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April 12, 2017

Mr. Brandon Dunn
Principal Planner
Department of Community Development
1500 Monroe Street
Fort Myers, FL 33901

RECEIVED
APR 13 2017

COMMUNITY DEVELOPMENT

RE: CPA2015-00005 Bay Harbour Marina Village

Dear Mr. Dunn,

In response to the Board of County Commissioners Continuance for CPA2015-00005 and Remand for DCI2015-00015, the applicant has considered the existing amendment and planned development requests, spoken with members of the San Carlos Community, and met with Lee County Staff.

As a result of these coordinated efforts, the applicant has decided to propose an alternative to the existing requested amendment from Industrial to Central Urban to amend the Future Land Use Map and propose an accompanying text amendment to the Destination Resort Mixed Use Water Dependent (DRMUWD) Future Land Use.

An accompanying submittal will be made to the Mixed Use Planned Development demonstrating the adjustments proposed to the master concept plan. At this time, the requested density and intensity, provided in proposed Policy 31.3.6, will remain as previously requested. However, the alternative CPA Amendment clearly lays out the development parameters for the future development of the subject property, permitting the ability to review specific development details related to the conditions of the subject property and surrounding community.

The applicant's proposed revisions to the existing DRMUWD Future Land Use seek to promote mixed use development that supports the existing Destination Resort. Affordable housing and civic related components have been added to the descriptor policy to ensure a balanced approach to future development within the Destination Resort FLU. As will be demonstrated by the concurrent Mixed Use Planned Development submittal, the proposed development will continue to provide a mixed-use style of redevelopment on the subject property with additional

benefits related to affordable housing, improvements along Main Street, and public gathering spaces, which will also support the overall redevelopment of San Carlos Island.

Should you have any questions regarding the additional materials attached, please contact me at tekabld@m-da.com or 239-337-3993.

Sincerely,

MORRIS-DEPEW ASSOCIATES, INC.



Tina M. Ekblad, MPA, AICP, LEED AP
Partner – Planning Director



Lee County Board of County Commissioners
 Department of Community Development
 Division of Planning
 Post Office Box 398
 Fort Myers, FL 33902-0398
 Telephone: (239) 533-8585
 FAX: (239) 485-8344

**APPLICATION FOR A
 COMPREHENSIVE PLAN AMENDMENT**

PROJECT NAME: Bay Harbour Marina Village

PROJECT SUMMARY:

Request is to change the current land use designation from Industrial to Central Urban, or
the alternative to change the designation to Destination Resort Mixed Use Water
Dependent, with accompanying minor text amendments.

Plan Amendment Type: Normal Small Scale DRI

APPLICANT – PLEASE NOTE:

Answer all questions completely and accurately. Please print or type responses. If additional space is needed, number and attach additional sheets. The total number of sheets in your application is:

Submit **3** copies of the complete application and amendment support documentation, including maps, to the Lee County Division of Planning.

Once staff has determined that the application is sufficient for review, 15 complete copies will be required to be submitted to staff. These copies will be used for Local Planning Agency, Board of County Commissioners hearings, and State Reviewing Agencies. Staff will notify the applicant prior to each hearing or mail out.

I, the undersigned owner or authorized representative, hereby submit this application and the attached amendment support documentation. The information and documents provided are complete and accurate to the best of my knowledge.

 Signature of Owner or Authorized Representative

 Date

 Printed Name of Owner or Authorized Representative

I. APPLICANT/AGENT/OWNER INFORMATION (Name, address and qualification of additional planners, architects, engineers, environmental consultants, and other professionals providing information contained in this application.)

Applicant: Jack Mayher, Managing Member, Southern Comfort Storage, LLC
Address: 8632 West 103rd St., Suite A
City, State, Zip: Palos Hills, IL 60465
Phone Number: 708/205-7750 Email: jmayher@mgmconstinc.com

Agent*: Russell Schropp, Esq. (Also see attached Additional Agents.)
Address: P. O. Box 280
City, State, Zip: Fort Myer, FL 33902
Phone Number: 239/344-1280 Email: russell.schropp@henlaw.com

Owner(s) of Record: Southern Comfort Storage, LLC
Address: 8632 West 103rd St.
City, State, Zip: Palos Hills, IL 60465
Phone Number: 708/205-7750 Email: jmayher@mgmconstinc.com

* This will be the person contacted for all business relative to the application.

II. REQUESTED CHANGE

A. TYPE: (Check appropriate type)

Text Amendment

Future Land Use Map Series Amendment (Maps 1 thru 24)

List Number(s) of Map(s) to be amended: Map 1, page 1 of 1

1. Future Land Use Map amendments require the submittal of a complete list, map, and one set of mailing labels of all property owners and their mailing addresses, for all property within 500 feet of the perimeter of the subject parcel. The list and mailing labels may be obtained from the Property Appraisers office. The map must reference by number or other symbol the names of the surrounding property owners list. The applicant is responsible for the accuracy of the list and map.

At least 15 days before the Local Planning Agency (LPA) hearing, the applicant will be responsible for posting signs on the subject property, supplied by the Division of Planning, indicating the action requested, the date of the LPA hearing, and the case number. An affidavit of compliance with the posting requirements must be submitted to the Division of Planning prior to the LPA hearing. The signs must be maintained until after the final Board adoption hearing when a final decision is rendered.

III. PROPERTY SIZE AND LOCATION OF AFFECTED PROPERTY (for amendments affecting development potential of property)

A. Property Location:

1. Site Address: 1195 Main Street, Fort Myers Beach, FL 33931
2. STRAP(s): 19-46-24-00-00001.0000; 19-46-24-00-00003.0010; 19-46-24-00-00004.0000; 19-46-24-00-00004.0030; 19-46-24-00-00005.0200; 19-46-24-05-00000.0130; 19-46-24-05-00000.0150; 19-46-24-00-00005.0010

B. Property Information:

Total Acreage of Property: 7.47

Total Acreage included in Request: 7.47

Total Uplands: 7.47

Total Wetlands: 0

Current Zoning: IL, IM, C-2, MH-2

Current Future Land Use Designation: Industrial

Area of each Existing Future Land Use Category: 7.58 Acres

Existing Land Use: Storage and vacant

C. State if the subject property is located in one of the following areas and if so how does the proposed change affect the area:

Lehigh Acres Commercial Overlay: NA

Airport Noise Zone 2 or 3: NA

Acquisition Area: NA

Joint Planning Agreement Area (adjoining other jurisdictional lands): NA

Community Redevelopment Area: NA

D. Proposed change for the subject property:

Central Urban, or in the alternative Destination Resort Mixed Use Water Dependent with minor text amendments.

E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density	<u>0</u>
Commercial intensity	<u>7,500 @ 1,000 SF/Acre</u>
Industrial intensity	<u>75,000 @ 10,000 SF/Acre</u>

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density	<u>Central Urban: 75, 113 with bonus; DRMUWD: 113</u>
Commercial intensity	<u>Central Urban: 75,000 SF @ 10,000 SF/Acre; DRMUWD: 30,000 SF, marina with 29 wet & 286 dry storage spaces</u>
Industrial intensity	<u>Central Urban: limited per Policy 1.1.3 & 7.1.6; DRMUWD: water dependent industrial uses only</u>

IV. AMENDMENT SUPPORT DOCUMENTATION

At a minimum, the application shall include the following support data and analysis. These items are based on comprehensive plan amendment submittal requirements of the State of Florida, Department of Community Affairs, and policies contained in the Lee County Comprehensive Plan. Support documentation provided by the applicant will be used by staff as a basis for evaluating this request. To assist in the preparation of amendment packets, the applicant is encouraged to provide all data and analysis electronically. (Please contact the Division of Planning for currently accepted formats.)

A. General Information and Maps

NOTE: For each map submitted, the applicant will be required to provide a reduced map (8.5" x 11") for inclusion in public hearing packets.

The following pertains to all proposed amendments that will affect the development potential of properties (unless otherwise specified).

1. Provide any proposed text changes.
2. Provide a current Future Land Use Map at an appropriate scale showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.
3. Provide a proposed Future Land Use Map at an appropriate scale showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.
4. Map and describe existing land *uses* (not designations) of the subject property and surrounding properties. Description should discuss consistency of current uses with the proposed changes.
5. Map and describe existing zoning of the subject property and surrounding properties.
6. The certified legal description(s) and certified sketch of the description for the property subject to the requested change. A metes and bounds legal description must be submitted specifically describing the entire perimeter boundary of the property with accurate bearings and distances for every line. The sketch must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment) with two coordinates, one coordinate being the point of beginning and the other an opposing corner. If the subject property contains wetlands or the proposed amendment includes more than one land use category a metes and bounds legal description, as described above, must be submitted in addition to the perimeter boundary of the property for each wetland or future land use category.
7. A copy of the deed(s) for the property subject to the requested change.
8. An aerial map showing the subject property and surrounding properties.
9. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner.

B. Public Facilities Impacts

NOTE: The applicant must calculate public facilities impacts based on a maximum development scenario (see Part II.H.).

1. Traffic Circulation Analysis: The analysis is intended to determine the effect of the land use change on the Financially Feasible Transportation Plan/Map 3A (20-year horizon) and on the Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit the following information:

Long Range – 20-year Horizon:

- a. Working with Planning Division staff, identify the traffic analysis zone (TAZ) or zones that the subject property is in and the socio-economic data forecasts for that zone or zones;
- b. Determine whether the requested change requires a modification to the socio-economic data forecasts for the host zone or zones. The land uses for the proposed change should be expressed in the same format as the socio-economic forecasts (number of units by type/number of employees by type/etc.);
- c. If no modification of the forecasts is required, then no further analysis for the long range horizon is necessary. If modification is required, make the change and provide to Planning Division staff, for forwarding to DOT staff. DOT staff will rerun the FSUTMS model on the current adopted Financially Feasible Plan network and determine whether network modifications are necessary, based on a review of projected roadway conditions within a 3-mile radius of the site;
- d. If no modifications to the network are required, then no further analysis for the long range horizon is necessary. If modifications are necessary, DOT staff will determine the scope and cost of those modifications and the effect on the financial feasibility of the plan;
- e. An inability to accommodate the necessary modifications within the financially feasible limits of the plan will be a basis for denial of the requested land use change;
- f. If the proposal is based on a specific development plan, then the site plan should indicate how facilities from the current adopted Financially Feasible Plan and/or the Official Trafficways Map will be accommodated.

