Amendment 2007-51 is not supported by a road segment transportation analysis (including assumptions, data sources, and description of methodologies used) for the five-year and long-term planing timefiames addressing the following: (1) the number of peak hour vehicle trips generated by the maximum development potential allowed by the FLUM amendment; (2) the impact of the peak hour vehicle trips on the projected operating level of service of potentially impacted roadways; (3) the need for road improvements (scope, timing and cost of improvements) or other planing alternatives to maintain the adopted level of service standards for roadways; (4) coordination of the road improvements or other planning alternatives with the Future Land Use Element, Transportation Element (including Future Transportation Map), and Capital Improvements Element, and implementation through the Five-Year Schedule of Capital Improvements; and (5) coordination of the road improvements with the plans of the Florida Department of Transportation and the Metropolitan Planing Organization.

Rules 9J-5.005(2) and (5), 9J-5.019(3)(f, g, h, and i); 9J-5.019(5)(a and b); 9J-5.016(1)(a); 9J-5.016(2)(b, c, and f); 9J-5.016(4), F.A.C.; and Sections 163.3175; 163.3177(2), (3), (8), and (10); 163.3177(6)(a and j); 163.3177(6)(h)1 and 2, F.S.

Recommendation: Do not adopt the FLUM amendment if it creates additional vehicle trips on roadways that currently operate below the adopted level of service standard or are projected to operate below the adopted level of service standard and for which there are no appropriately planned transportation improvements included in the Comprehensive Plan (Transportation Element and Capital Improvements Element). Alternatively, revise the amendment to include the data and analysis necessary to support the FLUM amendment and demonstrate coordination of land use with the planning for transportation facilities as well as coordination with the Transportation Element and Capital Improvements Element. Revise the Transportation Element, Capital Improvements Element, and Future Land Use Element, as necessary, to be consistent with and supported by the data and analysis and to achieve internal consistency with the FLUM. The Five-Year Schedule of Capital Improvements should be revised to include any needed improvements to maintain the adopted level of service within the five-year planning timeframe. Include data and analysis demonstrating coordination of the amendment with the plans of the Florida Department of Transportation and the Metropolitan Planning Organization. Revise the amendment, as necessary, to be consistent with and supported by the data and analysis. The plan should be revised to include strategies to address any deficiencies projected for the long-range planning timeframe.

B. STAFF RESPONSE

The applicant's representatives have provided a response to the objections and recommendations provided by the DCA. The responses, received via e-mail, on February 10 were as follows:

1. Objections (Coastal High Hazard Area)

In response to this objection from the DCA the applicant is decreasing the number of residential units requested from 13.5 units per acre to the same number of RV sites that exist today. This change will result in no increase in the residential type units for this area given the existing conditions of the site.

The owner is required to execute an agreement with the county to mitigate the amendment's hurricane shelter space and evacuation impacts. The applicant is also proposing the following language changes to address the ORC Report. These changes are shown from the transmitted language in strike through and double underline format:

POLICY XX.1.1: These areas can best be characterized by their proximity to the water and need for redevelopment due to changes in the market and outdated development patterns. By virtue of their proximity to navigable water and availability of public services, these location are suited to accommodate a mixture of uses that range between residential, resort, commercial and industrial type activities that all benefit from access to the water front. As Lee county moves toward being a larger metropolitan area and a world class destination these types of developments can offer a diverse living, working and vacationing experience that benefits the entire area while being environmentally friendly and economically viable. The density ranges from 6 dwelling units per acre to ~~13.5~~ 9.36 dwelling units per acre. Residential densities in developments that include commercial and residential uses in the same project or same building may be developed as provided for under the Glossary terms: "Mixed Use," "Mixed Use Building," and "Density." Hotel, timeshare, and hotel-condos units will not be counted as residential, but will be treated as transitory lodging for DRMUWD projects.

POLICY XX.4.3: Timeshare units and hotel-condo units will not be counted as residential units, but will be treated as transitory lodging.

POLICY XX 11.1: An agreement shall be drawn up between the county and the property owner with regards to Hurricane shelter space. The agreement will include provisions to construct on site shelter to withstand Category 5 hurricane force winds and storm surge to accommodate residents and hotel guests in compliance with the following requirements:

- I. On-site shelters and all required equipment and supplies for these facilities must comply with the following standards:
 - (a) Elevation to the anticipated storm surge from a land falling Category 5 storm.
 - (b) Construction to withstand winds of 200 mph in accordance with the Florida Building Code.
 - (c) Construction with minimum exterior glass with all glazed openings provided with impact protection in accordance with the Florida Building Code.
 - (d) Equipped with emergency power and potable water supplies to last up to five days.

- (e) Protected with adequate ventilation, sanitary facilities, and first aid medical equipment.
- II. Developer/operator must conduct annual training of the on-site shelter managers. The training is to be conducted by the Red Cross and approved by Lee County Emergency Management.
- III. Developer/operator must submit a post storm recovery plan including post storm evacuation plan for review and approval by Lee County Emergency Management.

Staff's is in agreement with lowering the density in the Coastal High Hazard Area to the existing density on site today. The site currently contains 271 dwelling units. A density of 9.36 would allow 272 dwelling units on the site, thus keeping the density the same. Discussions with the DCA have indicated that 271 dwelling units will be acceptable to the State. However, staff does not agree with the newly proposed language of not considering timeshare as residential for density purposes. The Lee County Land Development Code defines time share as a residential unit for density purposes.

Staff is proposing to amend Future Land Use Element Tables 1(a) and 1(b) of the Lee Plan to incorporate the proposed "Destination Resort Mixed-Use Water Dependent" Future Land Use category with a maximum of 271 dwelling units. The Table amendment will include a footnote that the maximum number of residential dwelling units within the Destination Resort Mixed-Use Water Dependent is limited to 271 dwelling units.

2. Objections (Land Use Category Policy Guidelines)

In response to this objection the applicant is the applicant is proposing a new Policy to provide the requested density and intensity for the project. The applicant is also proposing to amend Policy XX.6.1. The following is the proposed policy by the applicant:

POLICY XX.3.7: This amendment mandates that project be developed with a mix of uses with the following outline:

Residential (9.36 units per Acre)

• Residential/Condominiums

Lodging (Maximum 16 units per acre)

• Hotel

- Timeshare
- =
- Hotel-condo
- =
- Hotel accessory uses
- =

Office (Maximum 500 square feet per acre)

- Administration
- =
- Health care
- =
- General
- =
- Personal Services
- =
- Wholesale
- =

Retail (Maximum 3,400 square feet per acre)

- Restaurant(s) (min 5%- max 70%)
- =
- Bar/Cocktail Lounge(s) (min 0% - 30 percent)
- =
- Convenience(s) store (min 1%- max 25%)
- =
- Parking (N/A)
- =
- Laundromat(s) (min 0%- max 10%)
- =
- Personal Services (min 0%- max 35%)
- =
- Retail store(s) (min 0%- Max 60%)
- =

Marine (Maximum 1,000 square feet per acre)

- Marina
- =
- Marina Accessory uses
- =
- Docks
- =
- Dock shuttle (Water taxi)
- =
- Boat storage (17.5 units per acre)
- =
- Live-aboard (3.5 units per acre)
- =
- Transit/Casino/Cruise Terminal
- =
- Charter and Commercial Fishing
- =

Civic (maximum 500 square feet per acre)

- Essential Services
- =
- Day Care
- =
- Recreational facilities
- =

- Transit Terminal
- Cultural Center
- University Study Center

POLICY XX.6.1: Mixed-use developments, as defined in the Lee Land Development Code containing both commercial and residential uses within the same development shall provide for an interconnection of commercial with residential uses with pedestrian linkages. Mixed-use developments will be limited to an overall density of ~~13.5~~ 9.36 dwelling units per acre at these locations. Mixed use Developments that use commercial and residential within the same development shall be allowed to use the entire site for density calculation including restored/preserved borrow pit lands.

Staff is in agreement with the residential density being kept at 9.36 DU/A, which would equate to 271 dwelling units for the site. However, staff does not agree with the density for hotel and timeshare. Timeshare is considered residential and there is no need to have a density for hotel. Staff is proposing 10,000 square feet of office, 98,000 square feet of retail, a 500-boat marina, and 10,000 square feet of civic/community facility type uses.

Staff disagree with the newly proposed language to allow restored/preserved borrow pit land in the density calculation. The excavated area is connected to the Bay and is tidal and should be part of the proposed conservation lands.

The amendment to Future Land Use Element Table 1(a) and 1(b) was inadvertently omitted from the Packet sent to the DCA. The revised packet contains that amendment.

3. Objections (Portable Water, Sanitary Sewer, and Water Supply)

Utility demand for the proposed amendment was analyzed by Delisi Fitzgerald, Inc. Based on the highest potential demand generating from the mixture of uses including 271 residential units, 100,000 square feet of commercial retail, a 465 unit hotel, 15,000 square feet of office, and a marina facility. Based on this analysis, the proposed project will increase the total utility demand for the property by 239,995 GPD with a total demand of 280,020 GPD.

Potable water service will be provided by the Lee County Utilities (LCU) system which is permitted for a total of 38.5 MGD. Current demand on the system is 25.6 MGD. The projected demand for the Lee County Utilities water system in 2018 is 40.4 MGD.

Projected capacity in 2018 is 60.13 MGD. The Green Meadows Plant is in closest proximity to the proposed project with transmission lines sufficient to serve the project is located within a mile of the property.

Wastewater service will be provided by the Fort Myers Beach plant of Lee County Utilities (LCU) which has a permitted capacity to serve 6.0 MGD, while operating at 4.1 MGD. Based on the Lee County Utilities Updated capacity Report, the plant is projected to operate at 4.3 MGD in 2020

4. Objections (School Planning)

In response to a request for review and comment, the School District of Lee County provided a letter dated February 11, 2009 for the proposed San Carlos Island Plan Amendment. The subject property is located in the South Zone, Sub Zone S2.

The commercial use would have no impact; however, the multi-family residential dwelling units would generate 34 additional school-aged children and is calculated at .118 per unit. The school district has sufficient seats available to serve this need. This letter further notes that this information is not a concurrency determination and such a determination will be required later in the development process.

The School District is not currently building any new schools as the enrollment for the 2008/2009 school year has slightly decreased over the previous year's enrollment. However, there is sufficient capacity within the five-year planning window to accommodate students that will be generated by this development.

There was no indication of adverse impact to the projected enrollment of students for applicable school concurrency; level of service standards for the school concurrency service area; need for any school facility capacity improvements to achieve and maintain the adopted level of service standards; nor of any needed school facility improvements within the Public School Facilities Element and Capital Improvements Element.

The 2009 Concurrency Inventory indicates that there is available capacity in that zone, as follows: 2,655 elementary school seats; 2,014 middle school seats; and 1,926 high school seats. The impact of the project on the system was projected to be 20 students; therefore, well within the 2009 concurrency requirements. The projection indicates that in school year 2013/2014 elementary and middle schools in this zone will be at 89 percent capacity, while high school would be at 74 percent capacity.

The above provided analysis and information regarding the Public School Facilities Element is consistent with Goal 66 and Objective 66.1 of the Lee Plan. Staff finds that the amendment will not cause a level of service problem within the five year planning time frame.

5. Objections (Transportation Planning)

The Lee County Metropolitan Planning Organization's (MPO) recently updated 2030 long range transportation travel model. The subject site lies within Traffic Analysis Zone (TAZ) 1695. The model includes single-families and multi-families, hotel uses commercial, industrial, and service employees. Based on this model none of the roadway segments analyzed are shown to operate below the adopted Level Of Service (LOS) standard in year 2030. The applicant's traffic consultant made a modification to the modeling performed by the MPO by adding the uses proposed by this amendment. The new modeling indicated that with the proposed amendment uses included added to the MOP modeling, no road segment within the TAZ 1695 will be below the adopted Level Of Service in year 2030.

The Lee County Capital Improvement Program (CIP) for fiscal year 2006/2007 as well as the FDOT Work Program for fiscal year 2006/2007 to 2010/2011 indicates only the ongoing widening improvements to Summerlin Road east of San Carlos Blvd. This improvement was accounted for in the 2030 modeling.

C. STAFF RECOMMENDATION

Given the discussion above, staff recommends that the Board of County Commissioners adopt this amendment, incorporating the bullets shown below. The staff recommended language for adoption follows in underline format, as it is all new text for the plan.

- Limiting the density to 9.36 dwelling units per acre, to match the existing dwelling unit count of 271 units.
- Eliminates the requested additional 100 timeshare units.
- Establishes a maximum number of hotel rooms of 450 rooms, providing an additional 100 rooms above the original request of 350 rooms.
- Limit the building height to 135 feet, or 185 feet if structured parking is provided in the structures.
- Establishing intensities by including absolute square footage figures for the commercial, marina and office use.

GOAL XX: DESTINATION RESORT MIXED USE WATER DEPENDANT (DRMUWD). To establish a land-use category that considers the uniqueness of water dependant land, with existing antiquated zoning, and out-dated uses that will provide a mechanism to create an attractive, functioning mixed use destination resort through well planned redevelopment.

OBJECTIVE XX.1: To ensure that Destination Resort Mixed Use Water Dependand categories are located in the most appropriate areas.

POLICY XX.1.1: These areas can best be characterized by their proximity to the water and need for redevelopment due to changes in the market and outdated development patterns. By virtue of their proximity to navigable water and availability of public services, these location are suited to accommodate a mixture of uses that range between residential, resort, commercial and industrial type activities that all benefit from access to the water front. As Lee county moves toward being a larger metropolitan area and a world class destination these types of developments can offer a diverse living, working and vacationing experience that benefits the entire area while being environmentally friendly and economically viable. The density ranges from 6 dwelling units per acre to 9.36 dwelling units per acre. Residential densities in developments that include commercial and residential uses in the same project or same building may be developed as provided for under the Glossary terms: "Mixed Use," "Mixed Use Building," and "Density."

POLICY XX.1.2: Destination Resort Mixed Use Water Dependend location criteria:

1. ~~Located in a~~Areas characterized by predominantly outdated RV type living facilities meant for temporary habitation without individual type land ownership and depressed/underutilized water dependent waterfronts.
2. ~~Located in a~~Areas characterized as predominantly impacted by a declining water dependant industry like commercial fishing or other and with a minimum of 8 acres of contiguous lands under unified control.
3. ~~Located~~ Areas within costal wind zone areas depicted as 100 Year Flood Plains, as illustrated on Map 9 of the Lee Plan.
4. ~~Located in a~~Areas with direct access to existing roadways and navigable bodies of water.
5. ~~Located in an a~~ Area with multiple zoning districts that may not be compatible with each other.

POLICY XX.1.3: Destination Resort Mixed Use Water Dependand land use category will only be allowed, subject to the other requirements of these Goals, and in the areas as defined by the location criteria.

OBJECTIVE XX.2: GROWTH MANAGEMENT. Development of Mixed Use Water Dependant Facilities in the Destination Resort Mixed Use Water Dependent (DRMUWD) land use category areas must be consistent with the growth management principles and practices as provided in the following policies.

POLICY XX.2.1: Developments in this land use category will use the Mixed Use Planned Development zoning category. All new development in this land use category must be reviewed and rezoned as a Planned Development.

POLICY XX.2.2: Destination Resort Mixed Use Water Dependant land Use location must have adequate fire protection, transportation facilities, wastewater treatment and water supply, and provided that they have no adverse effects such as noise, lighting, or odor on surrounding land uses and natural resources.

POLICY XX.2.4: Adjacent contiguous properties on San Carlos Island may be added to the category with an update amendment to the Future Land Use Map and text amendment to the overall existing master plan. All existing and/or new developments shall must be under unified control for common areas.

POLICY XX.2.5: Applications for Destination Resort Mixed Use Water Dependant Facilities development will be reviewed and evaluated as to their impacts on, and will not negatively affect, any adjacent, existing residential, commercial or conservation activities.

POLICY XX.2.6: Destination Resort Mixed Use Water Dependant land use- will be included in tThe Lee County Land Development Code (LDC) must be amended to include specific property development regulations and may be the subject of deviation requests during the "planned development" rezoning process. The amended LDC This provision is intended to will encourage joint use of parking, access easements, and storm-water retention facilities where appropriate such joint use does not negate the essential purpose of the district.

POLICY XX.2.7: The maximum height for buildings is 135 feet. Buildings that utilize multiple stories of enclosed parking under the residential or hotel use may add up to an additional 50 feet of building height, up to a maximum of 185 feet.

OBJECTIVE XX 3: COMMERCIAL LAND USES. This amendment recognize the unique conditions and preferences of Destination Resort Mixed Use Water Dependant lands and is being developed to e Ensure that new development areas create a unified and pleasing aesthetic/visual quality through landscaping, architecture, lighting and signage, while providing additional employment opportunities, and eliminating uses that are not compatible with the adjacent uses. Existing and future county regulations, land use interpretations, policies, zoning approvals, and administrative actions should be undertaken in an effort to promote the goal of redevelopment for the areas with increased mixed use opportunities to service the needs of the community and

surrounding areas. County regulations should attempt to ensure that commercial areas maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, lighting and signage. Commercial land uses must be designed to be compatible Old Florida or other Florida Vernacular styles of architecture and the historic identity of the area.

POLICY XX.3.1: The property owners of lands designated DRMUWD shall will utilize innovative open space design, mixed use concept that integrate well designed pedestrian/bicycle connections to commercial and, locations on or a walk-able distance to mass transit service.

POLICY XX.3.2: The cost for the provision and expansion of facilities for potable water and sanitary sewer that benefits development in the Amendment DRMUWD area will be borne by those who benefit. Such f Funding may include (but is not limited to), impact fees, special taxing or benefit districts, or Uniform Community Development Districts.

POLICY XX.3.3: The cost for the provision and expansion of facilities necessary to comply with the recommendations of the amendment that benefits development will be borne by those who benefit. Such funding may include (but is not limited to) impact fees, special taxing or benefit districts, or Uniform Community Development Districts

POLICY XX.3.4: The DRMUWD is an area which provides the associated support development and synergism to create a viable mixed use destination type development with water dependant uses as part of the mix. This land use allows a mixture of land uses related to and justified by the development. Predominant land uses within this area are expected to be residential, commercial, transitory lodging, office, public, recreation, and development all with a water related uses. The following is a list of water dependant uses that will be allowed within the development in this category.

Water related Permitted Uses

- Aids to navigation
- Bait and tackle shops
- Boat launch and or moorage facilities, Marina, and boat charter services
- Communication facilities essential to service water dependant uses.
- Facilities for refueling and providing other services for boats, ships and related marine equipment
- Laboratory research on marine/estuarine products and resources and physical and biological characteristics of the estuary.
- Marine related specialty shop

- Office in conjunction with a permitted or conditionally permitted use
- Public waterfront access
- Research and education observation
- Storage of Marine equipment
- Stores for sale and rental of marine supplies and equipment
- Utilities
- Wholesale and retail markets for marine estuarine products
- Grocery store/ships store
- Restaurants
- Processing of seafood in conjunction with retail sales operation
- Boat repair and building
- Boat terminal facilities
- Uses not listed as permitted but shown to be water dependent or water related by the applicant and approve by the Director of Community Development.

POLICY XX 3.5: The following uses are prohibited within the DRMUWD:

- Drive thru facilitates
- Big box retailers and single free standing retail facilities greater than 20,000 square feet.

POLICY XX.3.6: Commercial developments must provide interconnection opportunities with adjacent uses in order to minimize access points onto primary road corridors; and residential developments to provide interconnect opportunities with commercial areas, including but not limited to bike paths and pedestrian access ways.

POLICY XX.3.7: The site category must be developed with a mix of uses not to exceed:

- Residential (Maximum of 271 dwelling units)
- Lodging (Maximum of 450 hotel rooms)
- Office (Maximum of 10,000 square feet)
- Retail (Maximum of 98,000 square feet)
- Marina (Maximum of 500 wet or dry boat slips)
- Civic (Maximum of 10,000 square feet)

OBJECTIVE XX.4: RESIDENTIAL USES. This land use category will enhance the character of the area by evaluating adjacent uses, natural resources, access and

recreational or open space, and requiring compliance with enhanced buffering requirements.

POLICY XX.4.1: This land use category will provide opportunities for public access to the water and shall will include provisions for bicyclists/pedestrians. At a minimum one public access easement shall must be provided to the waterfront per development.

POLICY XX.4.2: Road capacity improvements needed within the property to serve demands generated outside the community will be designed to minimize the impacts on the community

OBJECTIVE XX 5: COMMUNITY CHARACTER. This land use category will propose incorporate regulations, policies and actions affecting the character and aesthetic appearance of the development to help create a visually attractive community while maintain the rich heritage of the area.

POLICY XX.5.1: In order to maintain a Marine identity for the community, commercial developments are shall must use vernacular Florida architectural styles for all buildings. The use of Mediterranean styles of architecture is discouraged.

POLICY XX.5.2: In order to preserve/enhance/restore the heritage and natural beauty of the area. This land use category will provide an educational component with the objective of educating the public on its unique quality and rich history and how to protect the area. This will be done with descriptive display, multimedia presentations and other proven means to educate and inform.

OBJECTIVE XX.6: COORDINATION OF MASS TRANSIT. The developer(s) will coordinate with Lee County to ensure consistency with the TDP (Transit Development Plan).

POLICY XX.6.1: Mixed-use developments, as defined in the Lee Land Development Code containing both commercial and residential uses within the same development shall will provide for an interconnection of commercial with residential uses with pedestrian linkages. Mixed-use developments will be limited to an overall density of 9.36 dwelling units per acre at these locations. Mixed use Developments that use commercial and residential uses within the same development shall will be allowed to use the entire site for density calculation.

POLICY XX.6.2: Bicycle & Pedestrian facilities will be provided throughout the development. Connections between all uses are required to facilitate these alternative modes of transportation. When possible, connections to adjacent developments shall must be provided.

POLICY XX.6.3: Vehicular connections between residential and non-residential uses will be provided to facilitate the internal capture of trips. When possible, vehicular

connections to adjacent developments will be made to provide alternative access to the non-residential and mixed use components of the development.

POLICY XX.6.4: Water access-Each development ~~shall~~ must provide at a minimum one designated public access easement point to the water.

OBJECTIVE XX.7: INCORPORATION AND UTILIZATION OF MULTIMODAL AND ALTERNATIVE MODES OF TRANSIT. The development will establish a comprehensive approach to multimodal and alternative modes of transportation for its residents and guests. These will include, but not be limited to mass transits stops (minimum of one), or shuttle service to a stop, bicycle rental, integrated network of sidewalks and board walks, Airport shuttle services and water-taxi transportation facilities.

POLICY XX.7.1: Each development will establish a water taxi /shuttle service to and from the property. The shuttle will be open to guest, residents and outsiders wanting an alternative access to the water. Hours of operation will be determined based on market conditions but will at a minimum provide three (3) round trips daily.

POLICY XX.7.2: Each development will establish or participate in an airport shuttle service to and from the Southwest Florida International Airport and the development. The shuttle services hours of operation will be determined based on market conditions and can either be a fixed route shuttle or a point of demand service type or combination thereof both

POLICY XX.7.3: Where Projects are intersected by public roadways ~~some sort of~~ a grade separation may be provided for safe pedestrian and bicycle access between the properties. The purpose of this grade separation is to safely move pedestrian and bicycles across the road. Examples of this would involve taking the bicycle/pedestrian facilities up and over the road or involve in taking the road over the pedestrian/bicycles paths.

POLICY XX.7.4.: As part of any rezoning action, the existing roadways that are adjacent to or run through the project, particularly Main Street, will be evaluated with a cross-sectional analysis to identify needed upgrades of driver and bicycle/pedestrian safety and bus access to and from this property. At a minimum one bus stop will be provided along Main Street to Lee Tran standards or better. Where bicycle/pedestrian upgrades or additions are determined by Lee County to be desirable along Main Street or other area streets, ~~any such those improvements on behalf of this property and outside the boundaries of this property~~ will be eligible for road impact fee credits in accordance with the Lee County Land Development Code.

OBJECTIVE XX 8: SERVICE AREA AND EQUIPMENT. ~~The intent of this section is to e~~ Ensure that service and function areas are planned and designed to have the least

amount of impact on the general public and adjacent neighbors. This can be accomplished by providing adequate space and incorporating these elements into the project at an early stage.

POLICY XX 8.1 No m Materials, supplies, or equipment shall will be stored in an area on a site except inside a closed building or behind a suitable barrier so as not to be visible to the general public or to an adjoining site. Loading doors and service areas shall must be screened, and/or buffered by landscaping, so as not to be visible from any street or from any adjoining residential site. Adequate area shall must be provided on site for all loading and maneuvering of trucks and other vehicles in order so that such operations will not be carried out in the street.

POLICY XX 8.2: Screening devices must be of a height at least equal to that of the material or equipment being screened. The design, material, textures, and colors of screening devices shall must be architecturally compatible with those of the building and with the landscaping. The design of these elements shall will appear seamless with the building and/or landscaping. Frequently, planting material can provide an effective screen offering the same opaqueness of a wall. Plantings should be considered to soften the "hardness" of man-made screens.

OBJECTIVE XX.9: INTERGOVERNMENTAL COORDINATION WITH THE TOWN OF FORT MYERS BEACH. Due to the unique location and proximity to the town of Fort Myers Beach the development will commit to working with the town to propose and resolve concerns.

POLICY XX.9.1: The developer will set up and coordinate establish a dialogue with the town to review parking and access issue during the Development order process.

POLICY XX.9.2: The developer will provide a liaison to any harbor planning committee to coordinate activities in and around the Harbor

OBJECTIVE XX.10: Marina Design and Conservation

POLICY XX.10.1: Marina design must incorporate natural wetland vegetative buffers near the docking areas and in ingress/egress areas for erosion and sediment control, runoff purification and habitat purposes and protect environmentally sensitive areas

OBJECTIVE XX 11: Development and Redevelopment in the Destination Resort Mixed Use Water Dependent category in the Coastal High Hazard Areas must mitigate hurricane sheltering and evacuation impacts consistent with the following policy:

POLICY XX 11.1: An agreement must be executed between the County and the property owner to mitigate the project's hurricane sheltering and evacuation impacts. The agreement will include provisions to construct on site shelter to withstand Category 5 hurricane force winds and storm surge to accommodate residents and hotel

guests in compliance with the following requirements:

- I. On-site shelters and all required equipment and supplies for these facilities must comply with the following standards:
 - (a) Elevation to the anticipated storm surge from a land falling Category 5 storm.
 - (b) Construction to withstand winds of 200 mph in accordance with the Florida Building Code.
 - (c) Construction with minimum exterior glass with all glazed openings provided with impact protection in accordance with the Florida Building Code.
 - (d) Equipped with emergency power and potable water supplies to last up to five days.
 - (e) Protected with adequate ventilation, sanitary facilities, and first aid medical equipment.
- II. Developer/operator must conduct annual training of the on-site shelter managers. The training is to be conducted by the Red Cross and approved by Lee County Emergency Management.
- III. Developer/operator must submit a post storm recovery plan including post storm evacuation plan for review and approval by Lee County Emergency Management.

PART VI - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT

DATE OF ADOPTION HEARING: February 25, 2009

- A. **BOARD REVIEW:** This amendment was presented on the administrative agenda. Staff provided a brief summary of the requested amendment and the DCA ORC report. Staff provided a memorandum, dated February 24th, 2009, that recommended 3 minor changes to the staff recommendation. The first is concerning proposed Objective XX.10 and Policy XX.10.1. Staff recommends deletion of this proposed Objective and Policy. This requirement is already addressed, almost verbatim, by existing Lee Plan Policy 128.6.8. Adoption of the proposed language would simply be redundant.

~~OBJECTIVE XX.10: Marina Design and Conservation~~

~~POLICY XX.10.1: Marina design must incorporate natural wetland vegetative buffers near the docking areas and in ingress/egress areas for erosion and sediment control, runoff purification and habitat purposes and protect environmentally sensitive areas~~

The second change, shown in bold double underlining, is to proposed Policy XX.3.4, as several words were inadvertently left out of the second sentence.

