Summary of Hearing Examiner Recommendation

MARINEMAX DEEP LAGOON MARINA

By MarineMax, Sam Lowrey, Director

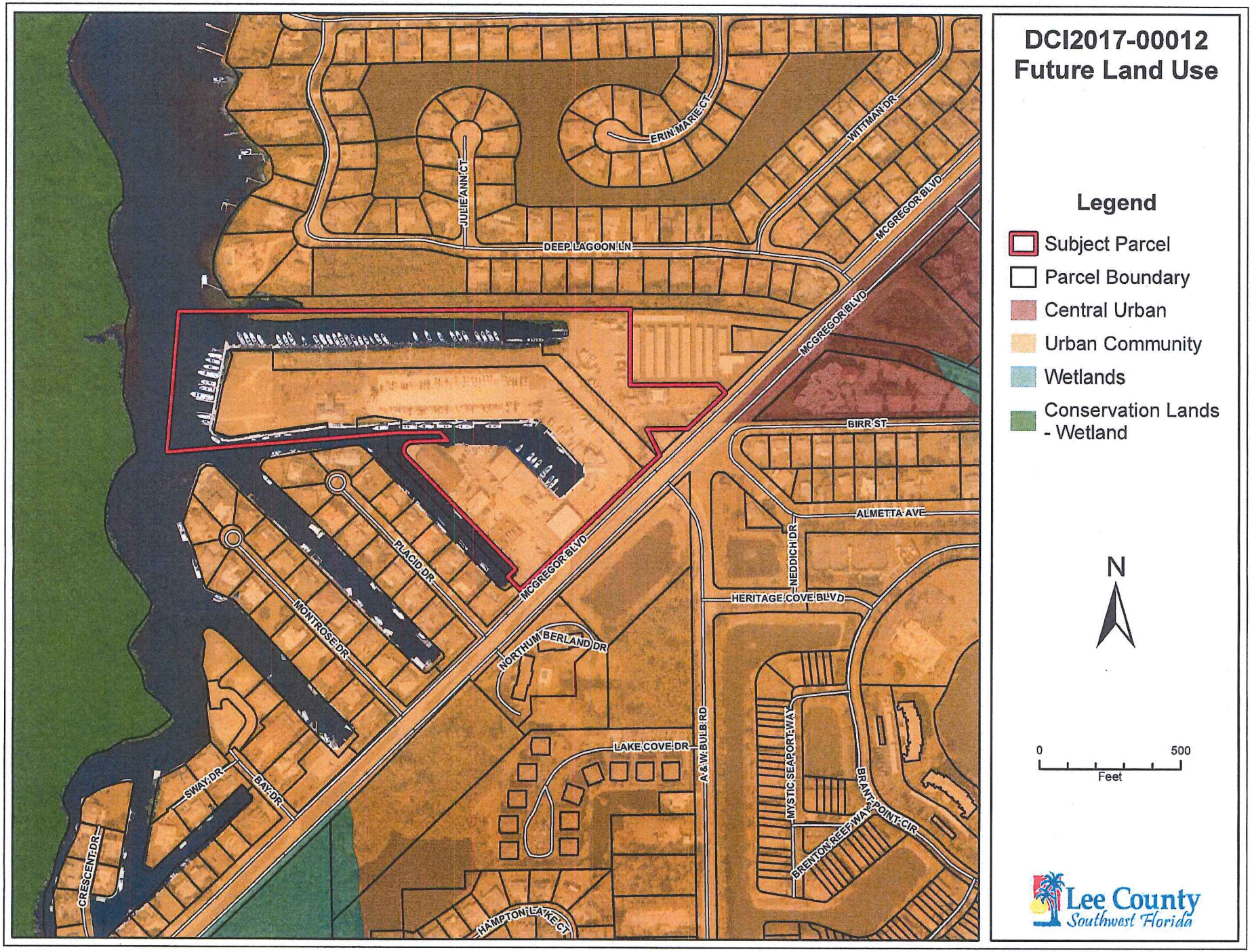
Request:	Amend the Deep Lagoon Marina Commercial Planned Development to authorize changes to the existing marina.
Location:	14010 – 040 McGregor Boulevard South Fort Myers Planning Community (District 3)
Size:	24 +/- Acres
Recommendation:	Approve, with conditions
Deviations:	7 (Three previously existing)
Public Concerns:	Boat storage structure

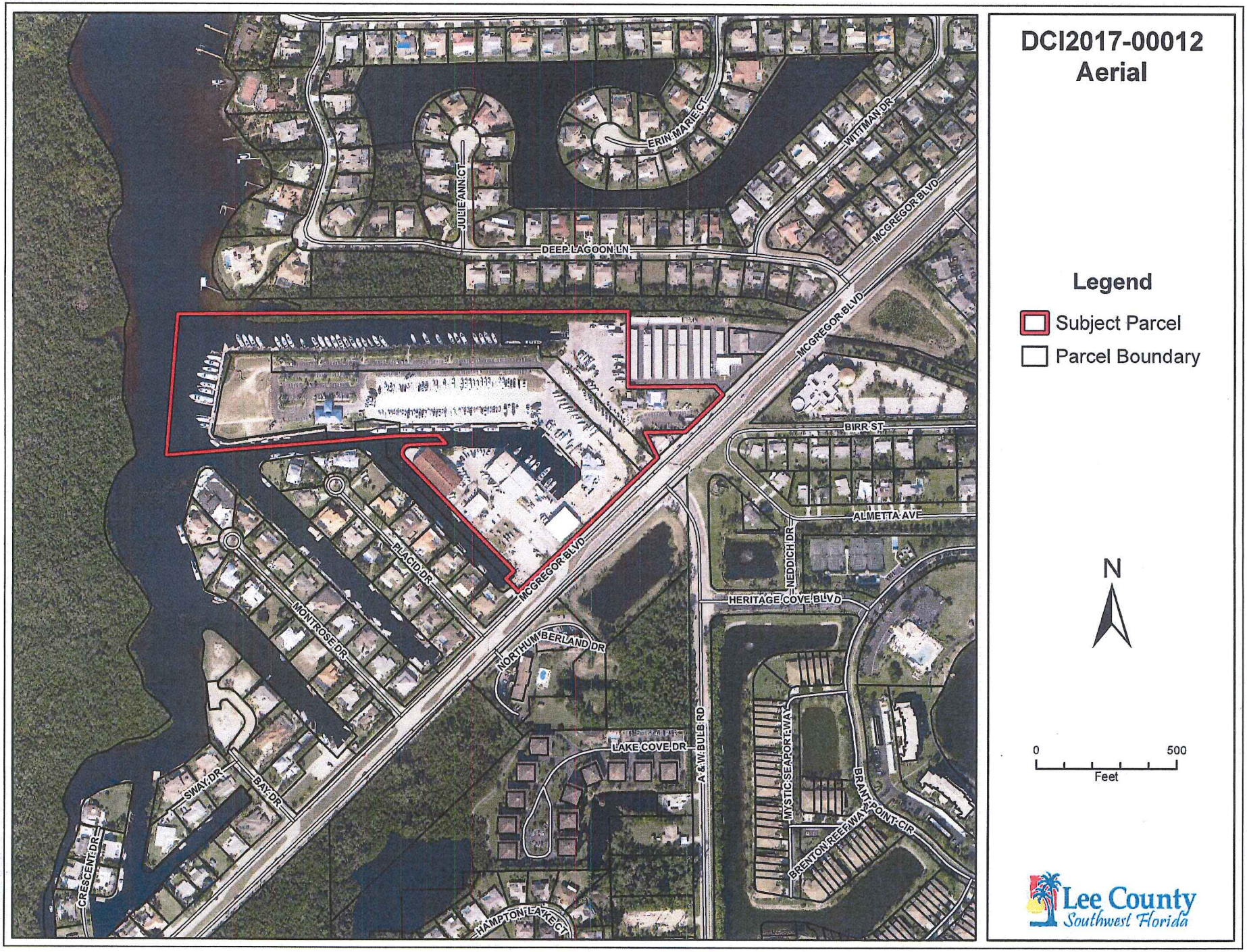
Hearing Examiner Remarks:

This is an application to amend an existing planned development to facilitate redevelopment of the Deep Lagoon Marina. The proposed plan of development and requested deviations are consistent with the Lee Plan and meets the LDC criteria for approval.

The Hearing Examiner recommends revisions to proposed conditions to improve clarity. A clean copy of recommended conditions of approval are attached as Exhibit C.

Detailed recommendation follows


DCI2017-00012
Future Land Use
Legend
Subject Parcel
Parcel Boundary
Central Urban
Urban Community
Wetlands
Conservation Lands - Wetland
N
0
500
Feet
Lee County
Southwest Florida
ERIN MARIE CT
JULIE ANN CT
DEEP LAGOON LN
WITTMAN DR
MCGREGOR BLVD
BIRR ST
ALMETTA AVE
NEDDICH DR
HERITAGE COVE BLVD
PLACID DR
MONTROSE DR
NORTHUMBERLAND DR
LAKE COVE DR
A & W BULB RD
MYSTIC SEAPORT WAY
BRANT POINT CIR
BRENTON REEF WAY
SWAY DR
BAY DR
CRESCENT DR
HAMPTON LAKE CT


DCI2017-00012
Aerial
Legend
Subject Parcel
Parcel Boundary
N
0
500
Feet
Lee County
Southwest Florida
ERIN MARIE CT
WIRTMAN DR
JULIE ANN CT
DEEP LAGOON LN
MCGREGOR BLVD
BIRR ST
ALMETTA AVE
NEDDICH DR
HERITAGE COVE BLVD
PLACID DR
MONTROSE DR
NORTHUMBERLAND DR
A & W BULB RD
LAKE COVE DR
MYSTIC SEAPORT WAY
BRANT POINT CIR
BRENTON REEF WAY
SWAY DR
BAY DR
CRESCENT DR
HAMPTON LAKE CT

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2017-00012

Regarding: **MARINEMAX DEEP LAGOON MARINA**

Location: 14010 – 040 McGregor Boulevard

South Fort Myers Planning Community
(Commission District 3)

Hearing Date: May 10, 2018
Continued Date: July 24, 2018

I. Request:

Amend the Commercial Planned Development (CPD) zoning approvals on property legally described in Exhibit A for the following changes to the Deep Lagoon Marina and restaurant:

- Designate a portion of Development Area 4 located south of the entrance for outdoor boat display. (Restaurant parcel)
- Remove existing dry boat storage buildings from Development Area 3 and excavate a portion of the marina's southern peninsula to reposition existing wet slips and improve accessibility to larger boats.
- Permit additional office and repair buildings within Development Areas 5 and 6 close to the canal. Maintain existing travel lift. (Development areas to include administrative offices, boat sales, rentals, service and repairs, and for outdoor boat display).
- Permit recreational facilities with accessory uses to include a snack bar within Development Area 1 located at the westernmost end of the northern peninsula.
- Substitute a previously approved dry storage building with an open rack storage structure in Development Area 2 located in the middle of the northern peninsula. Retain fuel docks, administrative offices, and private club.
- Permit outdoor boat display in Development Areas 1-6.
- Reconfigure wet slips with in the marina. There will be no change in the number of wet and dry slips approved in the Environmental Resource Permit.

