

ADMINISTRATIVE APPROVAL (ASV) ADD2016-00144

ADMINISTRATIVE APPROVAL
LEE COUNTY, FLORIDA

WHEREAS, Gulf Harbour Golf & Country Club, in reference to Gulf Harbour Amenity Parking, filed an application for administrative approval for relief from Land Development Code (LDC):

Section 34-2020(c) which allows a 10% reduction from the required 398 parking spaces for the existing non-residential uses, and the proposed fitness center expansion, in conjunction with Gulf Harbour, to allow 359 parking spaces,

on property described more particularly as:

LEGAL DESCRIPTION: In Section 34, Township 45 South, Range 24 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the applicant has indicated the property's current STRAP number is 34-45-24-07-0000B.0010; and

WHEREAS, the subject property is located in the Suburban Future Land Use Category as designated by the Lee Plan; and

WHEREAS, the property originally was named River's Edge Yacht and Country Club, a Development of Regional Impact (DRI DO#12-8182-21) approved by Ordinance 82-14; and

WHEREAS, the property is zoned Planned Unit Development (PUD) by Resolution Z-82-112 for residential units, golf and tennis courts, clubhouse, restaurants, and marina uses, and a preservation area; and

WHEREAS, the PUD has been amended numerous times since the 1982 approval; see Exhibit B – Zoning history; and

WHEREAS, Gulf Harbour and related amenities were developed in the early 1990's which included a 34,617 square foot golf course clubhouse, an 8,085 square foot fitness facility, 8 tennis courts, and a marina with 190 boat slips and a 2,500 square foot ship store (subsequently converted to a marina clubhouse facility) approved under Development Order 94-08-022.00D; and

WHEREAS, Gulf Harbour and the amenities facilities are private facilities available for the members and their guests of Gulf Harbour; and

WHEREAS, parking for the existing amenity facilities were based on the following parking calculations:

- 128 parking spaces for the 190 boat slips and ship store (2 spaces for every 3 boat slips);
- 107 parking spaces for the golf course, clubhouse, pro shop and ancillary uses (6 parking space for each golf hole - Gulf Harbour has an 18 hole golf course);
- 86 parking spaces for the fitness center (1 space per 100 square feet of floor area); and

WHEREAS, the clubhouse and marina facilities have 321 parking spaces; see Exhibit C, and the "Starter Shack" has 14 parking spaces; see Exhibit D, (based on a physical count by county staff on October 27, 2016); and

WHEREAS, in 2006, a 489 square foot expansion to the fitness facility was approved under COM2006-00341, bringing the total fitness facility size to 8,574 square feet; however, the 86 parking spaces complies with the parking requirement; and

WHEREAS, in 2014, a 540 square foot expansion to the clubhouse was issued under LDO2014-00125; and

WHEREAS, in 2014, an interior remodel/building expansion permit - COM2014-00620 was issued for the clubhouse; and

WHEREAS, the parking for the 540 square foot clubhouse expansion and the interior remodeling continued to be based on the 6 parking spaces for each golf hole, which the development continues to meet; and

WHEREAS, in 2012, Lee County revised the parking regulations relaxing the required number of parking spaces by allowing developments to use mixed use parking calculations; and

WHEREAS, Gulf Harbour submitted plans for the demolition of the existing 8,574 square foot fitness center and the construction of a new 21,874 square foot, 2-story fitness center; see Exhibit E, under DOS20016-00069, which is under review; and

WHEREAS, the 1st floor of the new fitness center will house the pro shop, the café, and part of the fitness center consisting of a total of 11,708 square feet; and, the 2nd floor will house more of the fitness center and the salon consisting of a total of 10,166 square feet; and

WHEREAS, the new fitness center will be required to provide an additional 77 parking spaces based on the following mixed use parking calculations:

- 1st floor expansion* – 911 sf (5 spaces per 1,000 sf) – 5 spaces
- Café+ – 692 sf (5 spaces per 1,000 sf) – 4 spaces
- Tennis Pro Shop – 1,531 sf (1 space per 350 sf) – 4 spaces
- Fitness Center – 7,806 sf (5 spaces per 1,000 sf) – 40 spaces
- Salon – 2,360 sf (1 space per 100 sf) – 24 spaces

* Difference between the existing 8,574 sf Fitness Facility and the proposed 9,485 sf 1st floor fitness facility.

+ Based on same calculation as Fitness Facility in accordance with note 10 of LDC Table 34-2020(a).