POLICY XX.3.4: The DRMUWD is an area which provides the associated support development and synergism to create a viable mixed use destination type development with water dependant uses as part of the mix. This land use **category** allows a mixture of land uses related to and justified by the development **of a destination resort.** [Remainder of the policy is unchanged]

The third change, shown in bold strikethrough and double underlining, is to proposed Policy XX.3.7. to correct a typo concerning the maximum number of wet and dry boat slips. The applicant originally requested 850 boat slips. Staff notes that a large portion of the slips already exist on the plan amendment site. The revised number will allow the marina use to expand by about 215 boat slips. The Division of Natural

Resources have stated that the site and number of proposed slips are consistent with the Manatee Protection Plan, as this site is actually designated as a preferred site.

POLICY XX.3.7: The site must be developed with a mix of uses not to exceed:

- Residential (Maximum of 271 dwelling units)
- Lodging (Maximum of 450 hotel rooms)
- Office (Maximum of 10,000 square feet)
- Retail (Maximum of 98,000 square feet)
- Marina (Maximum of ~~500~~ 850 wet or dry boat slips)
- Civic (Maximum of 10,000 square feet)

The applicant's representative provided a brief presentation concerning the requested amendment. This representative addressed how the applicant was responding to the issues raised in the ORC report.

The Smart Growth Director addressed the Board and requested that the Board direct staff to work with the developer to achieve a community plan for San Carlos Island. He also requested that the shelter requirement for the hotel as contained in proposed Policy XX.11.1 be deleted due to the mandatory evacuation of such facilities. In addition, the Director requested that different protocols be utilized for parcels with multiple pages of policy language. The Board and staff concurred with deleting the hotel shelter requirement. The Board preferred that the Director prepare a bluesheet to discuss the community plan and protocol issues.

One person at the hearing spoke against the amendment citing possible damage to the bay by intensifying the use of the waterways by boaters. Seven people spoke in favor of the request. They stated that the redevelopment of the site will rejuvenate the area, create jobs and opportunities for people living on the island and will be a catalyst for the redevelopment of the area.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. **BOARD ACTION:** The Board of County Commissioners adopted the proposed plan amendment. The Board action incorporated the 3 changes outlined in the February 24th, 2009 memorandum as discussed above.

The BoCC motion included a few additional changes to the staff recommended language. The changes included addition of a policy requiring compliance with the Sea Turtle Protection Ordinance (Policy XX.3.8.), removal of the hurricane shelter requirement for hotel guests (Policy XX.11.1), and financial contribution to any harbor planning committee coordinating activities in and around the Harbor (Policy XX.9.2).

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board of County Commissioners accepted the Findings of Fact as advanced by the LPA and staff.

C. **VOTE:**

BRIAN BIGELOW	<u>NAY</u>
TAMMARA HALL	<u>AYE</u>
ROBERT P. JANES	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
FRANKLIN B. MANN	<u>AYE</u>

D. **The Board of County Commissioners adopted language:**

GOAL XX: DESTINATION RESORT MIXED USE WATER DEPENDANT (DRMUWD). To establish a land-use category that considers the uniqueness of water dependant land, with existing antiquated zoning, and out-dated uses that will provide a mechanism to create an attractive, functioning mixed use destination resort through well planned redevelopment.

OBJECTIVE XX.1: To ensure that Destination Resort Mixed Use Water Dependant categories are located in the most appropriate areas.

POLICY XX.1.1: These areas can best be characterized by their proximity to the water and need for redevelopment due to changes in the market and outdated development patterns. By virtue of their proximity to navigable water and availability of public services, these location are suited to accommodate a mixture of uses that range between residential, resort, commercial and industrial type activities that all benefit from access to the water front. As Lee county moves toward

being a larger metropolitan area and a world class destination these types of developments can offer a diverse living, working and vacationing experience that benefits the entire area while being environmentally friendly and economically viable. The density ranges from 6 dwelling units per acre to 9.36 dwelling units per acre. Residential densities in developments that include commercial and residential uses in the same project or same building may be developed as provided for under the Glossary terms: "Mixed Use," "Mixed Use Building," and "Density."

POLICY XX.1.2: Destination Resort Mixed Use Water Dependent location criteria:

1. Areas characterized by predominantly outdated RV type living facilities meant for temporary habitation without individual type land ownership and depressed/underutilized water dependent waterfronts.
2. Areas characterized as predominantly impacted by a declining water dependant industry like commercial fishing or other and with a minimum of 8 acres of contiguous lands under unified control.
3. Areas within costal wind zone areas depicted as 100 Year Flood Plains, as illustrated on Map 9 of the Lee Plan.
4. Areas with direct access to existing roadways and navigable bodies of water.
5. Area with multiple zoning districts that may not be compatible with each other.

POLICY XX.1.3: Destination Resort Mixed Use Water Dependant land use category will only be allowed, subject to the other requirements of these Goals, and in the areas as defined by the location criteria.

OBJECTIVE XX.2: GROWTH MANAGEMENT Destination Resort Mixed Use Water Dependent (DRMUWD) land use category must be consistent with the growth management principles and practices as provided in the following policies.

POLICY XX.2.1: All new development in this land use category must be reviewed and rezoned as a Planned Development.

POLICY XX.2.2: Destination Resort Mixed Use Water Dependant land Use location must have adequate fire protection, transportation facilities, wastewater treatment and water supply, and have no adverse effects such as noise, lighting, or odor on surrounding land uses and natural resources.

POLICY XX.2.4: Adjacent contiguous properties on San Carlos Island may be added to the category with an amendment to the Future Land Use Map and text. All existing and new developments must be under unified control for common areas.

POLICY XX.2.5: Applications for Destination Resort Mixed Use Water Dependant development will be reviewed and evaluated as to their impacts on, and will not negatively affect, any adjacent, existing residential, commercial or conservation activities.

POLICY XX.2.6: The Lee County Land Development Code (LDC) must be amended to include specific property development regulations. The amended LDC provision will encourage joint use of parking, access easements, and storm-water retention facilities where appropriate.

POLICY XX.2.7: The maximum height for buildings is 180 feet. Buildings that utilize multiple stories of enclosed parking under the residential or hotel use may add up to an additional 50 feet of building height, up to a maximum of 230 feet.

OBJECTIVE XX 3: COMMERCIAL LAND USES. Ensure that new development areas create a unified and pleasing aesthetic/visual quality through landscaping, architecture, lighting and signage, while providing additional employment opportunities, and eliminating uses that are not compatible with the adjacent uses. Existing and future county regulations, land use interpretations, policies, zoning approvals, and administrative actions should be undertaken in an effort to promote the goal of redevelopment for the areas with increased mixed use opportunities to service the needs of the community and surrounding areas. County regulations should attempt to ensure that commercial areas maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, lighting and signage. Commercial land uses must be designed to be compatible Old Florida or other Florida Vernacular styles of architecture and the historic identity of the area.

POLICY XX.3.1: The property owners of lands designated DRMUWD will utilize innovative open space design, mixed use concept that integrate well designed pedestrian/bicycle connections to commercial and, locations on or a walk-able distance to mass transit service.

POLICY XX.3.2: The cost for the provision and expansion of facilities for potable water and sanitary sewer that benefits development in the DRMUWD area will be borne by those who benefit. Funding may include (but is not limited to), impact fees, special taxing or benefit districts, or Uniform Community Development Districts.

POLICY XX.3.4: The DRMUWD is an area which provides the associated support development and synergism to create a viable mixed use destination type development with water dependant uses as part of the mix. This land use category allows a mixture of land uses related to and justified by the development of a destination resort. Predominant land uses within this area are expected to be residential, commercial, transitory lodging, office, public, recreation, and development all with a water related uses. The following is a list of water dependant uses that will be allowed in this category.

Water related Permitted Uses

- Aids to navigation
- Bait and tackle shops
- Boat launch and or moorage facilities, Marina, and boat charter services
- Communication facilities essential to service water dependant uses.
- Facilities for refueling and providing other services for boats, ships and related marine equipment
- Laboratory research on marine/estuarine products and resources and physical and biological characteristics of the estuary.
- Marine related specialty shop
- Office in conjunction with a permitted or conditionally permitted use
- Public waterfront access
- Research and education observation
- Storage of Marine equipment
- Stores for sale and rental of marine supplies and equipment
- Utilities
- Wholesale and retail markets for marine estuarine products
- Grocery store/ships store
- Restaurants
- Processing of seafood in conjunction with retail sales operation

- Boat repair and building
- Boat terminal facilities
- Uses not listed as permitted but shown to be water dependent or water related by the applicant and approve by the Director of Community Development.

POLICY XX 3.5: The following uses are prohibited within the DRMUWD:

- Drive thru facilitates
- Big box retailers and single free standing retail facilities greater than 20,000 square feet.

POLICY XX.3.6: Commercial developments must provide interconnection opportunities with adjacent uses to minimize access points onto primary road corridors; and residential developments to provide interconnect opportunities with commercial areas, including but not limited to bike paths and pedestrian access ways.

POLICY XX.3.7: The category must be developed with a mix of uses not to exceed:

- Residential (Maximum of 271 dwelling units)
- Lodging (Maximum of 450 hotel rooms)
- Office (Maximum of 10,000 square feet)
- Retail (Maximum of 98,000 square feet)
- Marina (Maximum of 850 wet or dry boat slips)
- Civic (Maximum of 10,000 square feet)

POLICY XX.3.8: To reduce the impact on wildlife such as sea turtles and migrating birds, projects must be designed to minimize light pollution, sky glow and light trespass beyond the property lines by using appropriate light fixtures and other light management techniques. Techniques may include:

1. Utilizing fully shielded, full cut off luminaries; down style canisters with interior baffles on the balconies; pole lights less than 15 feet in height; bollard type fixtures with louvers; and other techniques acceptable to the Division of Environmental Sciences.
2. Up-lighting is prohibited. Mercury vapor and metal halide lamps are also prohibited.
3. Glass windows and doors must be treated to achieve an industry-approved, inside-to-outside light transmittance value of 45 percent or less.

OBJECTIVE XX.4: RESIDENTIAL USES. This land use category will enhance the character of the area by evaluating adjacent uses, natural resources, access and recreational or open space, and requiring compliance with enhanced buffering requirements.

POLICY XX.4.1: This land use category will provide opportunities for public access to the water and will include provisions for bicyclists/pedestrians. At a minimum one public access easement must be provided to the waterfront per development.

POLICY XX.4.2: Road capacity improvements to serve demands generated outside the community will be designed to minimize the impacts on the community

OBJECTIVE XX 5: COMMUNITY CHARACTER. This land use category will incorporate regulations, policies and actions affecting the character and aesthetic appearance of the development to help create a visually attractive community.

POLICY XX.5.1: In order to maintain a Marine identity for the community, commercial developments must use vernacular Florida architectural styles for all buildings. The use of Mediterranean styles of architecture is discouraged.

POLICY XX.5.2: In order to preserve/enhance/restore the heritage and natural beauty of the area. This land use category will provide an educational component with the objective of educating the public on its unique quality and rich history and how to protect the area. This will be done with descriptive display, multimedia presentations and other proven means to educate and inform.

OBJECTIVE XX.6: COORDINATION OF MASS TRANSIT. The developer(s) will coordinate with Lee County to ensure consistency with the TDP (Transit Development Plan).

POLICY XX.6.1: Mixed-use developments, as defined in the Lee Land Development Code containing both commercial and residential uses within the same development will provide for an interconnection of commercial with residential uses with pedestrian linkages. Mixed-use developments will be limited to an overall density of 9.36 dwelling units per acre at these locations. Mixed use Developments that use commercial and residential uses within the same development will be allowed to use the entire site for density calculation.

POLICY XX.6.2: Bicycle & Pedestrian facilities will be provided throughout the development. Connections between all uses are required to facilitate these alternative modes of transportation. When possible, connections to adjacent developments must be provided.

POLICY XX.6.3: Vehicular connections between residential and non-residential uses will be provided to facilitate the internal capture of trips. When possible,

vehicular connections to adjacent developments will be made to provide alternative access to the non-residential and mixed use components of the development.

POLICY XX.6.4: Water access-Each development must provide at a minimum one designated public access easement point to the water.

OBJECTIVE XX.7: INCORPORATION AND UTILIZATION OF MULTIMODAL AND ALTERNATIVE MODES OF TRANSIT. The development will establish a comprehensive approach to multimodal and alternative modes of transportation for its residents and guests. These will include, but not be limited to mass transits stops (minimum of one), or shuttle service to a stop, bicycle rental, integrated network of sidewalks and board walks, Airport shuttle services and water-taxi transportation facilities.

POLICY XX.7.1: Each development will establish a water taxi /shuttle service to and from the property. The shuttle will be open to guest, residents and outsiders wanting an alternative access to the water. Hours of operation will be determined based on market conditions but will at a minimum provide three (3) round trips daily.

POLICY XX.7.2: Each development will establish or participate in an airport shuttle service to and from the Southwest Florida International Airport and the development. The shuttle services hours of operation will be determined based on market conditions and can be a fixed route shuttle or a point of demand service type or combination both

POLICY XX.7.3: Where Projects are intersected by public roadways a grade separation may be provided for safe pedestrian and bicycle access between the properties. The purpose of grade separation is to safely move pedestrian and bicycles across the road. Examples of this would involve taking the bicycle/pedestrian facilities up and over the road or involve in taking the road over the pedestrian/bicycles paths.

POLICY XX.7.4.: As part of any rezoning action, the existing roadways that are adjacent to or run through the project, particularly Main Street, will be evaluated with a cross-sectional analysis to identify needed upgrades of driver and bicycle/pedestrian safety and bus access to and from this property. At a minimum one bus stop will be provided along Main Street to Lee Tran standards or better. Where bicycle/pedestrian upgrades or additions are determined by Lee County to be desirable along Main Street or other area streets, those improvements will be eligible for road impact fee credits in accordance with the Lee County Land Development Code.

OBJECTIVE XX 8: SERVICE AREA AND EQUIPMENT. Ensure that service and function areas are planned and designed to have the least amount of impact on the general

public and adjacent neighbors. This can be accomplished by providing adequate space and incorporating these elements into the project at an early stage.

POLICY XX 8.1 Materials, supplies, or equipment will be stored inside a closed building or behind a suitable barrier so as not to be visible to the general public or to an adjoining site. Loading doors and service areas must be screened, or buffered by landscaping, so as not to be visible from any street or from any adjoining residential site. Adequate area must be provided on site for all loading and maneuvering of trucks and other vehicles so that operations will not be carried out in the street.

POLICY XX 8.2: Screening devices must be of a height at least equal to that of the material or equipment screened. The design, material, textures, and colors of screening devices must be architecturally compatible with those of the building and with the landscaping. The design of these elements will appear seamless with the building and/or landscaping. Frequently, planting material can provide an effective screen offering the same opaqueness of a wall. Plantings should be considered to soften the "hardness" of man-made screens.

OBJECTIVE XX.9: INTERGOVERNMENTAL COORDINATION WITH THE TOWN OF FORT MYERS BEACH. Due to the unique location and proximity to the town of Fort Myers Beach the development will commit to working with the town to propose and resolve concerns.

POLICY XX.9.1: The developer will establish a dialogue with the town to review parking and access issue during the Development order process.

POLICY XX.9.2: The developer will provide a liaison and resources to any harbor planning committee to coordinate activities in and around the Harbor

POLICY XX 11.1: An agreement must be executed between the County and the property owner to mitigate the project's hurricane sheltering and evacuation impacts. The agreement will include provisions to construct on site shelter to withstand Category 5 hurricane force winds and storm surge to accommodate residents in compliance with the following requirements:

- I. On-site shelters and all required equipment and supplies for these facilities must comply with the following standards:
 - (a) Elevation to the anticipated storm surge from a land falling Category 5 storm.
 - (b) Construction to withstand winds of 200 mph in accordance with the Florida Building Code.

- (c) Construction with minimum exterior glass with all glazed openings provided with impact protection in accordance with the Florida Building Code.
- (d) Equipped with emergency power and potable water supplies to last up to five days.
- (e) Protected with adequate ventilation, sanitary facilities, and first aid medical equipment.

II. Developer/operator must conduct annual training of the on-site shelter managers. The training is to be conducted by the Red Cross and approved by Lee County Emergency Management.

III. Developer/operator must submit a post storm recovery plan including post storm evacuation plan for review and approval by Lee County Emergency Management.

**EBBTIDE
LEE COUNTY PROTECTED SPECIES SURVEY**

October 2007

Prepared For:

DeLisi Fitzgerald, Inc.
1500 Royal Palm Square Boulevard, Suite 101
Fort Myers, Florida 33919
(239) 418-0691

Prepared By:

Passarella & Associates, Inc.
9110 College Pointe Court
Fort Myers, Florida 33919
(239) 274-0067

Project No. 07DFI1738

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INTRODUCTION

Passarella & Associates, Inc. (PAI) conducted a protected species survey for Ebbtide (Project). The purpose of the survey was to review the site for Lee County protected species as outlined in Lee County's Land Development Code (LDC) Chapter 10, Article III, Division 8 (Protection of Habitat).

The Project totals 76.07± acres and is located in Section 19, Township 46 South, Range 24 East, Lee County (Figure 1). The Project is located on San Carlos Island, along the north and south side of Main Street, approximately 0.5 mile east of San Carlos Boulevard. The Project area is an assemblage of existing developments, businesses, and natural areas that include: Ebb Tide and Oyster Bay RV Parks, mangroves, and a portion of the submerged bottomlands of Oyster Bay on the north side of Main Street; and Parrot Key Restaurant, Salty Sam's Marina, Casino Cruises, and portions of the submerged bottomlands of Matanza Pass on the south side of Main Street.

The surrounding land uses consist of roads, high-density residences, commercial businesses, open water and mangroves. Along the north side of Main Street and to the Project's west are Oyster Bay Lane and mobile homes; to the north are Oyster Bay and Hurricane Bay; and to the east are Galleon Way Road, Port Carlos Cove RV Park, Oyster Bay, and mangroves. Along the south side of Main Street and to the Project's west are Ballard Oil and Beach Seafood Market; to the south is Matanzas Pass; and to the east are mangroves and Port Carlos Cove RV Park.

LAND USES AND COVER TYPES

Land uses and cover types for the Project were determined using 2005 rectified Lee County aerials (1" = 200') and on-site field surveys conducted on August 21, 2007. During the surveys, lines were drawn on an aerial delineating the different vegetation associations on-site. These delineations were classified based on the nomenclature of the Florida Land Use, Cover and Forms Classification System (FLUCFCS), Levels III and IV (Florida Department of Transportation 1999). A FLUCFCS and wetlands map is provided as Figure 2. Table 1 outlines the various cover types delineated on-site and their associated acreages, while a brief description of each of the FLUCFCS classifications follows. The FLUCFCS delineations depicted on a 2005 aerial photograph are provided as Appendix A.

Table 1. Vegetation Associations and Land Use Acreages

FLUCFCS Code	Description	Acreage	Percent of Total
130	Residential, High Density	14.45	19.0
180	Boat Docks	4.27	5.6
184	Marina	11.91	15.7
422	Brazilian Pepper	0.04	0.1
540	Bays and Estuaries	34.39	45.2

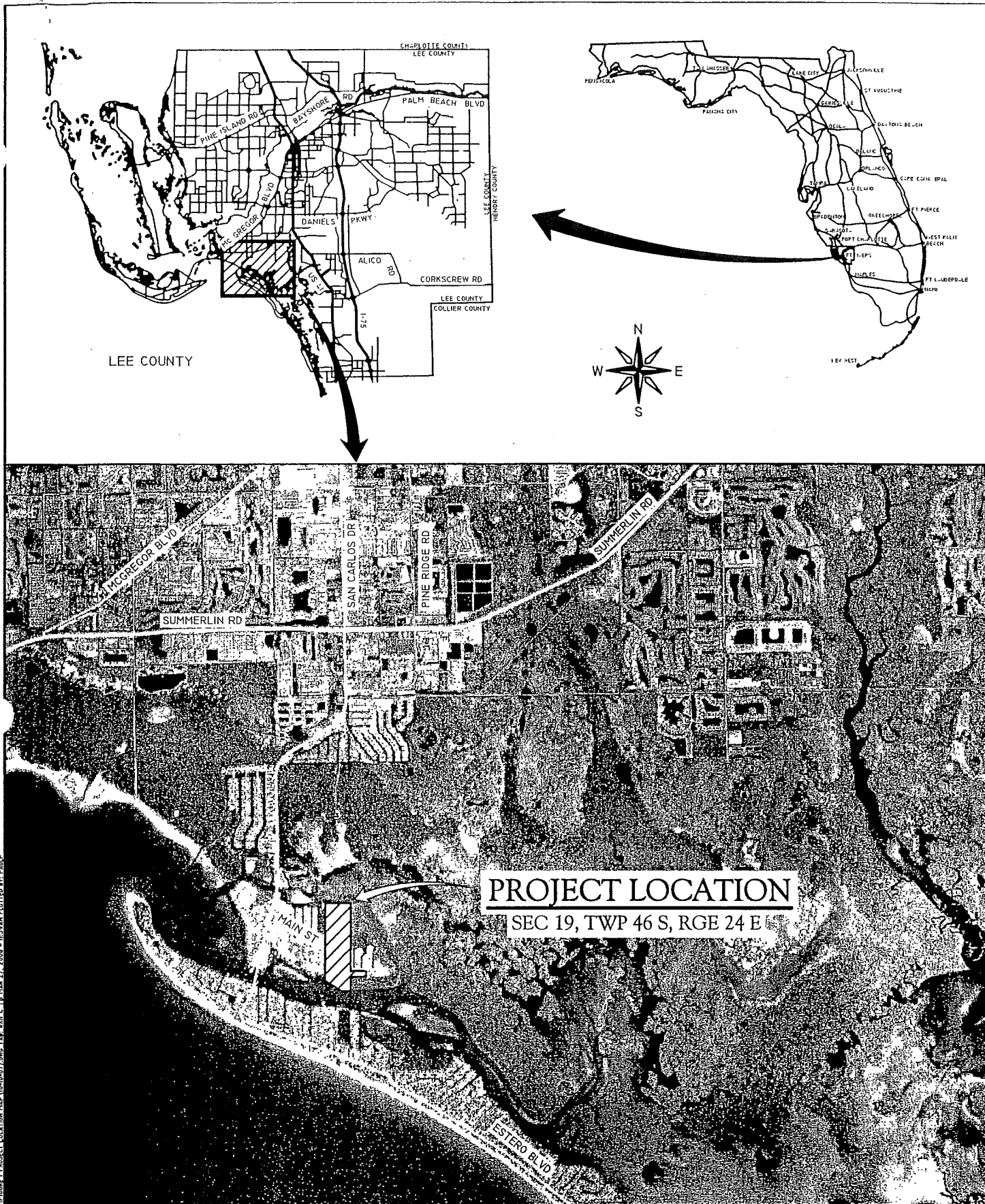


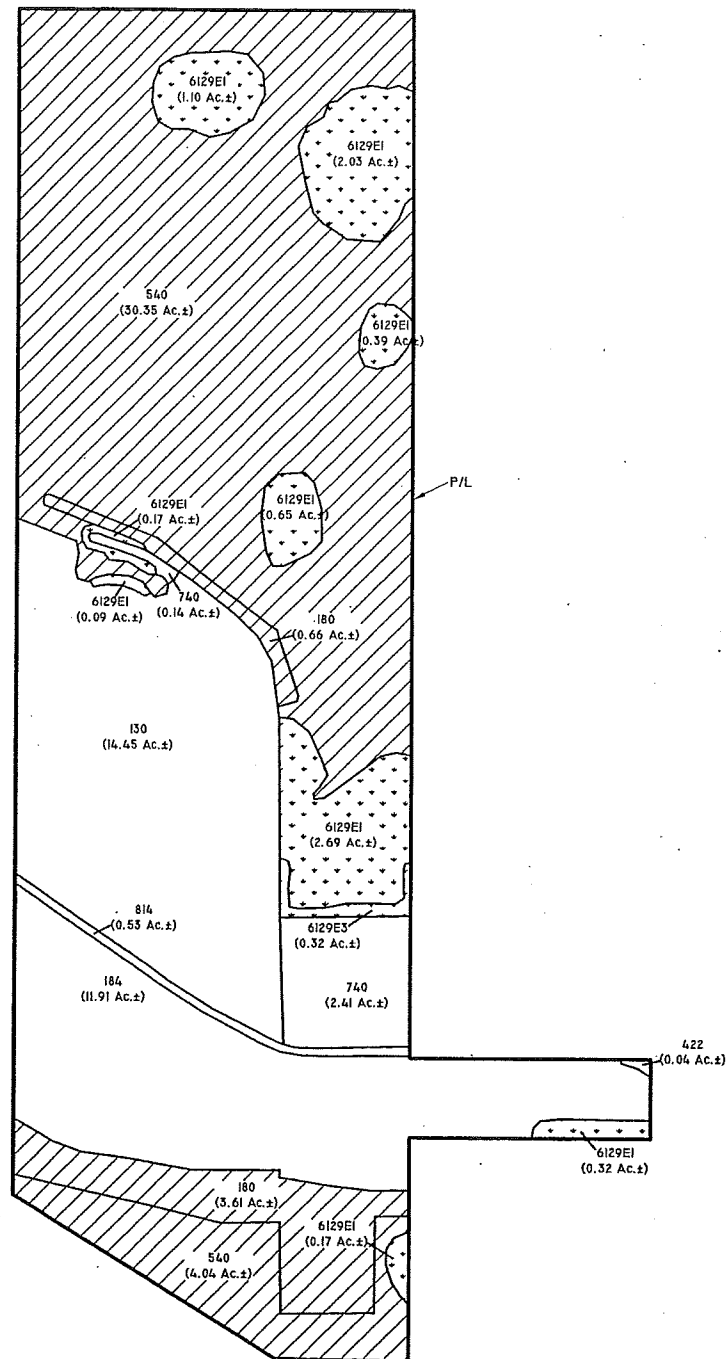
FIGURE 1. PROJECT LOCATION MAP
EBBTIDE

DRAWN BY	DATE
P.F.	8/30/07
REVIEWED BY	DATE
D.A.	8/30/07
REVISED	DATE
F.L.	10/10/07

 **PASSARELLA**
& ASSOCIATES LLC



SCALE: 1" = 300'



LEGEND:



POTENTIAL SFWMD AND COE
WETLANDS (7.93 Ac.±)

POTENTIAL SFWMD "OTHER SURFACE
WATERS" AND COE WATERS
(38.66 Ac.±)

FLUCFCS		% OF
CODE	DESCRIPTION	ACREAGE TOTAL
130	RESIDENTIAL, HIGH DENSITY	14.45 Ac.± 19.0%
180	BOAT DOCKS	4.27 Ac.± 5.6%
184	MARINA	11.91 Ac.± 15.7%
422	BRAZILIAN PEPPER	0.04 Ac.± 0.1%
540	BAYS AND ESTUARIES	34.39 Ac.± 45.2%
6129 E1	MANGROVES, DISTURBED (0-24% EXOTICS)	7.61 Ac.± 10.0%
6129 E3	MANGROVES, DISTURBED (50-75% EXOTICS)	0.32 Ac.± 0.4%
740	DISTURBED LAND	2.55 Ac.± 3.3%
814	ROAD	0.53 Ac.± 0.7%
TOTAL		76.07 Ac.± 100.0%

NOTES:

PROPERTY BOUNDARY PER DELISI
FITZGERALD, INC. DRAWING No.2007
-1114 (2).DWG DATED AUGUST 31, 2007.

FLUCFCS LINES ESTIMATED FROM
1"=200' AERIAL PHOTOGRAPHS AND
LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE,
COVER AND FORMS CLASSIFICATION
SYSTEM (FLUCFCS) (FDOT 1999).

UPLAND/WETLAND LIMITS HAVE NOT
BEEN REVIEWED BY ANY REGULATORY
AGENCY AND ARE SUBJECT TO CHANGE.