Short Range – 5-year CIP horizon:

- a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediated development plan, identify the existing roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);
 - b. Identify the major road improvements within the 3-mile study area funded through the construction phase in adopted CIP's (County or Cities) and the State's adopted Five-Year Work Program;
Projected 2030 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);
 - c. For the five-year horizon, identify the projected roadway conditions (volumes and levels of service) on the roads within the 3-mile study area with the programmed improvements in place, with and without the proposed development project. A methodology meeting with DOT staff prior to submittal is required to reach agreement on the projection methodology;
 - d. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.
2. Provide an existing and future conditions analysis for (see Policy 95.1.3):
 - a. Sanitary Sewer
 - b. Potable Water
 - c. Surface Water/Drainage Basins
 - d. Parks, Recreation, and Open Space
 - e. Public Schools.

Analysis should include (but is not limited to) the following (see the Lee County Concurrency Management Report):

- Franchise Area, Basin, or District in which the property is located;
- Current LOS, and LOS standard of facilities serving the site;
- Projected 2030 LOS under existing designation;
- Projected 2030 LOS under proposed designation;
- Existing infrastructure, if any, in the immediate area with the potential to serve the subject property.
- 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).
- Provide a letter of service availability from the appropriate utility for sanitary sewer and potable water.

In addition to the above analysis for Potable Water:

- Determine the availability of water supply within the franchise area using the current water use allocation (Consumptive Use Permit) based on the annual average daily withdrawal rate.
 - Include the current demand and the projected demand under the existing designation, and the projected demand under the proposed designation.
 - Include the availability of treatment facilities and transmission lines for reclaimed water for irrigation.
 - Include any other water conservation measures that will be applied to the site (see Goal 54).
3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:
- a. Fire protection with adequate response times;
 - b. Emergency medical service (EMS) provisions;
 - c. Law enforcement;
 - d. Solid Waste;
 - e. Mass Transit; and
 - f. Schools.

In reference to above, the applicant should supply the responding agency with the information from Section's II and III for their evaluation. This application should include the applicant's correspondence to the responding agency.

C. Environmental Impacts

Provide an overall analysis of the character of the subject property and surrounding properties, and assess the site's suitability for the proposed use upon the following:

1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS).
2. A map and description of the soils found on the property (identify the source of the information).
3. A topographic map depicting the property boundaries and 100-year flood prone areas indicated (as identified by FEMA).
4. A map delineating the property boundaries on the Flood Insurance Rate Map effective August 2008.
5. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.

6. A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map).
- D. Impacts on Historic Resources
List all historic resources (including structure, districts, and/or archeologically sensitive areas) and provide an analysis of the proposed change's impact on these resources. The following should be included with the analysis:
1. A map of any historic districts and/or sites, listed on the Florida Master Site File, which are located on the subject property or adjacent properties.
 2. A map showing the subject property location on the archeological sensitivity map for Lee County.
- E. Internal Consistency with the Lee Plan
1. Discuss how the proposal affects established Lee County population projections, Table 1(b) (Planning Community Year 2030 Allocations), and the total population capacity of the Lee Plan Future Land Use Map.
 2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.
 3. Describe how the proposal affects adjacent local governments and their comprehensive plans.
 4. List State Policy Plan and Regional Policy Plan goals and policies which are relevant to this plan amendment.
- F. Additional Requirements for Specific Future Land Use Amendments
1. Requests involving Industrial and/or categories targeted by the Lee Plan as employment centers (to or from)
 - a. State whether the site is accessible to arterial roadways, rail lines, and cargo airport terminals,
 - b. Provide data and analysis required by Policy 2.4.4,
 - c. The affect of the proposed change on county's industrial employment goal specifically policy 7.1.4.
 2. Requests moving lands from a Non-Urban Area to a Future Urban Area
 - a. Demonstrate why the proposed change does not constitute Urban Sprawl. Indicators of sprawl may include, but are not limited to: low-intensity, low-density, or single-use development; 'leap-frog' type development; radial, strip, isolated or ribbon pattern type development; a failure to protect or conserve natural resources or agricultural land; limited accessibility; the loss of large amounts of functional open space; and the installation of costly and duplicative infrastructure when opportunities for infill and redevelopment exist.
 3. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.
 4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.
- G. Justify the proposed amendment based upon sound planning principles
Be sure to support all conclusions made in this justification with adequate data and analysis.

H. Planning Communities/Community Plan Area Requirements

If located in one of the following planning communities/community plan areas, provide a meeting summary document of the required public informational session.

Not Applicable

- Alva Community Plan area [Lee Plan Objective 26.7]
- Buckingham Planning Community [Lee Plan Objective 17.7]
- Caloosahatchee Shores Community Plan area [Lee Plan Objective 21.6]
- Captiva Planning Community [Lee Plan Policy 13.1.8]
- North Captiva Community Plan area [Lee Plan Policy 25.6.2]
- Estero Planning Community [Lee Plan Objective 19.5]
- Lehigh Acres Planning Community [Lee Plan Objective 32.12]
- Northeast Lee County Planning Community [Lee Plan Objective 34.5]
- North Fort Myers Planning Community [Lee Plan Policy 28.6.1]
- North Olga Community Plan area [Lee Plan Objective 35.10]
- Page Park Community Plan area [Lee Plan Policy 27.10.1]
- Palm Beach Boulevard Community Plan area [Lee Plan Objective 23.5]
- Pine Island Planning Community [Lee Plan Objective 14.7]

AFFIDAVIT

I, _____, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.

Signature of Applicant

Date

Printed Name of Applicant

STATE OF FLORIDA
COUNTY OF LEE

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

Signature of Notary Public

(Name typed, printed or stamped)

LETTER OF AUTHORIZATION

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as

Southern Comfort Storage, LLC

legally described in exhibit A attached hereto.

The property described herein is the subject of an application for development. We hereby designate James Ink, c/o INKWERKS, Inc, 2055 West First Street, Fort Myers, FL 33901 as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to obtain entitlement authorization from Lee County for comprehensive plan amendment, bonus density, zoning, and development orders for a mixed use development on subject property. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

[Signature]
Owner (signature)

John Mayher Mayher
Printed Name, Title

STATE OF Florida
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 16 day on June (date), 2015 by John Joseph Mayher (name of person providing oath or affirmation), who is personally known to me or who has produced FIDL exp. 6/9/18 as identification.



[Signature]
Signature of Notary Public

AFFIDAVIT OF AUTHORIZATION

APPLICATION IS SIGNED BY INDIVIDUAL OWNER, APPLICANT, CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, John Mayher (name), as Managing Member (owner/title) of Southern Comfort Storage, LLC (company/property), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

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

***Notes:**

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

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.


Signature

6/16/15
Date

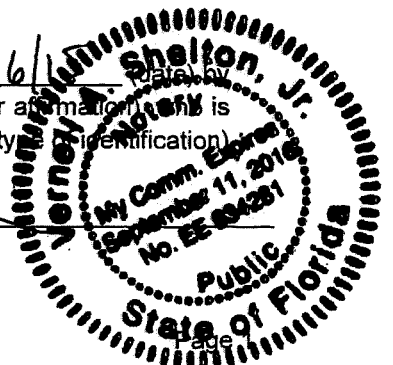
*******NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED**

**STATE OF FLORIDA
COUNTY OF LEE**

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 6/16/15 (date) by John Joseph Mayher (name of person providing oath or affirmation) who is personally known to me or who has produced FDL exp. 6/9/18 (type of identification) as identification.

STAMP/SEAL


Signature of Notary Public



ADDITIONAL AGENTS

Company Name:	Inkwerks, Inc.		
Contact Person:	James Ink, PE		
Address:	2055 West 1 st St.		
City, State, Zip:	Fort Myers, FL 33901		
Phone Number:	239/334-0278	Email:	jamesink@inkwerks.net

Company Name:	Morris-Depew Associates, Inc.		
Contact Person:	Tina Ekblad, MPA, AICP, LEED AP		
Address:	2891 Center Pointe Dr., Ste. 100		
City, State, Zip:	Ft. Myers, FL 33916		
Phone Number:	239/337-3993	Email:	tekblad@m-da.com

Company Name:	Morris-Depew Associates, Inc.		
Contact Person:	David W. Depew, PhD, AICP, LEED AP		
Address:	2891 Center Pointe Dr., Ste. 100		
City, State, Zip:	Ft. Myers, FL 33916		
Phone Number:	239/337-3993	Email:	planning@m-da.com

Company Name:	Henderson, Franklin, et. al.		
Contact Person:	Mr. Austin Turner, Esq.		
Address:	P. O. Box 280		
City, State, Zip:	Ft. Myers, FL 33902		
Phone Number:	239/344-1178	Email:	Austin.turner@henlaw.com

Company Name:			
Contact Person:			
Address:			
City, State, Zip:			
Phone Number:		Email:	

Company Name:			
Contact Person:			
Address:			
City, State, Zip:			
Phone Number:		Email:	

Bay Harbour Marina Comprehensive Plan Amendment**CPA2015-05****Project Narrative**

Project Name: Bay Harbour Marina Village

Applicant: Southern Comfort Storage, LLC; Jack Mayher, 11504 W. 183rd St., Orland Park, IL 60647; 708/205-7750; jmayher@mgmconstinc.com

Representatives:

1. Russell Schropp, Esq., P. O. Box 280, Ft. Myers, FL 33902; 239/344-1280; russell.schropp@henlaw.com
2. James Ink, PE, InkWerks, 2055 West First Street, Ft. Myers, FL 33901; 239/334-2450; jamesink@inkwerks.net
3. Ted Treesh, TR Transportation Consultants, Inc., 2726 Oak Ridge Ct., Ste. 530, Ft. Myers, FL 33901; 239/278-3090; tbt@trtrans.net
4. David W. Depew, PhD, AICP, LEED AP, Morris-Depew Associates, Inc., 2891 Center Pointe Dr., Ste. 100, Ft. Myers, FL 33916; 239/337-3993; planning@m-da.com
5. Tina M. Ekblad, MPA, AICP, LEED AP, Morris-Depew Associates, Inc., 2891 Center Pointe Dr., Ste. 100, Ft. Myers, FL 33916; 239/337-3993; tekblad@m-da.com

Amendment Request:

1. Amend Lee Plan Map 1, Page 1, the Future Land Use Map, to change the future land use category for a 7.47-acre property from Industrial Development to Central Urban. Amend Lee Plan Map 1, Page 6, Special Treatment Areas, to add the subject property to the Mixed Use Overlay.