WHEREAS, as part of the development order for the fitness center project, Gulf Harbour proposes to convert 2 parking lot drive aisles that will create 27 additional parking spaces; see Exhibit E; and

WHEREAS, the existing development and proposed fitness center expansion is required to provide 398 parking spaces; and

WHEREAS, an application for approval of an administrative variance has been filed pursuant to LDC Section 34-2020(c) which allows the Director to administratively approve a reduction from the required number of parking spaces for non-residential uses by a maximum of 10%; and

WHEREAS, Gulf Harbour is seeking to reduce the 398 parking requirement for the amenities by 10%, or 39 parking spaces, to allow 359 parking spaces; and

WHEREAS, approval of a parking reduction is based on the following conditions; 1) the existing bicycle and pedestrian facilities; and 2) the designated golf cart spaces located throughout the Gulf Harbour community; and

WHEREAS, Gulf Harbour has sidewalks and dedicated bike lanes along the main road which allows pedestrian movement throughout the community; and there are bicycle racks located near the amenities used by club members which allows a reduction of 19 vehicles parking spaces; and

WHEREAS, there are 41 designated golf cart parking spaces located at the “Starter Shack” building which allows a reduction of 20 vehicle parking spaces, and there are undesignated golf cart parking spaces at the clubhouse; and

WHEREAS, the parking reduction has been reviewed and approved by the Gulf Harbour Board of Directors; see Exhibit F; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval; and

WHEREAS the following findings of fact are offered:

- a. There will be no apparent deleterious effect upon surrounding properties or the immediate neighborhood;

The existing vehicle spaces and golf cart spaces are sufficient for the existing and proposed amenities. The patrons who use these amenities routinely choose alternatives ways, other than a car, to arrive at the facilities, either by bike, golf cart, or walk/run. Reducing the required parking will not have a deleterious impact upon the community.

- b. The reduced parking will not have an adverse impact on the public health, safety and welfare;

The amenity facilities are limited to only members and their guests, of which over one-third of the members own a golf cart and use it as their primary means of transportation within the community. Given the parking that is provided for both cars and golf carts and the existence of bike racks at the clubhouse and starter shack, the reduction in parking will not have an adverse impact on the public health, safety and welfare for the Gulf Harbour Golf and Country Club.

- c. The proposed use is not solely dependent on vehicular traffic; and

The residents of Gulf Harbour use a variety of methods of transportation to the amenity facilities. Approximately 34% of the club members own golf carts and use them as a primary means to travel to the various amenities. Golf cart paths exist throughout the development to all amenities for the residents to use. Residents walk and bike to the clubhouse, pool, golf and fitness facilities.

- d. No part of a parking lot intended to satisfy required parking for a use is used to offset the parking requirements for another use unless the peak parking demands occur at different times.

The parking provided will not be used to offset the parking requirements for other uses in the development. The 359 vehicle parking spaces, the 41 designated golf cart parking spaces and the additional undesignated golf cart parking spaces provided will be sufficient to serve the existing uses and the proposed expansion to the fitness facility.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for an administrative variance from LDC Section 34-2020(c) which allows a 10% reduction from the required 398 parking spaces for the existing non-residential uses, and the proposed fitness center expansion, in conjunction with Gulf Harbour, to allow 359

parking spaces, is **APPROVED**, subject to the following conditions:

1. The Development Order plans must include the restoration of one existing loading parking space into one vehicle parking space.
2. The Development Order plans must include the three (3) additional parking spaces with the redesign of the parking aisles that creates a total of 27 parking spaces as shown on Exhibit E.
3. Future improvements within Gulf Harbor must be calculated on the current Land Development Code parking requirements.
4. The terms and conditions of the original zoning resolutions, as amended, remain in full force and effect.
5. If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.

Duly passed, adopted, and electronically signed on 11/3/2016 by

Audra Ennis, Interim Zoning Manager
Lee County Community Development

Exhibits;

- A – Legal description
- B – Zoning history
- C – Existing parking
- D – DOS2016-00069
- E – Plan for 27 additional parking spaces
- F – Gulf Harbour Board of Directors letter

EXHIBIT A

EXHIBIT A
LEGAL DESCRIPTION
Property located in Lee County, Florida

APPROVED
ADD2016-00144
Chick Jakacki, Planner
Lee Co Division of Zoning
8/17/2016