<table border="1"> <tr> <td>DATE</td> <td></td> </tr> <tr> <td>P.F.</td> <td>8/30/07</td> </tr> <tr> <td>DATE</td> <td></td> </tr> <tr> <td>D.A.</td> <td>8/30/07</td> </tr> <tr> <td>DATE</td> <td></td> </tr> <tr> <td>P.F.</td> <td>10/18/07</td> </tr> </table>	DATE		P.F.	8/30/07	DATE		D.A.	8/30/07	DATE		P.F.	10/18/07	<p>9110 College Pointe Court Fort Myers, Florida 33919 Phone (239) 274-0067 Fax (239) 274-0069</p>
DATE													
P.F.	8/30/07												
DATE													
D.A.	8/30/07												
DATE													
P.F.	10/18/07												



PASSARELLA
& ASSOCIATES^{LLC}

EBBTIDE.
FLUCFCS AND WETLANDS MAP

DRAWING No.	07DF1738
SHEET No.	FIGURE 2

Table 1. (Continued)

FLUCFCS Code	Description	Acreage	Percent of Total
6129 E1	Mangroves, Disturbed (0-24% Exotics)	7.61	10.0
6129 E3	Mangroves, Disturbed (50-75% Exotics)	0.32	0.4
740	Disturbed Land	2.55	3.3
814	Road	0.53	0.7
TOTAL		76.07	100.0

Residential, High Density (FLUCFCS Code 130)

This upland usage totals 14.45± acres or 19.0 percent of the Project and is north of Main Street. It consists of Ebb Tide and Oyster Bay RV Parks. The residential structures average six or more per acre.

Boat Docks (FLUCFCS Code 180)

This land use totals 4.27± acres or 5.6 percent of the Project and consists of wooden structures built over open water for single-family and commercial uses. The smaller docks along the southern shore of Oyster Bay are single-family boat slips associated with the Ebb Tide and Oyster Bay RV Parks. The boat docks within Matanzas Pass are commercial slips associated with Salty Sam's Marina and Casino Cruises.

Marina (FLUCFCS Code 184)

This upland usage totals 11.91± acres or 15.7 percent of the Project and is located along the south side of Main Street. It consists of dry slip storage for watercraft; commercial businesses, which include Casino Cruises, Parrot Key Restaurant and Salty Sam's Marina; and their associated parking lots.

Brazilian Pepper (FLUCFCS Code 422)

This upland community totals 0.04± acre or 0.1 percent of the Project and is located in the northeast corner of the Project, along the southern side of Main Street. There is no canopy. The sub-canopy is dominated by Brazilian pepper (*Schinus terebinthefolius*) and also contains lead tree (*Leucaena leucocephala*) and nickerbean (*Caesalpinia bonduc*). There is no ground cover due to the density of Brazilian pepper.

Bays and Estuaries (FLUCFCS Code 540)

This habitat classification totals 34.39± acres or 45.2 percent of the Project and includes the northern and southern portions of the Project area. The northern portion includes open water and submerged bottomlands of Oyster Bay and Hurricane Bay. The southern portion includes the northern edge of Matanzas Pass. There is no vegetation present, only open water.

Mangroves, Disturbed (0-24% Exotics) (FLUCFCS Code 6129 E1)

This wetland community totals 7.61± acres or 10.0 percent of the Project and is located on the central eastern portion of the Project. Canopy, sub-canopy, and ground cover consist of a mixture of red mangrove (*Rhizophora mangle*), white mangrove (*Laguncularia racemosa*), and black

mangroves (*Avicennia germinans*). Some hurricane debris is present, mainly in the mangrove islands within the northern portion of the Project.

Mangroves, Disturbed (50-75% Exotics) (FLUCFCS Code 6129 E3)

This wetland community totals 0.32± acre or 0.4 percent of the Project and is located in the central eastern portion of the Project. The canopy is dominated by Brazilian pepper and contains some red mangroves. The sub-canopy is also dominated by Brazilian pepper. There is no ground cover.

Disturbed Land (FLUCFCS Code 740)

This upland community totals 2.55± acres or 3.3 percent of the Project and is located at the northwest corner of Main Street and Galleon Way. This area was formerly used as a paint display area by the Valspar Corporation, but is now a cleared field with no canopy or sub-canopy present. Ground cover consists of upland paspalum (*Paspalum* sp.) grasses.

Road (FLUCFCS Code 814)

This upland usage totals 0.53± acre or 0.7 percent of the property and runs east/west through the central portion of the property. There is no vegetation associated with the road.

METHODOLOGY AND DISCUSSION

Surveys for Lee County protected species are based on the presence of specific vegetation associations and habitat types noted on-site, as outlined in the LDC. The frequency of transects performed in these habitats, unless otherwise discussed, were designed to meet the 80 percent minimum coverage requirement. A cursory review was also conducted in those habitats not technically required to be surveyed per the LDC. Based on experience and past conversations with Lee County's Environmental Sciences (ES) staff, these areas were reviewed for certain protected species as a precautionary measure. Table 2 outlines the protected species that may inhabit or utilize a particular vegetation association, according to the LDC, as well as those habitats reviewed as a precautionary measure.

Table 2. Potential Lee County Protected Species by Habitat Type

FLUCFCS Code And Description		Potential Protected Species
130	Residential High Density*	Burrowing Owl (<i>Athene cunicularia floridana</i>)
184	Marina*	Eastern Indigo Snake (<i>Drymarchon corais couperi</i>)
		Gopher Tortoise (<i>Gopherus polyphemus</i>)
		Burrowing Owl (<i>Athene cunicularia floridana</i>)
422	Brazilian Pepper*	Eastern Indigo Snake (<i>Drymarchon corais couperi</i>)
		Gopher Tortoise (<i>Gopherus polyphemus</i>)
		Twisted Air Plant (<i>Tillandsia flexuosa</i>)

Table 2. (Continued)

FLUCFCS Code And Description		Potential Protected Species
540	Bays and Estuaries	American Alligator (<i>Alligator mississippiensis</i>)
		Limpkin (<i>Aramus guarauna</i>)
		Little Blue Heron (<i>Egretta caerula</i>)
		Reddish Egret (<i>Egretta rufescens</i>)
		Roseate Spoonbill (<i>Ajaia ajaja</i>)
		Snowy Egret (<i>Egretta thula</i>)
		Tri-Colored Heron (<i>Egretta tricolor</i>)
		Everglades Mink (<i>Mustela vison evergladensis</i>)
6129 E1	Mangroves, Disturbed (0-24% Exotics)	American Alligator (<i>Alligator mississippiensis</i>)
		Brown Pelican (<i>Pelecanus occidentalis</i>)
		Little Blue Heron (<i>Egretta caerula</i>)
		Reddish Egret (<i>Egretta rufescens</i>)
		Roseate Spoonbill (<i>Ajaia ajaja</i>)
		Snowy Egret (<i>Egretta thula</i>)
		Tri-Colored Heron (<i>Egretta tricolor</i>)
		Wood Stork (<i>Mycteria americana</i>)
6129 E3	Mangroves, Disturbed (50-75% Exotics)	Big Cypress Fox Squirrel (<i>Sciurus niger avicennia</i>)
		Florida Black Bear (<i>Ursus americanus floridanus</i>)
		Prickly-Apple (<i>Cereus gracillis</i>)
		Twisted Air Plant (<i>Tillandsia flexuosa</i>)
740	Disturbed Land*	Eastern Indigo Snake (<i>Drymarchon corais couperi</i>)
814	Road*	Gopher Tortoise (<i>Gopherus polyphemus</i>)
		Burrowing Owl (<i>Athene cunicularia floridana</i>)

*Habitat surveyed for the species noted as a precautionary measure although not required per the LDC.

The protected species survey was conducted by PAI on August 21, 2007. The survey was conducted for eight hours from 8:00 a.m. to 4:00 p.m. The type of survey utilized included meandering pedestrian transects, per WilsonMiller, Inc.'s methodology, previously approved by Lee County.

Weather conditions during the survey period are summarized in Table 3.

Table 3. Survey Date and Weather Conditions

Survey Date	Weather Conditions
August 21, 2007	Partly cloudy, winds easterly 5-10 mph, and temperatures in the low 90's.

Visibility in the surveyed habitats varied due to the density of vegetation. A summary of the limits of visibility, length of transects walked, and percent of coverage by habitat type is provided in Table 4. A map depicting the walked survey transects is included in Appendix A.

Table 4. Summary of Habitat Coverage

FLUCFCS Code and Description		Total Area (Acres)	Transects Total Length (Feet)	Average Visibility (Feet) ¹	Percent Coverage
130	Residential High Density	14.45	1,850	50	29
180	Boat Docks*	4.27	900	120	100
184	Marina*	11.91	2,070	120	95
422	Brazilian Pepper*	0.04	60	15	83
540	Bays and Estuaries	34.39	8,770	120	100
6129 E1	Mangroves, Disturbed (0-24% Exotics)	7.61	4,155	35	88
6129 E3	Mangroves, Disturbed (50-75% Exotics)	0.32	420	15	90
740	Disturbed Land*	2.55	630	80	91
814	Road*	0.53	20	120	21

*Not required, per the LDC

¹Average visibility to one side of transect

SURVEY RESULTS

During the survey, one Lee County protected specie and one state listed specie was observed on-site (Figure 3 and Appendix B). The Lee County and state protected species included one little blue heron (*Egretta caerulea*) and six white ibis (*Eudocimus albus*), respectively. The white ibis is not listed as a Lee County protected species, but is listed as a species of special concern by the Florida Fish and Wildlife Conservation Commission (FWCC). The little blue heron and white ibis were observed perched in mangrove trees during the survey. A copy of a January 2005 Lee County aerial photograph with the survey transects and observed protected species locations is provided as Appendix A.

ABUNDANCE OF PROTECTED SPECIES OBSERVED

Density calculations for the observed Lee County protected specie was done in accordance with Step 8, Attachment 2 of the Lee County Survey Methodology adopted on August 30, 1989. The Lee County protected specie abundance calculation is provided in Table 5, while Table 6 summarizes the protected species survey findings.

Table 5. Lee County Protected Species Abundance Calculations

Protected Species Density:

$$= \{n/[L (w_1+w_2)]\} (43,560 \text{ ft.}^2/\text{ac})$$

Where n = number of individuals observed

L = length of transect

w₁ = distance of visibility to the right of transect

w₂ = distance of visibility to the left of transect

Little Blue Heron

FLUCFCS Code 6129 E1A

$$= \{1\text{LBHE}/[2,360\text{ft.} (25 \text{ feet} + 25 \text{ feet})]\}(43,560)$$

$$= \{1\text{LBHE} / 118,000 \}(43,560)$$

$$= \{8.4 \times 10^{-6}\}(43,560)$$

$$= 0.37 \text{ LBHE/Acre}$$

Table 6. Lee County Protected Species Survey Summary

Protected Species	FLUCFCS Code	Percent Area Surveyed	Individuals Present	Individuals Absent	Density (Acre)
Reptiles and Amphibians					
American Alligator	540			X	N/A
	6129 E1			X	N/A
	6129 E3			X	N/A
Eastern Indigo Snake	184			X	N/A
	422			X	N/A
	740			X	N/A
	814			X	N/A
Gopher Tortoise	184			X	N/A
	422			X	N/A
	740			X	N/A
	814			X	N/A
Birds					
Burrowing Owl	180			X	N/A
	184			X	N/A
	740			X	N/A
	814			X	N/A
Limpkin	540			X	N/A

Table 6. (Continued)

Protected Species	FLUCFCS Code	Percent Area Surveyed	Individuals Present	Individuals Absent	Density (Acre)
Birds (Continued)					
Little Blue Heron	540			X	N/A
	6129 E1		X		
	6129 E3			X	N/A
Reddish Egret	540			X	N/A
	6129 E1			X	N/A
	6129 E3			X	N/A
Roseate Spoonbill	540			X	N/A
	6129 E1			X	N/A
	6129 E3			X	N/A
Snowy Egret	540			X	N/A
	6129 E1			X	N/A
	6129 E3			X	N/A
Tri-Colored Heron	540			X	N/A
	6129 E1			X	N/A
	6129 E3			X	N/A
Wood Stork	6129 E1			X	N/A
	6129 E3			X	N/A
Mammals					
Everglades Mink	540			X	N/A
Florida Black Bear	6129 E1			X	N/A
	6129 E3			X	N/A
Plants					
Prickly-Apple	6129 E1			X	N/A
	6129 E3			X	N/A
	422			X	N/A
	6129 E1			X	N/A
	6129 E3			X	N/A
Twisted Air Plant	6129 E1			X	N/A
	6129 E3			X	N/A
	422			X	N/A
	6129 E1			X	N/A
	6129 E3			X	N/A

MANAGEMENT PLAN

Based on the Lee County protected species survey results and Appendix H of the LDC (i.e., Protected Species List), no management plan or buffer requirements are anticipated for the

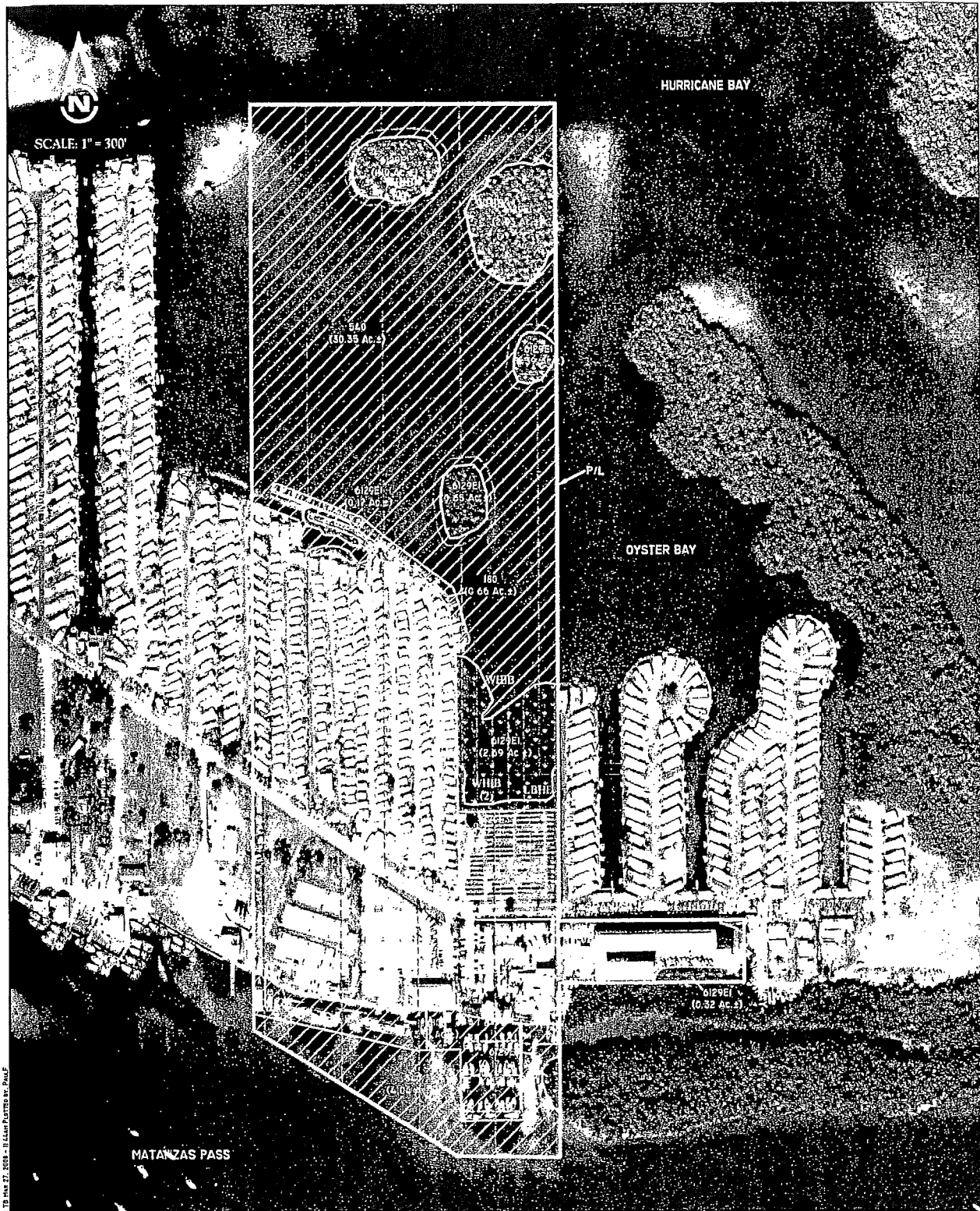
Project. The little blue heron was observed resting on vegetation during the survey and no nests or rookeries for this specie, or any other listed wading birds, including the white ibis, were noted on-site. This survey's findings are subject to the review and approval of ES staff, as well as, other applicable state and federal agencies.

REFERENCES

Florida Department of Transportation. 1999. Florida Land Use, Cover and Forms Classification System. Procedure No. 550-010-001-a. Third Edition.

APPENDIX A

**AERIAL WITH FLUCFCS, SURVEY TRANSECTS, AND
PROTECTED SPECIES LOCATIONS**



LEGEND



POTENTIAL SFWMD AND COE
WETLANDS (7.93 Ac ±)



POTENTIAL SFWMD "OTHER SURFACE
WATERS" AND COE WATERS
(38.66 Ac ±)



APPROXIMATE TRANSECT LINE



LBHE LITTLE BLUE HERON



WHIB WHITE IBIS

FLUCFCS

CODE	DESCRIPTION	ACREAGE	% OF TOTAL
130	RESIDENTIAL, HIGH DENSITY	14.45 Ac ±	19.0%
180	BOAT DOCKS	4.27 Ac ±	5.6%
164	MARINA	11.01 Ac ±	15.7%
422	BRAZILIAN PEPPER	0.04 Ac ±	0.1%
540	BAYS AND ESTUARIES	34.30 Ac ±	45.2%
0120 E1	MANGROVES, DISTURBED (10-24% EXOTICS)	7.61 Ac ±	10.0%
0120 E3	MANGROVES, DISTURBED (50-75% EXOTICS)	0.32 Ac ±	0.4%
740	DISTURBED LAND	2.55 Ac ±	3.3%
014	ROAD	0.53 Ac ±	0.7%
TOTAL		76.07 Ac ±	100.0%

NOTES

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF JANUARY 2005

PROPERTY BOUNDARY PER DELISI FITZGERALD INC. DRAWING NO. 2007-1114 (2) DWS DATED AUGUST 31, 2007

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999)

UPLAND/WETLAND LIMITS HAVE NOT BEEN REVIEWED BY ANY REGULATORY AGENCY AND ARE SUBJECT TO CHANGE

DRAWN BY	DATE
P.F.	8/30/07
REVIEWED BY	DATE
D.A.	8/30/07
REVISION	DATE
FL	10/10/07

9110 College Pointe Court
Fort Myers, Florida 33919
Phone (239) 274-0067
Fax (239) 274-0069



PASSARELLA
& ASSOCIATES

EBBTIDE
AERIAL WITH FLUCFCS, SURVEY
TRANSECTS, AND PROTECTED SPECIES
LOCATIONS

DRAWING NO.	0704178
SHEET NO.	APPENDIX A



11338 Bonita Beach Road, Suite 103

Bonita Spring, Fl

239-948-6688

Project: San Carlos Island
Case: CPA2007-00051
Strap: 19-46-24-00-00022.0010
Re: FDOT comments

Dear Matt and David

Thank you for your time and attention to this matter. We are pleased to amend and clarify issues and/or comments that you had.

We have reviewed your response and find that there are two major issues with the Traffic from a practical standpoint. The first being the south bound traffic onto the island and the existing conditions of Main Street on the Island. To help with the concerns expressed in your letter we have amended our Plan to better define solutions for these areas of concern. Please find below the objective and policies as proposed in the revised document.

OBJECTIVE XX.7: INCORPORATION and UTILIZATION OF MULTIMODAL AND ALTERNAIVE MODES OF TRANSIT. The development will establish a comprehensive approach to multimodal and alternative modes of transportation for its residents and guests. These will include, but not be limited to mass transits stops, bicycle rental, integrated network of sidewalks and board walks, Airport shuttle services and water-taxi transportation facilities

POLICY XX.7.1: The project will establish a water taxi /shuttle service to and from the property to Fort Myers beach. The shuttle will be open to guest, residents and outsiders wanting an alternative access to the island. Hours of operation will be determined based on market conditions but will at a minimum provide two trips daily to and from the islands each day of the week.

POLICY XX.7.2: The project will establish an airport shuttle service to and from the Southwest Florida International Airport. The shuttle services hours of operation will be determined based on market conditions and can either be a fixed route shuttle or a point of demand service type or combination thereof.

POLICY XX7.3

As part of this amendment the existing roadways that are adjacent to the project will be evaluated with cross-sectional analysis to identify needed upgrades for safety and bus access to and from this property. At a minimum one bus stop will be provided to Lee Tran standards or better. Sidewalk upgrades offsite will be provided where none are provided for. Side walk improvements will be eligible for road impact fee credits.

POLICY XX7.4


Where Projects are intersected by public roadways for developments greater than 30 acres and with a split greater than 15%, some sort of grade separation will be provided for safe pedestrian and bicycle access between the properties.

POLICY XX7.5

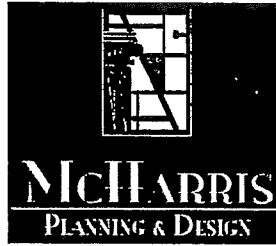
Where Projects are located in a high hazard area the applicant will establish a helicopter landing pad for emergencies.

Should you have any questions or comments please contact our office

With regards



Joseph M. McHarris



11338 Bonita Beach Road, Suite 103

Bonita Spring, Fl

239-948-6688

Project: San Carlos Island
Case: CPA2007-00051
Strap: 19-46-24-00-00022.0010

Re: Public Safety comments

Dear John and Matt

I appreciate your comments regarding this amendment. In your response you stated your reason for objection was based on an increase in density in the coastal High hazard area. We respectfully disagree with your statement as this is an area that we studied to ensure consistency with the Lee plan. I have taken the time to go through section 105 and 106 in detail to point out my contention of where and why we are consistent with the plan.

The title of goal 105 is the "protection of life and property in Coastal High Hazard Areas. Nowhere in this goal is it statement "You can't build or redevelop in the coastal High Hazard Area" This amendment will take almost three Hundred RV residential units out of the Coastal High Hazard area by replacing them with code compliant structures to protect human life and property from natural disasters, which is very consistent with the Goal

Objective 105.1 talks about development in the coastal High hazard areas and mentions coastal high hazard areas that are not developed will be considered for reduction of density. This project is located in a Coastal High Hazard but is already developed. We are not an undeveloped island or piece of property. We are looking to redevelop and already developed piece of property.

POLICY 105.1.2: Talks about requirements for re-zonings to allow higher densities in Coastal High Hazard areas. It does not say higher densities will not be allowed. It specifically states that higher densities will not be allowed when evacuation routes would be exceeded. We do not exceed the evacuation routes.

POLICY 105.1.4: States that Through the Lee Plan amendment process, future land use designations of undeveloped areas within coastal high hazard areas will be considered for reduced density categories in order to limit the future population exposed to coastal flooding. First of all we are not an undeveloped area so we are not to be considered for a density reduction under this section. Second the redevelopment of this area will limit the future population for exposure to coast flooding by removing 271 units from a below flood situation, which is a stated goal for this policy. Also any additional density that may be requested for with this project would and could be offset by the properties that have been acquired by the state or the County. Below is a list of properties that have been acquired within close proximity to the project. We have also provide the calculations showing how many units are available based on the percent of uplands in each parcel

Parcel number and area

1. 11-46-23-00-00011.0000--a 17 acre parcel abutting Outlying Suburban land that is, according to GIS, approximately 20 percent in the Upland Conservation FLUM category.
2. 08-46-24-00-00004.0000--a 160 acre parcel abutting Outlying Suburban that is 34 percent in Upland Conservation.
3. 17-46-24-00-00001.0000--a 445 acre parcel that would be Outlying Suburban; 17 percent of it is in Upland Conservation.

Density Calculations

1. $(17 \times .2) \times 3 \text{ units per acre} = 10 \text{ units}$
 2. $(160 \times .34) \times 3 \text{ units per acre} = 159 \text{ units}$
 3. $(445 \times .17) \times 3 \text{ units per acre} = 228 \text{ units}$
- | | |
|--------------------|------------|
| Total units | 397 |
|--------------------|------------|

POLICY 105.1.5: Does speak of Zoning requests located in the coastal high hazard area will be considered for reduced or minimum density assignments, in accordance with their future land use category density range, but also state that this evaluation should be done in concert with an evaluation of other individual characteristics such as compatibility with existing uses, desired urban form, and availability of urban services. This project should not be considered for the

minimum density requirements because of many individual characteristics that this area has such as available urban services, an existing urban form of higher density design, not only for this property but for the whole northern portion of the island. The potential for as it exist today with a do nothing mode is a recipe for loss of life and property (please refer back to the goal statement for 105)

GOAL and objective 106: LIMITATION OF PUBLIC EXPENDITURES IN COASTAL HIGH HAZARD AREAS. This section of the Lee Plan looks to limit public expenditures in areas particularly subject to repeated destruction by hurricanes, except to maintain required service levels, to protect existing residents, and to provide for recreation and open space uses. This project could decrease public expenditures by ridding the area of potential repeated destruction to the area by building to the latest's codes and flood requirements. The new amendment will provide open space uses where none exist today as part of the overall development, along with access to the waterfront for recreation.

POLICY 106.1.1: states that all further public expenditures made for new facilities on undeveloped barrier islands or within V zones will require a finding by the county commission that such expenditures are necessary to maintain required service levels, to protect existing residents, or to provide for recreation and open space needs. We are not an undeveloped island.

The above Goals, Objectives, and Policies do not state that higher densities are not allowed in the Coastal High Hazard areas, but prescribe when and where they may be allowed.

Thank you for your response and if you have any question or comments, please contact me at my office

With regards


Joe McHarris



11338 Bonita Beach Road, Suite 103

Bonita Spring, FL

239-948-6688

Project: San Carlos Island
Case: CPA2007-00051
Strap: 19-46-24-00-00022.0010
Re: Lee Tran comments

Dear Matt and Lee Tran

Thank you for your time and attention to this matter. We are please to amend and clarify issues and or comments that you had. Please find below your comments in *italic* and our response in **bold**. Should you have any additional comments or questions please contact our office.

Comment:

I think we need to take a close look at the proposed text changes to the Comp Plan, specifically the text changes related to the Mass Transit section. (Page 4 of attachment A-1 in the application) The County already has a "Mass Transit Plan" known as the Transit Development Plan, or TDP. I would suggest any proposed text changes as part of this application refer to coordination with the County's TDP as well as with County Transit staff and staff with the Town of Fort Myers Beach, rather the development of a transit plan.

Response:

Text changes have been made to Objective XX.6 per you request to clarify our willingness to work with the County, Town, and both staffs to coordinate mass transit as it relates to this amendment. Below is the text change.

OBJECTIVE XX.6: COORDINATION OF MASS TRANSIT. The development will establish dialogue to coordinate a mass transit plan with the development, Lee Tran, and the Town of Fort Myers Beach with the county's TDP (Transit Development Plan) as well as county transit staff and the staff of the town of Fort Myers Beach.

Comment:

Internal Consistency with the Lee Plan (page 4 of attachment E-2) should go beyond stating that the design will "accommodate LeeTran", to include state how mass transit will be accessible. Examples are how transit services would safely have access to and from Main Street on to San Carlos in both directions (north and south), and/or how pedestrians would safely access transit stop locations if the access to the transit system would take place on San Carlos Boulevard.

Response:

A text addition has been added to the document to provide at a minimum one Transit stop that meets the needs and requirements of Lee Tran and that works with the development. This stop will be provided with safe interconnection or sidewalks to and from the property from or be on Main Street. The stop will be located in such a way that all residents and visitors of the island will have access to the stop. Please be advised also that this project as part of its design will have either a grade separated road or grade separated pedestrian walkway.

Access for San Carlos Blvd is beyond the limits of this development. We do not control any land along this roadway.

Thanks again for your review and should you have any questions or comments regarding our responses please contact my office or email me.

With regards



Joe McHarris



11338 Bonita Beach Road, Suite 103

Bonita Spring, FL

239-948-6688

Project: San Carlos Island
Case: CPA2007-00051
Strap: 19-46-24-00-00022.0010
Re: SWFRPC

Dear Wayne and Matt

Thank you for your time and attention to this matter. We are please to amend and clarify issues and/or comments that you had. Please find below your comments in *italic* and our response in **bold**. Should you have any additional comments or questions please contact our office.