Or, in the alternative

2. Amend Lee Plan Map 1, Page 1 the Future Land Use Map, to change the future land use category for a 7.47-acre property from Industrial Development to Destination Resort Mixed Use Water Dependent (DRMUWD). Amend Goal 31 and Policies 31.1.1, 31.1.2, 31.2.3, 31.3.6, 31.6.1, 31.7.2, and 31.10.1, and eliminate Policy 31.1.3 to describe the potential development parameters for the 7.58-acre property.

Introduction

The subject property consists of seven parcels located on San Carlos Island, on the north side of Main Street, east of San Carlos Boulevard. The property is approximately 7.47 acres and has three different zoning designations: Light Industrial (IL), Marine Industrial (IM) and Commercial (C-2). The property is currently used as a self-storage facility. In 2007, special exception and variance approvals provided for the location of a marina, including a boat launch, 286 dry storage boat slips 29 wet slips, a ship's store, a restaurant, 24,000 SF of mini-storage, and a 65' height limitation. There is also a small amount of mobile home (MH-2) property located on the northeast corner of the site. An FDEP Environmental Resource Permit has been issued for development of these uses on the site, and a Lee County Development Order

has also been granted; these uses have been granted the necessary permits to proceed with development.

To the north and west of the subject property are commercial and industrial uses, mainly for warehousing and distribution. South of the property across Main Street are industrial marina uses. This includes the San Carlos Isle Maritime Park, a Lee County owned Community Facility Planned Development. To the east of the subject property are residential uses consisting mainly of mobile homes with some single-family residences. Approximately one-quarter mile to the east, located on both the north and south sides of Main Street, is the approved project known as Ebtide. This property is on approximately 36 acres and includes: a 450-unit hotel with a 75,000 SF convention center; 271 multi-family residential units; 10,000 square feet of commercial office; 85,000 square feet of commercial retail; and an existing marina. This project has a maximum building height of 230 feet. The subject property and the properties to the north, south, and west are also within the Industrial Development future land use category. Properties on the south side of Main Street are a mix of residential, commercial, industrial, and civic uses, many of which are non-conforming. The property to the southeast owned by Lee County, across Main Street, is in the Public Facilities future land use category. To the east of the subject property the land is designated as Suburban.

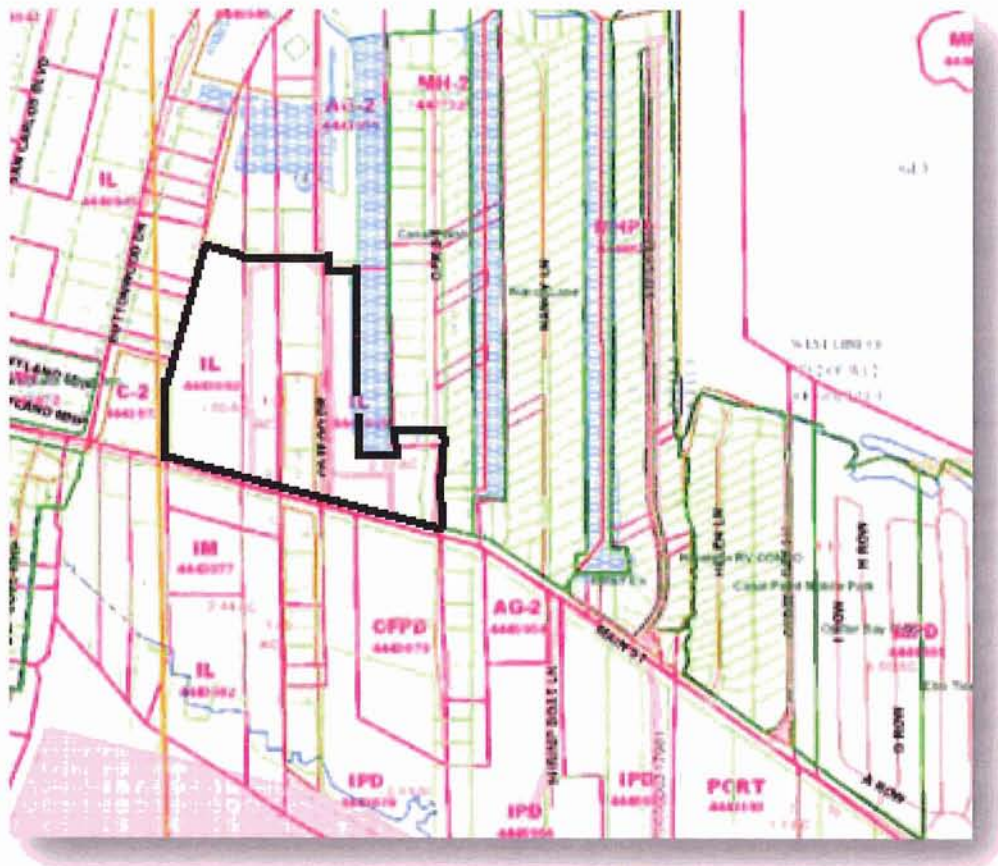


Figure 1: Subject Property

The proposed Bay Harbour Marina Village MPD is a mixed-use development that redefines the development of the Compass Rose Marina and promotes the vision of San Carlos Island as a boating and marine community. Compass Rose Marina has been in service for many years until 2006 where it was to be renovated and expanded. The economic crisis impacted the project such that it entered foreclosure and ownership was transferred to the mortgage holder. Since 2007 there has been attempts to resurrect the project, but a standalone marina of this size is unable to be financially sustainable and development has not resumed.

The historical commercial shrimp/fishing industry and supporting uses that have existed on San Carlos Island have been evolving over the past decades. The globalization of the seafood industry, increasing regulations, distance to productive fishing grounds, fuel costs and property tax increases have moved the Gulf fishing fleet to other areas. This change has caused any new industrial marine development on San Carlos Island to be limited in scope. Only Trico and Erikson and Jensen remain conducting active shrimping on San Carlos Island. There have been two redevelopment projects in the past two years:

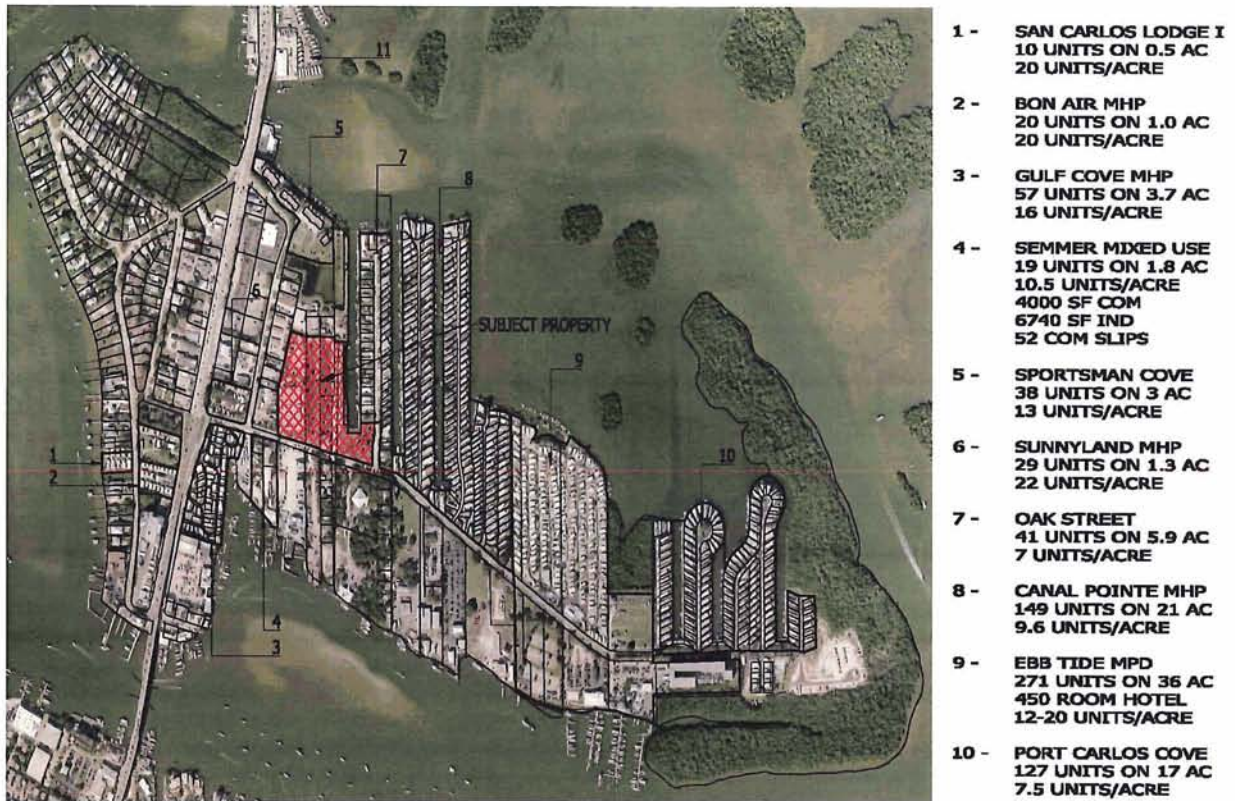


Figure 2: San Carlos Island

Diversified Yacht Services has constructed a large boatyard at the southwest corner of the island, and EbTide has been approved for as a destination resort. Diversified Yacht is an example of the changing land use away from commercial fishing by a large investment in the upscale recreational boating community providing the only boatyard of its type between Tampa and the East Coast. Presently only Trico Shrimp Company and Erickson and Jensen remain on San Carlos Island as large-scale commercial fishing operations. Additionally, there are nonconforming residential uses mixed into the Industrial land use category along the south side of Main Street. Additionally, as can be seen in Figure 2, above, and

Figure 3, below, all of the residential development is nonconforming due to the density characteristics of the existing future land use designations. The EbTide MPD has also been approved by Lee County. EbTide MPD is a large mixed use development that comprises of commercial, recreational marina, residential and hotel uses near the east end of San Carlos Island. Density of EbTide is ±10 units per acre.

The current developer has created a development plan that adds additional marketable uses in a mixed-use development. The development plan proposes introducing residential components that are inconsistent with the current Lee County Comprehensive Plan Industrial Land Use of the property. This requires a change to a compatible land use.