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTIONS 29, 30, & 31, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(GULF HARBOUR)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTIONS 29, 30, AND 31, TOWNSHIP 45 SOUTH RANGE 24 EAST, AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 30; THENCE S89°19'35"W (BEARINGS BASED ON THE FLORIDA COORDINATE SYSTEM, WEST ZONE) ALONG THE SOUTH LINE OF SAID SECTION 30 FOR 425.34 FEET TO THE INTERSECTION WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF MCGREGOR BOULEVARD (80 FEET FROM CENTERLINE), BEING THE NORTHWESTERLY LINE OF LANDS CONVEYED BY DEED RECORDED IN OFFICIAL RECORDS BOOK 1837, PAGE 2982 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND THE POINT OF BEGINNING, THENCE N49°27'05"E ALONG SAID RIGHT-OF-WAY 556.64 TO THE INTERSECTION WITH THE EAST LINE OF SAID SECTION 30; THENCE CONTINUING N49°27'05"E ALONG SAID RIGHT-OF-WAY LINE INTO SAID SECTION 29 FOR 202.49 FEET; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE TO THE NORTHWEST AND SAID RIGHT-OF-WAY LINE FOR 141.67 FEET, RADIUS 2212.00 FEET, CHORD OF 141.65 FEET BEARING N47°37'00"E; THENCE N45°46'55"E ALONG SAID RIGHT-OF-WAY LINE FOR 1444.31 FEET; THENCE N00°44'41"W, LEAVING SAID RIGHT-OF-WAY, ALONG THE WESTERLY LINE OF TRACT "B" PALMETTO POINT, AS RECORDED IN PLAT BOOK 29, PAGES 21 THROUGH 23 OF SAID PUBLIC RECORDS, AND ALONG THE WESTERLY RIGHT-OF-WAY LINE OF GRIFFIN BOULEVARD (50 FEET WIDE) FOR 3603.97 FEET; THENCE N89°37'45"W, LEAVING SAID RIGHT-OF-WAY LINE PARALLEL WITH AND 100 FEET SOUTH OF THE NORTH LINE OF SAID SECTION 29 FOR 1279.05 FEET TO THE INTERSECTION WITH THE EASTERLY LINE OF SAID SECTION 30; THENCE N89°37'45"W PARALLEL WITH AND 100 FEET SOUTH OF THE NORTHERLY LINE OF SAID SECTION 30 FOR 554 FEET, MORE OR LESS, TO THE WATERS OF THE CALOOSAHATCHEE RIVER, THEN SOUTHWESTERLY AND WESTERLY ALONG THE WATERS OF THE CALOOSAHATCHEE RIVER FOR 6690 FEET, MORE OR LESS, TO THE INTERSECTION WITH THE WESTERLY LINE OF SAID SECTION 30 WHICH BEARS N01°03'43"W FROM THE SOUTHWEST CORNER OF SAID SECTION 30; THENCE S01°03'43"E ALONG THE WESTERLY LINE OF SAID SECTION 30 FOR 2049 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID SECTION 30; THENCE N88°46'47"E ALONG THE SOUTHERLY LINE OF SAID SECTION 30 FOR 1317.12 FEET TO THE SOUTHEAST CORNER OF GOVERNMENT LOT 2; THENCE S01°06'09" ALONG THE WESTERLY BOUNDARY LINE OF THE LANDS OF RIVER'S EDGE 3, A CONDOMINIUM AS RECORDED IN OFFICIAL RECORD BOOK 1783, PAGE 3709 OF SAID PUBLIC RECORDS, FOR 665.51 FEET TO THE SOUTHWEST CORNER OF

EXHIBIT A
LEGAL DESCRIPTION
Property located in Lee County, Florida

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA

THE NORTHWEST QUARTER (NW1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION 31; THENCE N.88°51'11"E. ALONG THE SOUTH BOUNDARY LINE OF SAID CONDOMINIUM LANDS AND THE SOUTH LINE OF SAID FRACTIONAL SECTION FOR 593.45 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID CONDOMINIUM LAND; THENCE CONTINUE N88°51'11"E ALONG THE SOUTH LINE OF SAID FRACTIONAL SECTION FOR 65.45 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 31; THENCE S01°09'19"E ALONG THE WESTERLY LINE OF SAID FRACTION OF SECTION 31 FOR 666.27 FEET TO THE SOUTHWEST CORNER OF SAID FRACTION OF SECTION 31; THENCE N88°55'32"E ALONG THE SOUTHERLY LINE OF SAID FRACTION SECTION 31 FOR 659.51 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 31; THENCE N89°11'55"E ALONG THE SOUTHERLY LINE OF SAID FRACTIONAL SECTION FOR 542.56 FEET; THENCE N01°07'54"W ALONG THE WESTERLY BOUNDARY LINE OF LANDS CONVEYED BY DEED RECORDED IN OFFICIAL RECORD BOOK 2125, PAGE 2439, FOR 221.20 FEET TO THE NORTHWEST CORNER OF SAID LANDS; THENCE N65°09'03"E ALONG THE NORTHWESTERLY BOUNDARY LINE OF SAID LANDS FOR 163.03 FEET TO THE MOST NORTHERLY CORNER OF SAID LANDS; THENCE S40°32'55"E ALONG THE NORTHEASTERLY BOUNDARY LINE OF SAID LANDS, ALONG A LINE PERPENDICULAR WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF MCGREGOR BOULEVARD FOR 164.14 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF MCGREGOR BOULEVARD (80 FEET FROM CENTERLINE), BEING THE NORTHWESTERLY LINE OF LANDS CONVEYED BY DEED RECORDED IN RECORD BOOK 1837, PAGE 2982 OF SAID PUBLIC RECORDS; THENCE N49°27'05"E ALONG SAID RIGHT-OF-WAY LINE FOR 1826.43 FEET TO THE SOUTH LINE OF SAID SECTION 30 AND THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS-OF-WAY.

BEARINGS ARE BASED ON THE SOUTH LINE OF THE SOUTH EAST QUARTER OF SECTION 30, TOWNSHIP 45 SOUTH, RANGE 24 EAST AS BEARING S.89°19'35"W.