- The applicant requests seven deviations. Three were previously approved.
  - Deviation 1 expands a previously approved zero-foot setback to the mean high water line for the restaurant to the dry boat storage facility.

- Deviation 2 retains a previous approved open space deviation to reduce required open space from 30 percent to 29 percent.
- Deviation 3 requests no stacking in front of internal entrance gates that restricts access to paid customers.
- Deviation 4 retains a previously approved reduction in the buffer between Development Areas 7 (the mini storage facility under separate ownership) and Development Areas 5 and 6.
- Deviations 5 through 7 requests reductions in buffering requirements for the outdoor boat display.

There are no proposed changes to the portion of the development occupied by the mini-warehouse development (Development Area 7).

II. Hearing Examiner Recommendation:

Approval, subject to the conditions and deviations set forth in Exhibit B.

III. Discussion:

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property.[1] In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on the application to amend the zoning approvals of 24 +/- acres of the existing Deep Lagoon Marina Commercial Planned Development (CPD).

In preparing a recommendation for the Board, Hearing Examiner must apply the Lee County Comprehensive Plan (Lee Plan), the Land Development Code (LDC) and other County regulations to the facts adduced at the hearing. There must be substantial competent evidence in the record to support the recommendation to the Board.

Discussion supporting the Hearing Examiner's recommendation of approval follows below.

Character of Area

The Deep Lagoon Marina is located in the South Fort Myers planning community between the Caloosahatchee River and McGregor Boulevard.[2] The McGregor Boulevard corridor is developed with a mixture of commercial and residential land uses.[3] Single-family residential neighborhoods adjacent to the Marina include waterfront properties with boat slips.

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[1] LDC 34-145(d)(4)a.

[2] Lee Plan Vision Statement Paragraph 15.

[3] Residential uses predominate development patterns on the west side of the corridor. Commercial and multi-family development patterns lie to the east.

The Caloosahatchee River lies to the northwest just beyond Deep Lagoon Preserve.

History

There have been marina uses on the property since the 1960's. The County first rezoned the property to CPD and formally approved the marina as a Development of Regional Impact (DRI) in 1987.[4] Various development approvals followed over the years, dividing the property into seven separate development areas. The current owners purchased the marina at foreclosure sale in 2014 and commenced redeveloping the marina within the parameters of the existing development approvals.

Today, the site contains three dry boat storage buildings,[5] wet slips, a small boat repair/service facility, fuel dock area, a boat sales/service dealership, sales and administrative offices, restaurant,[6] and mini-warehouse.[7]

There is a pending request to rescind the DRI, which is outside the scope of the zoning hearing.[8]

Synopsis of Request

The request seeks to amend the CPD development approvals to redesign Development Areas 1 – 6 of the Deep Lagoon Marina.[9] The development plan will relocate boat launch and dry storage operations from the southern peninsula to the northern peninsula further from nearby residential land uses.

In addition to reconfiguring the wet slips, the applicant plans to excavate a portion of the southern peninsula to improve accessibility by larger boats. Under the proposed plan of redevelopment, uses on the southern peninsula would consist of wet slips, a small lounge and shower facilities for captains, and outdoor boat display. The northern peninsula will include a clubhouse, recreational facilities, boat lounge, fuel facilities, travel lift, boat repair building, dry boat storage, administrative offices and sales building.

The applicant also seeks to conform zoning approvals with the number of slips approved by existing state and federal permits.[10]

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[4] R-87-009.
[5] The three dry boat storage barns have existed since the 1960s.
[6] The restaurant is accessible by water.
[7] The mini warehouse is located in Development Area 7, which is not part of the request the CPD. The mini warehouse parcel is served by a separate driveway to McGregor Boulevard.
[8] Changes to Florida law governing DRIs permits rescinding DRI development orders under specified conditions. See, s. 380.115, F.S. The request to rescind the Deep Lagoon DRI is outside the scope of this hearing.
[9] The mini-warehouse in Development Area 7 is not part of the request.
[10] The proposed plan of development envisions 125 wet slips and 355 dry slips. (480 slips total).

The redesigned marina will include a restaurant, large open rack dry boat storage, boat sales with outdoor display, administrative offices, boat service/repair, fuel docks, recreation facilities, and wet slips. The marina will be open to the public, with wet and dry slips available for lease.

Staff recommended approval with conditions. The parties disagreed on four issues.[11]

Lee Plan

The property is within the Water Dependent Overlay, an area the County prioritizes water dependent uses.[12] The request to redevelop the existing marina constitutes infill development on underutilized waterfront property.[13] The site is ideally located for a marina because of its access to Caloosahatchee River.[14]

The proposed plan of redevelopment maximizes the space to incorporate many features desirable in a modern marina.[15] The site design is a comprehensive approach to reshaping the marina by improving internal traffic circulation, dry boat storage, security and economic potential of the site.[16] The redeveloped marina will have a unified architectural theme.[17] While many of the site's amenities will be limited to "members,"[18] there will be public access to (1) waterfront dining, (2) fueling docks, and (3) restroom facilities.

The proposed expansion of canal widths on either side of the southern peninsula will improve tidal flushing in the area.[19] Removal of antiquated dry boat storage buildings will update the look of the marina, enhancing the overall aesthetics of the area.[20] The waterfront restaurant and boat sales/display areas will draw the public to the site.[21]

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[11] Staff objected to extending the waterbody setback deviation to the dry boat storage structure and to a deviation pertaining to setbacks for an entrance gate internal to the site. The applicant objected to a staff condition limiting 35 of the approved wet slips to sailboat access only. Applicant also objected to staff's recommendation that boat storage rack include a wall on the southern façade.

[12] Lee Plan Objective 8.1, Policies 1.7.5, 128.1.2. See Lee Plan Glossary and Map 12.

[13] Lee Plan Goal 128, Objectives 128.1, 128.4, Policies 6.1.7, 128.3.

[14] Lee Plan Goals 8 and 128, Policy 128.5.8.

[15] Lee Plan Objectives 2.6, 8.2 Marina management plan addresses safe operation of fuel docks and fuel spill containment. The new dry boat storage structure will comply with modern hurricane construction standards.

[16] Lee Plan Policies 2.6.2, 128.1.3, 128.6.2, 128.6.9.

[17] LDC 10-610. The dry boat storage structure will also include architectural features in harmony with the design theme throughout the marina.

[18] Members lease boat slips from the marina,

[19] Lee Plan Goal 122. Policy 101.1.2, 128.5.4.

[20] Lee Plan Policy 128.1.3 (County will encourage maximum use of dry storage by multi slip docking facilities) 128.6.5, 128.6.16.

[21] Lee Plan Goal 158, Policy 128.4.2.

The planned redevelopment consolidates the marina's most intense uses on the northern peninsula and surrounding areas. An existing mangrove fringe along the north property boundary will screen the marina from the Town and River subdivision. [22]

Staff opined the dry storage racks were not compatible with nearby residential land uses.[23] However, the proposed storage structure will be the same height and dimensions as the previously approved dry boat storage building. [24] The applicant testified the open rack storage design is less obtrusive than a building of the same size because it allows light and air to circulate freely. While, options for buffering the open storage structure are limited due to site constraints, the applicant demonstrated the modern structure is an improvement over the dilapidated boat barns on the southern peninsula.

The Hearing Examiner finds the proposed open rack storage is preferable to current views of dilapidated boat barns. Relocating boat storage to the northern peninsula will distance this part of the marina operation from residents. Three rows of wet slips and other uses on the southern peninsula will separate the storage structure from residential land uses. The planned relocation of the boat launch to the northern peninsula will also distance residents from the marina's more active operations.

The open rack storage structure gives rise to a deviation from code required waterbody setbacks.[25] Applicant explained the deviation is necessary to provide adequate depth within the structure to accommodate two rows of boats and room for forklifts to maneuver. The structural elements of the rack will be approximately 18 feet from the seawall. Boats will likely protrude beyond the structure into the 18-foot area, but not over the water.

Transportation

The marina property fronts on McGregor Boulevard, a four lane divided arterial roadway with sidewalk facilities.[26] The MCP reflects two driveways accessing McGregor Boulevard, with the primary project entrance aligned with A & W Bulb Avenue.[27] A second site access lies 380 feet to the south and primarily serves the

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[22] Lee Plan Policy 128.6.5. A thick stand of mangroves will partially shield views of the storage structure from residential land uses north of the marina.
[23] Staff cited noise and structure size as the basis of incompatibility.
[24] The proposed boat storage structure will be in excess of a football field in length and several stories high when boats are stored on the uppermost tier. "Redevelopment" typically involves replacement of dilapidated underperforming structures at a higher level of intensity. See Lee Plan Glossary.
[25] The requested deviation would allow the storage structure within the 25-foot waterbody setback and allow boats to extend beyond the face of the storage rack, but not over the water.