1) Water dependent overlay zone.

The property as it is developed today does not have commercial fishing businesses except for charter boats. The properties were last engaged in commercial fishing over ten years ago. This ended with the closing of the packing plant which was located within the properties. The property as they exist today has been allowed to develop by the county in a manner that is geared more like our Resort Mixed Use Water Dependent land use rather than industrial water front.

The proposal as written provides for Boating and marine support facilities with a mixed use menu of other water dependent uses such as charter boats, commercial docks for wholesale and retail seafood, water taxies, hotel, restaurants, cruise ships and terminals to name a few. This amendment will also promote and create additional opportunities for boating and marine support facilities on the island. An example of this would be the increase in larger boats including cruise and recreational type ships needing marine support that does not exist here today along with additional markets for commercial fishermen products.

Your comment stating that the island "is as a whole being identified as suitable for staging Oil Exploration and development in the gulf" is irrelevant to this project because oil drilling is illegal off the coast of Florida. It is also inconsistent with the Lee Plan Policy 12.1.1 which states that "in no event will Lee County permit new or expanded petroleum facilities which would serve uses other than marine-related uses. Decision regarding this study as it relates to speculative future zoning for this property would also be unlawful and therefore shall have no bearing on this amendment.

Your comment that this amendment would preclude other areas on the island from industrial waterfront is incorrect as this amendment is only for a portion of the island, not the whole island. This amendment will not limit the other properties on the island from maintaining and or growing marine industrial and marine support services, but will allow them with additional opportunities that are not there today. This amendment will create opportunities to expand the industrial uses all the while opening up the water front with public access.

We believe that by approving this amendment you will be creating new opportunities that will ensure the preservation and future development of a working waterfront while incorporating a mixture of uses that will support area. Many of the uses that exist on the island today like the RV parks do not support or promote a working waterfront. The mixture of use that we are proposing will support a working waterfront and can be seen in places like "fishermen's Warf in San Francisco and the working/tourist waterfronts in Newport R. I. and Boston. These places have and are working with this kind of development for many years

2) Hurricane High Hazard Area

Your comment that the property is currently in a High Hazard Area is correct. Your comment that increasing densities is not promoted is not entirely correct, especially when we are looking at properties in question. The title of goal 105 is the "protection of life and property in Coastal High Hazard Areas. Nowhere in this goal is it statement "You can't increase density in the coastal High Hazard Area" This amendment will take almost three Hundred RV residential units out of the Coastal High Hazard area by replacing them with code compliant structures to protect human life and property from natural disasters. This is very consistent with the Goal. This project is also consistent with Goal 110 (HAZARD MITIGATION) of the Lee Plan which states "To provide through county plans, programs, and regulations means to minimize future property losses from natural disasters such as flooding, tropical storms and hurricanes", It is through this Comprehensive plan amendment that we will achieve the above stated goal. Policy 110.1.2 states "The County will not permit new or expanded mobile home or recreational vehicle development on barrier islands or in V-Zones as defined by the Federal Emergency Management Agency". The only thing better than not permitting new or expanded facilities, is to remove them from the coastal area.

Objective 105.1 talks about development in the coastal High hazard areas and mentions coastal high hazard areas that are not developed will be considered for reduction of density. This project is located in a Coastal High Hazard but is already developed. We are not an undeveloped island

or piece of property. We are looking to redevelop and already developed piece of property there for we should not be considered for reduction of density.

POLICY 105.1.2: Talks about requirements for re-zonings to allow higher densities in Coastal High Hazard areas. It does not say higher densities will not be allowed. It specifically states that higher densities will not be allowed when evacuation routes would be exceeded. We do not believe we exceed the evacuation routes. With that said the mitigation for impacts to shelters and evacuation times is required by Lee Plan Policies 109.1.1 and 109.2.2. These Lee Plan provisions are implemented in Chapter 2, Article XI of the LDC.

POLICY 105.1.4: States that Through the Lee Plan amendment process, future land use designations of undeveloped areas within coastal high hazard areas will be considered for reduced density categories in order to limit the future population exposed to coastal flooding. First of all we are not an undeveloped area so we are not to be considered for a density reduction under this section. Second the redevelopment of this area will limit the future population for exposure to coast flooding by removing 271 units from a below flood situation, which is a stated goal for this policy. Also any additional density that may be requested for with this project would and could be offset by the properties that have been acquired by the state or the County. Below is a list of properties that have been acquired within close proximity to the project. We have also provide the calculations showing how many units are available based on the percent of uplands in each parcel

Parcel number and area

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Total units **397**

POLICY 105.1.5: Does speak of Zoning requests located in the coastal high hazard area will be considered for reduced or minimum density assignments, in accordance with their future land use category density range, but also state that this evaluation should be done in concert with an evaluation of other individual characteristics such as compatibility with existing uses, desired urban form, and availability of urban services. This project should not be considered for the minimum density requirements because of many individual characteristics that this area has such as available urban services, an existing urban form of higher density design, not only for this property but for the whole northern portion of the island. The potential for as it exist today with a do nothing mode is a recipe for loss of life and property (please refer back to the goal statement for 105)

GOAL and objective 106: LIMITATION OF PUBLIC EXPENDITURES IN COASTAL HIGH HAZARD AREAS. This section of the Lee Plan looks to limit public expenditures in areas particularly subject to repeated destruction by hurricanes, except to maintain required service levels, to protect existing residents, and to provide for recreation and open space uses. This project could decrease public expenditures by ridding the area of potential repeated destruction to the area by building to the latest's codes and flood requirements. The new amendment will provide open space uses where none exist today as part of the overall development, along with access to the waterfront for recreation.

POLICY 106.1.1: states that all further public expenditures made for new facilities on undeveloped barrier islands or within V zones will require a finding by the county commission that such expenditures are necessary to maintain required service levels, to protect existing residents, or to provide for recreation and open space needs. We are not an undeveloped island.

3) Liveaboards

The reality in your statement that the liveaboards are mobile is limited because hurricanes happen in the off season and many of the residents that use this facility, will not be there during an impending storm. Your statement regarding the disposability of the Liveaboards units is a scary thought especially concerning water quality and cleanup after a hurricane. The Lee Plan does allow for mitigation these kinds of circumstances

4) Recreation Vehicles

You are correct in your statement that the Mobile units are fixed to the site and do stay year round. This has been the practice for some 30-40 years and many of the unit's owners stay or visit year round to the property. While some of the RVs are not used, as a practical matter, during hurricane season, there is no legal impediment to doing so. Furthermore, most of them are park models, and are consequently immobile as discussed above. As a result, significant property damage will occur in a hurricane regardless of the number of people who are at risk. The 271 RVs are, therefore, an offset against the density permitted by the amendment. Your assertion that the transfer of these units to units that are built to "current construction standards and flood regulations" will somehow increase risk to property and lives seems contrary to conventional thinking. The potential for 271 year round

"mobile" structures to be destroyed and distributed into the bay during a hurricane is a scary thought versus modern hurricane and flood resistant housing that provide open space, landscaping, drainage, and water treatment were there is none today. Allowing 271 mobile units into the bay does not sound like good planning. Proper planning would dictate that correcting an impending problem instead of ignoring it would be prudent. This is why the Lee plan provides language for mitigating such circumstances. See Goal 110 Hazard Mitigation.

5) Sea level Rise

Again, ignoring the fact that you do have 271 residential type facilities below flood level with a rising sea level makes no sense. Instead one should be looking at how we mitigate this problem to a win, win situation. Again, the Comprehensive plan provides language and opportunities to mitigate the problem away like we are proposing to do which would remove and replace these units with flood and hurricane resistant structures that are up to or better than current codes.

6) Final comments

A master plan for the entire island is not a realistic endeavor as you have too many individual owners and interest conflicts that make this impossible. Your comment that something needs to be done on the island is correct and this is the plan that will get the ball rolling and in the right direction. Our clients have tried several times to implement something for the whole island with no success. They are very active with the island and attend almost all if not all meeting related to the island. The Comprehensive plan your comment that we have not considered the adjacent properties is incorrect as we have provided language in this amendment to include adjacent properties into the plan. Your assumption that we have not considered an appropriate mixture of uses and human scale principle is incorrect as we have developed design standards that include building design, landscape design, buffers and setback requirements and building massing design that takes into account the island, adjacent properties along with sound planning and design principle that work. This plan has been developed first as a vision, then as a conceptual plan and then as a written document that takes into account the individual nature of the island the adjacent properties and the properties. The amendment will also create a number of public benefits that should be weighed against any increased evacuation times, including vastly improved surface water management, aesthetics, and public access to the waterfront.

To your response that this is one persons attempt We would like to say that this is not one person's attempt, but a culmination of ten plus years of work between the county staff and island residents to create a future vision for the island.

Our first attempt to provide a future vision for the island was as board members on the San Carlos Island CRA. During those years we tried to get all the property owners on San Carlos Island to participate but, only some of the land owners would come and participatemost did not care.....and the few that did were able to get the County to adopt the San Carlos Island Overlay as

a quick Band Aid approach to the problems on the island then and are still plaguing us today. The only real development that has been done over the last ten years has been through the CRA. Now with the disbandment of the CRA by the county, we have been left in the same boat we were in years ago, with all the same problems and many many more.

Most of the major landowners have worked hard for and with the overlay in an attempt to provide the island with some relief from the county regulations that are outdated and causing blight in the area. Most of the water front properties are sitting here today empty and/or underutilized while paying some of the highest taxes in the County for water front property that is artificially restricted.

After the County disbanded the CRA some of the Residents and Land Owners got together and formed what is now a Non Profit Group called the San Carlos Redevelopment Group so as to be able to continue to try and work with the County as a private group of concerned stakeholders on San Carlos Island. We have met many times over the past years and have always had and open invite to everyone on the island to come to all of our meetings, most never come. While many of us have devoted endless hours over the past several years towards this cause working with the county staff, it again has not provided any mechanisms to create new needed opportunities to this once vibrant and diverse island with a new vision or plan for the islands future.

San Carlos Island has changed due to economic conditions beyond anyone's control over the last 15 years and in the last few years even more so. Now most of this area is more Resort, Ferry Boat, Cruise Ships, Recreational, Residential type land uses and activities that were allowed under the CRA and is not and has not had any Industrial activities on the subject properties for over a decade.

Recently two of the property owners presented separate plans for both their properties as a Site Development Plan (SDP) in an attempt to provide a plan and add to the economic base that has happened to the island under the old CRA. Both were denied and were told that they would need a Comprehensive Plan Amendment in order to allow the properties to develop in a different manner than what is allowed today. Those both owners have banded together to provide a unified vision to some 35+ acres.

This CPA is not by any means a first attempt or one persons attempt to provide a plan. It is through the past decade of experience as, property owners, business, owners and residents that this plan has been developed. It is not the first, but it may be their last as the high taxes, economic downturn and the limited land use for these properties is causing distress and additional blight in the area. This CPA is being initiated by two of the largest land owners on the island in an attempt to put forth a plan that provides a vision and provides a process that allows the county and the private sector to work together in an expedient process to help the island evolve in a manner that is beneficial to all.

Thanks again for your review and should you have any questions or comments regarding our responses please contact my office or email me.

With regards



Joe McHarris



11338 Bonita Beach Road, Suite 103

Bonita Spring, Fl

239-948-6688

Project: San Carlos Island CPA
Case: CPA2007-00051
Strap: 19-46-24-00-00022.0010

Dear Public Works

Please find below your comments in *italic* and our response in **bold**. Where we have made changes to the document we have provided you with a strike-thru version and colored additions to the text.

Comments: Public Works staff has reviewed the above referenced Comprehensive Plan Amendment application and finds it insufficient for review. The applicant has failed to provide existing and future conditions analysis for Parks, Recreation, and Open Space as required by Section IV.B.2 of the application. As noted in the aforementioned section, this analysis must include the following information:

- *Franchise Area, Basin, or District in which the property is located;*
- *Current LOS, and LOS standard of facilities serving the site;*
- *Projected 2020 LOS under existing designation;*
- *Projected 2020 LOS under proposed designation;*
- *Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements; and*
- *Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).*

Response: please see response from Delisi/Fitzgerald

Thank you for your response and if you have any question or comments, please contact me at my office

With regards

Joe McHarris

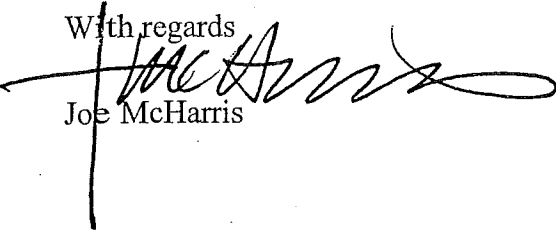


Exhibit IV.B.2
Parks, Recreation and Open Space
Level of Service Standards

Background

Policy 95.1.3 of The Lee Plan states the minimum acceptable level-of-service standards that will be the basis for planning the provision of required public facilities within Lee County. Some of the standards will be the basis for determining the adequacy of public facilities for the purpose of permitting new development. The "Minimum Acceptable Level of Service" will be the basis for facility design, for setting impact fees, and the operation of the Concurrency Management System (where applicable).

"Regulatory" standards are those that are identified by state law as being essential to support development which includes parks and recreation facilities.

Community Parks "Regulatory" level-of-service standards are 0.8 acres of developed standard community parks open for public use per 1,000 permanent population, unincorporated county only.

Section IV.B.2.: Comprehensive Plan Amendment Support Documentation

Current and Projected LOS

The subject property is located in *District 44- South Fort Myers Community Park Impact Fee Benefit District*.

The regulatory level-of-service was met in 2006 according to the Lee County 2007 Concurrency Report, and the level-of-service policy standards identified in The Lee Plan and will continue to be met through 2010.

There are currently twelve existing parks within the South Fort Myers Community Park Benefit District that consist of 154 total acres.

With a total existing Community Park District inventory of 154 acres provided, the "Regulatory" standard (86.5 acres in 2006) was met in 2006 and will continue to be met through the year 2010 as projected.

The proposed increase in density will have slight impacts on the level of service required. At an assumed 2.09 Persons Per Household (PPH), the additional 116 units will create a demand of 1.45 acres of community park space at the minimum regulatory level-of-service. The proposed amendment meets the regulatory level-of-service in this district.

Improvements/Expansions

The WA-KE Hatchee Park is currently being developed that will consist of an additional 44 acres adjacent to the existing one acre WA-KEE Hatchee Recreation Center.

Anticipated revisions to the Community Facilities and Service Elements

There are no anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element.



11338 Bonita Beach Road, Suite 103

Bonita Spring, Fl

239-948-6688

Project: San Carlos Island
Case: CPA2007-00051
Strap: 19-46-24-00-00022.0010
Re: Environmental comments

Dear Doug and Matt

Please find below your comments in *italic* and our response in **bold**. Where we have made changes to the document we have provided you with a strike-thru version and colored additions to the text.

Objective XX.10: Architectural Standards. *The architectural theme for the development is proposed to be "Old Florida"*. Please revise this objective to include the use of native plants to help naturalize the "Old Florida" look and landscaping design standards be incorporated into the architectural standards.

Response: The objective has been revised to include the use of native plans to help naturalize the old Florida look. We have revised the language to incorporate landscape standards and it is under XX10.18 Landscape Standards.

Policy XX.12.1: WILDLIFE. *The location, design, and operation of Destination Resort Facilities will incorporate preservation and / or management activities that restrict the unnecessary loss of wildlife habitat or impact on protected species, species of special concern, threatened or endangered species*. Please revise policy text to omit the word *unnecessary*.

Response: Policy has been revised to omit the word "unnecessary".

Policy XX.12.1: *The development will not have an adverse impact on any existing, viable on-site occupied wildlife habitat for protected species, species of special concern or threatened or endangered species.* Please revise policy language to omit the word *adverse*.

Response: Policy has been revised to omit the word "adverse".

Please describe in detail how the Eco-park will benefit the wetlands onsite. Please indicate where the Eco-Park will be located on this project. Please provide more information on uses proposed within the Eco-Park.

The Eco Park will benefit the wetlands on site by providing education for visitors and residents about the wetlands and other habitats of the area. The Eco Park is located on the north-west side of Main Street and can be seen on the conceptual site plan provided.

The Eco Park will be part of the Community learning center. The Park itself will be passive, information; boardwalk experience with a variety of tours type's available. Tour types will be noninvasive and educational in nature.

Please provide a protected species survey for all vegetated areas; including all islands. Are any of these Islands known rookeries or wading bird nests?

Response: Please see the enclosed Lee County Protected Species Survey (PSS) prepared by Passarella and Associates, Inc. (PAI). None of the islands have been identified as known rookeries according to the Florida Fish and Wildlife Conservation Commission's Florida Atlas of Breeding Sites for Herons and Their Allies (FFWCC, 1991). This information is also consistent with PAI's report which found no nest sites on the islands.

Please demonstrate compliance of policy 107.2.12: Will sufficient protection of mangroves be given on this project?

Response: As part of the project's development review process, all undeveloped wetland areas, including the mangroves, will be placed under a recorded conservation easement per the South Florida Water Management District's Environmental Resource Permit conditions. This will provide sufficient protection to demonstrate compliance with policy 107.2.12 of The Lee Plan.

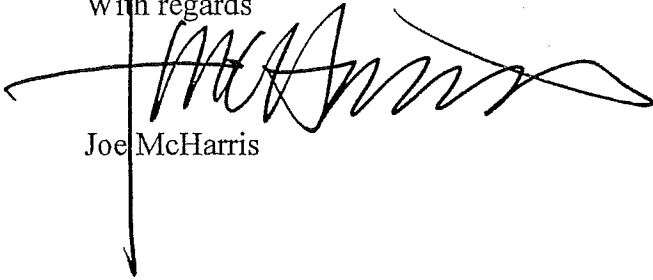
Please provide Conservative Lands Category wetlands on all mangrove areas.

Response: The undeveloped mangrove areas will be designated Conservation Lands pursuant to review and approval of the project by the SFWMD and U.S. Army Corps of Engineers, if applicable.

Thanks again for your review and should you have any questions or comments regarding our responses please contact my office or email me.

With regards

Joe McHarris

A handwritten signature in black ink, appearing to read 'Joe McHarris', is written over a vertical line that extends from the 'With regards' text down towards the printed name.



11338 Bonita Beach Road, Suite 103

Bonita Spring, Fl

239-948-6688

Project: San Carlos Island

Case: CPA2007-00051

Strap: 19-46-24-00-00022.0010

Re: Lee County Sheriff's Department

Matt

Please see the attached letter provided by the Sheriffs Department

Mike Scott
Office of the Sheriff



State of Florida
County of Lee

October 31, 2007

Joseph McHarris
McHarris Planning and Design
11338 Bonita Beach Rd
Suite 103
Bonita Springs, FL 33135

Reference to Project: San Carlos Island Comprehensive Plan

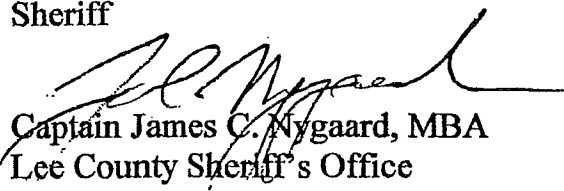
Dear Mr. McHarris

The Lee Plan ammendment identified by you as San Carlos (Island) Comp Plan would not affect the Lee County Sheriff's Office ability to provide core services at this time.

When you make application for a Development Order for this property, please provide the Lee County Sheriff's Office with set of plans and uses for each building in this project. A Crime Prevention Through Environmental Design (CPTED) survey and report will be done at that time with recommendations to you and the county staff.

Please contact Kevin Farrell, Coordinator of the Crime Prevention Unit at 477-2821 with copies of your plans.

Mike Scott
Sheriff



Captain James C. Nygaard, MBA
Lee County Sheriff's Office
Administration Bureau
14750 Six Mile Cypress Pkwy
Fort Myers, FL 33912
239-477-1424 (Office)





11338 Bonita Beach Road, Suite 103

Bonita Spring, Fl

239-948-6688

Project: San Carlos Island

Case: CPA2007-00051

Strap: 19-46-24-00-00022.0010

Re: Fort Myers Beach Fire Department Response

Matt

Please see the attached letter provided by the Fire department



BOARD OF COMMISSIONERS

John Scanlon - Chairman

Theodore A. (Ted) Reckwerdt -
Vice-Chairman

Betty Goodacre - Sec./Treas.

Carol Morris - Fire Commissioner

Joseph Schmid - Fire Commissioner

FIRE CHIEF

Mike Becker

Fort Myers Beach Fire Control District

100 Voorhis Street • Fort Myers Beach, Florida 33931

Mailing Address: PO Box 2880 • Fort Myers Beach, Florida 33932

March 12, 2008

Mr. Joseph M. McHarris
McHarris Planning and Design
11338 Bonita Beach Rd. Suite 103
Bonita Springs, Fl. 33135

Re: San Carlos Island-Letter of Availability

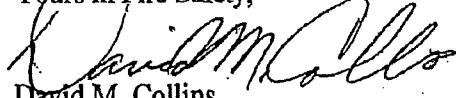
Dear Mr. McHarris:

I am writing this letter to inform you that the Ft. Myers Beach Fire Control District has adequate Fire and EMS. Services to cover your proposed project.

May I suggest that consideration be given to fully sprinkle all buildings considered in this project.

If I can be of further assistance to you please feel free to contact me at 239-463-6163 ext. 226

Yours in Fire Safety,


David M. Collins,
Fire Marshall.

"Providing Tomorrows Quality Service Today"

Phone (239) 463-6163 • FAX (239) 463-6761



11338 Bonita Beach Road, Suite 103

Bonita Spring, Fl

239-948-6688

Project: San Carlos Island
Case: CPA2007-00051
Strap: 19-46-24-00-00022.0010
Re: Natural Resources comments

Dear Steve and Matt

Thank you for your time and attention to this matter. We are please to amend and clarify issues and/or comments that you had. Please find below your comments in *italic* and our response in **bold**. Should you have any additional comments or questions please contact our office.

General

County Comment: The Table of Contents specifies Attachment J as Layout Plan. That appears to be missing.

Response: Attachment J is missing and the table of contents has been updated

County Comment: Where is the documentation of ownership or other justification for including the submerged lands in the proposed amendment?

Response: Please see the deeds that have been provided along with the survey that we have attached as part amendment showing ownership.

County Comment: I assume that someone will be commenting on the traffic issues relative to the plans to construct an additional bridge as well as the adequacy of the existing road given the proposed changes. As a user of the county owned facility on San Carlos Island, we potentially are impacted by these issues as are our existing tenants.

Response: *We are working on several cross sections for Main Street and will provide them as soon as they are done.*

County Comment: While perhaps immaterial to the project details, I note that the reference on page 1 of Attachment B-2b indicating that the submerged lands were created by Hurricane Donna is incorrect.

Response: *You are correct and we have deleted the reference to Donna*

County Comment: Is the increased year round occupancy in the coastal high hazard area consistent with the Comprehensive Plan?

Response: *Many of the habitants already use their facility for year round occupancy. The stated goals for 105 and 110 in the current Plan provide for mitigation to minimize future loss of life and property in the coastal High Hazard Areas. The existing conditions if allowed to stay the same are likely candidates for losses due to a natural disaster. This plan proposes to remedy the situation by building out of the flood zone, building to current standards or exceeding them and by providing other elements that mitigate future loss of life and property. We are also proposing a refuge of last resort should someone get caught unaware of the danger. Please also see are indebt response to this question in our letter to SWFPC which will further clarify the question as it relates to the Comprehensive plan.*

County Comment: The assertion that the marine industrial uses are incompatible with the adjacent uses seems inconsistent with the reported 70 year marine industrial history of the island. Please explain.

Response: *We have clarified this statement to include the following additional information to this document. The Industrial lands designation north of Main Street, the one sandwiched between and located in the middle of the trailer parks is the one that we are asserting is incompatible with the adjacent properties. This property is and should clearly be residential in nature.*

Our other assertion is that the properties south of Main Street have been developing over the last decade as something other than industrial marine. It is with this type of development that we see potential expansion for the property while preserving water dependent uses.

We have not suggested any other pattern for the rest of the island. This comprehensive plan is only for the properties as noted and will help the other areas of the island. This plan does not take out water-dependent uses, but incorporates them into a mixed use development to help with the long term viability of the project and surrounding area.

Additionally we have provided a component (POLICY XX.5.3) as part of this comprehensive plan to educate and provide information to recreational boaters and other users of the area, such as tourists, regarding harbor safety and public health, maritime history of the area,

uses of the harbor/gulf area, natural resources, or other information that increases public awareness of areas heritage and unique habitats.

County Comment: Attachment G states that the plan “provides a mechanism to mitigate submerged land”. What does that mean?

Response: *The submerged lands at this time are in a state of limbo, this plan will provide for a resolution to the problem at hand and the future of how these lands can be used.*

Water Dependency

County Comment: The site concept plan appears to be a major departure from the marine industrial and other water dependent uses presently specified for this area. Please describe how the features other than the existing marina and cruise boat are dependent upon water access.

Response: *Please remember that this comprehensive plan is for the properties noted and not for the whole island. I would disagree with your comment as the land in question has already been developing in a manner that is not purely Marine industrial. The property as exists today is more consistent with the proposed amendment than just marine industrial. The property has been developed with water dependent uses and will continue with a mixed use component that will provide economic support for the surrounding water dependent uses. These uses will include but are not being limited to... .. a marina, Fish house/restaurants, Boat repair, Marine craft or marine equipment sales, charter fishing offices, seafood market (wholesale and retail), mooring areas, commercial and recreational fishing operations, water taxis/ferry landings, yacht clubs, Boat/ cruise terminals, marine based tourism facilities/ environmental tours, Retail trade facilities, boat yards, Port facilities with cruise ships, light shipping and various other support facilities for waterborne commerce and recreation to name a few.*

County Comment: The reported demise of the shrimping industry is used as a justification for this project. When the subject property was last engaged actively in shrimp harvest operations?

Response: The last shrimp activity on these properties was over ten years ago and ended with the closing and demolition of the canning facility. If the amendment is approved there are opportunities within this plan to bring back some elements limited elements like wholesale and retail markets for the existing fleets while providing education on Florida's wild shrimp and how it is different than the foreign farm raised.

County Comment: What objective information supports the assertion that shrimping and other commercial fishing is no longer viable in this area?

Response: Shrimping/Fishing like it use to be in the area with 50 plus or minus boats, simply does not exist today because it is not economically viable at this scale. We are not saying that a small fleet serving the local area and tourist is out of the question and is more than likely what is happening today and will continue in the future. This project will support fishing by providing additional markets for their catches which will be incorporated into this project.

County Comment: The information in Attachment J discusses the importance of the shrimping industry and recent increases in sales as a response to state marketing efforts. This would suggest that the remaining areas supporting this industry should be protected not eliminated.

Response: Our point exactly. This comprehensive plan is for a portion of the island that is has not been dependant on fishing for some time (over ten years); it is not an amendment for the whole island. This project will bring additional opportunities and markets for the remaining industry and will help with their survival. The states advertising has been directed at the upper end market of shrimp consumption of which this amendment is consistent with. What better way to protect the existing market than providing new markets right next to the source.

County Comment: Even if the assertion that commercial fishing is no longer viable is accurate, why are other water dependent marine industrial uses not considered important or viable for this location? For example, how would the conversion of this property impact the county legislative requirements to preserve working waterfront or the need for boatyards or similar service facilities for large recreational and commercial vessels?

Response: *The Comprehensive Plan Amendment for this property will bring in the much needed new/expanded waterfront industries to the islands existing infrastructure, by replacing the greatly reduced shrimp/fishing industry with a mixed use water-dependant development on the properties noted. This amendment is not intended for the whole island. The potential for this project to bring visitors to the island coupled with larger recreational boats, additional chartered boats for fishing excursions, additional routes for cruise type ships, restaurants and retail shops for local catches, to be eaten on site, bought for local consumption or shipped to someone's home will help the rest of the island struggling waterfront by creating opportunities that are not there today. With these there will be additional needs for new and existing support services on the island, such as the remaining fishermen, who are struggling today, boat repairs especially of larger boats and other water related industries. The fishermen will have additional markets to sell their catches too. The existing Marine ship yards and similar water front service facilities will have more boats to work on hopefully insuring their future success for all.*

County Comment:

The changes as proposed seem inconsistent with Goals 8, 12, 121, 122, 128, and 158 of the Comprehensive Plan.