SUBJECT TO FACTS THAT MAY BE REVEALED BY AN ACCURATE BOUNDARY SURVEY.

DESCRIPTION PREPARED 7/31/01.

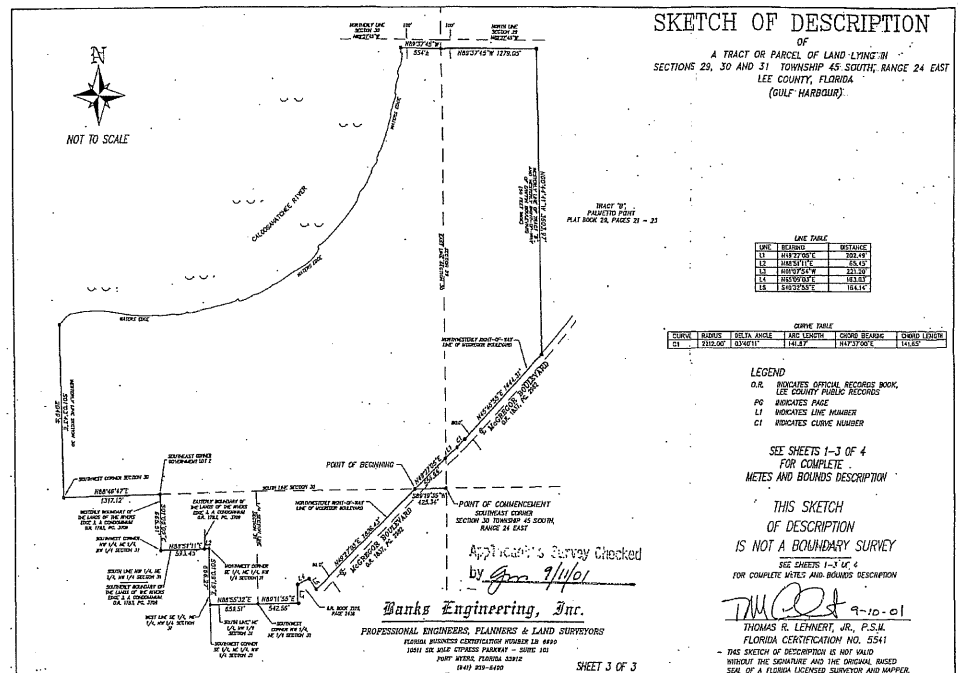


Exhibit B

Zoning History of Gulf Harbour Golf and Country Club (FKA River's Edge Yacht and County Club)

Ord. 82-14- approved Development of Regional Impact (DRI DO#12-8182-21)

Z-82-112 – approved Planned Unit Development (PUD) for residential units, golf and tennis courts and clubhouse, restaurant, commercial and marina uses, and a preservation area

Ord. 84-16 – created process of fractionalization tracts and site plan approval

Ord. 84-30 – waived section line setbacks, created local approval for a navigation channel, and established design criteria for water retention areas

Z-91-032A – 1st DRI DO amendment to decrease density, revise to golf course design, consolidate and relocate tennis court complex, golf course club house and marina basin and marina village, reduce number of boat slips, and extend build out date

Ord. 93-26 – restated Ordinance 82-14 as amended by Ordinance 84-16 and 84-30

Z-94-005 – 2nd DRI DO amendment- reduced commercial acreage and increased preservation buffer

PUD-98-009 – approved a revised Master Concept Plan

Z-00-057A – 3rd DRI DO amendment extended the build out date, adopted a revised Map H, and adopted revised uses and intensity of use within the DRI

Z-02-020 – 4th DRI DO amendment – NOPC to allow construction of a boardwalk with observation platform and allow limited mangrove trimming within Tract E

Z-05-068 – 5th DRI DO amendment – extended build out date and substantial deviation determination

Resolution Z-07-09-17 – 6th DRI DO amendment granted a build out extension under HB7203

COP2010-00126 – approved COP for beer and wine limited to 2,000± square foot inside area with 49 seats and 20 outside seats, limited to hours of operation for a Group II restaurant from 7:00 am to 10:00 pm daily, and the required additional approval for future expansion of the restaurant; this COP null and void COP2004-00178

ADD2012-00041 – granted administrative approval, with conditions, to reflect the accurate location of the lakeshore system with Gulf Harbor

Z-14-024 – 7th DRI DO amendment to allow trimming of the mangroves and other preserved trees from 32 feet to 20 feet, to allow trimming of red mangroves in compliance with FDEP permit, as amended, and to extend monitoring requirements for mangrove trimming for specific areas

Z-15-013 – 8th DRI DO amendment to clarify use of Eagle Perch Island, remove invasive exotic vegetation, trim mangroves and native vegetation, repair erosion and replace bulkheads, maintain existing pedestrian paths and limited recreational facilities, add recreational facilities, and allow the Island to be used for Special Events