[26] Lee County AC 11-1. McGregor Boulevard is a state maintained arterial roadway. (SR 768)i
[27] The A & W Bulb Avenue intersection is controlled by a traffic signal.

southern peninsula. Development Area 7 is independent of the marina. A separate driveway to McGregor Boulevard serves the mini warehouse on that parcel.

Sidewalk facilities on McGregor afford opportunities for area residents to access the waterfront restaurant by means other than an automobile.[28]

The Zoning Director waived the submittal of a traffic impact statement because the proposed amendments do not increase the previously approved intensity of the project.

Environmental/Natural Resources

The requested amendment to the planned development zoning seeks to redevelop previously improved property. Prior development approvals granted the property owner a minor deviation from the open space requirements. There are no new environmental impacts associated with the current request.[29] The developer must comply with the Manatee Protection Plan as part of the slip permitting process.[30]

Urban Services

The property has access to a full array of urban services/infrastructure including potable water, sanitary sewer, paved roads, police, fire, and emergency medical service.

Conditions

The County must administer the zoning process so proposed land uses minimize adverse impacts on adjacent property and protect County's water resources.[31] Conditions must be related to the anticipated impacts, and pertinent to mitigating impacts to public health, safety and welfare.[32]

The proposed amendments to the CPD will be subject to several conditions designed to address the impacts of development.[33] Staff recommended the south facing façade of proposed boat storage rack include a wall to obscure the view of boats. Applicant opposed the condition; explaining open storage allows light and air to circulate freely and the proposed structure will be further from residential land uses than existing boat barns. The Hearing Examiner agrees the condition is

[28] Lee Plan Policy 39.2.1.
[29] There is no proposal to disturb existing mangroves on the property.
[30] Lee Plan Policy 123.7.5, 128.5.6.
[31] Lee Plan Policies 6.1.3, 6.1.6, 125.1.3, 135.9.5, 135.9.6 LDC 34-145(d)(4)a.2.(b), LDC 34-377(a)(3), 34-411, and 34-932(c).
[32] LDC 34-932(b).
[33] LDC34-83(b)(4)a.3, 34-377(a)(2)c; Lee Plan Goal 61, Policies 5.1.5, 5.2.2, 35.11.3.b.4 - 8, 60.1.1, 60.5.1, 60.5.2, 61.3.11, 125.1.2, 126.1.6, 126.2.1.

unnecessary finding the modern storage structure to be an improvement over existing conditions.[34]

Staff recommended a condition designating 35 wet slips for sailboats on the MCP. Applicant objected to the condition explaining wet slips must be flexible to meet changing demands. The sailboat reservation is a condition of the marina's ERP permit issued by a separate governmental agency.[35] The LDC does not differentiate slips in this manner; therefore, the Hearing Examiner recommends omitting the proposed condition. The agency issuing the ERP is free to enforce the permit conditions without County support or interference.[36]

The Hearing Examiner recommends:

(1) Revisions to the proposed wording of conditions and deviations to improve clarity. A clean copy of conditions is attached as Exhibit C to this recommendation.
(2) Deletion of conditions restating LDC standards and criteria already applicable to the project pursuant to Condition 1.

Deviations

The application seeks approval of four additional deviations from the LDC, and the extension of an existing waterbody setback deviation.[37] A "deviation" is a departure from a land development regulation.[38] An applicant requesting deviations must demonstrate the deviation will enhance the objectives of the planned development and will not cause a detriment to public interests.[39] The additional deviations pertain to entrance gate setbacks,[40] right-of-way buffers,[41] buffers from adjacent property,[42] and perimeter wall requirements.[43]

Staff recommended approval of most, but objected to extending the waterbody setback deviation to the dry boat storage structure. Staff also objected to the entry gate setback deviation.[44]

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[34] The Hearing Examiner agrees that a wall would dominate the landscape, blocking light and views of the modernized marina.
[35] Staff explained their intention to conform County-zoning approvals and the ERP permit conditions.
[36] Applicant testified they might amend the ERP permit to remove the reservation or pursue slip credit transfers. If successful, no further amendment to the County zoning approvals will be necessary.
[37] The existing CPD approvals include 3 deviations pertaining to waterbody setback, open space and buffering. The previously approved deviations appear as deviations 1, 2, and 4 in the subject request. Applicant seeks to extend the application of deviation 1 to the proposed dry boat storage structure.
[38] LDC 34-2.
[39] LDC 34-373(a)(9).
[40] Deviation 3 LDC 34-1748(1).
[41] Deviation 5 LDC 34-1352(g)(1).
[42] Deviation 6 LDC 34-1352(g)(2).
[43] Deviation 7 LDC 34-1352(h).
[44] Deviation 1 (as to dry boat storage structure only).

The LDC requires the Hearing Examiner to recommend approval, approval with modifications or denial of a requested deviation based upon a finding that the deviation:

(1) Enhances the objectives of the planned development; and
(2) Preserves and promotes public health, safety and welfare.[45]

The applicant presented testimony and evidence in support of the deviations based on the LDC standard of review.[46] The Hearing Examiner finds the disputed waterbody setback is necessary to provide room to maneuver forklifts within the storage rack structure. The waterbody setback deviation facilitates the applicant's objective to consolidate dry storage on the north peninsula, away from residential land uses to the south.

The entrance gate at issue is internal to the site, not at the entrance to the project from a public right-of-way. The gate separates the areas of the marina open to the public from those reserved for members. The Hearing Examiner finds the requested deviation enhances the objective of securing the "members-only" areas. Since the entrance gate is internal to the site, there is no risk of cars backing into a right-of-way. There will be adequate room within paved areas for cars to navigate away from the secured entrance using a three-point turn.

Applying the standard of review for deviations leads to the conclusion that the requested deviations meet the LDC criteria for approval.

Public

Prior to hearing, the applicant held a community meeting for residents within 500 feet of the marina to explain the redevelopment plans.[47]

Several members of the public attended the hearing, but only four spoke. The first speaker resides directly across the canal from the proposed dry boat storage structure.[48] He spoke in opposition to the proposed height and mass of the structure. Of the three participants that spoke in support of the project, two were customers of the marina and the other was a land developer in the area.[49] At the invitation of applicant's counsel, several people in the room wearing matching shirts indicated support by raising hands. The Hearing Examiner asked whether those individuals resided in communities surrounding the marina, they did not.

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[45] LDC 34-377(a)(4).
[46] LDC 34-377(a)(4);
[47] Testimony of Ryan West, General Manager. The applicant placed a petition into evidence explaining 33 of the 44 attendees signed a petition of no objection. Hearing Exhibit #5 (Petition)
[48] Larry Lynn resides on Placid Drive.
[49] Mark Pollock and Lawrence Cremia testified that they leased boat slips at the marina and were not residents of the surrounding area. Mike Flaherty testified that he purchased and developed property off Bay Drive approximately a half mile away. He testified that he believed the proposed redevelopment of the marina would enhance marketing his property at a higher price.

Conclusion

The Hearing Examiner recommends approval of the request subject to the conditions set forth in Exhibit B.[50]

The Hearing Examiner finds as conditioned, the request meets the criteria set forth in the LDC and is compatible with surrounding development.[51]

IV. Findings and Conclusions:

The Hearing Examiner makes the following findings and conclusions based on the testimony and evidence in the record:

A. As conditioned herein, the proposed amendments to the Commercial Planned Development:

1. Complies with the Lee Plan. *See* Lee Plan Vision Statement Paragraph 15 (South Fort Myers Community), Lee Plan Goals 2, 4, 6, 8, 122, 123, 128, 158; Objectives 2.2, 2.6, 8.2, 107.7, 128.1, 128.4, 128.5, 128.6 and Policies 1.1.1, 1.1.4, 1.7.5, 2.6.2, 6.1.3, 39.2.1, 122.1.5, 128.1.2, 128.1.3, 128.5.6, 128.6.5, 128.6.16, Lee Plan Maps 1, 12 (Water Dependent Overlay);

2. Complies with the LDC and other County regulations. *See* LDC Chapters 14, 26, and 34;

3. Is compatible with existing and planned uses in the surrounding area. *See* Lee Plan Policies 2.2.1, 5.1.5, 6.1.1, 6.1.3, 6.1.4, 6.1.6, 135.9.5; LDC 34-411;

4. Will not adversely affect environmentally critical areas and natural resources. *See* Lee Plan Goals 122, 128, Objective 123.7; Policies 123.7.5, 122.1.5, 128.5.4, 128.5.7, 128.5.9, 128.5.11, 125.5.12, 128.6.3, 128.6.5, 128.6.14; Standard 4; and

5. Will be served by urban services. *See* Lee Plan Glossary, Maps 6, 7, Goal 2, Objectives 2.1, 2.2, Policies 2.2.1, 6.1.4, and Standard 4.1.1 and 4.1.2; LDC 34-411(d).

B. The CPD has sufficient access to support the proposed intensity of development. In addition, County regulations and conditions of approval will address expected impacts to transportation facilities. *See* LDC 34-411(d) and (e).

[50] Lee Plan Policy 6.1.4.
[51] Lee Plan Policy 6.1.1; LDC 34-145(d).

C. The proposed mix of uses is appropriate at the location. *See* Lee Plan Glossary, Goals 8 and 128, Objective 128.5, and Policies 1.1.1, 2.1.1, 6.1.4, 128.1.3, 128.4.2, 128.5.8, 128.5.11, 128.6.13.

D. The recommended conditions and existing County regulations are sufficient to protect the public interest and reasonably related to the impacts expected from the development. *See* Lee Plan Objectives 8.2, 123.7, 128.5, 128.6, Policies 5.1.5, 5.2.2, 6.1.1.e, 6.1.6, 123.7.5, 128.5.1, 128.5.6, 128.6.3, 128.6.6, 128.6.7, 135.9.6; *See also* LDC Chapters 10, 14, 26, and 34.