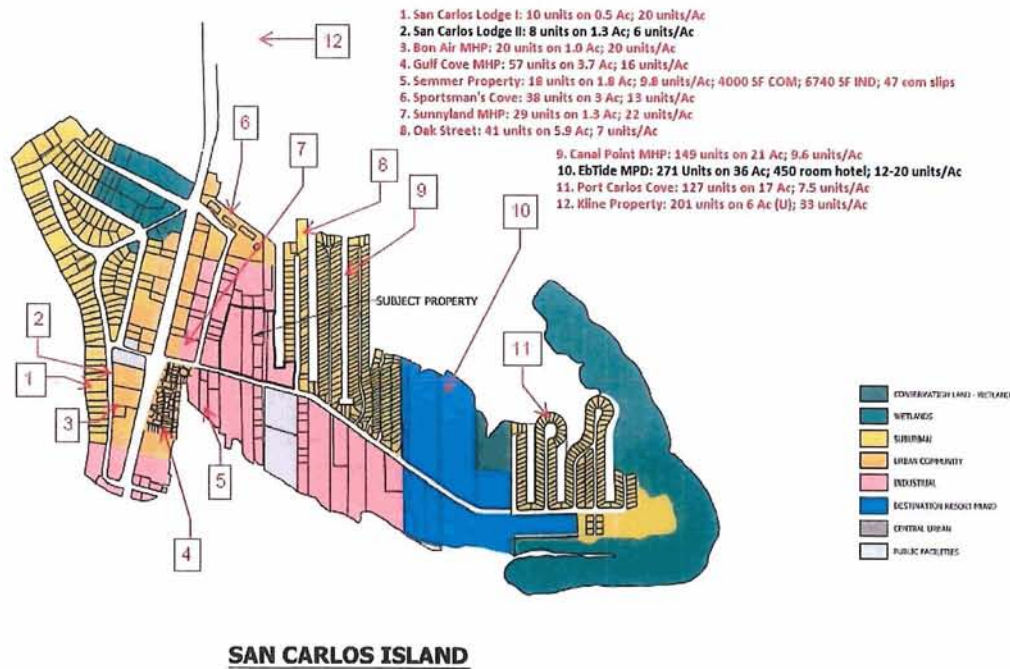


Figure 3: Surrounding Land Uses

The proposed development plan consists of the following uses:

1. The current marina plan of a 286-slip dry storage building, 29 wet slips, and three (3) loading slips will remain as approved in SEZ2007-00041 and VAR2007-00036. The approved 7,200 square foot multipurpose building will be reduced to a smaller ship store without restaurant facilities.
2. A parking garage with not less than 500 spaces will be constructed to allow for parking of the facility and provide excess parking for daily use of beach goers.
3. A commercial/residential structure will be constructed that allows commercial uses and residential dwellings.
4. The residential development is requesting bonus density units to provide on-site workforce housing. This should provide affordable/workforce housing for workers within the Town of Fort Myers Beach.

The Bay Harbour development plan redevelops the site into a sustainable community with uses that not only provide a viable integrated community and with the uses of the bonus density provides

affordable/workforce housing near the workplace. The parking garage also provides a convenient location and access to the beach. It is approximately 10-minute walk from the parking garage to Lynn Hall Park in the Town of Fort Myers Beach and less than a 5-minute walk to the existing Lee County Transit/Trolley stops near or along San Carlos Blvd. Walking and transit opportunities will be even more accessible due to the potential transit stop and streetscape improvements, including the extension of the multi-use trail, along Main St. proposed as part of the development.

Current Future Land Use Category

The subject property is currently located in the Industrial Development future land use category as depicted on Lee Plan Map 1, the Future Land Use Map. It has been designated Industrial Development since the Lee Plan was first adopted in 1984. The Industrial Development category is defined by Lee Plan Policy 1.1 .7. Rather than supporting a wide variety of uses, this category is limited to primarily industrial uses and supporting ancillary uses. While the currently approved development on the subject property is consistent with this category, it is not an economically viable use, and does not complement the redevelopment needs of San Carlos Island.

As depicted on Lee Plan Map 2, San Carlos Island, the eastern portion of the subject property is within the Water-Dependent Overlay. Policy 1.7.5 defines the Water-Dependent Overlay as those shoreline areas where priority will be granted to water dependent land uses such as marinas or boat ramps. This Overlay is intended to prevent the conversion of uses, which require access to the water, to non-water dependent uses. A portion of the subject property will remain in the Water-Dependent Overlay under either of the alternative amendments.

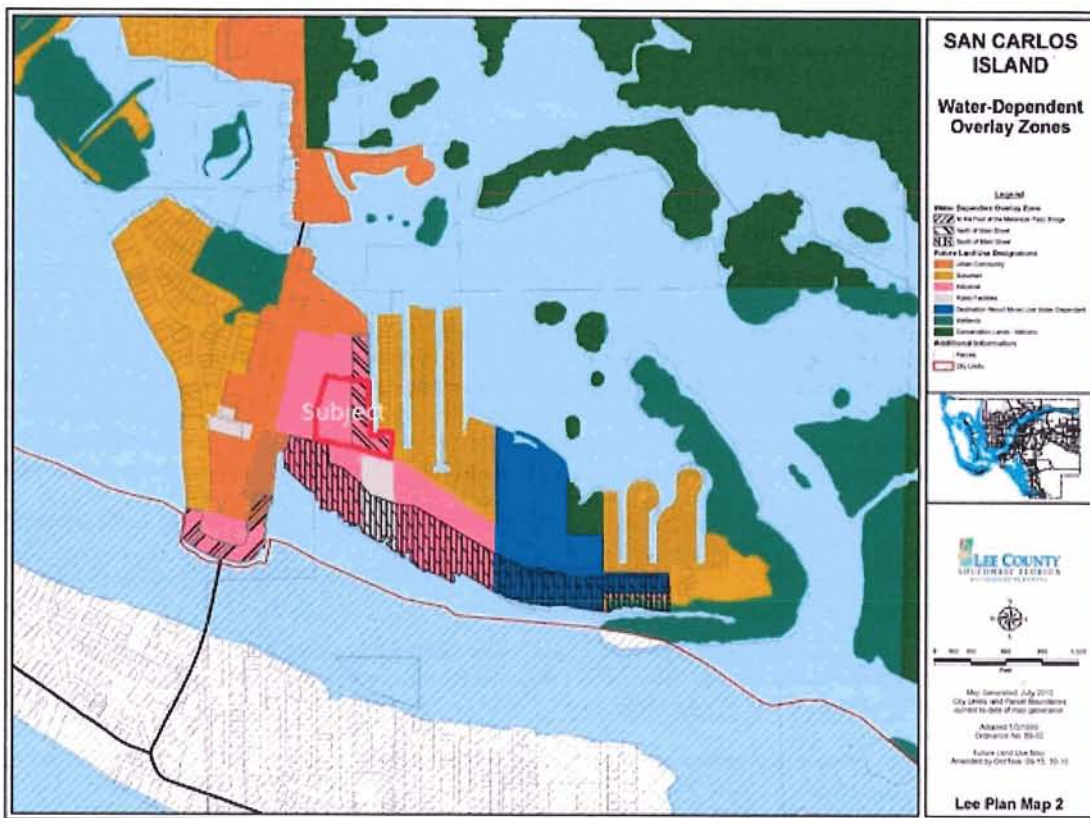


Figure 4: Water Dependent Overlay with Subject Property

Alternative 1

The Future Land Use designation of the property is "Industrial Development". The area is mostly developed with industrial, commercial and mobile home parks. The proposed density amounts to slightly over 14 dwelling units per gross acre, for a total of 113 residential units, 38 of which are Bonus Density Units for workforce housing, and is within the density range of the Central Urban category which is being requested. Other proposed uses such as commercial retail, restaurant, and marina are also permitted in this land use category. The proposed development plan is mixed-use in conceptualization; Alternative 1 proposed by the applicant will be consistent with the definition of the Central Urban land use category; Policy 1.1.3 of the Lee Plan states, "The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service - water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre). The maximum total density may be increased to twenty dwelling units per acre (20du/acre) utilizing Greater Pine Island Transfer of Development Units." This alternative allows a broad range of urban uses, but the companion rezoning request will allow the specifics of the development request to be managed such that it will provide the necessary conditions to preserve the public health, safety and welfare.

Alternative 2

Alternative 2 involves a specific set of text amendments directly related to the small-scale map amendment of the subject property from Industrial to Destination Resort Mixed Use Water Dependent (DRMUWD). The development plan would not change, but the actual Lee Plan amendment will clearly lay out the development parameters for the future redevelopment of the subject property. The clear advantage of this approach is in the ability to review specific development details associated with the contextual milieu of the property and the neighborhood in which it is located. As in the case of Alternative 1, the various applicable Lee Plan Goals, Objectives and Policies are met through the provision of not only the design characteristics associated with the Lee Plan amendment, but also with the companion rezoning request which tracks CPA2015-05.

Proposed Text Amendments for Alternative 2, DRMUWD Option

GOAL 31: DESTINATION RESORT MIXED USE WATER DEPENDENT (DRMUWD). To establish a land-use category that considers the uniqueness of water dependent land, with existing antiquated zoning, and outdated uses that will provide a mechanism to create an attractive, functioning mixed use destination resort through well planned redevelopment or a mixed use development with affordable housing that can support destination resorts and contains civic-related components such as public parking, public spaces, access to waterfront, enhanced streetscape, etc. through well planned redevelopment.

POLICY 31.1.1: 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, except that density may be increased to a maximum of 15 dwelling units per acre if the additional dwelling units are committed to affordable housing. Residential densities in developments that include commercial and residential uses in the same project or same building may utilize the total acreage of the development to calculate gross residential density. ~~be developed as provided for under the Glossary terms: "Mixed Use," "Mixed Use Building," and "Density."~~

POLICY 31.1.2: 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~~ or depressed/underutilized water dependent waterfronts.
2. Located in Areas characterized as predominantly impacted by a declining water dependent industry like commercial fishing or other and with a minimum of ~~8-7~~ acres of contiguous lands under unified control.
3. Areas within coastal 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 31.1.3: Destination Resort Mixed Use Water Dependent 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 31.2: GROWTH MANAGEMENT. Destination Resort Mixed Use Water Dependent (DRMUWD) land use category must be consistent with growth management principles and practices provided in the following policies.

POLICY 31.2.1: All new development in this land use category must be reviewed and rezoned as a Planned Development.

POLICY 31.2.2: Destination Resort Mixed Use Water Dependent 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 31.2.3: Adjacent contiguous p~~ 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 31.2.4: Applications for Destination Resort Mixed Use Water Dependent development will be reviewed and evaluated as to their impacts on, and may not negatively affect, adjacent, existing residential, commercial or conservation activities.