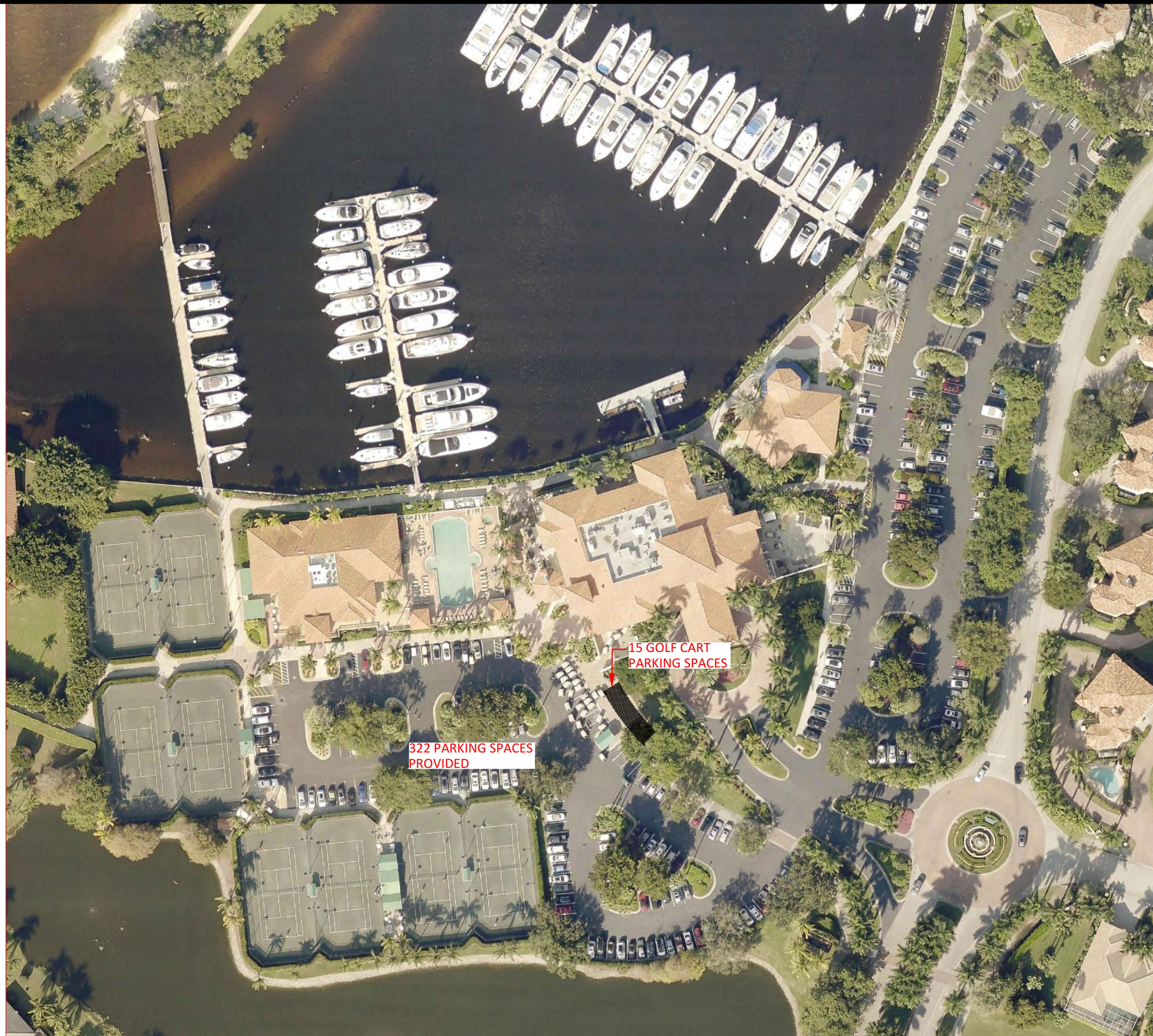