E. As conditioned herein, the deviations:

1. Enhances the objectives of the planned development; and

2. Preserves and promotes the intent of the LDC to protect the public health, safety and welfare. *See,* 34-377(a)(4)

Date of Recommendation: April 11, 2019.

Donna Marie Collins
Chief Hearing Examiner

Office of the Lee County Hearing Examiner
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, FL 33902-0398

Exhibits to Hearing Examiner's Recommendation

Exhibit A Legal Description and Vicinity Map
Exhibit B Recommended Conditions and Deviations (Substantive changes proposed by the Hearing Examiner indicated with strikethrough and underline)
Exhibit C Recommended Conditions and Deviations (Clean Version)
Exhibit D Exhibits Presented at Hearing
Exhibit E Hearing Participants
Exhibit F Information

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP

EXHIBIT A

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LESS AND EXCEPT WET SLIP DIMENSIONS

#	DIMENSIONS	AREA
8	17.5x47.0	822.5 SF
9	17.5x47.0	822.5 SF
10	17.5x47.0	822.5 SF
38	17.5x47.0	822.5 SF
43	17.5x47.0	822.5 SF
44	17.5x47.0	822.5 SF
45	17.0x48.0	816.0 SF
54	17.0x48.0	816.0 SF
55	14.0x38.0	532.0 SF
57	18.0x78.0	1,404.0 SF

PER DECLARATION OF CONDOMINIUM FOR FT MYERS BOATCLUB, A CONDOMINIUM RECORDED IN INSTRUMENT NO. 2007000333100, AMENDED INSTRUMENT NO. 2009000227351, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

Applicant's Legal Checked by DM 2/28/18

RECEIVED FEB 23 2018 COMMUNITY DEVELOPMENT

LEGAL DESCRIPTION: DCI 2017-00012

A PARCEL OF LAND LOCATED IN SECTIONS 20 & 29, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH CORNER OF LOT 6, DEEP LAGOON ESTATES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 14 AT PAGE 79 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THE SAME BEING A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY OF MCGREGOR BOULEVARD, AN 80 FOOT WIDE PUBLIC RIGHT-OF-WAY; THENCE RUN THE FOLLOWING FIVE CALLS ALONG THE BOUNDARY OF SAID DEEP LAGOON ESTATES; THENCE RUN N44°20'19"W FOR A DISTANCE OF 65.00 FEET; THENCE RUN N45°45'38"E FOR A DISTANCE OF 40.00 FEET; THENCE RUN N44°14'22"W FOR A DISTANCE OF 557.81 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE; THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, THROUGH A CENTRAL ANGLE OF 131°52'40" AND BEING SUBTENDED BY A CHORD OF 54.79 FEET AT A BEARING OF N21°41'58"E, FOR AN ARC LENGTH OF 69.05 FEET; THENCE RUN N87°38'18"E FOR A DISTANCE OF 127.40 FEET; THENCE LEAVING SAID BOUNDARY RUN N44°14'22"W FOR A DISTANCE OF 39.01 FEET TO A POINT ON THE SOUTH LINE OF SECTION 20, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA THE SAME BEING A POINT ON THE SOUTH LINE OF PHASE 3, AS SHOWN IN DECLARATION OF CONDOMINIUM FOR FT MYERS BOATCLUB, A CONDOMINIUM, AS RECORDED IN INSTRUMENT NO. 2007000333100 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA: THENCE RUN S88°54'59"W ALONG SAID SOUTH LINE AND THE SOUTH LINE OF PHASE 2B FOR A DISTANCE OF 155.19 FEET TO A POINT ON THE SOUTH LINE OF PHASE 2B AS SHOWN ON SAID FT MYERS BOATCLUB, A CONDOMINIUM; THENCE RUN S85°03'20"W ALONG SAID SOUTH LINE OF PHASE 2B, PHASE 4 AND PHASE 2A OF SAID FT MYERS BOAT CLUB, A CONDOMINIUM, FOR A DISTANCE OF 813.00 FEET; THENCE RUN N04°37'51"E ALONG THE WEST LINE OF SAID PHASE 2A FOR A DISTANCE OF 500.00 FEET TO A POINT ON THE CENTER LINE OF THE I.D.D. CANAL "F", AS INDICATED IN TOWN & RIVER ESTATES UNIT 13 PLAT, AS RECORDED IN PLAT BOOK 33 AT PAGES 91-92 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N89°30'58"E ALONG SAID CENTER LINE FOR A DISTANCE OF 1597.78 FEET TO A POINT ON THE EAST LINE OF THE PARCEL OF LAND DESCRIBED IN INSTRUMENT NO. 2016000080042 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S00°06'40"E ALONG SAID EAST LINE FOR A DISTANCE OF 267.23 FEET TO A POINT ON THE NORTH LINE OF THE PARCEL OF LAND DESCRIBED IN INSTRUMENT NO. 2016000080043: THENCE RUN N89°25'39"E ALONG SAID NORTH LINE FOR A DISTANCE OF 307.80 FEET; THENCE RUN S44°20'26"E ALONG SAID NORTH LINE FOR A DISTANCE OF 39.69 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY OF MCGREGOR BOULEVARD, A PUBLIC RIGHT-OF-WAY; THENCE RUN S45°45'38"W ALONG THE NORTHWESTERLY RIGHT-OF-WAY FOR A DISTANCE OF 185.97 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 20; THENCE LEAVING SAID RIGHT-OF-WAY RUN S88°54'59"W ALONG THE SOUTH LINE OF SAID SECTION 20, FOR A DISTANCE OF 143.37 FEET; THENCE LEAVING SAID SOUTH LINE RUN S26°44'21"E FOR A DISTANCE OF 102.82 FEET TO A POINT ON THE SAID NORTHWESTERLY RIGHT-OF-WAY; THENCE RUN S45°45'38"W ALONG SAID NORTHWESTERLY RIGHT-OF-WAY FOR A DISTANCE OF 688.25 FEET, TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED.

LESS AND EXCEPT WETSLIPS 8, 9, 10, 38, 43, 44, 45, 54, 55 AND 57 AS IDENTIFIED IN DECLARATION OF CONDOMINIUM FOR FT MYERS BOATCLUB, A CONDOMINIUM AS RECORDED IN INSTRUMENT NO. 2007000333100 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

NET PROPERTY AREA: 1,036,719 SQUARE FEET OR 23.80 ACRES.

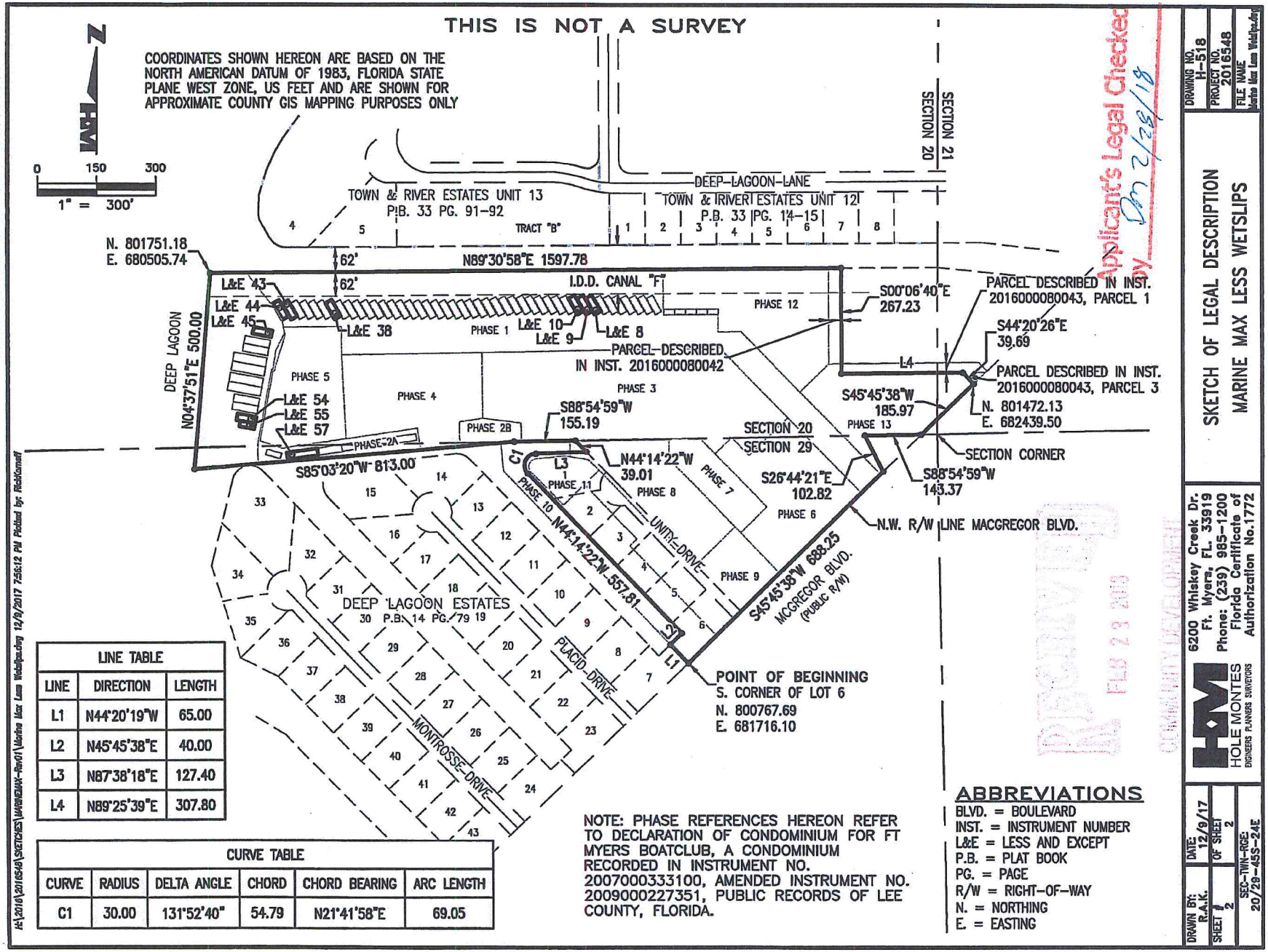
HOLE MONTES, INC., CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY Thomas M. Murphy LS5628
THOMAS M. MURPHY STATE OF FLORIDA