POLICY 31.2.5: 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 31.2.6: 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 31.3: 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 31.3.1: 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 31.3.2: 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 31.3.3: The DRMUWD is an area which provides the associated support development and synergism to create a viable mixed use destination type development with water dependent 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 dependent 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 dependent 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 approved by the Director of Community Development.

POLICY 31.3.4: The following uses are prohibited within the DRMUWD:

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

POLICY 31.3.5: 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 31.3.6: The category must be developed with a mix of uses not to exceed:

1. Ebtide Parcel: 1711-2503 and 2020-2500 Main Street, San Carlos Island
 - 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)
2. Bay Harbour Parcel: 1195 Main Street, San Carlos Island
 - Residential (Maximum of 113 dwelling units)
 - Office-Retail-Mini-Storage (Maximum of 30,000 square feet)
 - Marina (Maximum of 29 wet and 286 dry boat slips)
 - Civic (Minimum of 4,000 square feet and 200 publicly accessible parking spaces)

POLICY 31.3.7: 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 31.4: 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 31.4.1: 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 31.4.2: Road capacity improvements necessary to serve demands generated outside the community will be designed to minimize the impacts on the community.

OBJECTIVE 31.5: 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 31.5.1: 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 31.5.2: 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 31.6: COORDINATION OF MASS TRANSIT. The developer(s) will coordinate with Lee County to ensure consistency with the TDP (Transit Development Plan).

POLICY 31.6.1: 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, except that density may be increased to a maximum of 15 dwelling units per acre if the additional dwelling units are committed to affordable housing. 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 31.6.2: 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 31.6.3: 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 31.6.4: Water access-Each development must provide at a minimum one designated public access easement point to the water.

OBJECTIVE 31.7: 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 31.7.1: 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 31.7.2: Each destination resort style 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 31.7.3: 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 31.7.4: 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 meeting Lee Tran standards or better. Improvements to bring Main Street up to Class A road standards, subject to deviations where appropriate, will be provided by the developer. 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 31.8: 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 31.8.1: 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 31.8.2: 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 31.9: 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 31.9.1: The developer will establish a dialogue with the town to review parking and access issue during the Development order process.

POLICY 31.9.2: The developer will provide a liaison and resources to any harbor planning committee to coordinate activities in and around the Harbor.

OBJECTIVE 31.10: 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 31.10.1: 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, at the County's option, either provide a fee in lieu pursuant to the Lee County requirements or construct on site shelter to withstand Category 5 hurricane force winds and storm surge to accommodate residents in compliance with the following requirements:

1. 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.
2. 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.
3. Developer/operator must submit a post storm recovery plan including post storm evacuation plan for review and approval by Lee County Emergency Management.

Bay Harbour Marina Development Plan

The Master Concept Plan depicts two entrances to the site from Main Street. The westerly drive loops around the site along the west and north boundaries to connect with the second drive accessing the site just west of the existing canal. There is a 15' easement that is included in this secondary access, and the development plan calls for this secondary driveway to provide access to the boat storage facility, the ship's store, and the townhomes adjacent to the canal. Boat launching operations will cross this access point, and operational accommodations will be made for purposes of maintaining safe access.

The primary building on the subject property will be a multi-purpose structure consisting of the parking garage, the boat storage facility, the residences, amenities for the residents, a restaurant, and commercial uses. On the west side of the canal are 15 townhomes. The south terminus of the canal will be used for launching of vessels stored in the dry storage facility. The west bank of the canal will be for dockage, and there will be fueling facilities as well. Also to the south of the terminus of the canal will be open space, wrapping around the canal along the southeast end. This area will consist of recreational amenities as well as public open space. The Main Street frontage will be redeveloped into a public streetscape with bicycle and pedestrian features accompanied by landscaping. The primary structure is currently envisioned at $\pm 130'$ in height, with the dry storage facility capped at 65' and the townhomes at 45'.

The mixed-use nature of the project will match the efforts of the County to promote development of this type. The provision of public parking facilities proximate to the beach, the location of potential transit access, and the pedestrian/bicycle interconnections will provide multi-modal options for accessing not only Ft. Myers Beach, but also the commercial areas along San Carlos Blvd. The proposed development is less intense than that which was approved for EbTide; heights of structures, total numbers of units, and the smaller intensity of non-residential uses combine to provide a smaller scale project than that which was unanimously approved by Z-12-028.

The proposed development will provide a mixed-use style of redevelopment that will preserve the waterfront-dependent uses while still offering the owner an opportunity to achieve an economically viable development. The provision of workforce housing will also provide benefits to the area in which it is to be located. The improvements along the Main Street frontage will provide public space, and the project is proposing a public open space at the southeast corner of the site. Redevelopment of this site with the proposed project is consistent with the Lee Plan, and will assist in the overall redevelopment of San Carlos Island.

Bay Harbour
Comprehensive Plan Amendment
Proposed Text Amendments for DRMUWD Option

GOAL 31: DESTINATION RESORT MIXED USE WATER DEPENDENT (DRMUWD). To establish a land-use category that considers the uniqueness of water dependent land, with existing antiquated zoning, and outdated uses that will provide a mechanism to create an attractive, functioning mixed use destination resort through well planned redevelopment or a mixed use development with affordable housing that can support destination resorts and contains civic-related components such as public parking, public spaces, access to waterfront, enhanced streetscape, etc. through well planned redevelopment.

POLICY 31.1.1: 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, except that density may be increased to a maximum of 15 dwelling units per acre if the additional dwelling units are committed to affordable housing. Residential densities in developments that include commercial and residential uses in the same project or same building may utilize the total acreage of the development to calculate gross residential density. ~~be developed as provided for under the Glossary terms: "Mixed Use," "Mixed Use Building," and "Density."~~

POLICY 31.1.2: 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~~ or depressed/underutilized water dependent waterfronts.
2. Located in Areas characterized as predominantly impacted by a declining water dependent industry like commercial fishing or other and with a minimum of ~~8~~ 7 acres of contiguous lands under unified control.
3. Areas within coastal 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 31.1.3: Destination Resort Mixed Use Water Dependent land use category will only be allowed, subject to the other requirements of the Goals, and in the areas as defined by the location criteria.~~

OBJECTIVE 31.2: GROWTH MANAGEMENT. Destination Resort Mixed Use Water Dependent (DRMUWD) land use category must be consistent with growth management principles and practices provided in the following policies.

POLICY 31.2.1: All new development in this land use category must be reviewed and rezoned as a Planned Development.

POLICY 31.2.2: Destination Resort Mixed Use Water Dependent 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 31.2.3: ~~Adjacent contiguous p~~ 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 31.2.4: Applications for Destination Resort Mixed Use Water Dependent development will be reviewed and evaluated as to their impacts on, and may not negatively affect, adjacent, existing residential, commercial or conservation activities.

POLICY 31.2.5: 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 31.2.6: 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 31.3: 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 31.3.1: 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 31.3.2: 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 31.3.3: The DRMUWD is an area which provides the associated support development and synergism to create a viable mixed use destination type development with water dependent 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 dependent 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 dependent 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 approved by the Director of Community Development.

POLICY 31.3.4: 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 31.3.5: 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 31.3.6: The category must be developed with a mix of uses not to exceed:

1. Ebtide Parcel: 1711-2503 and 2020-2500 Main Street, San Carlos Island
 - 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)
- 2. Bay Harbour Parcel: 1195 Main Street, San Carlos Island
 - Residential (Maximum of 113 dwelling units)
 - Office-Retail-Mini-Storage (Maximum of 30,000 square feet)
 - Marina (Maximum of 29 wet and 286 dry boat slips)
 - Civic (Minimum of 4,000 square feet and 200 publicly accessible parking spaces)

POLICY 31.3.7: 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 31.4: 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 31.4.1: 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 31.4.2: Road capacity improvements necessary to serve demands generated outside the community will be designed to minimize the impacts on the community.

OBJECTIVE 31.5: 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 31.5.1: 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 31.5.2: 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 31.6: COORDINATION OF MASS TRANSIT. The developer(s) will coordinate with Lee County to ensure consistency with the TDP (Transit Development Plan).

POLICY 31.6.1: 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, except that density may be increased to a maximum of 15 dwelling units per acre if the additional dwelling units are committed to affordable housing. 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 31.6.2: 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 31.6.3: 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 31.6.4: Water access-Each development must provide at a minimum one designated public access easement point to the water.

OBJECTIVE 31.7: 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 31.7.1: 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 31.7.2: Each destination resort style 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 31.7.3: 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 31.7.4: 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 meeting Lee Tran standards or better. Improvements to bring Main Street up to Class A road standards, subject to deviations where appropriate, will be provided by the developer. 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 31.8: 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 31.8.1: 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 31.8.2: 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 31.9: 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 31.9.1: The developer will establish a dialogue with the town to review parking and access issue during the Development order process.

POLICY 31.9.2: The developer will provide a liaison and resources to any harbor planning committee to coordinate activities in and around the Harbor.

OBJECTIVE 31.10: 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 31.10.1: 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 either provide a fee in lieu pursuant to the Lee County requirements or construct on site shelter to withstand Category 5 hurricane force winds and storm surge to accommodate residents in compliance with the following requirements:

1. 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.
2. 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.
3. Developer/operator must submit a post storm recovery plan including post storm evacuation plan for review and approval by Lee County Emergency Management.

**Lee Plan Consistency Analysis: Bay Harbour Property
CPA2015-05, As Amended
March 31, 2017**

Project Name: Bay Harbour Marina Village

Applicant: Southern Comfort Storage, LLC; Jack Mayher, 11504 W. 183rd St., Orland Park, IL 60647;
708/205-7750; jmayher@mgmconstinc.com

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Amendment Request:

1. Amend Lee Plan Map 1, Page 1, the Future Land Use Map, to change the future land use category for a 7.47-acre property from Industrial Development to Central Urban. Amend Lee Plan Map 1, Page 6, Special Treatment Areas, to add the subject property to the Mixed Use Overlay.

Or, in the alternative

2. Amend Lee Plan Map 1, Page 1 the Future Land Use Map, to change the future land use category for a 7.47-acre property from Industrial Development to Destination Resort Mixed Use Water Dependent (DRMUWD). Amend Goal 31 and Policies 31.1.1, 31.1.2, 31.2.3, 31.3.6, 31.6.1, 31.7.2, and 31.10.1, and eliminate Policy 31.1.3 to describe the potential development parameters for the 7.47-acre property.