Response:**Goal 8: Marine Oriented Uses**

These Water Dependent uses for the project will include but are not limited to... .. marinas, Fish house/restaurants, Boat repair, Marine craft or marine equipment sales, charter fishing offices, seafood markets, mooring areas, commercial and recreational fishing operations, water taxis/ferry landings, yacht clubs, marine-based tourism facilities/environmental tours, Retail trade facilities, boat yards, Port facilities with cruise ships, light shipping and various other support facilities for waterborne commerce and recreation to name a few.

Goal 12: San Carlos Island

This amendment carries the spirit of Goal 12 while enhancing the viability of success to the project that cannot be done without a comprehensive plan amendment. We are locating the water-dependent uses along the shore while providing the housing in the middle, just like Goal 12 suggests. This amendment will manage growth and redevelopment on the island in a manner that will enhance the areas quality of life and public and private infrastructure thru the use of Building and landscape standards along with a comprehensive master concept plan. . This project starts with the vision and then defines it. The improvements to the island will include open space, water retention, Bike and walking paths, green space, public access to the water, better parking to name a few, where little or none exist today.

Goal 121: Fisheries Management

The new watershed approach will be directed at restoring and protecting coastal water quality. In particular, appropriate management measures will control polluted runoff which is a major issue with the current system.

The submerged lands issue will be resolved in a manner that is good for everyone including the environment.

Goal 122: Commercial Fishing

This project will provide new markets for the existing commercial fishermen which is a stated goal of policy 122.1.3 of the Lee Plan.

Goal 128: Shoreline Management

The areas along the shoreline will be utilized for water-dependent uses with open access to the public. Interspaced within this area will be programmed amenities to enhance and protect water-dependent uses while blending water related uses.

Goal 158: *This amendment is design to maintain a diversified and stable economy by providing employment opportunities, maintaining and improving the quality of life*

Florida Shrimp: Wild and Wonderful!

Florida Shrimp:

"Wild and Wonderful!"

Fact Sheet

- Florida's shrimp industry supports 4,400 jobs and contributes \$185,000,000 to the state's economy.
- Imported shrimp dominates the U.S. market. According to the National Marine Fisheries Service, foreign countries have captured 88 percent of the total U.S. market, with domestic shrimp representing 12 percent.
- Shrimp imports to the U.S. from 2000-2005 have increased dramatically:
 - Vietnam -- up 172 percent China -- up 150 percent
 - India -- up 25 percent
 - Average percentage increase from Vietnam, China, India and Brazil during this time frame is 86%.
 - Shrimp imports to the U.S. from around the world are up 54% during this time frame.
- An estimated 200,000 U.S. jobs have been lost; thousands more have left the industry entirely.
- The federal government levied tariffs against some countries to fight against shrimp being brought into the U.S. at prices below fair market value.
- The United States Congress approved fishery disaster assistance funding in 2003, with nearly \$7 million in federal assistance going to Florida's shrimp industry.
- In a consumer survey conducted by the Florida Department of Agriculture and Consumer Services, 82 percent of respondents who preferred domestic shrimp indicated they would be willing to pay \$1 to \$3 more per pound for the quality of domestic shrimp.
- The "WildFloridaShrimp.com!" program was developed to increase public awareness of the economic value of Florida's shrimp industry and the critical challenges posed by foreign competition, and to show consumers the benefits of purchasing shrimp from Florida.
- The "WildFloridaShrimp.com!" program encourages consumers to look for the "Ask for Shrimp from Florida" seal.
- Shrimp caught in Florida waters are of premium quality and 100 percent natural.
- For more information about Florida shrimp, visit www.WildFloridaShrimp.com.

Contact:

Joanne McNeely, Bureau Chief
Florida Department of Agriculture and Consumer Services
Bureau of Seafood and Aquaculture Marketing
(850) 488-0163 or mcneelj@doacs.state.fl.us

Additional Information

- Wild Florida Shrimp campaign summary
- Wild Florida Shrimp backgrounder
- Wild Florida shrimp program overview
- Florida shrimp news archives

Back to Media

Florida Shrimp: Wild and Wonderful!

September 8, 2006

Marketing Campaign Helps Florida Shrimp Industry Beset By Flood Of Foreign Imports

A three-year marketing campaign helped keep Florida's shrimp industry viable in the face of unrelenting competition from foreign countries, Florida Agriculture Commissioner Charles H. Bronson said today.

The "Wild and Wonderful Florida Shrimp" promotion, conducted by the Florida Department of Agriculture and Consumer Services from 2004 to 2006, was instrumental in the sale of 2.7 million pounds of Florida wild-caught shrimp by participating retail stores. Some stores reported sales increases as high as 2,000 percent over the same periods in prior years.

"Florida's shrimp industry has faced an onslaught of competition from foreign countries that have exported more than a billion pounds of shrimp into the U.S. market in the past few years," Bronson said. "Many of our state's shrimpers have been forced out of business altogether, and the remaining ones have experienced very difficult times. This marketing campaign was crucial in helping keep Florida's shrimp industry alive."

According to the National Marine Fisheries Service, foreign countries have captured 88 percent of the total U.S. market. Vietnam, China, India and Brazil have dramatically increased exports to the United States in recent years. An estimated 200,000 U.S. jobs have been lost.

The state and federally funded campaign focused on raising consumer awareness about the benefits of buying Florida wild-caught shrimp and highlighted the Florida shrimp industry's economic value to the state. Florida's shrimp industry supports 4,400 jobs and contributes more than \$185 million to the state's economy.

"Florida shrimp is a premium quality product with superior taste," Bronson said. "We believe that consumers deserve to have a choice, and we encourage them to ask for shrimp from Florida. When they do, they receive a wholesome, natural product -- and they help our fishermen and our state's economy."

The advertising incentive program required retailers and restaurants to use the "Ask for Shrimp from Florida" logo in their advertising and encouraged in-store shrimp promotions. A total of 3,011 stores in 14 supermarket chains located in 26 states and Washington, D.C., participated. Participating Florida supermarket chains were Publix, Winn-Dixie and Kash 'N' Karry SweetBay. National stores included Kroger, Harris Teeter, HEB Grocers, Giant Foods, Schnucks, Jewell Food Stores, Ukrops, Roundys, Bi-Lo, Cub Foods, Heinen's, King Soopers, Fred Meyer, and Farm Fresh.

In addition to the advertising incentive program, the "Wild and Wonderful Florida Shrimp" campaign included the following components: radio and television public service advertisements; media relations initiatives to educate consumers on the quality of Florida shrimp; point-of-purchase materials including brochures, posters and static clings for use by retailers; partnerships with chefs including in-store demonstrations, television appearances and celebrity chef programs; trade show and festival participation; sponsorship of the "Ask for Shrimp from Florida" race car in the NASCAR ARCA circuit; the www.WildFloridaShrimp.com web site which features shrimp recipes and industry facts and statistics.

Florida Shrimp: Wild and Wonderful!

June 1, 2004

Campaign Seeks To Help Ailing Florida Shrimp Industry Turn The Tide Against Flood Of Foreign Imports

Showing consumers the economic importance of Florida's shrimp industry and encouraging them to ask for shrimp harvested in Florida waters are goals of a campaign launched by the Florida Department of Agriculture and Consumer Services.

The "**WildFloridaShrimp.com!**" campaign comes in response to the growing onslaught of imported shrimp that has nearly decimated Florida's shrimp industry that for decades has contributed to the state's economic well-being. Florida's shrimp industry supports 4,400 jobs and has an annual impact estimated at \$225,928,724 according to the Department.

"A disparity in labor costs and overhead enables foreign producers to flood the U.S. market with imported shrimp at prices so low that Florida's shrimpers cannot compete," Florida Agriculture Commissioner Charles H. Bronson said. "We want consumers to know that they have a choice, and when they purchase Florida shrimp, they are helping our fishermen, our coastal communities, and our overall economy."

Today, Florida's shrimp industry is besieged by more than a billion pounds of low-priced foreign imports flooding the United States each year. Foreign countries now dominate the U.S. shrimp market, having captured 88 percent of the national market share, while domestic shrimp represents only 12 percent, according to the National Marine Fisheries Service.

Since 2000, shrimp imports have dramatically increased from Vietnam (up 169 percent), India (up 74 percent), China (up 73 percent) and Brazil (up 210 percent). An estimated 200,000 U.S. jobs have been lost, and thousands more have left the industry entirely. Concerned about the economic implications of this trend, the United States Congress approved fishery disaster assistance funding in 2003, with nearly \$7 million in federal assistance going to Florida's shrimp industry.

"**WildFloridaShrimp.com!**" is designed to increase public awareness of the economic value of Florida's shrimp industry and the critical challenges posed by foreign competition, as well as showing the benefits of buying shrimp from Florida.

"Florida shrimp is a premium-quality product with superior taste," Bronson said. "When given a choice, we feel that many consumers will choose shrimp from Florida."

A recent consumer survey conducted by the Department showed that 82 percent of respondents preferred domestic shrimp and indicated they would be willing to pay \$1 to \$3 more per pound for the quality of domestic shrimp.

"**WildFloridaShrimp.com!**" promotes the clean, wild-caught, superior quality and premium taste of this natural resource, and encourages consumers to look for the "Ask for Shrimp from Florida" seal.

For more information:

Joanne McNeely
(850) 488-0163
mcneelj@doacs.state.fl.us

[Back to News Archives](#)

Open Roads Forum

Print | Close

Topic: What's happening to Florida RV Parks?**Posted By:** rad1 on 03/13/06 05:47pm

The park we just left in the Florida Keys has been sold and this is the last season it will operate as an RV park. It was sold to a developer and will be turned into condos starting at \$1.2M each. In looking for a replacement RV park for next winter in the Southwest Florida area we were quite surprised to find almost everything we looked at in the Naples/Ft. Myers area to be converting to mobile home/pre-fab home parks. Many RV Parks that we looked at were comprised of 90% mobile homes and only 10% RVs. Some of these parks were nice and clean, but they didn't have the feel of an RV park. Is this happening all over, or is this just a situation that's happening in Southwest Florida?
Bob

Posted By: snowhawkwoman on 03/13/06 06:13pm

Property in Florida is skyrocketing - if you were a campground owner and someone came along and said here's 5 million - wouldn't you say "THANKS and see ya!!!" Owners are probably packing up their new RV and enjoying the road too! Florida land is premium - all the folks from the northeast want to retire there - guess the folks in Georgia, Mississippi, and Louisiana need to do some serious thinking about opening RV parks along the gulf coast!



Snowhawkwoman



Big Owl



the traveling dogs Xena, Phoebe, Callie, Coco, and Spooker



Punky - the amazing insane Rving Squirrel

1997 Fleetwood Jamboree 29'

The traveling Zoo!


**Posted By:** dobbler98 on 03/13/06 06:16pm<http://www.rv.net/forums/index.cfm/fuseaction/thread/tid/17104393/gotomsg/17123263.cfm#17123263><http://www.rv.net/forums/index.cfm/fuseaction/thread/tid/17036130/gotomsg/17036201.cfm#17036201>

These two links will take you to a couple of the threads from this forum since last fall about this very subject. All are being sold for condo development. Soon you will need a condo reservation to get into the keys cos there won't be anywhere to park your tent or rv.

1993 Minnie Winnie

Class C 24'

Chevy 350

Usually pulling one of my toys **Posted By:** magicbus on 03/13/06 07:05pm

TSeck wrote:

Yep. As one of the last Florida Natives (5th generation) this place is getting crowded and way too crazy expensive. What kills me is all the complaining going on as soon as a hurricane comes through and "re-claims" the waterfront. Oh, and did you know part of your insurance premium goes into a "fund" to help those poor unfortunate people who keep re-building. Where you ask? Right back on the beach.

Oh yeah don't get me started on that waste of money! ☹

Yeah that is a load of horse chips, they keep jacking me up(nowhere near the coast) to help the poor unfortunate beachfront and waterfront owners who couldn't get insurance.

05 Super Duty XLT CC 5.4/3.73 5 sp auto Torqshift
06 Keystone Hornet 29 RLS/(The"Cracker Cabana")
Reese HP Dual Cam
Proud citizen of the GatorNation
Emerald Coast cult member

My Camping Albums

Posted By: Tommy Tucker on 03/13/06 07:22pm

Hi, we're here in central Florida ,(Lakewood RV Resort ,Davenport Fl.) and our campground was sold to developers too . Now I know there's big money here, but Its a crying shame that the Snow Birds who made this state for years , and now there pushing us out for big business . I for one are considering Georgia who would appreciate our business and we would save a bunch of fuel in the process . I'm sure Mr. Bush won't give a "hoot " if he lost a couple thousand snow birds . Take care, Tommy Tucker .

Tommy Tucker

Posted By: STANNSAL on 03/13/06 07:38pm

snowhawkwoman wrote:

Property in Florida is skyrocketing - if you were a campground owner and someone came along and said here's 5 million - wouldn't you say "THANKS and see ya!!!" Owners are probably packing up their new RV and enjoying the road too! Florida land is premium - all the folks from the northeast want to retire there - guess the folks in Georgia, Mississippi, and Louisiana need to do some serious thinking about opening RV parks along the gulf coast!

Better check the map, I think it would be tough for Georgia to build RV parks or anything else on the gulf coast. 🌐

Posted By: pawatt on 03/13/06 07:59pm

Come on down to the Rio Grand Valley, over 500 RV Parks, Low prices & lots of room for you. You won't be a Snowbird though you will be a Winter Texan, Yes we do have sand beaches on the gulf too.

pawatt

Posted By: Florida Cracker on 03/13/06 08:03pm

"but Its a crying shame that the Snow Birds who made this state for years , and now there pushing us out for big business ."

You aren't getting pushed out for big business but for individual folks coming down south to retire or whatever. I'd love to see us back the way we were in the 30s and 40s but I also can't fault anyone for selling property for the best price they can get.

Bill

(And one spoiled rotten little dog)

Posted By: jojolou on 03/13/06 08:19pm

If we are in a 30 yr. cycle of increasing hurricanes, (which was reported by the meteorologists after last year's storms) then maybe with increasing storms and subsequent rising insurance costs, things will change. People should stop the government from subsidizing these re-builds for the rich property owners of beach front homes! The insurance companies just pass on the cost to the rest of the country as they have for years. Maybe 10 yrs. from now Florida real estate will hold much less appeal for investors. After last year's storms and the promise of MORE every year for the next few DECADES, snowbirds might find RV parks springing up in place of all the condos. Time will tell.....JMHO

jojolou

Lou
2005 Winnebago Minnie 31-C



Posted By: big ben on 03/13/06 08:23pm

Well who in the heck do you think are buying the park models Daaaaa. Snow Birds that's who. If you own a park and can collect rent 12 months a year for a park model for 3 months for a RV what would you do. Many of the parks here in SW Florida won't rent for the month of Feb. unless you well stay 3 month. The whole thing is getting nuts down here and for one have spent my last winter down here. Oh by the way Lee County has increased their tax to 11% for RV sites.

Things are not going to change until they have a hard time filling their sites.
Florida Cracker you are right on. There are darn few of us that will turn down a big profit. It's the American way.

Ben & Jean
Tick a GSP
Full time since 1995
2002 39' Winnabago Jouney DL
330 Cat
2005 GMC 4X4 PU
2 Yamaha Kodiak ATVs
[web site](#)



Posted By: PRT on 03/13/06 08:33pm

Well, when you think about it, the snowbirds are down here for six months max. We're only here for three, and both parks we stay in have been sold - but as RV parks. At least **next year** they will be parks. And as bigben mentioned, park model sales are heavily promoted. We have looked into it, to be honest, but it's not for us right now.

Anyway, the cgs only make real money for half the year. If we owned one and a condo/home developer made us an offer we couldn't refuse, we'd take it.

We are in central Florida (Clermont) and the building going on here has escalated incredibly in the six years we have stayed here. I imagine the parks in the popular coastal areas will go first. There is only so much coastline.

Pat

2001 Windsport 33SL
2000 Saturn



Posted By: nelson on 03/14/06 04:02am

In just a few years we will not be able to get near the coast of FL. in an RV. We just got back from Port Richey, FL and found was told that another five campgrounds near Palm Harbor have been sold. We also stayed in one in Riverview that has been sold and will be condos in 3 to 5 years. Our favorite campground in Palm Harbor was sold 3 years ago. Feel sorry for the older folks that have been going to those campgrounds for the last 20 years but wonder where we will do

2002 Damon Challenger 348 Ford V10
Blue Ox Auto Stop and Aventa II Tow Bar
2001 Ford Sport Trac with Remco Driveshaft Disconnect

Posted By: dobbler98 on 03/14/06 04:58am

big ben wrote:

Well who in the heck do you think are buying the park models Daaaaa. Snow Birds that's who. If you own a park and can collect rent 12 months a year for a park model for 3 months for a RV what would you do. Many of the parks here in SW Florida won't rent for the month of Feb. unless you well stay 3 month.

The whole thing is getting nuts down here and for one have spent my last winter down here. Oh by the way Lee County has increased their tax to 11% for RV sites.

Things are not going to change until they have a hard time filling their sites.

Florida Cracker you are right on. There are darn few of us that will turn down a big profit. It's the American way.

Perhaps you should check into just who the "owners" of some of the big condo corporations are. It's not the "American" way you're crowing about. Florida in particular is targeting wealthy multi-home owners who will only use the "investment" condotels for short periods of time; stay lengths are built into all the ownership contracts. And it's not snowbirds buddy. Read the studies, understand the target market. The constant land sales and condo development are bad for local tax bases, state tax bases, long-term social infrastructure; and bad for FL in general as it drives away the transient tourist money in favor of the rich owning more and paying less. That seems to be the new American way.

Posted By: deereone on 03/14/06 05:36am

It's not just happening in Florida, but any coastal area especially in the warm regions of the country. In the north cold country campgrounds that are on lakes are now selling or being looked at as new housing areas.

Posted By: soren on 03/14/06 05:36am

I just saw an interesting news report about Miami and how the condo market has hit a wall. There are eighty thousand units in the process of being built, and the market is slowing to a standstill. The developers are putting on their game faces, and claiming that they don't see a need to adjust prices. Yea right, I would bet that, in private, they are sweating like a dog trying to poop a peach pit. Looks like a wild ride, coming to the overpriced FL. market. As Dobbler98 mentions, investors and speculators are the problem. They create an artificial demand, then run like rats once things get a little rough. They have little interest in the local community, and are not an asset in the least. It should be interesting.

Posted By: sesco on 03/14/06 05:44am

Us in SW Georgia can sure tell it. People are coming out of Florida in droves, buying up everything in sight. Prices are going through the roof here.

Lindy B.

'01 American Tradition

'05 Harley Heritage Classic

'00 Jeep Sahara for Toad

Posted By: MichDoc on 03/14/06 06:02am

I think that the Florida land speculators may be in for a letdown in the near future. They have been buying property and overdeveloping in anticipation of the baby boomers, but they may have over-reached. There are only so many people willing, or able, to spend a quarter million or more on a place to spend three to six months a year at, and many people don't want to be here longer than that. We like living up north, and only come down here to escape the snow for a few months. There are other states we can visit to accomplish that if necessary. Coupled with the iffy hurricane seasons, many people don't want to own property on, or near, the coast. We just came down from the

coastal area of the panhandle, and a huge number of the homes and lots were for sale there. Long time residents have moved inland and out of state, and the property doesn't seem to be selling.

Posted By: Oday on 03/14/06 07:36am

There are still plenty of campgrounds and RV parks in the southwest Florida area (Naples/Ft.Myers) Granted some are closing, but new ones are being build. It is simply a natural business transition. Rv Parks move out in the lesser populated ares and condos take their place. There are two RV parks currently under construction in Naples area. Lets not discuss rental rates though in these new parks.....they are pricy. Visit the rest of Florida.....plenty of RV spots available. Good Luck

Ken

'04 Mountain-Aire pusher with tag
'99 Jeep GC Ltd. Toad
One small wife
One small dog

Posted By: big ben on 03/14/06 09:29am

Dobbler said "Perhaps you should check into just who the "owners" of some of the big condo corporations are. It's not the "American" way you're crowing about."

Where did you get the idea that I was crowing about any thing. And it the American way to sell to who ever has the cash. We are so far in debt that they are sell off BLM land. Guess who will be bidding on that. We even sell off our security to the highest bidder.

Posted By: fchammer1 on 03/14/06 09:45am

Oday is correct in one sense: There are quite a few RV sites available, but at \$56 to \$65 per day (Weekly rates are simply NOT available.), you are being gouged when -- for January and February -- ONLY the daily rates are available.

An RVer can stay those months, but only by purchasing a three-month package. The campground chooses the months: ie. Dec.-Jan.-Feb, or Feb.-Mar.-Apr. By the time one adds the 13% bed tax, the cost per month is over \$866 and you still have \$35-\$50 electric to contend with.

And -- these package months run only from the first to the end of the month, so that if the RVer can't arrive (until after Christmas?) on the first day, he simply loses those days: paid for, but not enjoyed.

The particular campground where I am staying is not the exception. Their rates fairly well reflect many campgrounds in southern Florida.

The flip side -- (There's gotta be a bright spot somewhere.) -- is that one can still purchase a six-month package for a slightly less- expensive stay.

Now, if only we could do something about the ATTITUDE of CG owners and workers.....Maybe that's another forum?

Posted By: dmpoo1 on 03/16/06 07:54am

OK! Sooo....Where in the RGV woould be a good place to go next year say about December for two or three months. I could use a few CG names to check out and a couple or three diff cities. would prefer away from ocean breezes as that gets old quick. thanks

98 Cruise Master

Permit No: SAJ-2005-7466 (IP-CW) - Oyster Bay Commercial Docks

Standard Manatee Construction Conditions
Attachment B

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK
July 2005

The Permittee shall comply with the following conditions intended to protect manatees from direct project effects:

a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The Permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees, which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.

b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

c. Siltation or turbidity barriers shall be made of material in which manatees can not become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers shall not impede manatee movement.

d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes lapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.

e. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury could also be reported to the U.S. Fish and Wildlife Service in Jacksonville (904-232-2580) for north Florida or Vero Beach (561-562-3909) for south Florida.

f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the Permittee upon completion of the project. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used. One sign measuring at least 3 ft. by 4 ft., which reads Caution: Manatee Area must be posted. A second sign measuring at least 11 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and shutdown of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities.

FWC Approved Manatee Educational Sign Suppliers

SAP Signs & Designs

4-B Pinellas Street
3756
Phone: (727) 443-4878
Fax: (727) 442-7573

Key Largo, FL 33037

Vital Signs

104615 Overseas Highway Clearwater, FL
Phone: (305) 451-5133
Fax: (305) 451-5163

Wilderness Graphics, Inc.

Box 1635
Ft. Pierce, FL 34947
Phone: (850) 224-6414
Fax: (850) 561-3943
www.wildernessgraphics.com

Universal Signs & Accessories P. O.
2912 Orange Avenue Tallahassee, FL 32302

Phone: (800) 432-0331 or
(772) 461-0665
Fax: (772) 461-0669

ape Coral Signs & Designs

111 Del Prado Boulevard
ape Coral, FL 33990
72-9992
Fax: (239) 772-3848

Phone: (727) 323-7897

New City Signs

182928 Street North
St. Petersburg, FL 33713 Phone: (239)
Fax: (727) 323-1897

Municipal Supply & Sign Co.

195 Fifth Avenue, North
G. Box 1765
Ples, FL 33939-1765
Phone: (800) 329-5366 or
(239) 262-4639
Fax: (239) 262-4645
www.municipalsigns.com

**United Rentals Highway
Technologies**

309 Angle Road
Ft. Pierce, FL 34947
Phone: (772) 489-8772 or
(800) 489-8758 (FL only)
Fax: (772) 489-8757

CAUTION: MANATEE HABITAT

All project vessels

IDLE SPEED / NO WAKE

**When a manatee is within 50 feet of work
all in-water activities must**

SHUT DOWN

**Report any collision or injury to :
1-888-404-FWCC (1-888-404-3922)**

Florida Fish and Wildlife Conservation Commission

Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorization from the Board of Trustees prior to commencing activity on sovereignty lands or other state owned lands.

13. The permittee is advised that the rules of the South Florida Water Management District require the permittee to obtain a water use permit from the South Florida Water Management District prior to construction dewatering, unless the work qualifies for a general permit pursuant to subsection 40E-20.302(4), F.A.C., also known as the "No Notice" rule.

14. The permittee shall hold and save the Department harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by this permit.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Section 373.421(2). F.S., provides otherwise.

16. The permittee shall notify the Department in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Section 62-343.130, F.A.C. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations prior to the sale, conveyance or other transfer of the system.

17. Upon reasonable notice to the permittee, Department authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.

18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the appropriate Department office.

19. The permittee shall immediately notify the Department in writing of any previously submitted information that is later discovered to be inaccurate.

SPECIFIC CONDITIONS:

1. The permittee shall provide the notice required in General Condition 4 in this permit to the Department's South District office, P. O. Box 2549, Fort Myers, FL 33902-2549.

2. The permittee shall comply with the following manatee protection construction conditions:

a. The permittee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatees.

b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees, which are protected under the Marine Mammal Protection Act of 1972, The Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act.

c. Siltation barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to or exit from essential habitat.

d. All vessels associated with the construction project shall operate at no wake/idle speeds at all times while in the construction area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

e. If a manatee is sighted within 100 yards of the project area, precautions shall be implemented by the permittee and the contractor to ensure protection of manatees. These precautions shall include not operating any equipment closer than 50 feet to a manatee, and immediately shutting down equipment if a manatee comes within 50 feet of the equipment. Activities will not resume until the manatees have departed the project area of their own volition.

f. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission at 1-888-404-FWCC (1-888-404-3922). Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for North Florida or in Vero Beach (1-561-562-3909) for South Florida.

g. Temporary signs concerning manatees shall be posted prior to and during all construction/dredging activities. All signs are to be removed by the permittee upon completion of the project. A sign measuring at least three feet by four feet which reads "*Caution: Manatee Area*" shall be posted in a location prominently visible to water related construction crews. A second sign shall be posted if vessels are associated with the construction and shall be placed visible to the vessel operator. The second sign shall be at least 8 1/2 inches by 11 inches and read:

Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shutdown if a manatee comes within 50

feet of the operation. Any collision with and/or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC (1-888-404-3922). The U.S. Fish and Wildlife Service should also be contacted in Jacksonville (1-904-232-2580) for North Florida or in Vero Beach (1-561-562-3909) for South Florida.

Specific information on obtaining these signs may be obtained by contacting the Department or FWC at (850) 922-4330.

3. The permittee shall install and maintain a manatee informational display at a location (or locations) acceptable to the Florida Fish and Wildlife Conservation Commission (FFWCC), Bureau of Protected Species Management. The display shall inform boaters using the facility of the habitat and mannerisms of manatees and potential threat boats can impose on the continued existence of the endangered manatee. The display shall contain information making operators of vessels moored at this facility aware of the danger boats can cause to the endangered manatee when they are operated above slow speed in grass flats or areas shallower than four feet. The permittee shall install and maintain manatee awareness signs at a location (or locations) acceptable to the FFWCC advising boaters to exercise extreme caution because of the presence of manatees in the area. Permittee shall install and display the signs within 30 days prior to completion of construction of the permitted docking facility. Information concerning this manatee educational program may be obtained from the FFWCC, Bureau of Protected Species Management at the following address: 620 South Meridian Street, Tallahassee, Florida 32399-1600. The manatee caution sign(s) and manatee informational display(s) shall be maintained and replaced as necessary due to fading or damage for the life of the facility.