Digitally signed by Thomas M Murphy
DN: cn=Thomas M Murphy, o=Hole-Montes Inc, ou, email=tommurphy@hmeng.com, c=US
Date: 2017.12.15 12:26:42 -05'00'

DRAWN BY: R.A.K.	DATE: 12/9/17	HOLE MONTES ENGINEERS PLANNERS SURVEYORS	6200 Whiskey Creek Dr. Ft. Myers, FL. 33919 Phone: (239) 985-1200 Florida Certificate of Authorization No.1772	LEGAL DESCRIPTION MARINE MAX LESS WETSLIPS	DRAWING NO. H-518
SHEET # 1	OF SHEET 2				PROJECT NO. 2016548
SEC-TWN-RGE: 20/29-45S-24E					FILE NAME Marine Max Less Wetslips.dwg

DRI 2017-00008



LINE TABLE		
LINE	DIRECTION	LENGTH
L1	N44°20'19"W	65.00
L2	N45°45'38"E	40.00
L3	N87°38'18"E	127.40
L4	N89°25'39"E	307.80

CURVE TABLE					
CURVE	RADIUS	DELTA ANGLE	CHORD	CHORD BEARING	ARC LENGTH
C1	30.00	131°52'40"	54.79	N21°41'58"E	69.05

NOTE: PHASE REFERENCES HEREON REFER TO DECLARATION OF CONDOMINIUM FOR FT MYERS BOATCLUB, A CONDOMINIUM RECORDED IN INSTRUMENT NO. 2007000333100, AMENDED INSTRUMENT NO. 2009000227351, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

ABBREVIATIONS

BLVD. = BOULEVARD
INST. = INSTRUMENT NUMBER
L&E = LESS AND EXCEPT
P.B. = PLAT BOOK
PG. = PAGE
R/W = RIGHT-OF-WAY
N. = NORTHING
E. = EASTING

SKETCH OF LEGAL DESCRIPTION
MARINE MAX LESS WETSLIPS

HOLE MONTES
ENGINEERS PLANNERS SURVEYORS
6200 Whiskey Creek Dr.
Ft. Myers, FL. 33919
Phone: (239) 985-1200
Florida Certificate of Authorization No.1772

DRAWING NO. H-518
PROJECT NO. 2016548
FILE NAME Marina Max Less Wetslips.dwg
DRAWN BY: R.A.K.
DATE: 12/9/17
SHEET 1 OF 2 SHEET 2
SEC-TWN-RGE: 20/29-45S-24E

DCI 2017-00012
DRI 2017-00008

I:\2016\2016548\SKETCHES\MARINEMAX-Revd\Marina Max Less Wetslips.dwg 12/9/2017 7:56:12 PM Plotted by: Robbiemeff



LESS AND EXCEPT WET SLIP DIMENSIONS

#	DIMENSIONS	AREA
8	17.5x47.0	822.5 SF
9	17.5x47.0	822.5 SF
10	17.5x47.0	822.5 SF
38	17.5x47.0	822.5 SF
43	17.5x47.0	822.5 SF
44	17.5x47.0	822.5 SF
45	17.0x48.0	816.0 SF
54	17.0x48.0	816.0 SF
55	14.0x38.0	532.0 SF
57	18.0x78.0	1,404.0 SF

PER DECLARATION OF CONDOMINIUM FOR FT MYERS BOATCLUB, A CONDOMINIUM RECORDED IN INSTRUMENT NO. 2007000333100, AMENDED INSTRUMENT NO. 2009000237351, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

LINE	BEARING	DISTANCE
L1	N44°20'28"W	65.00
L2	N45°45'38"E	40.00
L3	N07°58'18"E	127.40
L4	N44°14'22"W	38.01
L5	S88°54'59"W	155.19
L6	S44°20'28"E	39.69
L7	S45°45'38"W	165.97
L8	S88°54'59"W	143.37
L9	S26°44'21"E	102.62

CURVE	RADIUS	DELTA	CHORD	BEARING	ARC LENGTH
C1	30.00	131°52'40"	54.79	N31°41'58"E	69.05

NOTES TO TITLE OPINION

- BOATING GEAR CENTER, LLC FOR THE PROPERTY DESCRIBED IN LEGAL DESCRIPTION HEREON
- ISSUED BY PAVESE LAW FIRM, CHARLES MANN
- DATED JANUARY 31, 2018

1. EASEMENTS SHOWN ON THE PLAT OF DEEP LAGOON ESTATES RECORDED IN PLAT BOOK 14, PAGE 79, AS MODIFIED BY RESOLUTION RECORDED IN OFFICIAL RECORDS BOOK 1523, PAGE 168, ALL OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. *"THE PLATTED EASEMENTS ARE SHOWN ON THE MAP, IT IS UNCLEAR WHETHER THE PLAT "NOTES" SEPARATE ADDITIONAL 6' EASEMENTS ALONG THE LOT LINES (NONJUSTICES). THE PLAT SHOWS ADDITIONAL UNITY DRIVE (UNREFERENCED) OUTSIDE OF THE PLAT BOUNDARY, NOT SHOWN HEREIN. SINCE PLATS CANNOT CREATE EASEMENTS OUTSIDE OF THE PLATTED LANDS, THE RESOLUTION APPEARS TO VACATE UNITY DRIVE BUT IS SUBJECT TO INTERPRETATION, SOME OF THE WORDING ARRANGEMENT AND REFERENCES ARE AMBIGUOUS."* SEE LOTS 1 THROUGH 6, UNITY DRIVE AND THE DRAINAGE AND UTILITY EASEMENT AT THE PERIMETER OF SAID LOTS 1 THROUGH 6, LOCATED AT THE SOUTHWEST PORTION OF THE PROJECT, SEE *MAP #1*."
2. INAGRESS/EGRESS EASEMENT CONTAINED IN EASEMENT AGREEMENT BETWEEN RITA K. SOUTHWICK AS TRUSTEE AND JOHN A. BENTON AND DOROTHY S. BENTON, RECORDED IN OFFICIAL RECORDS BOOK 495, PAGE 16, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. *"SEE MAP #2 FOR THE EASEMENT AREA."*
3. WATER PIPELINE EASEMENT GRANT RECORDED IN OFFICIAL RECORDS BOOK 1413, PAGE 1875, AS AFFECTED BY THAT CERTAIN DEED RECORDED IN OFFICIAL RECORDS INSTRUMENT NO. 2007000309792, ALL OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. *"SEE MAP #3 AT THE NORTHEASTERLY PORTION OF THE PROJECT."*
4. NAVIGATIONAL EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 1331, PAGE 1704. *"THE WORDING IN THE LEGAL DESCRIPTION IS AMBIGUOUS, THE LEGAL DESCRIPTION DOESN'T CLOSE BUT IT IS ESTIMATED THE REFERENCE TO THE NAVIGATIONAL EASEMENT IS LOCATED AT THE SOUTHERLY BOUNDARY, ADJACENT TO DEEP LAGOON. SEE MAP #4."* AND OFFICIAL RECORDS BOOK 1282, PAGE 485, ALL OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA *"SEE NOTE ABOVE, SAME LEGAL DESCRIPTION"*
5. EASEMENTS OVER AND ACROSS THE WATERS OF THE EXISTING CANAL RECORDED IN OFFICIAL RECORDS BOOK 1268, PAGE 881. *"SEE MAP #5 FOR THE EASEMENT AREA."*
6. SOVEREIGNITY SUBMERGED LAND LEASE, RECORDED IN OFFICIAL RECORDS INSTRUMENT NO. 2005000037156 AND MODIFICATION THEREOF RECORDED IN OFFICIAL RECORDS INSTRUMENT NO. 2016000217012, ALL OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (NOTE: FOR INFORMATIONAL PURPOSES ONLY) *"SEE MAP #6 (2) AT THE NORTHWEST PORTION OF THE PROJECT IN DEEP LAGOON."*
7. LEASE TO MARINEMAX EAST INC., A DELAWARE CORPORATION, AS SUCCESSOR TO MARINEMAX OF SOUTHWEST FLORIDA, LLC, A DELAWARE LIMITED LIABILITY COMPANY RECORDED IN OFFICIAL RECORDS INSTRUMENT NO. 2016000244093, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (NOTE: FOR INFORMATIONAL PURPOSES ONLY) *"THE LEASE AREAS ARE ROUGHLY SCALED ON THE MAP HEREON FROM THE MAP INCLUDED IN SAID DOCUMENT, SEE MAP #7, 7A THROUGH 7L INCLUSIVE (9)."*
8. EASEMENT IN FAVOR OF FLORIDA POWER & LIGHT COMPANY RECORDED IN OFFICIAL RECORDS INSTRUMENT NO. 2007000109203, PUBLIC RECORDS OF PUBLIC RECORDS OF LEE COUNTY, FLORIDA. *"SEE MAP #8, EASEMENT ROUTE GOES THROUGH THE NORTHERLY PARKING AREAS."*
9. EASEMENT IN FAVOR OF LEE COUNTY RECORDED IN INSTRUMENT NO. 2007000309793, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. *"SEE MAP #9 (2) ADJACENT TO MCGREGOR BLVD."*
10. EASEMENTS CONTAINED IN THE DECLARATION OF CONDOMINIUM RECORDED IN OFFICIAL RECORDS INSTRUMENT NO 2007000333160. *"THERE ARE NO APPARENT EASEMENTS GEOMETRICALLY DESCRIBED BUT THERE IS EASEMENT LANGUAGE ON PAGES 8,9,12,13 AND 14."*, AS AMENDED IN OFFICIAL RECORDS INSTRUMENT NO. 2009000237351 AND OFFICIAL RECORDS INSTRUMENT NO. 2012000058902, ALL OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. *"THERE ARE NO EASEMENTS DESCRIBED IN SAID DOCUMENTS, ONLY METES& DIMENSION REMARKS FOR 34,37 & 38, AS REFLECTED ON THE MAP."*
11. DRAINAGE EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 2463, PAGE 1870, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. *"SEE MAP #11 ADJACENT TO MCGREGOR BLVD."*
12. EASEMENT IN FAVOR OF FLORIDA POWER & LIGHT COMPANY RECORDED IN OFFICIAL RECORDS BOOK 1473, PAGE 2202, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. *"SEE MAP #12 AT THE SOUTH SIDE OF THE PROJECT ADJUTING MCGREGOR BLVD."*
13. SUBJECT TO THAT CERTAIN DRAINAGE EASEMENT DESIGNATED AS THE FORMER IONA DRAINAGE DISTRICT CANAL "I" AS DESCRIBED IN THE PLAT OF TOWN & RIVER ESTATES, UNIT 11, PLAT BOOK 30, PAGE 120, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. *"SEE MAP #13 FOR THE EASEMENT AS DEPICTED ON THE TOWN & RIVER ESTATES PLATS."*
14. PERPETUAL EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 2835, PAGE 2292, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. *"SEE MAP #14 ADJACENT TO MCGREGOR BLVD."*
15. EASEMENT IN FAVOR OF FLORIDA POWER & LIGHT COMPANY RECORDED IN OFFICIAL RECORDS BOOK 4093, PAGE 1201, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. *"SEE MAP #15 NEAR UNITY DRIVE."*