Alternative 2 text amendments:

GOAL 31: DESTINATION RESORT MIXED USE WATER DEPENDENT (DRMUWD). To establish a land-use category that considers the uniqueness of water dependent land, with existing antiquated zoning, and outdated uses that will provide a mechanism to create an attractive, functioning mixed use destination resort ~~through well planned redevelopment or a mixed use development with affordable housing that can support destination resorts and contains civic-related components such as public parking, public spaces, access to waterfront, enhanced streetscape, etc.~~ through well planned redevelopment.

POLICY 31.1.1: 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, except that density may be increased to a maximum of 15 dwelling units per acre if the additional dwelling units are committed to affordable housing. Residential densities in developments that include commercial and residential uses in the same project or same building may utilize the total acreage of the development to calculate gross residential density. ~~be developed as provided for under the Glossary terms: "Mixed Use," "Mixed Use Building," and "Density."~~

POLICY 31.1.2: 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~~ or depressed/underutilized water dependent waterfronts.
2. Located in Areas characterized as predominantly impacted by a declining water dependent industry like commercial fishing or other and with a minimum of ~~8~~ 7 acres of contiguous lands under unified control.
3. Areas within coastal 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 31.1.3: Destination Resort Mixed Use Water Dependent 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.~~

~~POLICY 31.2.3: Adjacent contiguous p~~ 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 31.3.6: The category must be developed with a mix of uses not to exceed:

1. Ebtide Parcel: 1711-2503 and 2020-2500 Main Street, San Carlos Island
 - 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)
2. Bay Harbour Parcel: 1195 Main Street, San Carlos Island
 - Residential (Maximum of 113 dwelling units)
 - Office-Retail-Mini-Storage (Maximum of 30,000 square feet)

- Marina (Maximum of 29 wet and 286 dry boat slips)
- Civic (Minimum of 4,000 square feet and 200 publicly accessible parking spaces)

POLICY 31.6.1: 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, except that density may be increased to a maximum of 15 dwelling units per acre if the additional dwelling units are committed to affordable housing. Mixed use Developments that include commercial and residential uses within the same development will be allowed to use the entire site for density calculation.

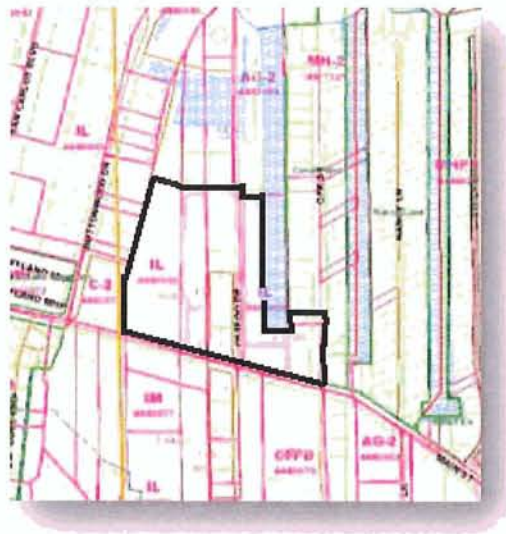
POLICY 31.7.2: Each destination resort style development will establish or participate in an airport shuttle service to and from the Southwest Florida International Airport and the development. The shuttle services hours of operation will be determined based on market conditions and can be a fixed route shuttle or a point of demand service type or combination of both.

POLICY 31.10.1: 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, at the County's option, either provide a fee in lieu pursuant to the Lee County requirements or construct on site shelter to withstand Category 5 hurricane force winds and storm surge to accommodate residents in compliance with the following requirements:

1. 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.
2. 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.
3. Developer/operator must submit a post storm recovery plan including post storm evacuation plan for review and approval by Lee County Emergency Management.

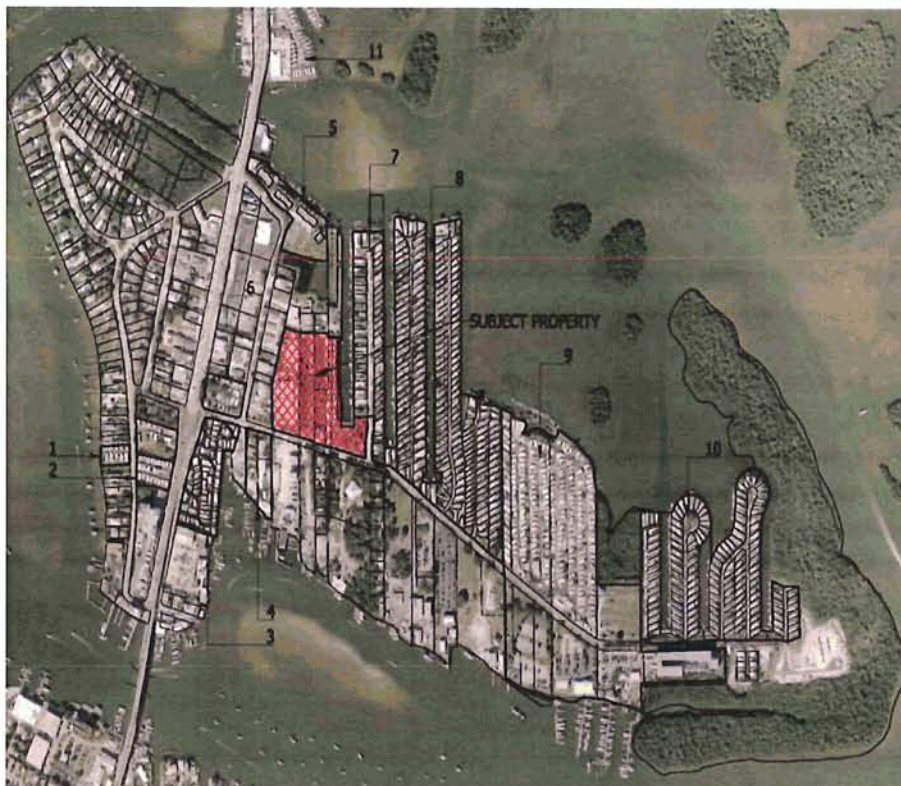
Subject Property

The subject property consists of seven parcels located on San Carlos Island, on the north side of Main Street, east of San Carlos Boulevard. The property is approximately 7.47 acres and has four different zoning designations: Mobile Home (MH-2), Light Industrial (IL), Marine Industrial (IM) and Commercial (C-2). The property is currently used as a self-storage facility. In 2007, special exception and variance approvals provided for the location of a marina, including a boat launch, 286 dry storage boat slips, 29 wet slips, a ship's store, a restaurant, 24,000 SF of mini-storage, and a 65' height limitation. FDEP permits have also been granted for these uses. A Lee County development order has been issued for construction of the marina.



Address	Area (acres)	Zoning
1135 MAIN ST	2.38	IL
1145 MAIN ST	1.26	C-2
1185 MAIN ST	0.22	IM
19230 SEA SIDE DR	0.39	IM
19210 SEA SIDE DR	0.17	IM
19170 SEA SIDE DR	0.57	IM
821 OAK ST	0.11	MH-2
1195 MAIN ST	2.12	IL
OSTEGO DR.	0.35	IM
TOTAL	7.58	

Figure 1: Subject Property

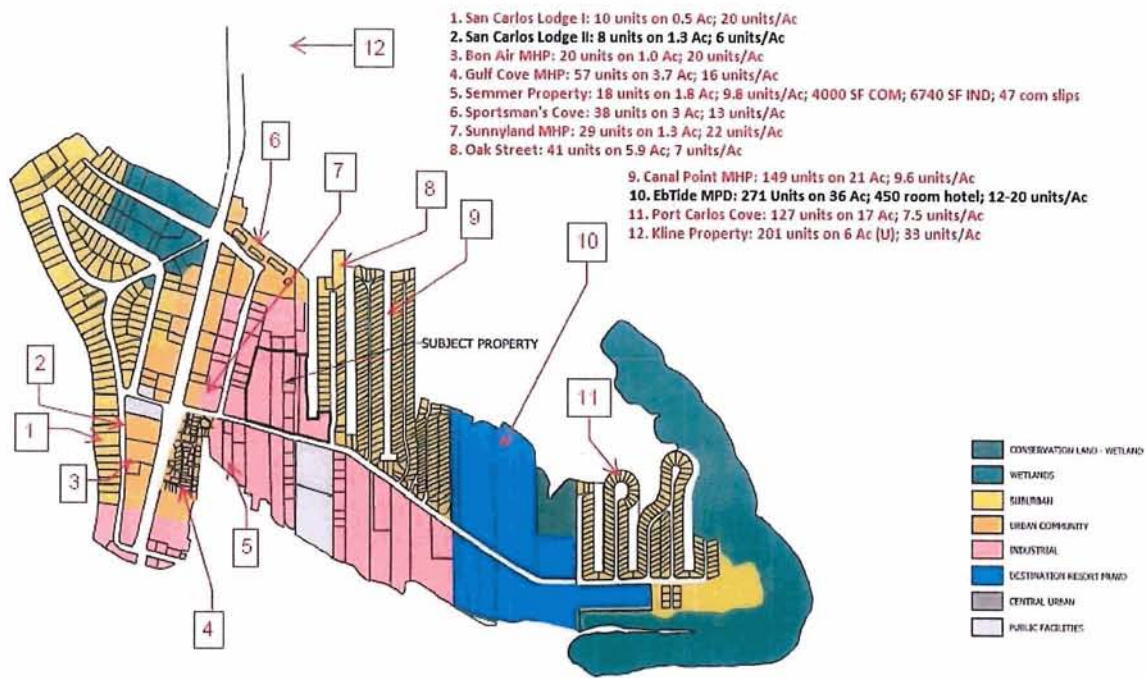


- 1 - SAN CARLOS LODGE I
10 UNITS ON 0.5 AC
20 UNITS/ACRE
- 2 - BON AIR MHP
20 UNITS ON 1.0 AC
20 UNITS/ACRE
- 3 - GULF COVE MHP
57 UNITS ON 3.7 AC
16 UNITS/ACRE
- 4 - SEMMER MIXED USE
19 UNITS ON 1.8 AC
10.5 UNITS/ACRE
4000 SF COM
6740 SF IND
52 COM SLIPS
- 5 - SPORTSMAN COVE
38 UNITS ON 3 AC
13 UNITS/ACRE
- 6 - SUNNYLAND MHP
29 UNITS ON 1.3 AC
22 UNITS/ACRE
- 7 - OAK STREET
41 UNITS ON 5.9 AC
7 UNITS/ACRE
- 8 - CANAL POINTE MHP
149 UNITS ON 21 AC
9.6 UNITS/ACRE
- 9 - EBB TIDE MPD
271 UNITS ON 36 AC
450 ROOM HOTEL
12-20 UNITS/ACRE
- 10 - PORT CARLOS COVE
127 UNITS ON 17 AC
7.5 UNITS/ACRE

Figure 2: San Carlos Island and Subject Property

Surrounding Properties

To the north and west of the subject property are commercial and industrial uses, mainly for warehousing and distribution. South of the property across Main Street are industrial marina uses. This includes the San Carlos Isle Maritime Park, a Lee County owned Community Facility Planned Development. To the east of the subject property are residential uses consisting mainly of mobile homes with some single-family residences. All of the older residential uses are nonconforming due to density. Approximately one-quarter mile to the east, located on both the north and south sides of Main Street, is the approved project known as Ebtide. This property is on approximately 36 acres and includes: a 450-unit hotel with a 75,000 SF convention center; 271 multi-family residential units; 10,000 square feet of commercial office; 85,000 square feet of commercial retail; and an existing marina. This project has a maximum building height of 230 feet. The subject property and the properties to the north, south, and west are also within the Industrial Development future land use category, although the properties south of Main Street are a mix of residential, commercial, industrial and civic uses, many of which are non-conforming. The property to the southeast owned by Lee County, across Main Street, is in the Public Facilities future land use category. To the east of the subject property the land is designated as Suburban.