4. The permittee shall ensure that all boat slip users (purchasers/lessors/renters) receive manatee educational packages prior to use of any boat slip. The permittee shall be responsible for the cost of printing the brochures and pamphlets for the educational packages. Kiosks used in conjunction with these educational packages shall be installed prior to boat slip occupancy and shall be maintained and replaced as necessary due to fading or damage for the life of the facility. Information/guidance for developing and approving this manatee educational program shall be obtained from the FFWCC, Bureau of Protected Species Management at the following address: 620 South Meridian Street, Tallahassee, Florida 32399-1600 (telephone 850/922-4330).

5. The total number of powerboat slips, inclusive of all shoreline and upland storage, shall not exceed 88. Future expansion may be considered if a Lee County Manatee Protection Plan is approved by the Florida Fish and Wildlife Conservation Commission and expansion at this location is consistent with the recommendation in this plan.

6. Best management practices (primarily turbidity screens) for erosion and turbidity control shall be implemented and maintained at all times during construction (including the seawall installation, dredging, debris removal, dock and piling removal, dock and piling installation, and stormwater construction) and operation of the permitted activity to prevent siltation and turbid

3. All areas disturbed by construction shall be stabilized by riprap, seed, sod or revegetation with native wetland and upland species within 72 hours of attaining final grades to prevent erosion.

4. Any water generated as a result of dewatering for the construction of facilities in the upland shall be directed to the on-site detention areas (with silt barriers at any outlets and over any top grates) or to a self-contained upland disposal cell with no return of water to wetlands or waters of the State.

5. Fill shall be placed from the upland into Wetlands 1, 3, and 5 as identified on Sheet 5 of 8 in the attached permit drawings and as indicated in the following table:

Wetland	Fill Impact
#1	0.08 acres
#3	0.11 acres
#5	0.04 acres
TOTAL	0.23 acres

6. Operation of heavy equipment in wetlands is prohibited.

7. Any run-off from existing boat repair areas in the upland shall drain to the stormwater treatment system authorized by this permit for treatment prior to any discharge to waters of the State. The existing boat ramp area and travel lift area shall be modified to cause run-off from these areas to drain to the detention area at the southeast corner of the existing marina site (detention area #4) for treatment prior to discharge to waters of the State. Run-off from the boat ramp area and travel lift area shall be treated in a Department approved stormwater treatment system prior to discharge into waters of the State for the life of the facility.

8. The washing of boats shall occur inside the dry storage building (as shown on Sheet 6 of 8 in the attached permit drawings) and drain to the sanitary sewer system. Boat washdown water shall drain into the sanitary sewer system or to a Department approved stormwater treatment system for the life of the facility.

MANATEE PROTECTION AND CONSERVATION:

9. For any in-water construction, the permittee shall comply with the following manatee protection construction conditions:

a. The permittee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatee(s).

b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972, The endangered Species Act of 1973, and the Florida Manatee Sanctuary Act.

c. Siltation barriers shall be made of material in which manatees cannot become entangled, are properly secured, and are regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to or exist from essential habitat.

d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

e. If manatee(s) are seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure protection of the manatee. These precautions shall include the operation of all moving equipment no closer than 50 feet of a manatee. Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Activities will not resume until the manatee(s) has departed the project area of its own volition.

f. Any collision with and/or injury to a manatee shall be reported immediately to the Florida Marine Patrol at 1-800-DIAL FMP (1-800-342-5367). Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-407-562-3909) in south Florida.

g. Temporary signs concerning manatees shall be posted prior to and during all construction/dredging activities. All signs are to be removed by the permittee upon completion of the project. A sign measuring at least 3 ft. by 4 ft. which reads **Caution: Manatee Area** will be posted in a location prominently visible to water related construction crews. A second sign should be posted if vessels are associated with the construction, and should be placed visible to the vessel operator. The second sign should be at least 8 1/2" by 11" which reads **Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shutdown if a manatee comes within 50 feet of operation. Any collision with and/or injury to a manatee shall be reported immediately to the Florida Marine Patrol at 1-800-DIAL-FMP (1-800-342-5367). The U.S. Fish and Wildlife Service should also be**

contacted in Jacksonville (1-904-232-2580) for north Florida or in Vero Beach (1-407-562-3909) for south Florida.

10. The occupancy of the dry storage facility shall be phased in two parts. The first phase shall consist of a maximum of 100 slips, and the second phase shall consist of the last 108 boat slips. Occupancy of the second phase shall be prohibited until the comprehensive Lee County manatee protection speed zones are established and posted. The permittee shall submit proof of the posting of the speed zones to the Department and a letter requesting authorization of occupancy of the second phase of the dry storage facility. Upon written approval from the Department, the second phase of the dry storage facility may be occupied.

11. The total number of powerboat slips allowed in this development (for Strap Nos. 19-46-24-00-00022.0000 and 19-46-24-00-00023.0020 and the associated riparian area of the parcels) in perpetuity, inclusive of all shoreline and upland storage, shall not exceed 302.

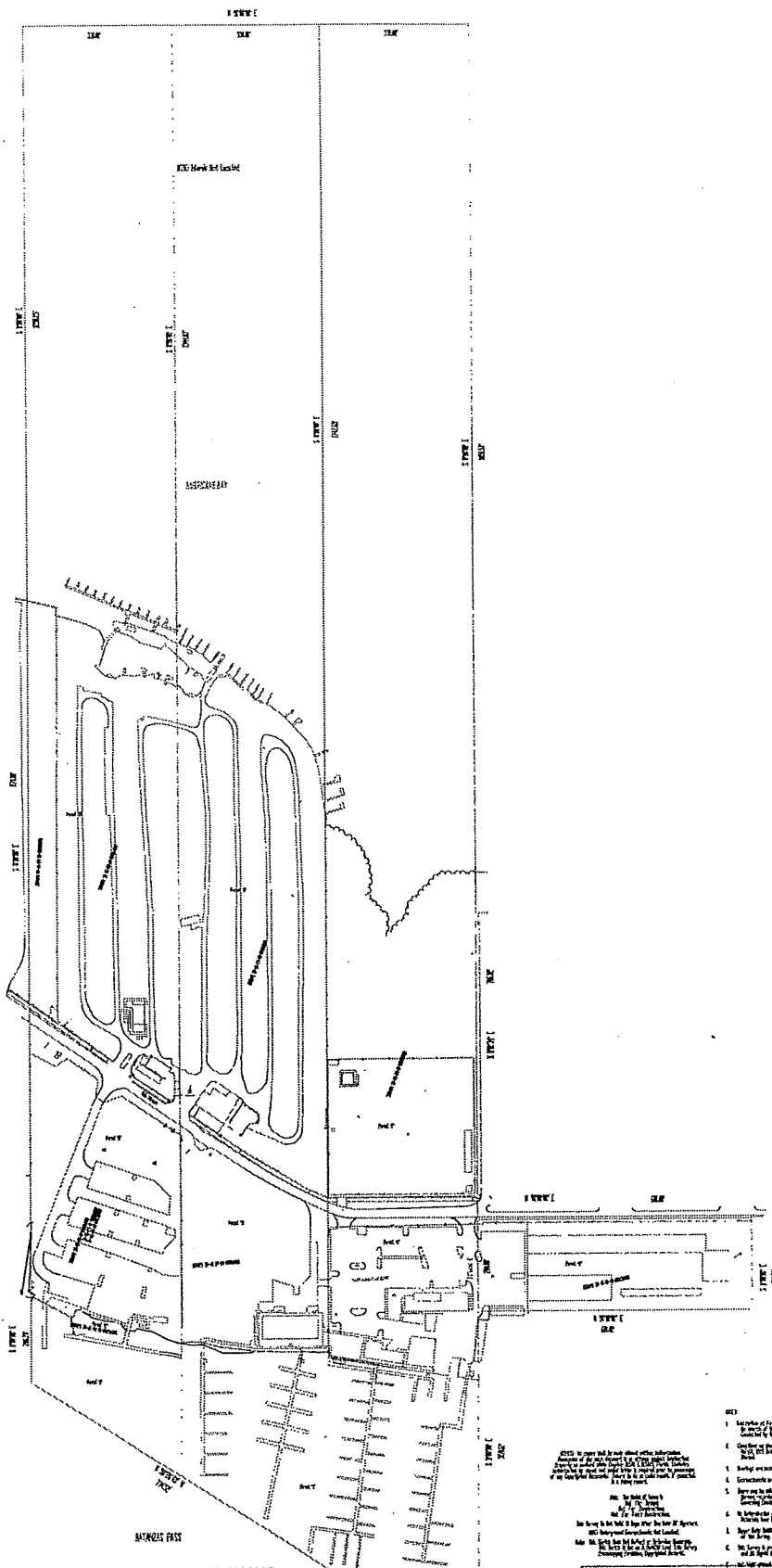
12. Permanent manatee information and/or awareness sign(s) shall be installed and maintained to increase boater awareness of the presence of manatees, and of the need to minimize the threat of boats to these animals. The signs shall be installed prior to commencement of construction authorized in this permit. The signs shall be replaced in the event that the signs fade or become damaged, and shall be maintained for the life of the facility in a manner acceptable to the Department. The number, type and procedure for sign installation shall be in accordance with the attachment "Permanent Manatee Signs". This attachment that includes addresses for sign suppliers, can be obtained from the Bureau of Protected Species Management, 620 S. Meridian Street, Tallahassee, FL 32399-1600 (phone 851/922-4330).

13. A manatee educational program shall be developed, approved by the Bureau of Protected Species Management and the Department, and implemented before completion of project construction and occupancy of the first phase of the dry storage facility. The permittee shall assure that all slip lessors receive manatee educational packages prior to use of any slip. The permittee shall be responsible for the cost of printing the brochures and pamphlets for the educational packages. Signs and kiosks for the educational program shall be installed prior to the facility opening and beginning operations, shall be replaced in the event of fading or becoming damaged, and shall be maintained for the life of the facility in a manner acceptable to the Department. Guidance in the development and approval of the educational program shall be obtained from the Bureau of Protected Species Management, 620 S. Meridian Street, Tallahassee, FL 32399-1600 (phone 851/922-4330).

MITIGATION:

14. The permittee shall perform the following activities on-site to partially offset the project impacts:

CERTIFIED TO:
James Burke Properties, Inc.
Sylvan Land Company, Inc.



NAME		DATE	TIME	LOCATION	REMARKS
1	JOHN DOE	10/10/2023	14:30	Room 101	Normal
2	JANE SMITH	10/10/2023	15:00	Room 102	Normal
3	JOHN DOE	10/10/2023	15:30	Room 103	Normal
4	JANE SMITH	10/10/2023	16:00	Room 104	Normal
5	JOHN DOE	10/10/2023	16:30	Room 105	Normal
6	JANE SMITH	10/10/2023	17:00	Room 106	Normal
7	JOHN DOE	10/10/2023	17:30	Room 107	Normal
8	JANE SMITH	10/10/2023	18:00	Room 108	Normal
9	JOHN DOE	10/10/2023	18:30	Room 109	Normal
10	JANE SMITH	10/10/2023	19:00	Room 110	Normal
11	JOHN DOE	10/10/2023	19:30	Room 111	Normal
12	JANE SMITH	10/10/2023	20:00	Room 112	Normal
13	JOHN DOE	10/10/2023	20:30	Room 113	Normal
14	JANE SMITH	10/10/2023	21:00	Room 114	Normal
15	JOHN DOE	10/10/2023	21:30	Room 115	Normal
16	JANE SMITH	10/10/2023	22:00	Room 116	Normal
17	JOHN DOE	10/10/2023	22:30	Room 117	Normal
18	JANE SMITH	10/10/2023	23:00	Room 118	Normal
19	JOHN DOE	10/10/2023	23:30	Room 119	Normal
20	JANE SMITH	10/10/2023	00:00	Room 120	Normal

[illegible]

10/25/72 to agree that he may attend either Inter-Session
 Assembly of the next department or if it goes ahead, perhaps
 directly to another State Department (L. K. [unclear] [unclear]
 [unclear] to report and make report to [unclear] prior to processing
 of any Departmental documents. He is to be in [unclear] of [unclear]
 in a [unclear] room.

10/26 The Board of [unclear]
 and the [unclear]
 [unclear] for [unclear]
 [unclear] for [unclear] [unclear] [unclear]

[unclear] has been in the field in [unclear] after the [unclear] of [unclear]
 [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]

10/27 [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
 [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
 [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
 [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]

1. Description set forth in Chief of the Agency of the Special Services and conducted by the Chief.
2. Chief of the Agency are listed on the 10-10, 10-11, 10-12, 10-13, 10-14, 10-15, 10-16, 10-17, 10-18, 10-19, 10-20, 10-21, 10-22, 10-23, 10-24, 10-25, 10-26, 10-27, 10-28, 10-29, 10-30, 10-31, 10-32, 10-33, 10-34, 10-35, 10-36, 10-37, 10-38, 10-39, 10-40, 10-41, 10-42, 10-43, 10-44, 10-45, 10-46, 10-47, 10-48, 10-49, 10-50, 10-51, 10-52, 10-53, 10-54, 10-55, 10-56, 10-57, 10-58, 10-59, 10-60, 10-61, 10-62, 10-63, 10-64, 10-65, 10-66, 10-67, 10-68, 10-69, 10-70, 10-71, 10-72, 10-73, 10-74, 10-75, 10-76, 10-77, 10-78, 10-79, 10-80, 10-81, 10-82, 10-83, 10-84, 10-85, 10-86, 10-87, 10-88, 10-89, 10-90, 10-91, 10-92, 10-93, 10-94, 10-95, 10-96, 10-97, 10-98, 10-99, 10-100, 10-101, 10-102, 10-103, 10-104, 10-105, 10-106, 10-107, 10-108, 10-109, 10-110, 10-111, 10-112, 10-113, 10-114, 10-115, 10-116, 10-117, 10-118, 10-119, 10-120, 10-121, 10-122, 10-123, 10-124, 10-125, 10-126, 10-127, 10-128, 10-129, 10-130, 10-131, 10-132, 10-133, 10-134, 10-135, 10-136, 10-137, 10-138, 10-139, 10-140, 10-141, 10-142, 10-143, 10-144, 10-145, 10-146, 10-147, 10-148, 10-149, 10-150, 10-151, 10-152, 10-153, 10-154, 10-155, 10-156, 10-157, 10-158, 10-159, 10-160, 10-161, 10-162, 10-163, 10-164, 10-165, 10-166, 10-167, 10-168, 10-169, 10-170, 10-171, 10-172, 10-173, 10-174, 10-175, 10-176, 10-177, 10-178, 10-179, 10-180, 10-181, 10-182, 10-183, 10-184, 10-185, 10-186, 10-187, 10-188, 10-189, 10-190, 10-191, 10-192, 10-193, 10-194, 10-195, 10-196, 10-197, 10-198, 10-199, 10-200, 10-201, 10-202, 10-203, 10-204, 10-205, 10-206, 10-207, 10-208, 10-209, 10-210, 10-211, 10-212, 10-213, 10-214, 10-215, 10-216, 10-217, 10-218, 10-219, 10-220, 10-221, 10-222, 10-223, 10-224, 10-225, 10-226, 10-227, 10-228, 10-229, 10-230, 10-231, 10-232, 10-233, 10-234, 10-235, 10-236, 10-237, 10-238, 10-239, 10-240, 10-241, 10-242, 10-243, 10-244, 10-245, 10-246, 10-247, 10-248, 10-249, 10-250, 10-251, 10-252, 10-253, 10-254, 10-255, 10-256, 10-257, 10-258, 10-259, 10-260, 10-261, 10-262, 10-263, 10-264, 10-265, 10-266, 10-267, 10-268, 10-269, 10-270, 10-271, 10-272, 10-273, 10-274, 10-275, 10-276, 10-277, 10-278, 10-279, 10-280, 10-281, 10-282, 10-283, 10-284, 10-285, 10-286, 10-287, 10-288, 10-289, 10-290, 10-291, 10-292, 10-293, 10-294, 10-295, 10-296, 10-297, 10-298, 10-299, 10-300, 10-301, 10-302, 10-303, 10-304, 10-305, 10-306, 10-307, 10-308, 10-309, 10-310, 10-311, 10-312, 10-313, 10-314, 10-315, 10-316, 10-317, 10-318, 10-319, 10-320, 10-321, 10-322, 10-323, 10-324, 10-325, 10-326, 10-327, 10-328, 10-329, 10-330, 10-331, 10-332, 10-333, 10-334, 10-335, 10-336, 10-337, 10-338, 10-339, 10-340, 10-341, 10-342, 10-343, 10-344, 10-345, 10-346, 10-347, 10-348, 10-349, 10-350, 10-351, 10-352, 10-353, 10-354, 10-355, 10-356, 10-357, 10-358, 10-359, 10-360, 10-361, 10-362, 10-363, 10-364, 10-365, 10-366, 10-367, 10-368, 10-369, 10-370, 10-371, 10-372, 10-373, 10-374, 10-375, 10-376, 10-377, 10-378, 10-379, 10-380, 10-381, 10-382, 10-383, 10-384, 10-385, 10-386, 10-387, 10-388, 10-389, 10-390, 10-391, 10-392, 10-393, 10-394, 10-395, 10-396, 10-397, 10-398, 10-399, 10-400, 10-401, 10-402, 10-403, 10-404, 10-405, 10-406, 10-407, 10-408, 10-409, 10-410, 10-411, 10-412, 10-413, 10-414, 10-415, 10-416, 10-417, 10-418, 10-419, 10-420, 10-421, 10-422, 10-423, 10-424, 10-425, 10-426, 10-427, 10-428, 10-429, 10-430, 10-431, 10-432, 10-433, 10-434, 10-435, 10-436, 10-437, 10-438, 10-439, 10-440, 10-441, 10-442, 10-443, 10-444, 10-445, 10-446, 10-447, 10-448, 10-449, 10-450, 10-451, 10-452, 10-453, 10-454, 10-455, 10-456, 10-457, 10-458, 10-459, 10-460, 10-461, 10-462, 10-463, 10-464, 10-465, 10-466, 10-467, 10-468, 10-469, 10-470, 10-471, 10-472, 10-473, 10-474, 10-475, 10-476, 10-477, 10-478, 10-479, 10-480, 10-481, 10-482, 10-483, 10-484, 10-485, 10-486, 10-487, 10-488, 10-489, 10-490, 10-491, 10-492, 10-493, 10-494, 10-495, 10-496, 10-497, 10-498, 10-499, 10-500, 10-501, 10-502, 10-503, 10-504, 10-505, 10-506, 10-507, 10-508, 10-509, 10-510, 10-511, 10-512, 10-513, 10-514, 10-515, 10-516, 10-517, 10-518, 10-519, 10-520, 10-521, 10-522, 10-523, 10-524, 10-525, 10-526, 10-527,

KENNEDY JOHN FEARL INC JUNE 88 West Line of The East (2 of Government Lot 3 July 88) (2 of Account)				
BOOK NO.	111	CHECK NO.	101	DATE
			JUN 88	1 of 1

Badamtchian, Chahram

From: Wilson, John
Sent: Monday, August 25, 2008 4:29 PM
To: Badamtchian, Chahram
Subject: RE: CPA2007-0005 San Carlos Island Comp Plan Amendment

Thanks.

I had a meeting with the planning folks and County Attorney's office and voiced my concerns about increasing the density in the Coastal High Hazard Area. What else do I have to do?

John D. Wilson, Director
Lee County Public Safety
(239) 533-3911, Fax: (239) 482-2605
Cell: (239) 229-1117
wilsonjd@leegov.com

Mission: To provide help to those needing it, and the means by which to communicate that need.

NOTE: New Telephone and Fax Number

From: Badamtchian, Chahram
Sent: Monday, August 25, 2008 4:28 PM
To: Wilson, John
Subject: RE: CPA2007-0005 San Carlos Island Comp Plan Amendment

Yes Sir this is the one. They are proposing to increase the height and density.

Chahram Badamtchian, AICP
Senior Planner
Lee County DCD/Zoning
Phone: 239. 533. 8372
Fax: 239. 485. 8300
Cbadamtchian@leegov.com

From: Wilson, John
Sent: Monday, August 25, 2008 4:25 PM
To: Badamtchian, Chahram
Subject: RE: CPA2007-0005 San Carlos Island Comp Plan Amendment

Is this the one that's looking to increase density in the coastal high hazard area on San Carlos Island?

John D. Wilson, Director
Lee County Public Safety
(239) 533-3911, Fax: (239) 482-2605
Cell: (239) 229-1117
wilsonjd@leegov.com

Mission: To provide help to those needing it, and the means by which to communicate that need.

NOTE: New Telephone and Fax Number

From: Badamtchian, Chahram

ATTACHMENT 2

9/8/2008

Sent: Wednesday, August 20, 2008 2:06 PM

To: Boutelle, Stephen J.; Campbell, Gerald G.; Collins, David M.; Collins, Donna Marie ; Cranford, Richard M.; Daltry, Wayne E.; Eckenrode, Peter J.; farrell, Kevin; Gordon, Dawn; Griffith, Douglas; Horner, Bill; Horsting, Michael S.; Houck, Pamela E.; Lavender, James H.; Lehnert, Dawn; Loveland, David M.; Meurer, Douglas L.; Murphy, Jerry; Newman, William T.; Ottolini, Roland E.; Pavese, Michael P.; Roberts, Rickey G.; Sampson, Lindsey J.; Moore, James; Sweigert, Rebecca H.; Wilson, John; Zettel, Mary S.

Subject: CPA2007-0005 San Carlos Island Comp Plan Amendment

CPA 2007-0005 San Carlos Island Comprehensive Plan Amendment is deemed sufficient. The LPA hearing date is set for Sept 22, 2008. Could you please send your substantive comments to me? I am starting to draft my staff report and need your comments ASAP.

Thanks,

CB

Chahram Badamtchian, AICP

Senior Planner

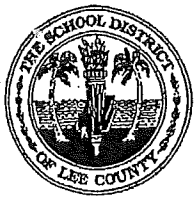
Lee County DCD/Zoning

Phone: 239. 533. 8372

Fax: 239. 485. 8300

Cbadamtchian@leegov.com

9/8/2008



THE SCHOOL DISTRICT OF LEE COUNTY

2855 COLONIAL BLVD. ♦ FORT MYERS, FLORIDA 33966-1012 ♦ (239) 334-1102 ♦ WWW.LEESCHOOLS.NET

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SEP 17 2008

September 12, 2008

COMMUNITY DEVELOPMENT

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CHAIRMAN, DISTRICT 2
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VICE CHAIRMAN, DISTRICT 3
ROBERT D. CHILMONIK
DISTRICT 1
STEVEN K. TEUBER, J.D.
DISTRICT 4
ELINOR C. SCRICCA, PH.D.
DISTRICT 5
JAMES W. BROWDER, ED.D.
SUPERINTENDENT
KEITH B. MARTIN, ESQ.
BOARD ATTORNEY

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

RE: Cypress Villages CPD
Case # DCI2008-00003

Dear Mr. Badamtchian:

This letter is in response to your request dated September 9, 2008 for the proposed Cypress Villages CPD for substantive comments with regard to educational impact. This proposed structure is located in the South Choice Zone, Sub Zone S1.

After reviewing the re-submittal, the School Districts comments remain the same which is the project should have no impact on classroom needs based on the applicant's indication that this is a commercial project only and will not have any residential units.

Thank you for your attention to this issue. If I may be of further assistance, please call me at (239) 479-5661.

Sincerely,

Dawn Gordon, Community Development Planner
Planning Department

ATTACHMENT 3

Badamtchian, Chahram

From: Horsting, Michael S.
Sent: Thursday, September 11, 2008 4:20 PM
To: Badamtchian, Chahram
Subject: RE: CPA2007-0005 San Carlos Island Comp Plan Amendment

Policy XX.7.1 - Establishing water taxi service from the development to Estero Island. The developer proposes to establish a minimum of two round trips per day with the water taxi in an effort to mitigate traffic concerns on San Carlos Blvd and on Main Street on San Carlos Island. Two round trips will not be convenient enough service to attract choice riders out of the cars and on the water taxi service. The minimum service level should set specific headways along with a minimum span of hours for service per day. (example: 20 minute headways between the hours of 9:00 AM and 9:00 PM)

Policy XX.7.2 - Establishing an airport shuttle. Will the airport shuttle service be exclusive to this development or will it be open to other Estero Island resorts and hotels? Shuttle service to one development will have very little impact on traffic concerns. Also, be aware this is somewhat a duplication of existing services provided by the County in that there is direct local bus service from Summerlin Square to the International Airport seven days per week. Granted, an airport shuttle could provide quicker trips to and from.

Policy XX.7.3 - Provision of bus stop locations. None of the County's long or short range transit plans include the addition of transit service on Main Street east of San Carlos Boulevard. The construction of a bus stop on the development may never get serviced by public transportation without a safe way for transit vehicles to return to southbound San Carlos Boulevard with the assistance of a controlled intersection. The best way to accommodate for access to transit with this development is to make provisions for safe pedestrian access to and across San Carlos Boulevard which is an existing transit corridor.

Mike Horsting, AICP
 Principal Planner - Lee County Transit
 239-533-0333 tel

Please note: Florida has a very broad public records law. Most written communications to or from County Employees and Officials regarding County business are public records available to the public and media upon request. Your e-mail communication may be subject to public disclosure.

From: Badamtchian, Chahram
Sent: Thursday, September 04, 2008 3:01 PM
To: Boutelle, Stephen J.; Campbell, Gerald G.; Collins, David M.; Collins, Donna Marie ; Cranford, Richard M.; Daltrey, Wayne E.; Eckenrode, Peter J.; farrell, Kevin; Gordon, Dawn; Griffith, Douglas; Horner, Bill; Horsting, Michael S.; Houck, Pamela E.; Lavender, James H.; Lehnert, Dawn; Loveland, David M.; Meurer, Douglas L.; Murphy, Jerry; Newman, William T.; Ottolini, Roland E.; Pavese, Michael P.; Roberts, Rickey G.; Sampson, Lindsey J.; Moore, James; Sweigert, Rebecca H.; Wilson, John; Zettel, Mary S.
Cc: Noble, Matthew A.
Subject: RE: CPA2007-0005 San Carlos Island Comp Plan Amendment
Importance: High

To those of you who have not sent me your substantive comments:

If by **Monday September 8th 5:00 PM** I don't receive your substantive comments, I will assume you have no substantive comments, and my staff report will state that you had no

ATTACHMENT 4

9/16/2008

concerns or comments. My staff report is almost done and I am waiting for your comments to complete it.

Sincerely,

Chahram Badamtchian, AICP

Senior Planner

Lee County DCD/Zoning

Phone: 239. 533. 8372

Fax: 239. 485. 8300

Cbadamtchian@leegov.com

From: Badamtchian, Chahram

Sent: Wednesday, August 20, 2008 2:06 PM

To: Boutelle, Stephen J.; Campbell, Gerald G.; 'Collins, David M.'; Collins, Donna Marie ; Cranford, Richard M.; Daltry, Wayne E.; Eckenrode, Peter J.; 'farrell, Kevin'; 'Gordon, Dawn'; Griffith, Douglas; 'Horner, Bill'; Horsting, Michael S.; Houck, Pamela E.; Lavender, James H.; Lehnert, Dawn; Loveland, David M.; Meurer, Douglas L.; 'Murphy, Jerry'; Newman, William T.; Ottolini, Roland E.; Pavese, Michael P.; Roberts, Rickey G.; Sampson, Lindsey J.; 'Smith, Regina Y.'; Sweigert, Rebecca H.; Wilson, John; Zettel, Mary S.

Subject: CPA2007-0005 San Carlos Island Comp Plan Amendment

CPA 2007-0005 San Carlos Island Comprehensive Plan Amendment is deemed sufficient. The LPA hearing date is set for Sept 22, 2008. Could you please send your substantive comments to me? I am starting to draft my staff report and need your comments ASAP.

Thanks,

CB

Chahram Badamtchian, AICP

Senior Planner

Lee County DCD/Zoning

Phone: 239. 533. 8372

Fax: 239. 485. 8300

Cbadamtchian@leegov.com

9/16/2008



Lee County
SOUTHWEST FLORIDA

INTEROFFICE MEMORANDUM
FROM
PUBLIC WORKS
UTILITIES

Date: September 19, 2008

TO: Chahram Badamchian
Senior Planner
DCD / Zoning

From: Howard Wegis
Staff Engineer
Utilities

SUBJECT: CPA2007-00051 San Carlos Island Comp Plan Amendment

I have reviewed the above referenced revised application submitted for comments in your e-mail to Doug Meurer dated June 11, 2008 and would like to provide the following comments.