LEGEND

ESMT. = EASEMENT
FCM = FOUND CONCRETE MONUMENT
FNAD MAG = FOUND MAGNETIC NAIL AND DISK
ID. = IDENTIFICATION
INST. = INSTRUMENT NUMBER
L&E = LESS AND EXCEPT
O.R. = OFFICIAL RECORDS BOOK
P.B. = PLAT BOOK
PG. = PAGE
R/W = RIGHT-OF-WAY
SIPC = SET 3/8" IRON PIN WITH CAP "LB1772"
SNAD MAG = SET MAGNETIC NAIL & DISK "LB1772"
= CONDO LINE INST. 2007000333100
= PROJECT BOUNDARY
= EASEMENT
= LEASE AREA

PROPERTY DESCRIPTION:

A PARCEL OF LAND LOCATED IN SECTIONS 20 & 29, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH CORNER OF LOT 8, DEEP LAGOON ESTATES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 14 AT PAGE 79 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THE SAME BEING A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY OF MCGREGOR BOULEVARD, AN 80 FOOT WIDE PUBLIC RIGHT-OF-WAY; THENCE RUN THE FOLLOWING FIVE CALLS ALONG THE BOUNDARY OF SAID DEEP LAGOON ESTATES; THENCE RUN N44°20'18"W FOR A DISTANCE OF 65.00 FEET; THENCE RUN N45°45'38"E FOR A DISTANCE OF 40.00 FEET; THENCE RUN N44°14'22"W FOR A DISTANCE OF 557.81 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE; THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, THROUGH A CENTRAL ANGLE OF 131°52'40" AND BEING SUBTENDED BY A CHORD OF 54.79 FEET AT A BEARING OF N31°41'58"E, FOR AN ARC LENGTH OF 69.05 FEET; THENCE RUN N07°58'18"E FOR A DISTANCE OF 127.40 FEET; THENCE LEAVING SAID BOUNDARY RUN N44°14'22"W FOR A DISTANCE OF 38.01 FEET TO A POINT ON THE SOUTH LINE OF SECTION 20, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA THE SAME BEING A POINT ON THE SOUTH LINE OF PHASE 3, AS SHOWN IN DECLARATION OF CONDOMINIUM FOR FT MYERS BOATCLUB, A CONDOMINIUM, AS RECORDED IN INSTRUMENT NO. 2007000333100 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S88°54'59"W ALONG SAID SOUTH LINE AND THE SOUTH LINE OF PHASE 2B FOR A DISTANCE OF 155.19 FEET TO A POINT ON THE SOUTH LINE OF PHASE 2B AS SHOWN ON SAID FT MYERS BOATCLUB, A CONDOMINIUM; THENCE RUN S88°03'20"W ALONG SAID SOUTH LINS OF PHASE 2B, PHASE 4 AND PHASE 2A OF SAID FT MYERS BOAT CLUB, A CONDOMINIUM, FOR A DISTANCE OF 513.00 FEET; THENCE RUN N01°37'51"E ALONG THE WEST LINE OF SAID PHASE 2A FOR A DISTANCE OF 500.00 FEET TO A POINT ON THE CENTER LINE OF THE I.D.D. CANAL "I", AS INDICATED IN TOWN & RIVER ESTATES UNIT 13 PLAT, AS RECORDED IN PLAT BOOK 33 AT PAGES 91-92 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N88°20'33"E ALONG SAID CENTER LINE FOR A DISTANCE OF 1597.75 FEET TO A POINT ON THE EAST LINE OF THE PARCEL OF LAND DESCRIBED IN INSTRUMENT NO. 2016000000042 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THENCE RUN S00°04'40"E ALONG SAID EAST LINE FOR A DISTANCE OF 347.23 FEET TO A POINT ON THE NORTH LINE OF THE PARCEL OF LAND DESCRIBED IN INSTRUMENT NO. 2016000000043; THENCE RUN N87°27'39"E ALONG SAID NORTH LINE FOR A DISTANCE OF 307.80 FEET; THENCE RUN S44°20'28"E ALONG SAID NORTH LINE FOR A DISTANCE OF 39.69 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY OF MCGREGOR BOULEVARD, A PUBLIC RIGHT-OF-WAY; THENCE RUN S45°45'38"W ALONG THE NORTHWESTERLY RIGHT-OF-WAY FOR A DISTANCE OF 165.97 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 20; THENCE LEAVING SAID RIGHT-OF-WAY RUN S88°54'59"W ALONG THE SOUTH LINE OF SAID SECTION 20, FOR A DISTANCE OF 143.37 FEET; THENCE LEAVING SAID SOUTH LINE RUN S26°44'21"E FOR A DISTANCE OF 102.62 FEET TO A POINT ON THE SAID NORTHWESTERLY RIGHT-OF-WAY; THENCE RUN S45°45'38"W ALONG SAID NORTHWESTERLY RIGHT-OF-WAY FOR A DISTANCE OF 688.25 FEET, TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED.

LESS AND EXCEPT WETSLIPS 8, 9, 10, 38, 43, 44, 45, 54, 55 AND 57 AS IDENTIFIED IN DECLARATION OF CONDOMINIUM FOR FT MYERS BOATCLUB, A CONDOMINIUM AS RECORDED IN INSTRUMENT NO. 2007000333100 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

NET PROPERTY AREA: 1,039,719 SQUARE FEET OR 23.80 ACRES.

GENERAL NOTES

1. BEARINGS SHOWN HEREON REFER TO NORTHWESTERLY RIGHT-OF-WAY LINE OF MACGREGOR BOULEVARD A 80 FOOT WIDE PUBLIC RIGHT-OF-WAY, LEE COUNTY, FLORIDA AS BEING S45°45'38"W.
2. STATE PLANE COORDINATES SHOWN HEREON REFER TO FLORIDA STATE PLANE WEST ZONE N.A.D. 83, 1999 ADJUSTMENT.
3. PROPERTY DESCRIPTION IS PROVIDED BY CLIENT. ANY RIGHTS OR OWNERSHIP BEYOND THE SUBMERGED LAND LEASE NOTED FROM THE REVIEW OF TITLE OPINION ARE NOT ADDRESSED.
4. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

CERTIFIED TO:

- BOATING GEAR CENTER, LLC, A DELAWARE CORPORATION
- LEE COUNTY

I HEREBY CERTIFY THAT THIS SKETCH OF THE HEREON DESCRIBED PROPERTY WAS SURVEYED UNDER MY DIRECTION ON 7/24/2017, I FURTHER CERTIFY THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE FOR LAND IN THE STATE OF FLORIDA PURSUANT TO CHAPTER 5J-17.050-.052, F.A.C.

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

Applicant's Survey Checked by Dm 7/31/18

BY _____ LS5821
THOMAS M. MURPHY STATE OF FLORIDA

LETTER	REVISIONS	DATE	REV BY
1			
2			
3			
4			
5	UPDATE TITLE OPINION DATE	2/21/18	R.A.K.

BOUNDARY SURVEY

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

PARTY CHIEF:	BH	DATE: 8/17
DRAWN BY:	BEN/R.A.K.	DATE: 11/27/17
SHEET	1	OF SHEET 4
SEC-TWN-RGE:	20/29-45-24	

HOLE MONTES
ENGINEERS · PLANNERS · SURVEYORS

6200 Whiskey Creek Dr.
Ft. Myers, FL. 33919
Phone: (239) 985-1200
Florida Certificate of Authorization No.1772

DCI 2017-00012
MARINE MAX DRE 2017-00000

MAP OF BOUNDARY, EASEMENTS, LEGAL, ETC.