SAN CARLOS ISLAND

Figure 2: Surrounding Land Uses

Current Future Land Use Category

The subject property is currently located in the Industrial Development future land use category as depicted on Lee Plan Map 1, the Future Land Use Map. It has been designated Industrial Development since the Lee Plan was first adopted in 1984. The Industrial Development category is defined by Lee Plan Policy 1.1 .7. Rather than supporting a wide variety of uses, this category is limited to primarily industrial

uses and supporting ancillary uses. The currently approved development on the subject property is consistent with this category.

As depicted on Lee Plan Map 2, San Carlos Island, the eastern portion of the subject property is within the Water-Dependent Overlay. Policy 1.7.5 defines the Water-Dependent Overlay as those shoreline areas where priority will be granted to water dependent land uses such as marinas or boat ramps. This Overlay is intended to prevent the conversion of uses, which require access to the water, to non-water dependent uses. A portion of the subject property will remain in the Water-Dependent Overlay under either of the alternative amendments.

Alternative 1

The Future Land Use designation of the property is "Industrial Development". The area is mostly developed with industrial, commercial and mobile home parks. The proposed density amounts to slightly over 14 dwelling units per gross acre, for a total of 113 residential units, 38 of which are Bonus Density Units for workforce housing, and is within the density range of the Central Urban category which is being requested. Other proposed uses such as commercial retail, restaurant, and marina are also permitted in this land use category. The proposed development plan is mixed-use in conceptualization; Alternative 1 proposed by the applicant will be consistent with Policy 1.1.3 of the Lee Plan which states, "The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service - water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre). The maximum total density may be increased to twenty dwelling units per acre (20du/acre) utilizing Greater Pine Island Transfer of Development Units."

Alternative 2

As noted above, Alternative 2 involves a specific set of text amendments directly related to the small-scale map amendment of the subject property from Industrial to Destination Resort Mixed Use Water Dependent (DRMUWD). The development plan would not change, but the actual Lee Plan amendment will clearly lay out the development parameters for the future redevelopment of the subject property. The clear advantage of this approach is in the ability to review specific development details associated with the contextual milieu of the property and the neighborhood in which it is located. As in the case of Alternative 1, the various applicable Lee Plan Goals, Objectives and Policies are met through the provision of not only the design characteristics associated with the Lee Plan amendment, but also with the companion rezoning request which tracks CPA2015-05.

Lee Plan Policies Supporting Both Alternatives

Policy 1.7.6 states, "The Planning Communities Map and Acreage Allocation Table (see Map 16 and Table 1(b) and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent and location of generalized land uses for the year 2030. Acreage totals are provided for land in each Planning Community in unincorporated Lee County. No final development orders or extensions to final development orders will be issued or approved by Lee County which would allow the acreage totals for

residential, commercial or industrial uses contained in Table 1(b) to be exceeded.” The subject property is located in the Iona/McGregor Planning Community. The Planning Community Year 2030 Allocations indicates that 4,108 acres are allocated for residential uses and 1,100 acres are allocated for commercial uses in the Iona/McGregor Planning Community. Based upon the Staff’s analysis, 384 acres of residential and 543 acres of commercial are still available for development. Thus, the request is consistent with Policy 1.7.6 of the Lee Plan.

Objective 2.1, 2.2, and Policy 2.2.1 discuss timing and development patterns. Lee County has committed to directing development to those properties that conserve natural resources, minimize the cost of infrastructure expansion, are located in areas where adequate facilities exist, and which will be evaluated in terms of compatibility and other related elements of public health, welfare and safety. The proposed development promotes contiguous and compact growth patterns, contains urban sprawl and minimizes the costs of services. Adequate public services exist. Sewer and water are available to the site. The property has access to Main Street which is a Collector Road. Trolley (Route 400) starts at the corner of San Carlos Blvd and Summerlin Rd, goes south on San Carlos Blvd to Fort Myers Beach and continues to Lovers Key State Park. The subject property is within 500 feet of San Carlos Blvd. Fire protection is provided by Fort Myers Beach Fire Control District, located at 17891 San Carlos Blvd (Station #32), 1.9 miles from the subject property. This fire station also contains an EMS substation. Sheriff’s station is located at 15650 Pine Ridge Road within five miles of the subject property. And the Lakes Regional Library, on 15290 Bass Road, is within 6 miles of the proposed project. Fort Myers Beach Elementary School, Lexington Middle School, and Cypress Lake High School are the closest public schools to this site. Therefore, the request is consistent with Objectives 2.1, 2.2 and Policy 2.2.1 of the Lee Plan.

Objective 4.3 and the Policies in this cluster support infill rezonings and redevelopment efforts in a mixed-use style of development. Developments are permitted to use the commercial, office, light industrial, natural water bodies and other non-residential portions of their sites in the density calculations. Uses are intended to be a balanced mixture provided to reduce overall trip lengths, to support pedestrian, bicycle and transit opportunities and create pedestrian friendly streetscapes. Mixed uses within individual buildings (e.g. residential above retail or office space) are encouraged, and civic uses, such as green spaces or community centers are to be provided. The uses are intended to be integrated within an overall design framework to create a pedestrian friendly, human scale environment, through objective, measurable criteria including size, scale, proportion, and materials detailed in the land development regulations. Primary and secondary uses will be determined based upon the needs of the community, character of the surrounding area, and characteristics of the transportation network. Provisions for outdoor livability, including interconnected pedestrian and bike facilities, walkways, public plazas, ample seating, and walkable block size are characteristic of such development. Streets and roads are to be fronted by design features including sidewalks which define and contribute to a pedestrian street character. Building design, placement, and entrances are intended to be at a pedestrian scale and oriented towards streets or other public space such as parks or squares. Parking areas are to be designed to minimize intrusiveness and impacts on the pedestrian character with safe pedestrian connections to business entrances and public space to create a park-once environment. Large expanses of pavement are discouraged. Multi-modal options, traffic calming, street interconnections, access to transit, and reasonable block sizes are all design features encouraged by these policies. Public areas are to provide adequate urban landscaping, including street trees, planted areas, and street furniture. Required surface and storm water management facilities are to be designed as integral amenities providing usable open space or aesthetic features.

This site will contain residential uses as well as office and commercial retail and a marina. Internal roads will have sidewalks and the owner/developer will be constructing an extension of the multi-use path along Main Street. The site design integrates green space and civic spaces into the plan. Residential dwelling units are within a building containing commercial retail and office uses (true mixed use building). The parking lot is designed in a way that does not overwhelm the design. Most parking spaces will be in a parking structure. The internal road is designed to encourage slower traffic movement and a safer environment for the pedestrians. Multi-modal options, traffic calming, street interconnections, pedestrian connections, the extension of the multi-use path along Main Street, and transit options are all part of the proposed design of the project. The applicant and Staff have worked jointly to provide functional open space, streetscape upgrades, and a full palate of urban landscape features for the proposed development. Internally, the site is well integrated. Externally, this site fronts on a public road and, except for a small portion that abuts a mobile home park, abuts warehouses and industrial type uses on the remaining sides. Although currently there is no opportunity of interconnecting with the adjacent developments, the design does not preclude such connections in the future. This request is consistent with Objective 4.3, and Policies 4.3.2, 4.3.3, 4.3.4, 4.3.5, 4.3.6, and 4.3.7 of the Lee Plan.

Objective 5.1 and its attendant Policies deal with residential development. Policy 5.1.1 requires development meeting certain thresholds to be permitted in the form of planned developments. Policy 5.1.3 directs high-density residential developments to locations that are near employment and shopping centers, parks and schools, and accessible to mass transit and bicycle facilities. Policy 5.1.5 is intended to protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment, and provides enabling language to adopt conditions to minimize or eliminate the potential impacts. Finally, Policy 5.1.7 requires that community facilities (such as park, recreational, and open space areas) in residential developments are functionally related to all dwelling units and easily accessible via pedestrian and bicycle pathways. These pathways must be interconnected with adjoining developments and public pathways whenever possible.

This project meets the thresholds for a planned development and is being rezoned to a MPD containing residential, commercial and marine oriented uses. The area proximate to the subject property is developed with industrial and water oriented commercial and industrial type uses as well as residential uses in the form of mobile home parks. Further to the east on Main Street, there is an approved development similar in nature, density/intensity and with significantly greater heights compared to this proposed development. The subject property is near employment centers such as the surrounding commercial and industrial developments. This mixed-use project, when developed, will also be an employment center, as well as, a residential development. The proposed development is consistent with Objective 5.1 and Policies 5.1.1, 5.1.3, 5.1.5 and 5.1.7 of the Lee Plan.

Policy 6.1.4 states, "Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities." The subject property is designed and arranged in an integrated and cohesive unit. The development will be in accordance with the requirements of the Lee County Land Development Code (LDC). The proposed development will provide landscape plantings not presently found on site. The applicant has indicated that all necessary services are available to the site and will be enhanced if not found adequate to serve the proposed development. The proposed development will not reduce the level of service (LOS) below acceptable levels. The proposed development is consistent with Policy 6.1.4 of the Lee Plan.