Sanitary Sewer Service:

As the applicant states, the property is located within Lee County Utilities (LCU) wastewater service area. Regarding treatment capacity, the Fort Myers Beach Wastewater Treatment Plant does have the excess capacity to serve the net increase in flows projected by the applicant.

Regarding wastewater collection system capacity the general area covered by this amendment is currently provided with wastewater service and wastewater infrastructure is in place, however, the applicant should be aware that during the development process the developer will be responsible for performing hydraulic calculations to identify the extent of required on-site and off-site improvements to the wastewater collection system to support the projected increase in flow. The applicant should be aware that the developer will bear the cost of these improvements. In addition, prior to connection to the central sewer system the applicant will be responsible for ensuring compliance with pretreatment standards established in Lee County Ordinance 05-26.

Potable Water Service:

As the applicant states, water service will be provided by Lee County Utilities. The subject property is within LCU's potable water service area. Regarding treatment capacity, the applicant correctly states that the Green Meadows treatment plant will provide service. In addition to the applicant's analysis of available capacity at the Green Meadows plant it should be noted that LCU is planning an expansion of the Green Meadows facility to increase its capacity to 16.0 million gallons per day. This project is included in LCU's CIP and is planned to be completed by 2010. This expansion will provide ample excess treatment capacity to serve the increase in demand proposed by the applicant.

Regarding water distribution system capacity, the general area covered by this amendment is currently provided with potable water service and potable infrastructure is in place, however, the applicant should be aware that during the development process the developer will be responsible for performing hydraulic calculations to identify the extent of required on-site and off-site improvements to the water distribution system to support the projected increase in demand. The applicant should be aware that the developer will bear the cost of these improvements.

June 19, 2008
Chahram Badamtchian
Page Two


Reclaimed Water Service:

Regarding Policy 54.1.6, the applicant should be aware that LCU does have capacity in the Fort Myers Beach WWTP reclaimed water system. However, LCU does not have reclaimed water infrastructure available in the area covered by the proposed amendment. The closest point of connection to the reclaimed water system is approximately three miles from the subject area.

cc: Douglas Meurer, Director, DLCU
Thom Osterhout, DLCU
Tom Hill, DLCU

Memo

To: Paul O'Connor, Planning Director

From: David Loveland, Manager, Transportation Planning 

Date: September 9, 2008

Subject: CPA 2007-51 (San Carlos Island)

The Department of Transportation had previously commented on the above-referenced privately-initiated future land use map and text plan amendment, in a memo dated March 4, 2008. Our understanding of the request at that time was to change the land use designation of approximately 76.25 acres at the east end of Main Street on San Carlos Island from a combination of Industrial Development/Suburban/Urban Community/Wetlands land use categories to a newly-created category called "Resort Mixed Use Water Dependent (DRMUWD)". The concerns we had related to the existing and projected level of service problems on Estero Boulevard, and the resultant back-ups experienced regularly during season by southbound traffic on San Carlos Boulevard. With this proposed project significantly increasing traffic on Main Street and that traffic feeding directly on to San Carlos Boulevard, and no practical improvements identified in the long range plan to really address the Estero Boulevard situation and the resultant back-ups on San Carlos Boulevard, DOT staff was concerned about approving this amendment request and exacerbating the traffic problem in this area. DOT staff also had concerns about the ability of the narrow, curvy, two-lane configuration of Main Street to handle additional traffic, and felt some improvement to that facility should ultimately be required of the developer if this plan amendment is approved and this project moves forward.

I understand Planning staff is recommending a downscaling the density associated with the new land use category, but even at a lower development level the concerns about traffic conditions on Estero Boulevard, San Carlos Boulevard and Main Street remain. To address the DOT concerns highlighted in March, the applicant has been developing objectives and policies that emphasize alternative modes of transportation for the area, a critical effort when considering intensifying uses in already-congested areas. The latest version of the applicant's proposed policies related to alternative transportation are included below, with some strike-through underline changes proposed by DOT staff:

OBJECTIVE XX.6: COORDINATION OF MASS TRANSIT. The developer(s) will ~~establish coordination~~ coordinate with Lee County to ensure consistency with the TDP (Transit Development Plan).

ATTACHMENT 6

POLICY XX.6.1: Mixed-use developments, as defined in the Lee Land Development Code as containing both commercial and residential uses within the same development, shall provide for an interconnection of commercial with residential uses ~~with~~ through pedestrian linkages. Mixed-use developments will be limited to an overall density of 15 dwelling units per acre at these locations. A minimum of 10% of this density must be allocated to timeshare development. Mixed-use developments that use commercial and residential within the same development shall be allowed to use the entire site for density calculation.

POLICY XX.6.2: Bicycle and pedestrian facilities will be provided throughout the development. Connections between all uses are required to facilitate these alternative modes of transportation. When possible, connection to adjacent developments shall be provided.

POLICY XX.6.3: Vehicular connections between residential and non-residential uses will be provided to facilitate the internal capture of trips. When possible, vehicular connections to adjacent developments will be made to provide alternative access to the non-residential components of this mixed-use developments ~~other than the Main Street.~~

POLICY XX.6.4: ~~Water access~~ Each development shall provide at a minimum one designated public access easement point to the water.

OBJECTIVE XX.7: INCORPORATION AND UTILIZATION OF MULTIMODAL AND ALTERNATIVE MODES OF TRANSIT. The development will establish a comprehensive approach to multimodal and alternative modes of transportation for its residents and guests. These will include, but not be limited to mass transit stops (minimum of one), or shuttle service to a stop, bicycle rental, integrated network of sidewalks and board walks, Airport shuttle services and water-taxi transportation facilities.

POLICY XX.7.1: Each development will establish a water taxi/shuttle service to and from the property. The shuttle will be open to guests, residents and outsiders wanting an alternative access to the water. Hours of operation will be determined based on market conditions but will at a minimum provide three (3) round trips daily.

POLICY XX.7.2: Each development will establish an airport shuttle service to and from the Southwest Florida International Airport and the development. The shuttle services hours of operation will be determined based on market conditions and can either be a fixed route shuttle or a point of demand service type or combination thereof.

POLICY XX.7.3: Where projects developments greater than 20 acres are intersected bisected by public roadways ~~for developments greater than 20 acres and with a split greater and more than 15% of the development is on the other side of the road,~~ some sort of grade separation may be provided for safe pedestrian and bicycle access between the properties. ~~The purpose of this is to safely move pedestrian and bicycles across the road.~~ Examples of this would involve taking the bicycle/pedestrian facilities up and over the

road or involve taking the road over the pedestrian/bicycles paths. Any such improvements would be considered site-related.

POLICY XX.7.4: As part of this amendment the existing roadways that are adjacent to or run through the project, particularly Main Street, will be evaluated with a cross-sectional analysis to identify needed upgrades for driver and bicycle/pedestrian safety and bus access to and from this property. At a minimum one bus stop will be provided along Main Street to Lee Tran standards or better. Where bicycle/pedestrian upgrades or additions are determined by Lee County to be desirable along Main Street or other area streets, any such improvements on behalf of this property and outside the boundaries of this property will be eligible for road impact fee credits in accordance with the Lee County Land Development Code.

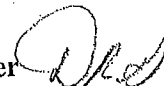
As an initial point, DOT staff would note that the policy language as it has evolved is a confusing mix of general references as befitting a larger land use category and site-specific references that only apply in one location. Some additional editorial work is probably necessary to make the references consistent one way or the other. Beyond that, DOT's proposed revisions to most of the policies are simply editorial clean-ups, to improve how they read. DOT staff added one additional clarification to proposed policy XX.7.3 to indicate that grade separations to create safer bicycle/pedestrian connections between two halves of a development in this category will be a site-related improvement and developer expense, whether it is the bicycle/pedestrian facility going up and over the road or the road going up and over the bicycle/pedestrian facility. The other major revision by DOT is actually adding back in a policy that was part of previous negotiations, and supposedly incorporated into the latest version of the policies according to the applicant, but which was in fact missing. This policy (which is admittedly site-specific) calls for upgrading Main Street to accommodate buses, bicycles and pedestrians in addition to cars.

Again, there is a general concern about intensifying development in an area where significant traffic congestion already exists. However, the above-noted policies, as revised by DOT staff, help off-set the intensification impacts and help make this part of the County more accommodating for alternative modes of transportation. DOT staff recommends that the policies as revised above be included with this amendment if it is ultimately recommended for approval.

Please let me know if you need any additional information.

cc: Donna Marie Collins
Chahram Badamtchian

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

Date: September 15, 2008
To: Chahram Badamtchian, Planner
From: Doug Griffith, Environmental Planner 
Phone: (239) 533- 8323
e-mail: dgriffith@leegov.com
Project: San Carlos Island
Case: CPA2007-00051
STRAP: 19-46-24-00-00022.0010

The Division of Environmental Sciences (ES) staff has reviewed the proposed San Carlos Island Comprehensive Plan Amendment and offer the following analysis:

PROJECT SITE:

The project is located on the eastern side of San Carlos Island, north and south of Main Street and presently consists of a seasonal RV Park, light industrial, commercial and marina uses. The applicant is proposing to create a new land use category through a text and map amendment. The applicant's request is to change the future land use from Urban Community, Suburban and Industrial to Destination Resort Mixed Use Water Dependent Landuse (DRMUWDL) in the San Carlos Island Water Dependent Overlay Zone to allow for the revitalization of an area with declining uses. The ± 76.25 acres consist of 32.18 acres of uplands and 44.07 acres of submerged lands.

A Vegetative Community Assessment was performed by Passarella and Associates Inc. (PAI) in August of 2007 on property and field verified by ES Staff (Doug Griffith) on November 27, 2007. The assessment and a Florida Land Use, Cover and Classification System (FLUCCS) map was submitted by the applicant.

The Uplands consist of: 14.45 \pm acre RV Park (FLUCCS 130), a disturbed 2.55 \pm acre cleared area (FLUCCS 740), Main Street consisting of 0.53 \pm acres (FLUCCS 814), Brazilian pepper consisting of 0.04 \pm acres (FLUCCS 422), Boat Docks and Marina containing 16.18 \pm acres (FLUCCS 180/184). The wetlands consist of: Mangroves (FLUCCS 612) This 7.93 \pm acres wetland community is located in the east central portion of the property. Canopy, sub-canopy and ground cover consist of a mixture of red mangrove (*Rhizophora mangle*), white mangrove (*Laguncularia racemosa*) and black mangrove (*Avicennia germinans*) with scattered Brazilian pepper (*Shinus terebinthifolius*). Estuaries consist of 34.39 \pm acres (FLUCCS 540) including the northern and southern portions of the project area. The northern portion includes open water and

submerged bottom lands of Oyster Bay and Hurricane Bay. The southern portion includes the northern edge of Matanzas Pass.

PROPERTY DESCRIPTION:

PAI performed an environmental assessment in August of 2007 on the 76.25± acre property. ES Staff conducted a site inspection on November, 2007 and confirmed the results. During the site inspection, ES Staff (Doug Griffith) observed the following:

- The disturbed land was dominated by grasses that were frequently mowed.
- The mangroves located adjacent to the RV Park was 90% free of exotics however trash and debris was located through out the area.
- The mangroves and mangrove islands located in Hurricane Bay are within the subject property and are potential homes to nesting and foraging wading birds and other listed species.

Policy 1.4.6: Conservation Lands land use category was created to accurately depict the use of lands for conservation purposes. Conservation Lands include uplands and wetlands that are owned and used for long range conservation purposes. The Conservation Lands FLUM category is for lands that are primarily used to conserve important natural resources, environmentally sensitive areas, significant archeological or historical resources, or other conservation uses. Conservation Lands typically include such uses as wildlife preserves; large wetland and upland mitigation areas; natural resource based parks; and water conservation lands such as aquifer recharge areas, flow-ways, flood prone areas and well fields.

The Conservation Lands objective is to put into the public domain private lands that provide the following public benefits:

- Sustain native plant and animal populations;
- Protect people and property from flooding;
- Replenish our underground drinking water supply;
- To improve or sustain the water quality of our coastal bays, inlets;
- Provide ecotourism opportunities, and
- Provide local environmentally oriented recreational and educational opportunities.

The applicant is proposing an "Eco-park" to provide education to visitors and residence on wetlands and other habitats in the area. ES Staff encourages the use of passive recreational and educational uses in natural surroundings. The Eco-Park will be part of the community learning center. The park will be a passive, informative, boardwalk experience with a variety of tour type's available. Tour types will be non-invasive and educational in nature, a single boardwalk traversing centrally through the mangrove area with one shaded structure for resting will be used in the tours. ES Staff finds this consistent with **Objective 86.1: *the county will provide information and educational programs regarding its cultural history and the environment at appropriate facilities.***

The Board of County Commissioners has provided policy guidance to staff to maintain wildlife habitats and green space connections to ensure the preservation of indigenous plant and animal habitat throughout the County.

Utilizing the conservation lands use category would serve to protect the indigenous habitat while providing foraging and nesting opportunities for listed species and species of special concern.

The following Comprehensive Plan Goals, Objectives and Policies further support ES Staff's recommendation for the conservation land use category for this project:

- **Standard 11.4: Environmental Review Factors.** *In any case where there exists or there is the probability of environmentally sensitive areas the developer must propose means to protect, conserve, or preserve the environmental and natural resources.*

The Board of County Commissioner's policy guidance to staff is for the preservation of mangroves and wetlands for potential use by foraging and nesting wading birds. ES Staff recommends the use of conservation lands category to preserve this environmentally sensitive habitat.

- **GOAL 114: WETLANDS.**

Objective 114.1 *The natural function of wetlands and wetland systems will be protected and conserved through the enforcement of the County's wetland protection regulations.*

Placing the mangroves and mangrove islands in the conservation lands, land use category will protect the natural function of the system.

- **Objective 107.4: Endangered and Threatened Species in General:** *Lee County will continue to protect habitats of threatened and endangered species and species of special concern in order to maintain or enhance existing population numbers and distribution of listed species.*

Placing the mangroves and mangrove islands in the conservation land use category will protect potential foraging and nesting areas for wading birds and other listed species.

- **GOAL 104: Coastal Resource Protection:** *To protect the natural resources of the coastal planning area from damage caused by inappropriate development.*

Placing the mangroves and mangrove islands in the conservation land use category will protect them from development.

WATER QUALITY AND STORM WATER MANAGEMENT

Currently there is no storm water management being utilized on the property. Storm water runoff from the marina and RV park flow directly into Hurricane Bay or Matanzas Pass without any water quality treatment. The applicant is proposing to provide storm water treatment for a 25-year, 3-day storm event. ES Staff recommends using storm water management to mimic natural systems incorporating Green Infrastructure into the surface water management plan for increased water quality and improved infiltration.

The following Comprehensive Plan Goals, Objectives and Policies support ES Staff's recommendations.

- **Objective 60.5:** *Incorporation of Green Infrastructure into the Surface Water Management Plan. The long-term benefits of green infrastructure as part of the surface water management system includes improved water quality, improved infiltration, wild life habitat and recreational opportunities.*
- **Policy 61.2.2** *Where no natural features of flow or ponding exist on a site the County will require that water management structures be designed and constructed in such a manner as to mimic the functions of a natural system.*

LANDSCAPING AND GREEN INFRASTRUCTURE:

In order to preserve and enhance the natural beauty of the island, the applicant is proposing the following policies for the DRMUWDL land use category. This includes:

- **Policy XX 3.1** *Innovative landscaping design for parking areas and perimeter plantings utilizing 70% native plants.*

ES Staff finds this consistent with **Lee Plan Objective 77.3:** *New developments must use innovative open space design to preserve existing vegetation, provide visual relief and buffer adjacent uses.*

The project does not have existing native vegetation however proposes to utilize 70% native plants.

- **Policy XX 5.3** *Providing an educational component to the project with the objective of educating the public on its unique quality and rich heritage and means to protect the area.*

ES Staff finds this consistent with **Goal 86: Environmental and Historic Programs.** *To provide programs and information to promote knowledge and understanding of Lee county's unique environmental and cultural heritage.*

The applicant is proposing to educate the public on the unique quality and rich heritage of San Carlos Island.

- **Policy XX 10.18. Landscape Standards** *The landscaping will incorporate Xeriscape principles to conserve water and will be designed to incorporate a sense of nature as well as promote health of plant species within the community.*

ES Staff finds this consistent with **Objective 117.2: Xeriscape Landscape.** *The county will continue to promote Xeriscape landscaping techniques.*

The applicant is proposing Xeriscape landscaping that will promote native, drought tolerant, plant species for aesthetic value and water conservation.

- **Proposed Objective XX.12: Wildlife.** *The location, design and operation of Destination Resort Facilities will incorporate preservation and/or management activities that restrict the unnecessary loss of habitat or impact on protected species, species of special concern, threatened or endangered species.*
- **Proposed Policy XX.12.1:** *The development will not have an adverse impact on any existing, viable onsite occupied wildlife habitat for protected species, species of special concern, threatened or endangered species.*

The applicant has revised the policy language for **Objective XX.12 and Policy XX.12.1** deleting the word unnecessary from Objective XX.12 and the word adverse from Policy XX.12.1

ES Staff finds the objective and policy consistent with **Objective 107.4: Endangered and Threatened Species in General.** *Lee County will continue to protect habitats of endangered and threatened species and species of special concern in order to maintain or enhance existing population numbers.*

- **Objective XX.13: Natural Resources.** *Destination Resort facilities must be located, designed and operated to minimize environmental impacts, and where appropriate, enhance and manage natural resources such as, waterways, wetlands, natural water bodies, and indigenous uplands.*

ES Staff finds the objective consistent with **Goal 107: Natural Resources.** *To manage the county's wetland and upland ecosystems so as to maintain and enhance native habitats, flora and fauna species diversity, water quality and natural surface water characteristics.*

- **Policy XX.15.1 Marina Design and Conservation.** *The Marina design will incorporate natural wetland vegetative buffers near the docking areas and in ingress/egress areas for erosion and sediment control, runoff purification and habitat purposes and protect environmentally sensitive area.*

ES Staff finds the policy consistent with **Policy 128.6.8: *Marina design must incorporate natural wetland vegetative buffers near the docking area and in ingress/egress areas for erosion and sediment control, runoff purification and habitat purposes.***

CONCLUSION:

The applicant has agreed to place the mangroves in conservation lands (see attached) and incorporate natural wetland vegetative buffers near the docking areas to assist in water quality including: erosion and sediment control, runoff purification and protect environmentally sensitive area. This will assist in long term protection of these ecosystems.

EXHIBIT A

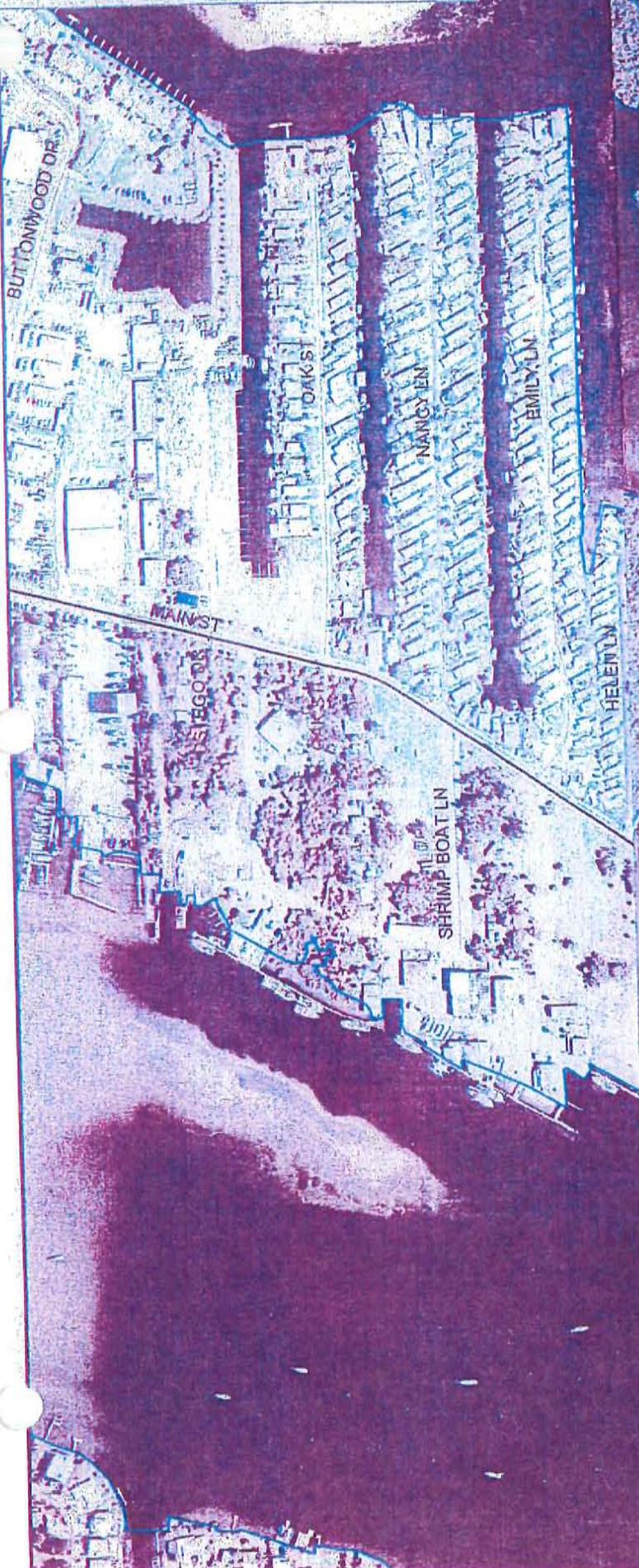
Conservation

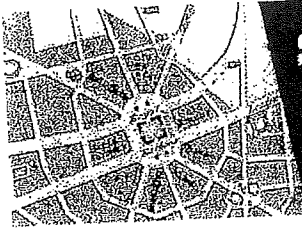
7.09 Acres

Lands



Property Boundary





SPIKOWSKI PLANNING ASSOCIATES

September 4, 2008

Chahram Badamtchian, AICP
Lee County Community Development Department, Zoning Division
P.O. Box 398
Fort Myers, Florida 33902-0398

RE: Proposed Lee Plan amendments on San Carlos Island (CPA-2007-00051)

Dear Mr. Badamtchian:

On behalf of the Town of Fort Myers Beach, I have reviewed the pending Lee County comprehensive plan amendments for property on San Carlos Island. These comments identify the town's concerns at this point and may be supplemented by additional comments from the town in the near future. These comments are not based on a complete review of this proposal but they shed light on the nature of the request and some of its potential impacts on San Carlos and Estero Islands.

SUMMARY

The proposal is to create a new category on Lee County's Future Land Use Map to accommodate a major destination resort. The resort would have 600 dwelling units, a 300-room hotel, a freestanding parking garage, and related facilities. Building heights could be up to 22 stories over parking.

The property in question includes about 27 acres of high ground along both sides of Main Street. On the north side of Main Street are the existing Ebb Tide and Oyster Bay senior-only RV parks (about 15 acres); together these parks accommodate about 271 spaces, a density of just over 18 spaces per acres. On the south side of Main Street there is dry boat storage, a restaurant, and other commercial/industrial support facilities (about 12 acres). The combined properties also include about 7 acres of mangrove swamp and 39 acres of submerged land in Hurricane Pass and Matanzas Pass.

The scale and height of the proposed resort would be completely different from nearby conditions on both San Carlos and Estero Islands. The applicant argues that Lee County's current development rules for San Carlos Island make re-use of these properties impractical given the state of the shrimping industry and the declining market for RV sites. The applicant asserts that this proposal will have no significant impacts on traffic or utilities.

Lee County's vision for San Carlos Island is stated simply in the Lee Plan: "The San Carlos Island area, which is nearly built out today, will continue to develop its infill areas while maintaining its marine oriented nature." The marine-oriented restrictions apply most strictly on land within 300 feet of Matanzas Pass, but also apply between that zone and Main Street. These restrictions have been in place for nearly 20 years in an attempt to reserve land along the deep channel for commercial fishing and related marine industrial uses.

1617 Hendry Street, Suite 416, Fort Myers, Florida 33901-2947 • phone: (239) 334-8866 fax: (239) 334-8878
e-mail: bill@spikowski.com web: www.spikowski.com

ATTACHMENT 8

Lee County does not have a pre-disaster buildback policy like the town of Fort Myers Beach, thus the redevelopment potential for RV and mobile home parks is limited to what would be allowed on vacant property, 6 dwelling units per acre (about 86 units here).

The applicant may be correct in asserting that Lee County's regulations for San Carlos Island are in need of review and updating, given changes over the past 20 years. The fishing industry has continued to decline, and RVs and mobile homes are increasingly obsolete and prone to flood damage. Redevelopment would allow a modern surface water management system and would elevate all buildings above expected flood levels.

However, the current proposal would be a dramatic departure not only from existing conditions but from general county policy restricting high-density development in coastal areas and along overcrowded roads. It would also begin reversing the county's longstanding efforts to reserve suitable land for marine industrial uses.

TRAFFIC

The most obvious planning issue is traffic. The applicant's traffic engineer concludes that no nearby roads would operate below adopted levels of service. Although it is possible to reach this conclusion on a purely technical basis, it is an absurdity in the real world given the unmistakable traffic congestion that already exists in the immediate area.

The traffic engineer's conclusion is explicitly based on Lee County building a new bridge from San Carlos Island to Estero Island near Bay Oaks. This second bridge is in Lee County's financially feasible road plan for 2030 (copy attached). As an ironic note, the bridge would likely run from Main Street right through this property; building the proposed high-rise hotel would probably make the new bridge infeasible.

The traffic engineer's conclusion ignores several real facts about traffic congestion and levels of service. Florida DOT has already widened San Carlos Boulevard to five lanes even though its congestion is caused by conditions on Estero Island, not by a lack of lanes on San Carlos Island or the mainland. While it is true that further widening of San Carlos Boulevard is not needed to continue meeting its "adopted levels of service," stating that fact as if it is relevant conveniently sidesteps any assessment of this project's actual impact on traffic congestion.

It is also narrowly true that this project would not cause Estero Boulevard to fall below its "adopted level of service." That is true only because after limiting development and redevelopment to the lowest possible levels, the town of Fort Myers Beach consciously chose a poor level of service for Estero Boulevard that acknowledges existing congestion. Without this acknowledgment, redevelopment efforts within the town would have been completely stymied. In this case, analyzing the effect a major increase in density and intensity simply as to its effect on the "adopted level of service" completely ignores this project's likely impact on traffic congestion.

Lee County has formally acknowledged past over-development in coastal areas and has placed relevant policies in the Lee Plan:

POLICY 105.1.2: Rezoning to allow higher densities will not be permitted on barrier and coastal islands if the capacity of critical evacuation routes would thereby be exceeded (see Objective 109.1). (Amended by Ordinance No. 92-35, 00-22)

POLICY 105.1.5: Zoning requests located in the coastal high hazard area will be considered for reduced or minimum density assignments, in accordance with their future land use category density range. This evaluation should be done in concert with an evaluation of other individual characteristics such as compatibility with existing uses, desired urban form, and availability of urban services. (Added by Ordinance No. 05-19)

The applicant argues that these policies are not applicable because evacuation routes are satisfactory and that this is a comprehensive plan request, not a zoning request (even though a zoning change would be needed to carry out the proposed comprehensive plan amendment).

SUMMARY

Overall, the applicant has put forth several valid points about the current development restrictions on San Carlos Island. However, the current proposal is excessive in both height and density given its coastal location. Without a new bridge, the traffic impacts of this proposal would be completely unacceptable, yet the proposed hotel would foreclose the option of building this very bridge. The proposed water taxi, while valuable, would have only minor mitigating effects given the size of the proposed development, current road conditions, and the site's location beyond walking distance from most of the amenities that visitors would be seeking.