DRAWING NO. H-437
PROJECT NO. 16.548
FILE NAME: Worksation_85 1 Rev1.dwg



LETTER	REVISIONS	DATE	REV BY
1			
2			
3			
4			

BOUNDARY SURVEY

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

PARTY CHIEF:	BH	DATE:	8/17
DRAWN BY:	BEN/R.A.K.	DATE:	11/27/17
SHEET	2	OF SHEET	4

SEC-TWN-RGE: 20/29-45-24

HOLE MONTES
ENGINEERS · PLANNERS · SURVEYORS

6200 Whiskey Creek Dr.
Ft. Myers, FL. 33919
Phone: (239) 985-1200
Florida Certificate of
Authorization No.1772

Applicant's Survey Checked by DM 2/7/2018

MARINE MAX

MAP OF SITE CONDITIONS

DRAWING NO. H-437
PROJECT NO. 16.548
FILE NAME: Manhattan_BS 3-1.dwg

ORI 2017-00008



LETTER	REVISIONS	DATE	REV BY
1			
2			
3			
4			

BOUNDARY SURVEY

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

PARTY CHIEF:	BH	DATE:	8/17
DRAWN BY:	BEN/R.A.K.	DATE:	11/27/17
SHEET	3	OF SHEET	4

SEC-TWN-RGE: 20/29-45-24

HOLE MONTES
ENGINEERS · PLANNERS · SURVEYORS

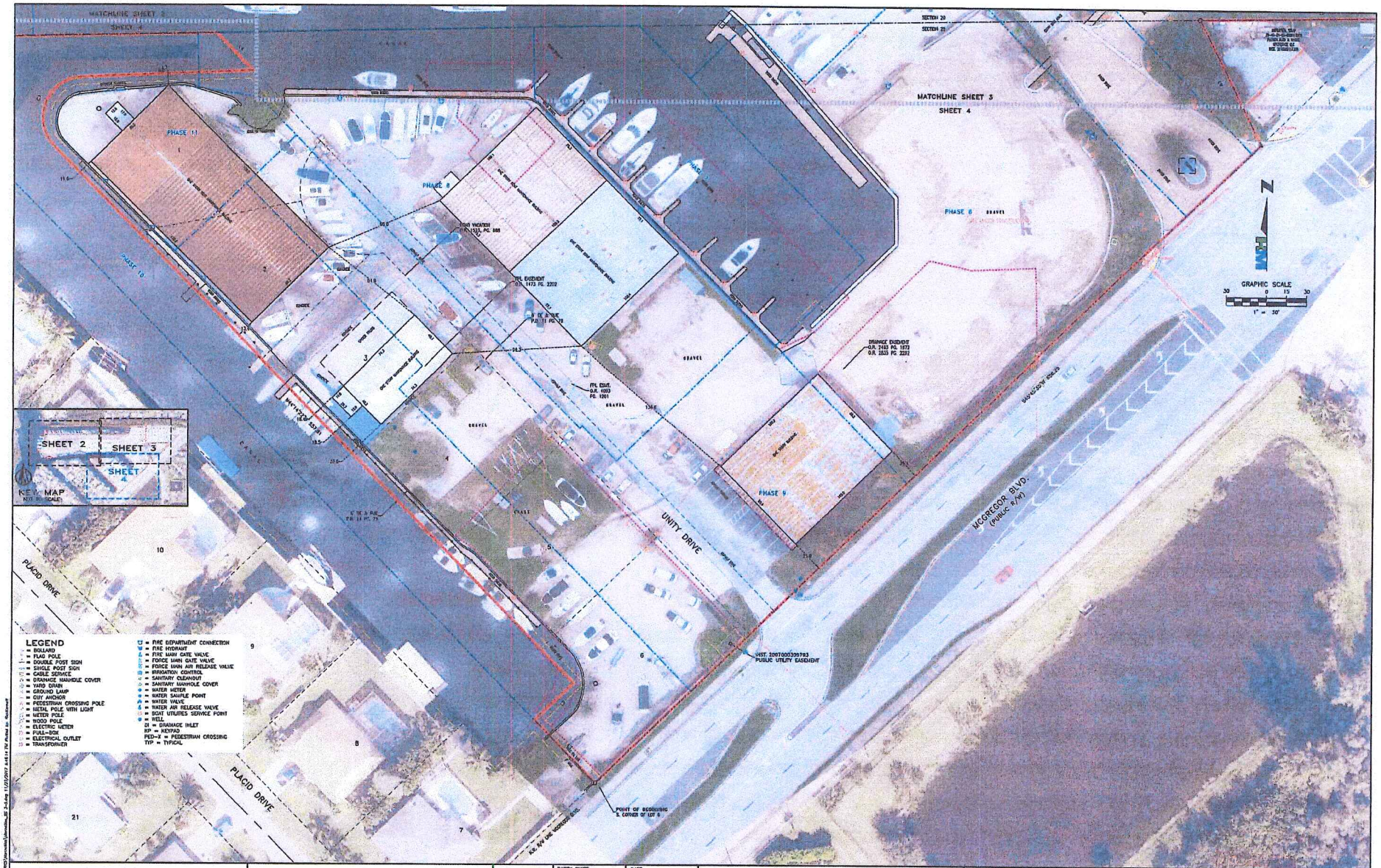
6200 Whiskey Creek Dr.
Ft. Myers, FL. 33919
Phone: (239) 985-1200
Florida Certificate of
Authorization No.1772

Applicant's Survey Checked by Dm 2/28/2018

MARINE MAX
MAP OF SITE CONDITIONS

DRAWING NO.	H-437
PROJECT NO.	16.548
FILE NAME:	Marbolden_BS 3-1-4.dwg

DCI 2017-00012 INT 2017-00908



LETTER	REVISIONS	DATE	REV BY
1			
2			
3			
4			

BOUNDARY SURVEY

HOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

PARTY CHIEF: BH	DATE: 8/17
DRAWN BY: BEN/R.A.K.	DATE: 11/27/17
SHEET 4	OF SHEET 4
SEC-TWN-RGE: 20/29-45-24	

HOLE MONTES
ENGINEERS · PLANNERS · SURVEYORS

6200 Whiskey Creek Dr.
Ft. Myers, FL. 33919
Phone: (239) 985-1200
Florida Certificate of
Authorization No.1772

Applicant's Survey Checked by: [illegible] 2/28/2018

MARINE MAX

MAP OF SITE CONDITIONS

DRAWING NO.	H-437
PROJECT NO.	16.548
FILE NAME:	Methodist_BS 3-5.dwg

VAR 2017-00012 DRI 2017-00008

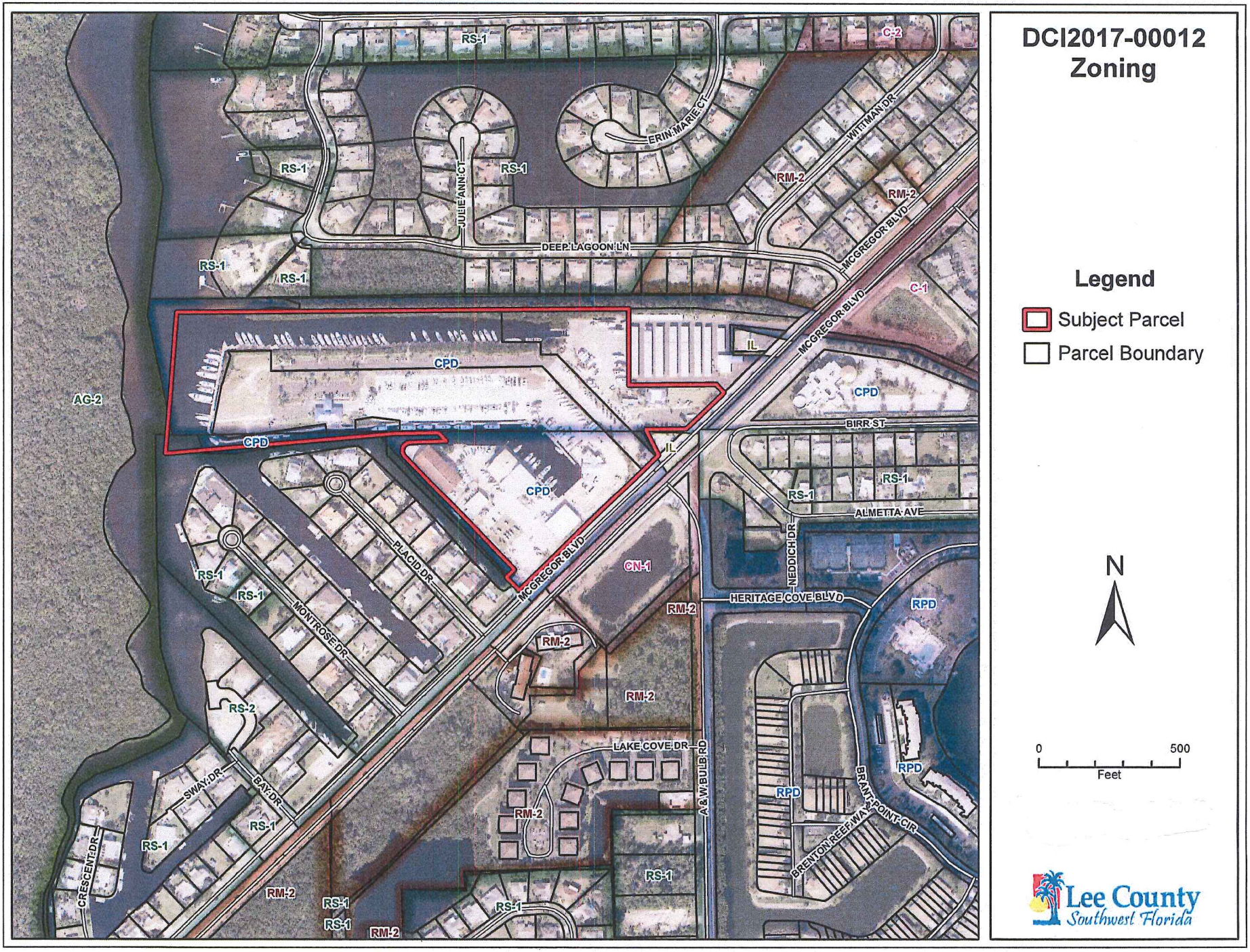

DCI2017-00012
Zoning
Legend
Subject Parcel
Parcel Boundary
N
0
500
Feet
Lee County
Southwest Florida
RS-1
C-2
C-1
RM-2
CPD
IL
CN-1
RPD
RS-2
AG-2
ERIN MARIE CT
WITTMAN DR
JULIE ANN CT
DEEP LAGOON LN
MCGREGOR BLVD
BIRR ST
ALMETTA AVE
NEDDICH DR
HERITAGE COVE BLVD
PLACID DR
MONTROSE DR
LAKE COVE DR
A & W BULB RD
BRANT POINT CIR
BRENTON REEF WAY
SWAY DR
BAY DR
CRESCENT DR

Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

(Substantive changes proposed by the Hearing Examiner are indicated by strikethroughs and underlines)

All references to uses are as defined and regulated in the Land Development Code (LDC).