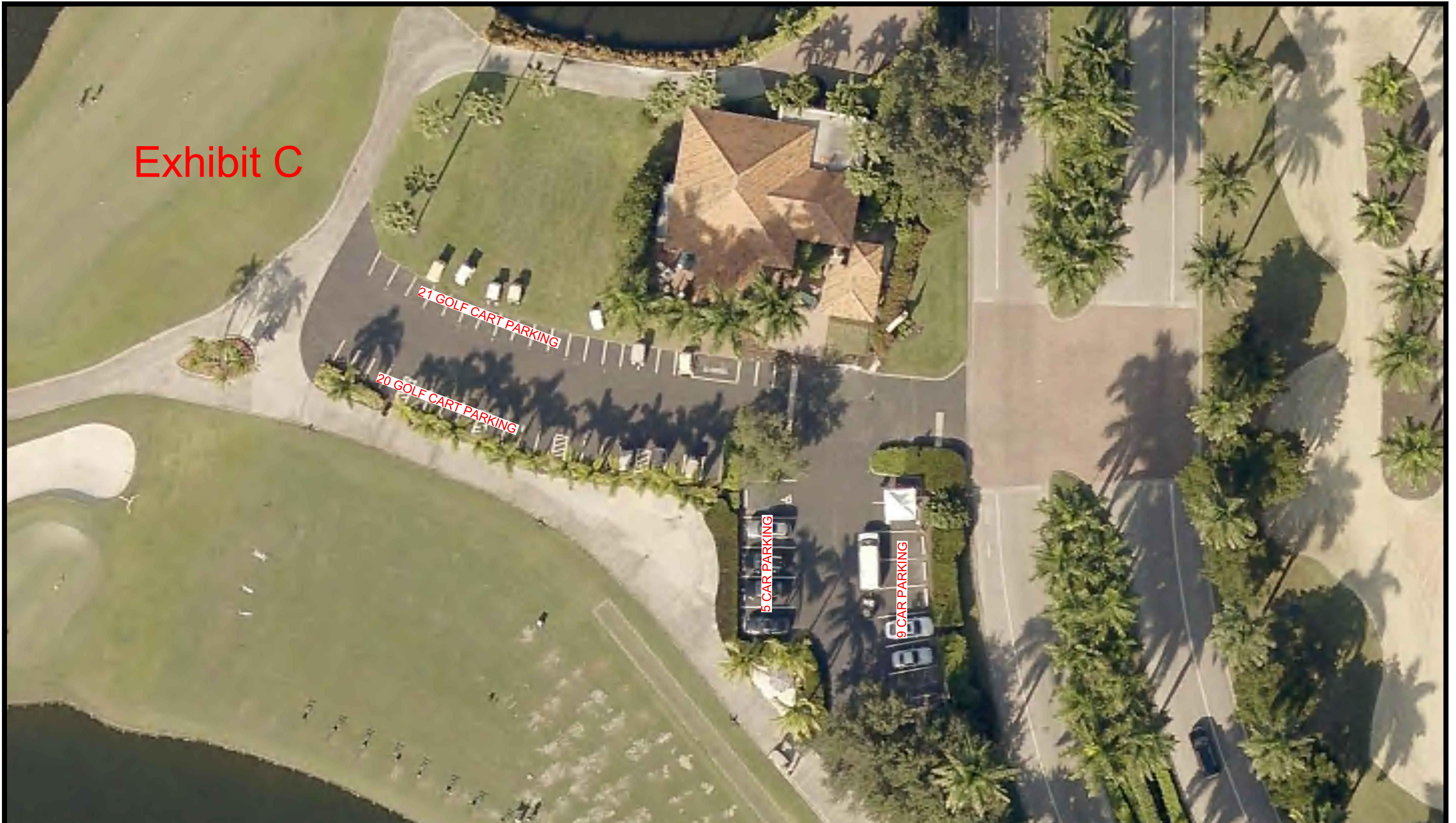