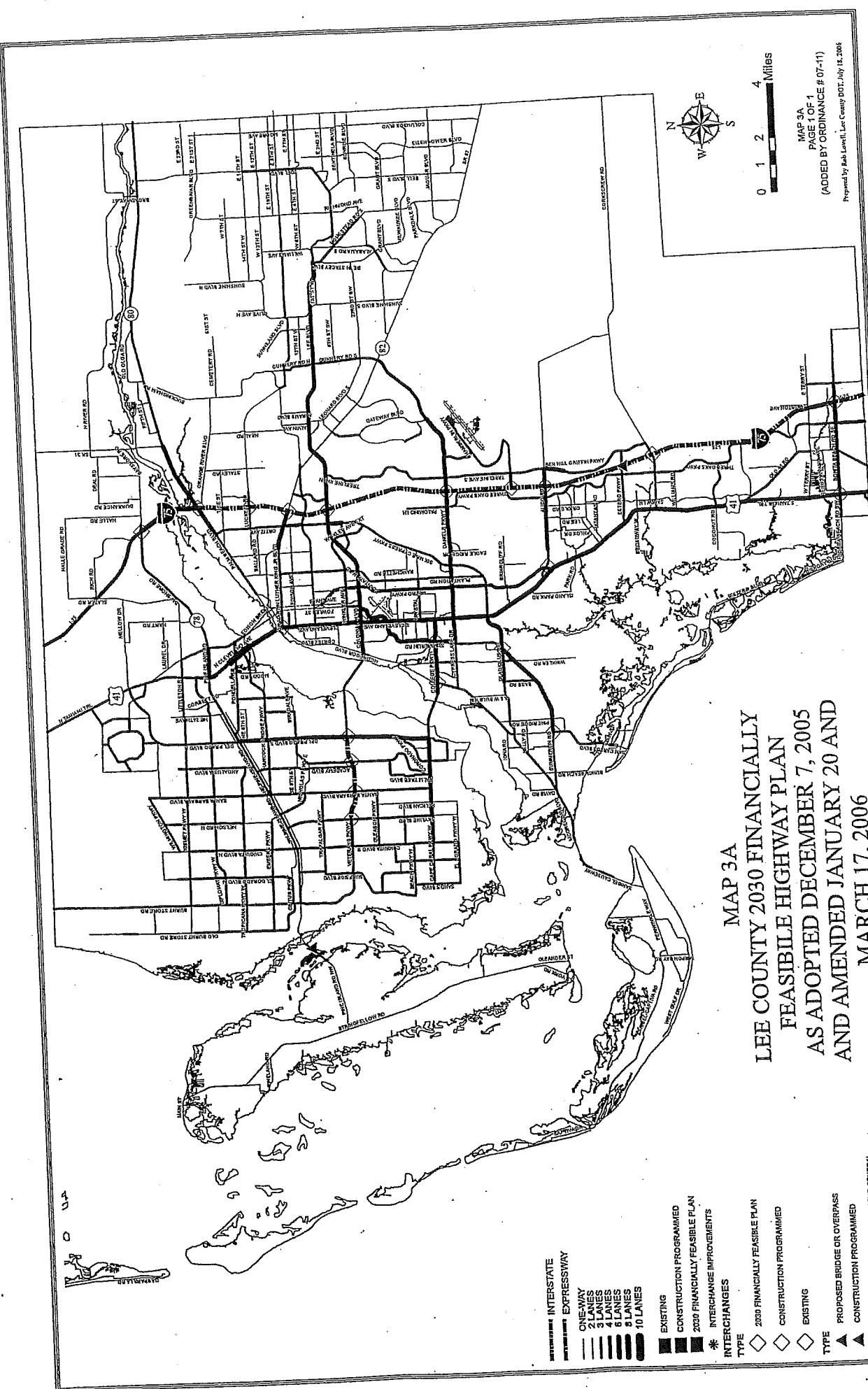
The Town of Fort Myers Beach has faced similar concerns about future redevelopment of the Red Coconut and Gulfview Colony parks on Estero Boulevard. The solution set forth in the Fort Myers Beach Comprehensive Plan should be considered by Lee County for San Carlos Island as well — allowing redevelopment of those parks at densities similar to the existing parks but in a traditional neighborhood format that eliminates flood-prone structures and improves drainage conditions, all without resorting to high-rise or high-density development.

Sincerely,

Bill Spikowski, AICP

ATTACHMENTS:

Lee County 2030 Financially Feasible Highway Plan
Discussion of additional bridges from January 2007 Evaluation/Appraisal Report (pp. 39-41)



MAP 3A
LEE COUNTY 2030 FINANCIALLY
FEASIBLE HIGHWAY PLAN
AS ADOPTED DECEMBER 7, 2005
AND AMENDED JANUARY 20 AND
MARCH 17, 2006

MAP 3A
PAGE 1 OF 1
(ADOPTED BY ORDINANCE # 07-11)
Prepared by Bob Lammell, Lee County DOT, July 13, 2006

- INTERSTATE**
EXPRESSWAY
ONE-WAY
2 LANES
3 LANES
4 LANES
6 LANES
8 LANES
10 LANES
- EXISTING**
CONSTRUCTION PROGRAMMED
2030 FINANCIALLY FEASIBLE PLAN
INTERCHANGES
- TYPE**
◇ 2030 FINANCIALLY FEASIBLE PLAN
◇ CONSTRUCTION PROGRAMMED
◇ EXISTING
▲ PROPOSED BRIDGE OR OVERPASS
▲ CONSTRUCTION PROGRAMMED

THE LINES ON THIS PLAN REPRESENT ONLY THE GENERAL ROUTES. SPECIFIC ALIGNMENTS WILL BE DETERMINED THROUGH CORRIDOR AND DESIGN STUDIES.

None of the street alternatives just discussed affect conditions beyond Crescent Street. It is readily apparent during congested periods that the conditions causing the congestion continue beyond Crescent Street and even beyond the end of the "Pedestrian Commercial" district (which extends to Diamondhead Resort).

The town's ongoing efforts to improve the blocks between Crescent Street and Old San Carlos Boulevard are critical both to the character of the downtown area and to traffic congestion. However, congestion on these blocks (and northward across the Sky Bridge) will still result from the inability of traffic to flow smoothly beyond Crescent Street. The level of this congestion is difficult to predict using traffic simulation software, but will undoubtedly still be very substantial.

Two larger congestion relief issues deserve attention. Additional congestion will continue to be caused by growth elsewhere in Lee County and the state because area residents enjoy visiting the beaches. The town has no regulatory authority over such growth, but comfortable and efficient public transit, whether on trolleys or trams, can provide mobility to island visitors (as well as residents) without adding more vehicles to the lines of traffic waiting to enter and leave the island. Public transit is discussed further on pages 47 and 52.

Another type of relief could be provided by building another bridge to Fort Myers Beach. Four "new bridge" alternatives as illustrated in Figure 9 were discussed in the original comprehensive plan on pages 7-A-48 through 52. The Lee County Metropolitan Planning Agency (MPO) has recently evaluated two of these alternatives, a southerly bridge to Coconut Road and a northerly bridge to the end of Main Street on San Carlos Island. The MPO conducted this evaluation to determine whether any of these improvements would provide enough relief for congestion on Estero Boulevard to justify inclusion on the MPO's new transportation plan for the year 2030, which identifies needed road improvements throughout Lee County.

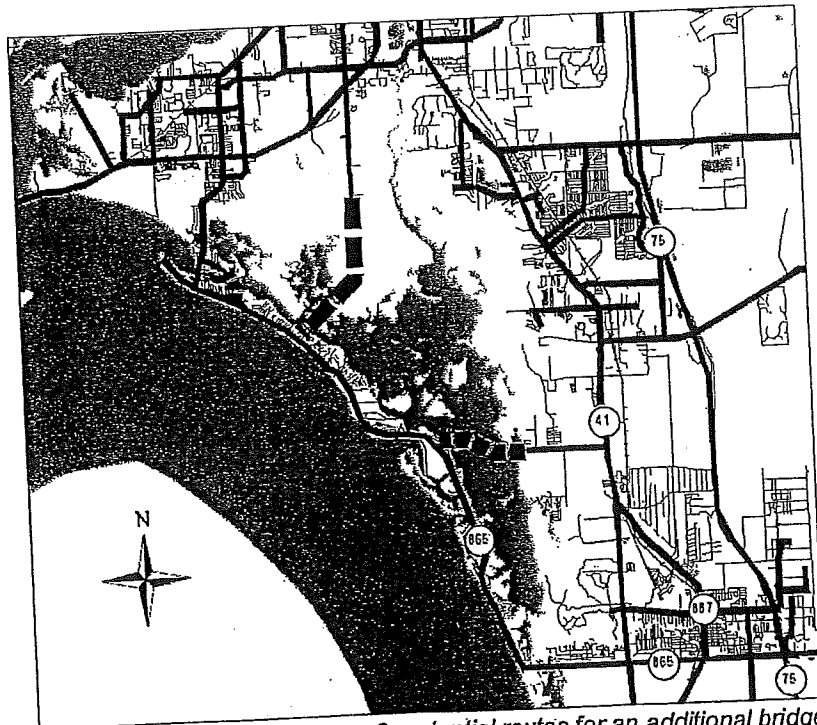


Figure 9, potential routes for an additional bridge
(was Figure 28 in Transportation Appendix A)

The highway portion of the 2030 plan begins with a "highway needs assessment," which is a map and list of road improvements that are needed throughout Lee County by the year 2030 (without considering affordability). The map summarizing the results of this assessment is shown in Figure 10. Here is the MPO staff summary of the two "new bridge" alternatives for Fort Myers Beach during the early stages of this assessment:

Additional bridges to the beach communities At the outset of the plan development process, staff submitted the three new bridge alternatives listed in the Fort Myers Beach comprehensive plan for environmental screening through FDOT's ETDM process [*Efficient Transportation Decision Making, a preliminary impact review by state and federal agencies*]. For two of the alternatives, the Coconut Road extension to Lovers Key and the Winkler Road extension to mid-Estero Island, the reviewing agencies reported a total of seven issues on which they had such serious concerns that dispute resolution would be required if the project could ever be permitted. For the third alternative, connecting Main Street near the southeast end of San Carlos Island with Estero Boulevard in the general area of the town hall, such serious concerns were raised for only three issues.

The Coconut Road to Lovers Key alternative was tested in the first 2030 needs alternative network (combined with a Coconut Road interchange with I 75). The model predicted that it would reduce peak season daily traffic using the Bonita Beach Road bridge in 2030 by about 9,900, but relieve the Matanzas Pass Bridge of only 3,500 daily trips — not enough for a significant improvement in the level of service. The San Carlos Island to Fort Myers Beach alternative was tested in the second alternative needs network. The model predicted it that 11,200 daily trips would choose to use the new bridge, leaving only 17,500 daily trips using the existing Matanzas Pass Bridge, and improve levels of service to D or better throughout Fort Myers Beach and San Carlos Island and on the bridges and San Carlos Boulevard south of Summerlin Road. This alternative performed so well that the TAC and CAC decided to dispense with testing the Winkler extension alternative, and kept the San Carlos Island route for the remaining network alternative and recommended it be included in the 2030 highway needs assessment [see improvement #111 on Figure 10].

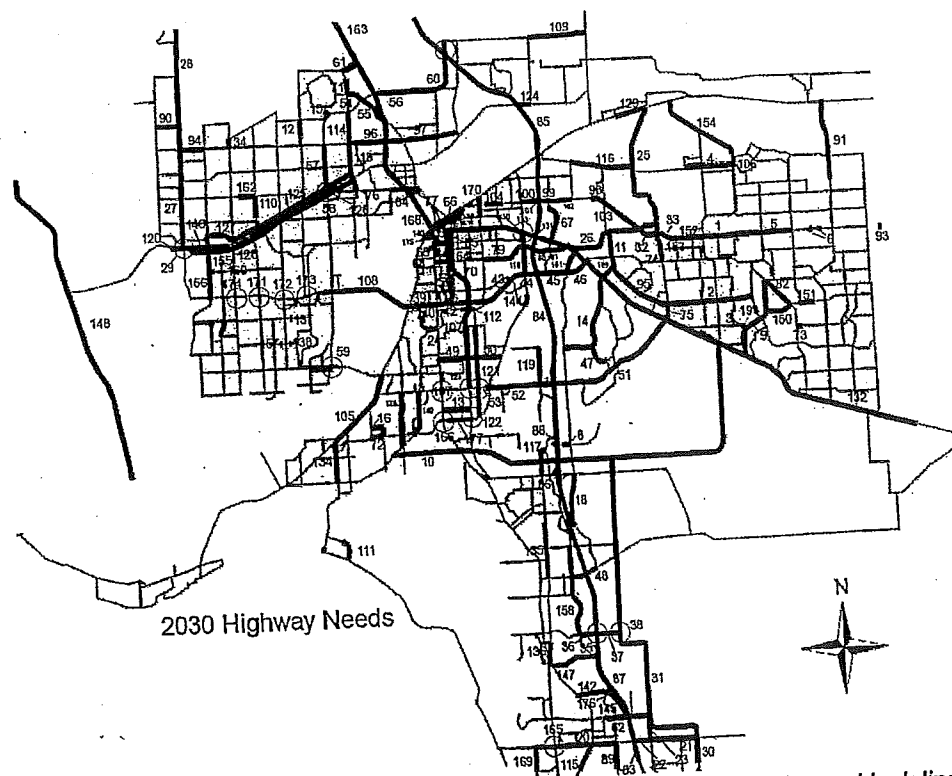


Figure 10 (new roads for 2030 indicated by heavy black lines)

Once the needs assessment is completed, the least valuable road projects from this needs assessment are eliminated until a final list includes only roads that could be built by the year 2030 with available funding sources. The final list and map are called the "2030 financially feasible plan."

The entire 2030 plan was adopted by the MPO in December 2005. The new bridge shown as #111 on Figure 10 was made part of the 2030 financially feasible plan, based on the following preliminary assumptions:

- Construction responsibility: Lee County
- Length of new road segment: 0.86 miles
- Completion assumed: 2015
- Cost assumed: \$49,113,799
- Funding: Tolls on both new and existing bridges

It is unfortunate that whatever kind of relief can be provided to traffic congestion will be continually eroded by additional growth in the surrounding area. It will also be eroded by motorists who may have avoided Fort Myers Beach in the past, or reached it with public transit, if they take advantage of reduced congestion and begin driving to Fort Myers Beach during peak periods.

D. Recommendations on Times Square Area

The recommendations described in the previous section of this report are now under evaluation by town officials. None of the alternatives described would require any amendments to the comprehensive plan, although there is considerable urgency facing the town due to the impending redevelopment described on page 23.

The only related change to the comprehensive plan that have been identified would be to delete Policy 7-H-3 regarding left-turns on Estero Boulevard as northbound traffic passes Times Square, as discussed on page 23.

Badamtchian, Chahram

From: Newman, William T.
Sent: Thursday, August 21, 2008 5:33 PM
To: Badamtchian, Chahram
Cc: Sampson, Lindsey J.; Pavese, Michael P.
Subject: RE: CPA2007-0005 San Carlos Island Comp Plan Amendment

Chahram:
Thanks for sending me the latest San Carlos Island Comp Plan Amendment Text. I have reviewed the document and the Solid Waste Division does not have any comments or objections at this time.

Bill Newman
Operations Manager
Solid Waste Division
(239) 533-8000

From: Badamtchian, Chahram
Sent: Wednesday, August 20, 2008 2:06 PM
To: Boutelle, Stephen J.; Campbell, Gerald G.; Collins, David M.; Collins, Donna Marie ; Cranford, Richard M.; Daltry, Wayne E.; Eckenrode, Peter J.; farrell, Kevin; Gordon, Dawn; Griffith, Douglas; Horner, Bill; Horsting, Michael S.; Houck, Pamela E.; Lavender, James H.; Lehnert, Dawn; Loveland, David M.; Meurer, Douglas L.; Murphy, Jerry; Newman, William T.; Ottolini, Roland E.; Pavese, Michael P.; Roberts, Rickey G.; Sampson, Lindsey J.; Moore, James; Sweigert, Rebecca H.; Wilson, John; Zettel, Mary S.
Subject: CPA2007-0005 San Carlos Island Comp Plan Amendment

CPA 2007-0005 San Carlos Island Comprehensive Plan Amendment is deemed sufficient. The LPA hearing date is set for Sept 22, 2008. Could you please send your substantive comments to me? I am starting to draft my staff report and need your comments ASAP.

Thanks,

CB

Chahram Badamtchian, AICP
Senior Planner
Lee County DCD/Zoning
Phone: 239. 533. 8372
Fax: 239. 485. 8300
Cbadamtchian@leegov.com

ATTACHMENT 9

9/8/2008

Badamtchian, Chahram

From: Collins David M. [collins@fmbfire.org]
Sent: Friday, September 05, 2008 9:58 AM
To: Badamtchian, Chahram
Subject: RE: CPA2007-0005 San Carlos Island Comp Plan Amendment

The Ft. Myers Beach Fire Prevention Bureau sees no problem with this development as long as all NFPA fire codes are followed.
David M. Collins,
Fire Marshal.

-----Original Message-----

From: Badamtchian, Chahram [mailto:CBADAMTCHIAN@leegov.com]
Sent: Thursday, September 04, 2008 3:01 PM
To: Boutelle, Stephen J.; Campbell, Gerald G.; Collins David M.; Collins, Donna Marie ; Cranford, Richard M.; Daltrey, Wayne E.; Eckenrode, Peter J.; farrell, Kevin; Gordon, Dawn; Griffith, Douglas; Horner, Bill; Horsting, Michael S.; Houck, Pamela E.; Lavender, James H.; Lehnert, Dawn; Loveland, David M.; Meurer, Douglas L.; Murphy, Jerry; Newman, William T.; Ottolini, Roland E.; Pavese, Michael P.; Roberts, Rickey G.; Sampson, Lindsey J.; Smith, Regina Y.; Sweigert, Rebecca H.; Wilson, John; Zettel, Mary S.
Cc: Noble, Matthew A.
Subject: RE: CPA2007-0005 San Carlos Island Comp Plan Amendment

To those of you who have not sent me your substantive comments:

If by **Monday September 8th 5:00 PM** I don't receive your substantive comments, I will assume you have no substantive comments, and my staff report will state that you had no concerns or comments. My staff report is almost done and I am waiting for your comments to complete it.

Sincerely,

Chahram Badamtchian, AICP
Senior Planner
Lee County DCD/Zoning
Phone: 239. 533. 8372
Fax: 239. 485. 8300
Cbadamtchian@leegov.com

From: Badamtchian, Chahram
Sent: Wednesday, August 20, 2008 2:06 PM
To: Boutelle, Stephen J.; Campbell, Gerald G.; 'Collins, David M.'; Collins, Donna Marie ; Cranford, Richard M.; Daltrey, Wayne E.; Eckenrode, Peter J.; 'farrell, Kevin'; 'Gordon, Dawn'; Griffith, Douglas; 'Horner, Bill'; Horsting, Michael S.; Houck, Pamela E.; Lavender, James H.; Lehnert, Dawn; Loveland, David M.; Meurer, Douglas L.; 'Murphy, Jerry'; Newman, William T.; Ottolini, Roland E.; Pavese, Michael P.; Roberts, Rickey G.; Sampson, Lindsey J.; 'Smith, Regina Y.'; Sweigert, Rebecca H.; Wilson, John; Zettel, Mary S.
Subject: CPA2007-0005 San Carlos Island Comp Plan Amendment

CPA 2007-0005 San Carlos Island Comprehensive Plan Amendment is deemed sufficient. The LPA hearing date is set for Sept 22, 2008. Could you please send your

ATTACHMENT 10

9/8/2008

substantive comments to me? I am starting to draft my staff report and need your comments ASAP.

Thanks,

CB

Chahram Badamtchian, AICP
Senior Planner
Lee County DCD/Zoning
Phone: 239. 533. 8372
Fax: 239. 485. 8300
Cbadamtchian@leegov.com

9/8/2008



00002 0000

00001 0040
Hurricane Bay

Proposed site



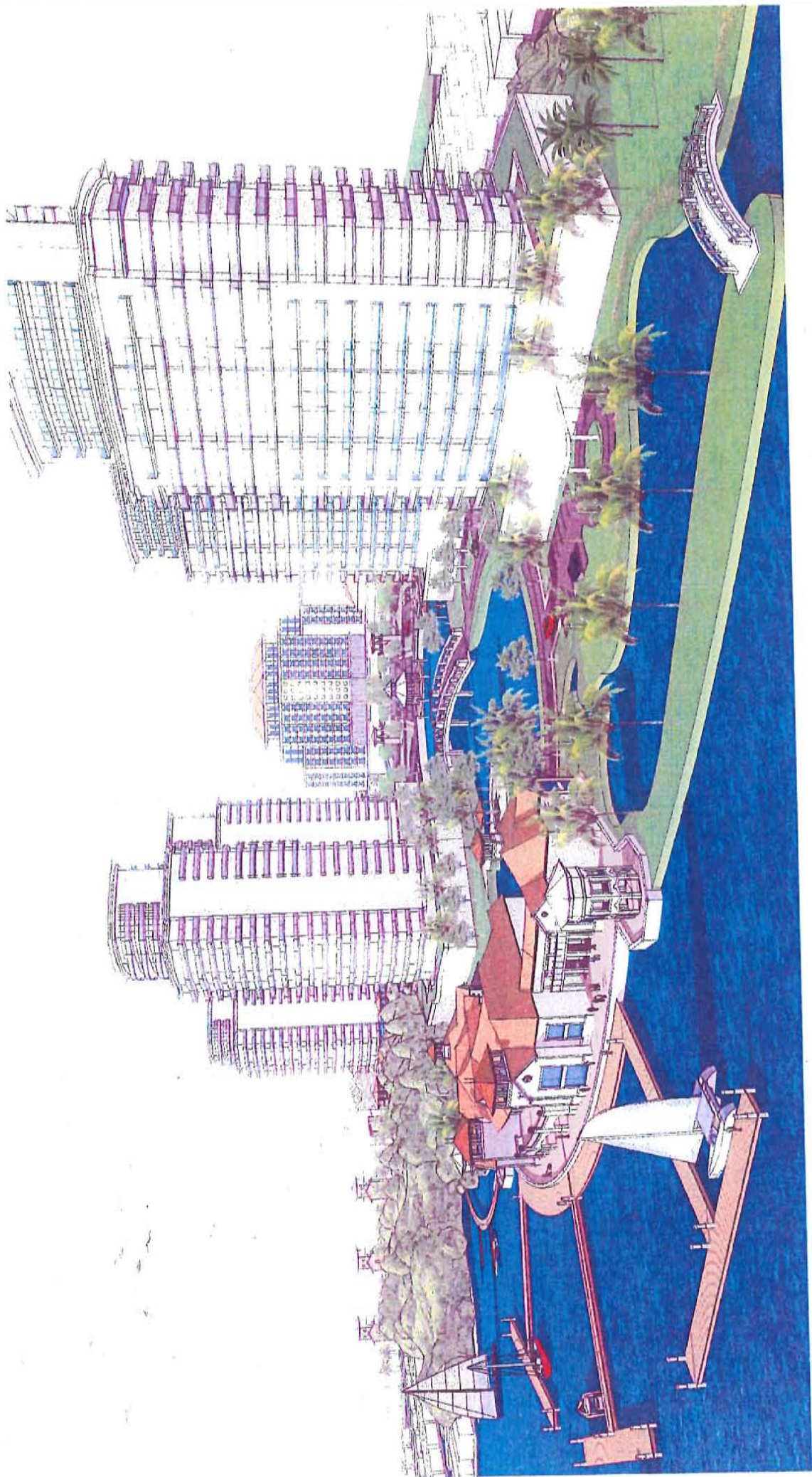
San Carlos Blvd
Main Street

Matanzas Pass

Fort Myers Beach







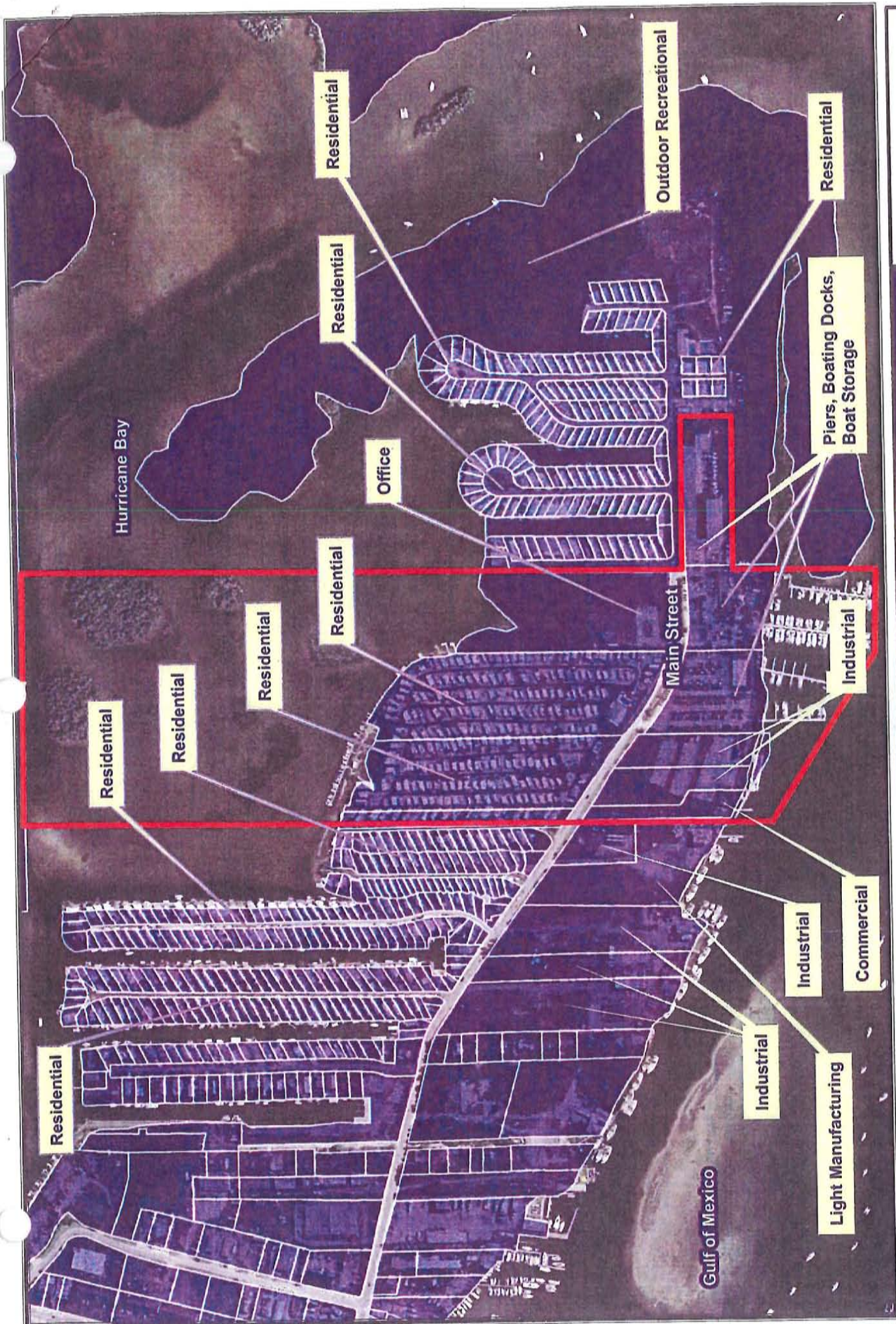


DELISI FITZGERALD, INC.
 Planning - Engineering - Property Development
 1500 Royal Palm Square Blvd., Suite 101
 Fort Myers, FL 33919
 239.418.6661 • 239.418.6662 fax



PROPOSED FUTURE LAND USE MAP

EBRTIDE



EXISTING LAND USE

LEGEND



DELISI FITZGERALD, INC.
Planning - Engineering - Project Management
1500 Royal Palm Square Blvd., Suite 101
Fort Myers, FL 33919
239-418-0691 • 239-418-0692 fax



DELISI FITZGERALD, INC.
Planning - Engineering - Project Management

1500 Royal Palm Square Blvd, Suite 101
Fort Myers, FL 33919
239-418-0591 • 239-418-0592 fax



0 0.05 0.1 0.2 Miles

FUTURE LAND USE

EBBTIDE