Public water and wastewater treatment facilities are available and will be utilized by the proposed development. Letters of Availability have been provided by the applicant. The proposed amendments are consistent with Standards 11.1 and 11.2 of the Lee Plan.

Lee Plan Objective 12.2 states the County's intention 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. Policy 12.2.1 states, "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." Policy 12.2.4 indicates, "Sidewalks, bike paths and mass transit routes must be designed to provide convenient and safe access to all recreational facilities in the area." This project will provide safe location for a mass transit stop in addition to a possible water taxi to and from the beach. A full streetscape will be provided on Main Street to allow better walking and biking opportunities. The proposed development, as designed and conditioned, is consistent with these Policies of the Lee Plan.

The proposed plan amendments will allow development with a residential density of approximately 15 units per acre plus commercial uses. The main access for the subject property is from San Carlos Boulevard via Main Street. There are two mobile home residential developments between the subject property and San Carlos Boulevard on Main Street that traffic from the proposed development will have to pass. These mobile home residential developments were approved prior to the adoption of the Lee Plan with densities of approximately 16 and 23 units per acre - higher than the density requested on the subject property. Therefore, traffic will not be required to travel through areas with significantly lower densities. The request is consistent with Policy 39.1.4.

Policy 135.9.5 requires, "New development adjacent to areas of established residential neighborhoods must be compatible with or improve the area's existing character." As discussed above, the site will be adjacent to residential neighborhoods. The proposed mixed use development will be compatible with and will improve the character of the area. The neighborhood currently consists of mobile home parks and industrial and commercial uses. Proposed uses for this development include commercial and residential uses, which are present in the area. Although the type and heights of structures are different than what currently exists in the immediate area, the Ebtide development just $\frac{1}{4}$ mile to the east, will be of greater intensity and overall density than the Bay Harbour Marina project and contain building heights well beyond what is proposed for this development. Main Street was developed in the fifties and sixties and is ripe for redevelopment, with fishing and shrimping activities in decline and no longer providing the necessary economic vitality to the area. Due to its proximity to water, the area is better suited for tourism related businesses. This project may be the catalyst the area needs for redevelopment, and that is supported by the Lee Plan.

As noted above, the easterly portion of the property is within the Water-Dependent Overlay. Policy 1.7.5 defines the Water-Dependent Overlay as those shoreline areas where priority will be granted to water-dependent land uses. Lee Plan Objective 128.1 and Policy 128.4.2 identify specific requirements of the Water-Dependent Overlay that are intended to prevent the conversion of water-dependent uses by other forms of development.

The Lee Plan amendments proposed by the applicant do not inhibit the location of water-dependent uses on the subject site. Either Alternative 1 or Alternative 2 provide for a wide variety of uses including wet and dry boat storage and limited light industrial uses. These uses are consistent with the intent of

the Water-Dependent Overlay. In the case of Alternative 1, adding the subject property to the Mixed-Use Overlay will allow future development of the subject property to also include water-related uses, as defined by Policy 128.4.2, that can help financially support the water-dependent uses. Alternative 2 specifically locates these water-dependent uses, also supporting this Policy. The concurrent request to rezone the property to MPD includes both water-dependent and water-related uses, and would be permissible under either Alternative. Because either set of the proposed Lee Plan amendments will not inhibit (and will potentially enhance the ability to continue) water-dependent uses on the subject property, the amendments do not conflict with Lee Plan Objective 128.1 and Policies 1.7.5 and 128.4.2.

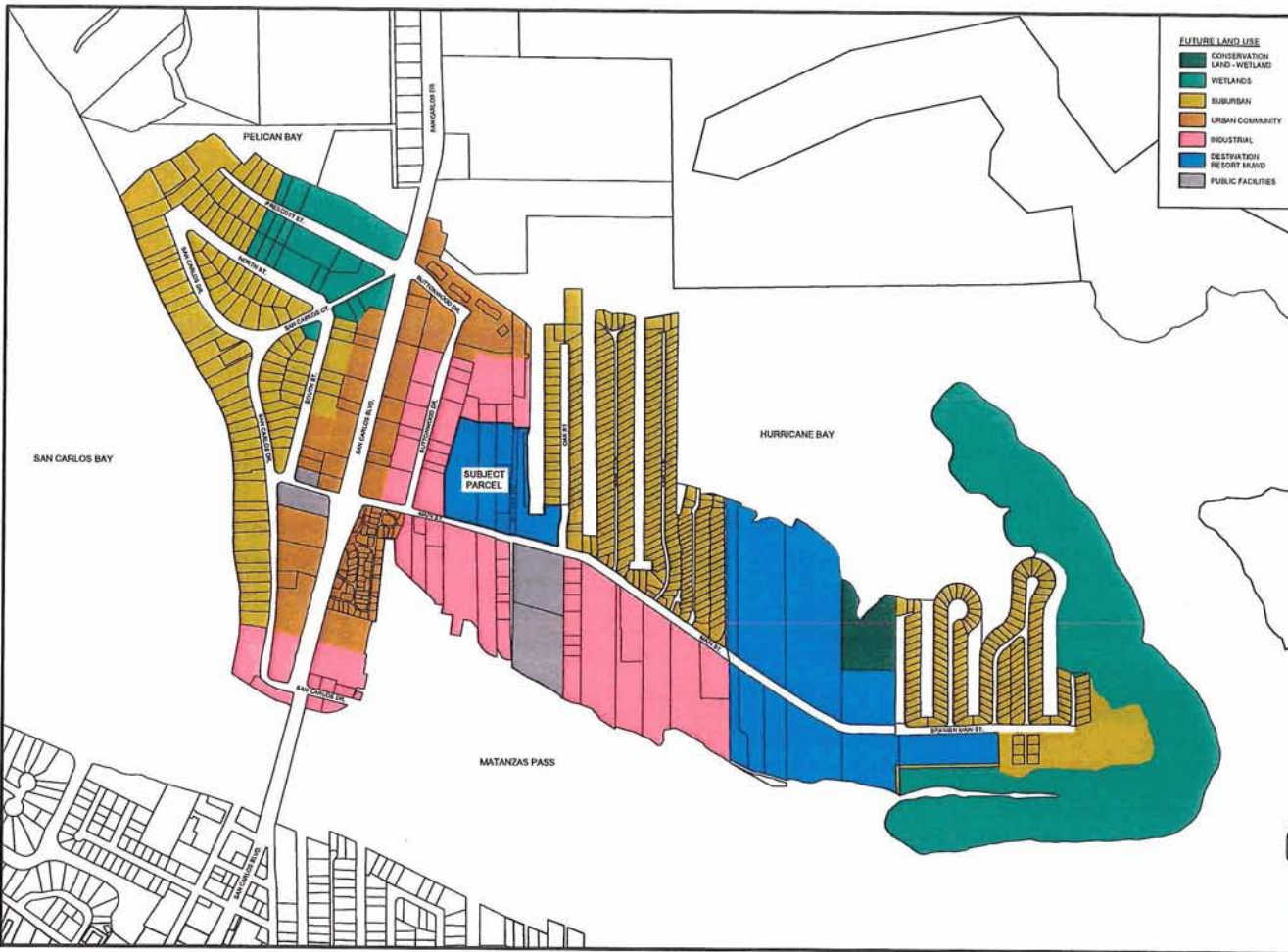
Policies 105.1.2, 105.1.4, and 105.1.5 encourage low or reduced density on islands or within the Coastal High Hazard Area. The applicant has consulted with Public Safety staff about the design criteria that must be met by the proposed development to mitigate the risks of locating residential uses in the Coastal High Hazard Area. The applicant is proposing a site design that will address the danger of storm events. This site design will be reviewed as part of the concurrent rezoning case to ensure that it adequately addresses projected storm hazards. Goal 110 also deals with hazard mitigation for new and existing development. The two policies relevant to this amendment, Policies 110.1.3 and 110.1.4, require the applicant to formulate an emergency preparedness plan and inform the residents about it. This will also be addressed during the rezoning case.

The proposed amendment is also consistent with the Lee Plan Housing Element. Policy 135.1.9 encourages a mix of residential uses through the planned development process and the Future Land Use Map. Upon being designated either Central Urban or DRMUWD, the applicant is proposing a multi-family residential use in a community that is currently characterized by single family and mobile home residences. This mix of residential uses will be consistent with Policy 135.1.9.

Policy 135.4.12 seeks to locate workforce housing at sites in advantageous locations for workers. The proposed amendment will provide additional opportunities for workforce housing units to locate much closer to employment sites in the Town of Fort Myers Beach and on San Carlos Island, where the cost of housing is relatively high. The amendment will allow for development consistent with this Policy. The proposed amendment also conforms to Policy 135.9.7 which seeks to locate residential development within existing urban areas to prevent premature urbanization. The location of the subject property is in an urbanized area. This mix of housing types is also consistent with Lee Plan Policy 158.1.9 of the Economic Element. This policy looks to create diversity in housing types for the economic health of Lee County.

Conclusion

The request, in either alternative format, is consistent generally with the Lee Plan and with all applicable, specific Goals, Objectives and Policies. The DRMUWD option allows for a more specific control of the project as it manifests in the rezoning process while retaining the small-scale nature of the request. Alternative 1 can achieve a similar outcome, but focuses more control on the rezoning process rather than the specific elements of the Lee Plan Amendment. Either option can achieve the redevelopment infill as proposed for the subject property, and either Alternative 1 or 2 should be approved.



FUTURE LAND USE

- CONSERVATION LAND - WETLAND
- WETLANDS
- SUBURBAN
- URBAN COMMUNITY
- INDUSTRIAL
- DESTINATION RESORT MIXED
- PUBLIC FACILITIES

PROJECT

BAY HARBOUR MARINA VILLAGE

LOCATION:
1105 MANHATTAN STREET
FORT MYERS BEACH, FL 33631

CLIENT

CONSULTANT

MORRIS DEFEW

ENGINEERS ARCHITECTS INTERIORS

1800 S. RIVER STREET, SUITE 100
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PREPARED BY:

REVISIONS	DATE

PROJECT MANAGER: **DATE:**

DRAWING BY: **DATE:**

APPROVED BY: **DATE:** 4/20/07

SHEET TITLE:

PROPOSED FUTURE LAND USE MAP

SHEET NUMBER: **EXHIBIT**

SCALE: 1" = 200'

JOB FILE NUMBER: 10013-03