Exhibit C

Exhibit C



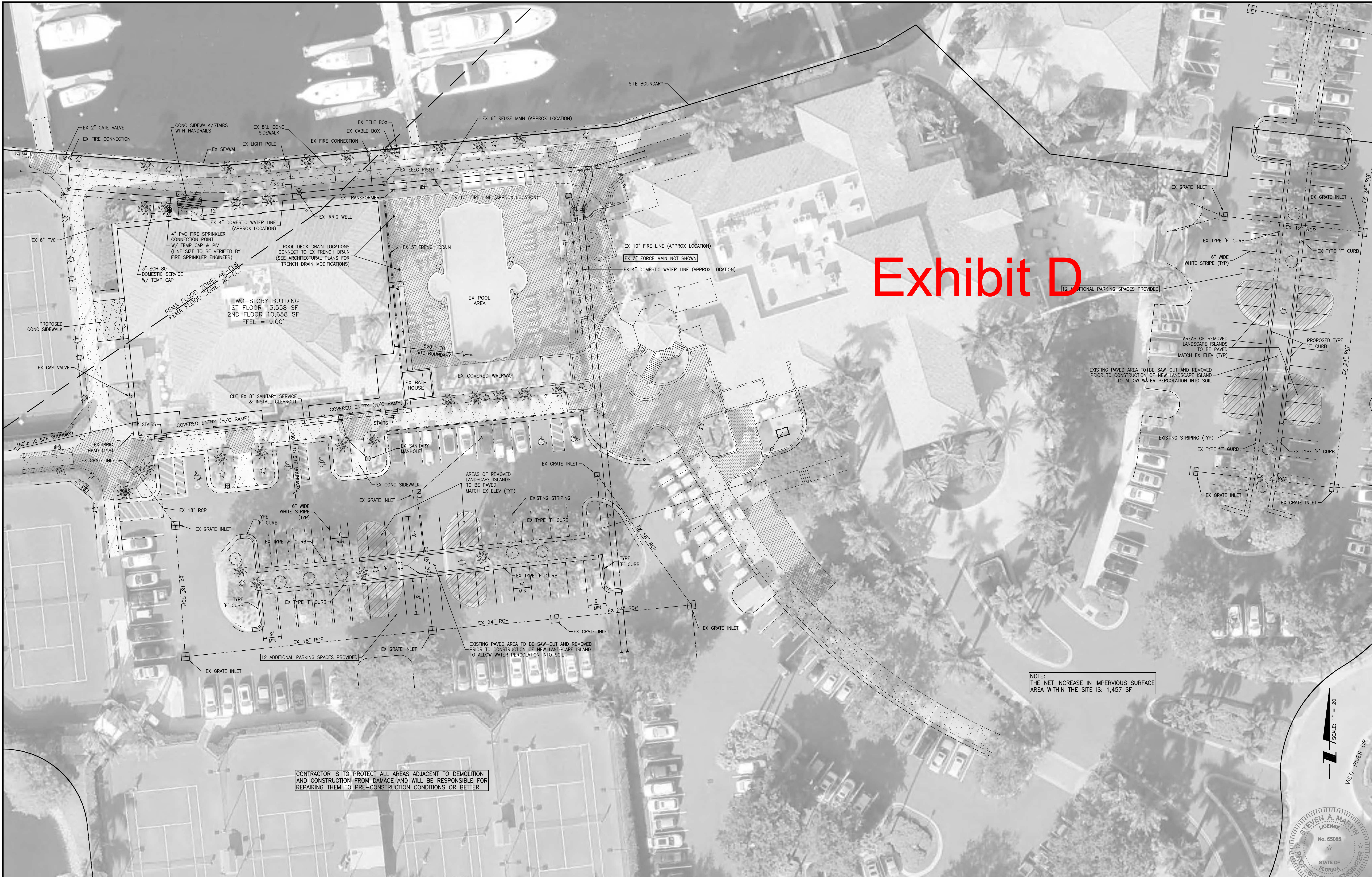
GULF HARBOUR YACHT AND COUNTRY CLUB SOUTH PARKING EXISTING CONDITIONS EXHIBIT



08/10/2016



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				ACTIVITY	INITIALS/EMP. NO.	DATE	 3800 Colonial Boulevard, Suite 100, Fort Myers, FL 33966 Phone 239-939-1020 • Fax 239-939-3412 Certificate of Authorization #27013 • www.stantec.com	The Contractor shall verify and be responsible for all dimensions. DO NOT scale the drawing - any errors or omissions shall be reported to Stantec without delay. The Copyrights to all designs and drawings are the property of Stantec. Reproduction or use for any purpose other than that authorized by Stantec is forbidden.	CLIENT:	GULF HARBOUR YACHT AND COUNTRY CLUB	DATE: 6/15/2016	TITLE:	 STEVEN A. MARTIN, P.E. FLORIDA LICENSE NO. 65085 215613261-01C-1105P SHEET NUMBER: 5 OF 7
				DESIGNED BY:	R.CALDERON	6/15/2016			HORIZONTAL SCALE:	MASTER SITE PLAN			
				DRAWN BY:	R.CALDERON	6/15/2016			VERTICAL SCALE:				
				CHECKED BY:					SEC: TWP: RGE:				
				CONTRACT ADMIN. BY:					30 45 S 24 E				
				WM APPROVED BY:			CROSS REFERENCE FILE NO.:		PROJECT NUMBER:		215613264		
Δ REV NO.	REVISION	DATE	DRAWN BY / EMP. NO.	CHECKED BY / EMP. NO.									

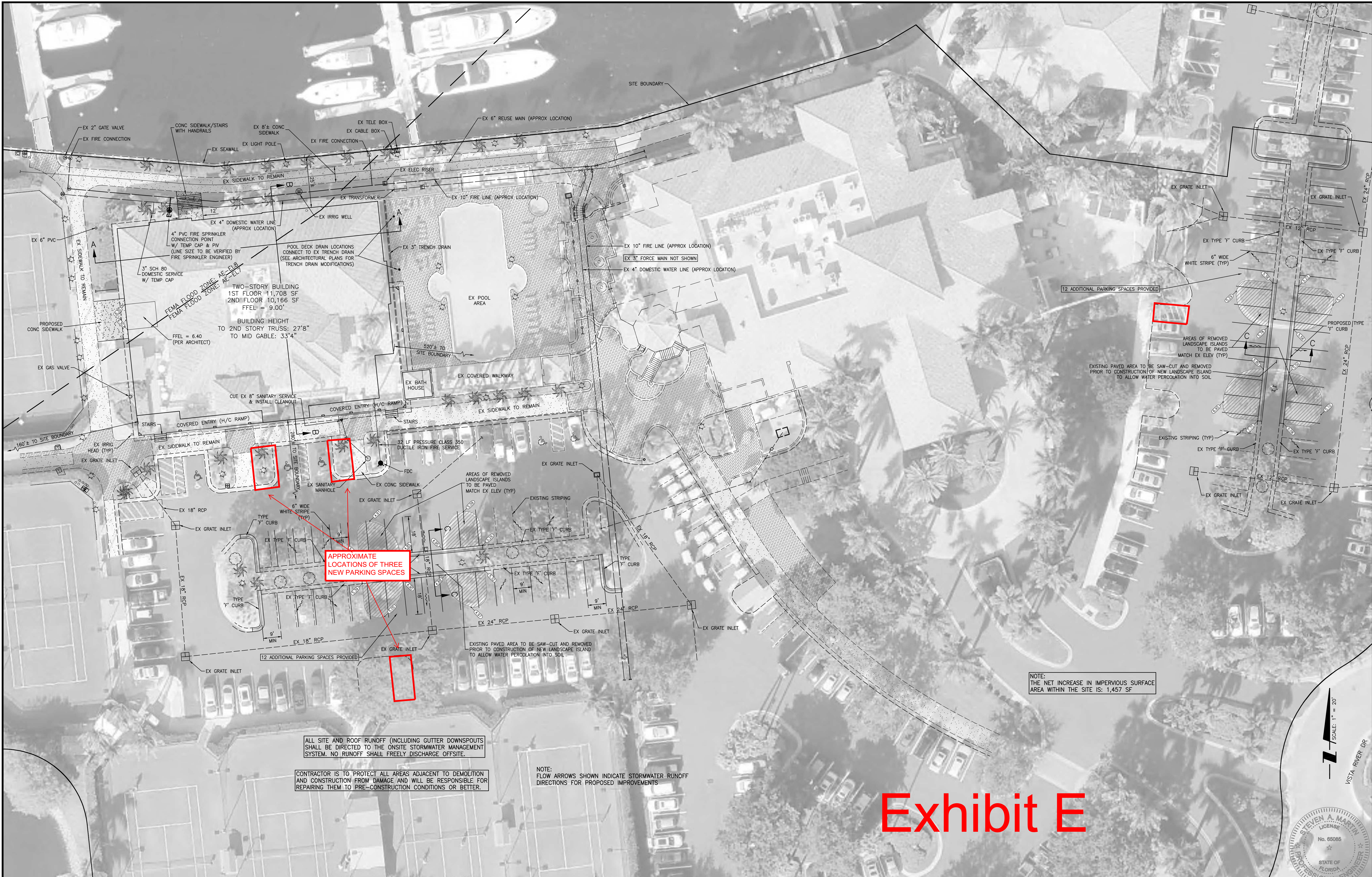


Exhibit E

				ACTIVITY	INITIALS/EMP. NO.	DATE	 3800 Colonial Boulevard, Suite 100, Fort Myers, FL 33966 Phone 239-939-1020 • Fax 239-939-3412 Certificate of Authorization #27013 • www.stantec.com	CLIENT: GULF HARBOUR YACHT AND COUNTRY CLUB		DATE: 6/15/2016	TITLE: MASTER SITE PLAN	 STEVEN A. MARTIN, P.E. FLORIDA LICENSE NO. 65085 215613261-01C-110SP SHEET NUMBER: 5 OF 7
				DESIGNED BY:	R.CALDERON	6/15/2016		PROJECT: GULF HARBOUR FITNESS CENTER		HORIZONTAL SCALE:		
				DRAWN BY:	R.CALDERON	6/15/2016				VERTICAL SCALE:		
				CHECKED BY:						SEC: TWP: RGE:	CROSS REFERENCE FILE NO.:	
REVISED PER LEE CO. D.O. COMMENTS				CONTRACT ADMIN. BY:						30 45 S 24 E		
ΔREV NO.	REVISION	DATE	DRAWN BY / EMP. NO.	CHECKED BY / EMP. NO.	WM APPROVED BY:						PROJECT NUMBER: 215613264	

Exhibit F

Gulf Harbour Master Association Inc

c/o Suitor Middleton Cox & Associates
15751 San Carlos Blvd, Suite 8
Ft. Myers, FL; 33908

August 22, 2016

Josh Philpott
Senior Planner
Stantec
3800 Colonial Boulevard
Suite 100
Fort Myers, FL 33966-1075

Re: Ten (10)% reduction in required parking spaces for Gulf Harbour Golf and Country Club

Dear Mr. Philpott:

By action of the Board of Directors of the Gulf Harbour Master Association, Inc. ("Board"), decided at a meeting held on August 22, 2016, please be advised that the Board does not object to the request being made to Lee County by the Gulf Harbour Golf and Country Club (the "Club") to reduce the required number of parking spaces on the Club property by ten (10)%. We have discussed this reduction and believe that a ten (10)% reduction in the number of required parking spaces is appropriate and will create no negative impacts on our residents and/or members of the golf club or marina area given the significant number of golf cart parking spaces and bike racks on site.

Sincerely,



Carl Pecko,
President, Gulf Harbour Master Association, Inc.

cc: Charles J. Basinait, Esq.

ADD2016-00144