The Hearing Examiner recommends revisions to proposed conditions to improve clarity and to ensure compliance with Florida Statutes and the Lee Plan.

1. Scope of Zoning Resolution.

This zoning resolution replaces all prior zoning actions pertaining to Development Areas 1 – 6 of the (hereinafter "Marina").

This resolution does not amend the development approvals for Development Area 7 on the Master Concept Plan. Development Area 7 continues to be governed by Zoning Resolution Number Z-87-009, as amended by Zoning Resolution Z-99-013, Zoning Resolution Z-09-036, ADD2010-00034, ADD2012-00001, ADD2014-00177, and ADD2015-00014.

2. Master Concept Plan/Development Parameters

Development of the Marina must be consistent with the one-page MarineMax Lee County Master Concept Plan (MCP) stamped received July 25, 2018, and the conditions herein. (MCP attached as **Exhibit B1**) Development must comply with the Lee County Comprehensive Plan (Lee Plan) and Land Development Code (LDC) at time of local Development Order Approval, except where deviations are approved herein. Subsequent changes to the MCP may require further development approvals.

The approved development parameters for the Marina are set forth below:

- 38,100 square feet Marina Accessory Uses (including Restaurant Group I (snack bar), offices, service, repairs, retail, boat sales and boat club/recreational facilities.
- 480 boat slips consisting of 125 wet slips and 355 dry slips
- 9,600 square foot restaurant
- Live-aboards prohibited.

3. Permitted Uses and Site Development Regulations

a. Schedule of Permitted Uses.

Administrative Offices (limited to 13,100 SF)

Boats:
Boat Parts Store

Boat Rental
Boat Repair and Service
Boat Sales
Boat storage, dry

Consumption on Premises (limited to and in conjunction with the private clubhouse and Restaurant, Group III)

Entrance Gates and Gatehouses

Marina
Marina Accessory Uses
Boat Repair and Service
Outdoor Display of Boats
Bait and Tackle Shop
Clubs, Private (limited to 6,950 SF)
Convenience Food and Beverage Store
Fuel Pumps/Dock, Boat
Personal Services, Group I (coin operated laundries, limited to 250 SF)
Recreational Facilities, Personal/private (limited to 6,950 SF)
Restaurant, Group I (snack bar), (limited to 850 SF)
Rest Room/Shower Sanitary Facilities (limited to 1,560 SF)
Sale of Fuel & Lubricants
Specialty Retail Shop, Groups I and II

Restaurant, Group III, limited to 9,600 SF *subject to* Condition 9
Signs

b. Site Development Regulations

Minimum Lot Dimensions and Area:

Lot Area:	20,000 square feet
Lot Width:	75 feet
Lot Depth:	100 feet

Minimum Setbacks:

Street:	25 feet
Side:	15 feet
Rear:	25 feet
Water Body:	25 feet, *subject to* Deviation 1

Maximum Building Height:

Development Areas 1, 3, 4:	28 feet
Development Area 2:	48 feet (not including boats stored on top)

Development Area 5/6:	48 feet (for marina service and repair building 28 feet all other structures)
Maximum Lot Coverage:	40 percent

~~4.~~ ~~Storage Racks~~

~~The south facing façade of the proposed boat storage racks on the north peninsula (Development Area #2) must include a wall designed to obscure the view of all boats stored within this proposed dry boat storage from the homes located to the south of the development within the Deep Lagoon Estates. This exterior façade must avoid large blank wall areas using at least three design elements found in LDC Section 10-620(e)(1).~~

HEARING EXMAINER NOTE: The applicant opposed this condition providing persuasive testimony and evidence in support of its exclusion. After consideration of the testimony and evidence in the record, the Hearing Examiner finds this condition to be unnecessary and recommends deletion.

~~5.~~4. Excess Spoil Removal

Excess spoil removal approved consistent with the LDC.

~~6.~~5. Marina Management, Hazardous Materials, and Hurricane Preparedness Plans

Marina operations must conform with the following documents, and may be subject to further conditions during development order review process.

- Marina Management Plan (**Exhibit B2**)
- Hazardous Materials Emergency Plan (**Exhibit B3**)
- Hurricane Preparedness Plan (**Exhibit B4**)

~~7~~6. Blasting

Blasting is prohibited.

~~8~~7. Vehicular/Pedestrian Impacts

Zoning approval does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

~~9~~8. Development Permits

County development permits do not establish a right to obtain permits from state or federal agencies. Further, County permits do not establish liability on the County if the developer: (a) does not obtain requisite approvals or fulfill obligations imposed by state or federal agencies or (b) undertakes actions that result in a violation of state or federal law.

~~10~~9. Group III Restaurant

The Group III Restaurant is subject to the following conditions:

a. Consumption on the Premises is limited to 11:00 AM to 12:00 AM (midnight).

b. Outdoor live entertainment is permitted subject to the following:

1. Speakers for outdoor music must be located at the south end of the restaurant parcel facing north, towards the restaurant.

2. The property owner must construct a wall at the south end of the restaurant parcel to provide additional noise abatement for area residents. Location of wall is illustrated on the attached plan approved pursuant to ADD2010-00034. (**Exhibit B5)**

3. The volume must be maintained at or below a normal conversation level as measured at the boundary of Development Area 4.

HEARING EXAMINER NOTE: Reference to the Lee County Noise Ordinance removed. All uses are subject to the ordinance.

~~11~~10. The development must provide pump-out facilities.

DEVIATIONS:

1. Waterbody Setbacks. Deviation (1) seeks relief from LDC 34-2194 (b)(1), Setback from bodies of water, requiring a minimum setback of 25 feet to the mean high water line, to allow a setback of 0 (zero) feet.

Hearing Examiner Recommendation: Approve.

2. Open Space. Deviation (2) seeks relief from LDC 10-415(a), Open space calculations, requiring a minimum of 30 percent open space for large commercial projects, to a permit a minimum of 29 percent open space.

Hearing Examiner Recommendation: Approve

3. Entrance Gates and Gatehouses. Deviation (3) seeks relief from LDC 34-1748(1) Entrance gates and gatehouses, requiring a minimum of 100 feet between the intersecting street right-of-way, to allow for a distance of 0 (zero) feet, as shown on the Master Concept Plan.

Hearing Examiner Recommendation: Approve.

4. Landscape Standards – Buffering Adjacent Property. Deviation (4) seeks relief from LDC 10-416(d), Buffering adjacent property, requiring a Type A buffer between commercially zoned properties, to eliminate this requirement between Development Areas 5, 6, and 7.

Hearing Examiner Recommendation: Approve.

5. Display, Sale, Rental or Storage of Boats – Right-of-Way Landscaping. Deviation (5) seeks relief from LDC 34-1352(g)(1) right-of-way buffer landscaping requirement, which requires right-of-way buffer landscaping a minimum width of 25 feet in width, along with an undulating berm an average height of two feet, to allow the existing 10-foot wide landscape buffer with no berm.

Hearing Examiner Recommendation: Approve, subject to the condition that the landscape buffer plantings must comply with LDC 34-1352(g)(1)(c) and (d).

6. Display, Sale, Rental or Storage of Boats – Landscaping Property Lines. Deviation (6) seeks relief from LDC 34-1352(g)(2) Landscaping adjacent to other property lines, which requires the planting of a single hedge row along the side and rear property lines, to allow no landscape buffer.

Hearing Examiner Recommendation: Approve, subject to the condition that if the existing wall is removed from the southern property boundary, the marina operator must comply with LDC 341352(g)(2).

7. Display, Sale, Rental or Storage of Boats – Perimeter Walls. Deviation (7) seeks relief from LDC 34-1352(h) Perimeter walls requirement, which requires an eight-foot high solid wall adjacent to residentially zoned property, to allow no wall.

Hearing Examiner Recommendation: Approve, subject to the condition that if the existing residential wall is removed from the southern property boundary, the marina operator must comply with LDC 341352(g)(2).

Exhibits to Conditions:

B1 Master Concept Plan entitled MarineMax Lee County, Florida stamped received by Community Development July 25, 2018
B2 Marina Management Plan
B3 Hazardous Materials Emergency Plan
B4 Hurricane Preparedness Plan
B5 Site plan from ADD2010-00034, depicting wall at south end of restaurant parcel.

Exhibit C

RECOMMENDED CONDITIONS AND DEVIATIONS
(Clean Version)

1. Scope of Zoning Resolution.

This zoning resolution replaces all prior zoning actions pertaining to Development Areas 1 – 6 of the (hereinafter "Marina").

This resolution does not amend the development approvals for Development Area 7 on the Master Concept Plan. Development Area 7 continues to be governed by Zoning Resolution Number Z-87-009, as amended by Zoning Resolution Z-99-013, Zoning Resolution Z-09-036, ADD2010-00034, ADD2012-00001, ADD2014-00177, and ADD2015-00014.

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- 480 boat slips consisting of 125 wet slips and 355 dry slips
- 9,600 square foot restaurant
- Live-aboards prohibited.

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a. Schedule of Permitted Uses.

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Boat Parts Store
Boat Rental
Boat Repair and Service
Boat Sales
Boat storage, dry

Consumption on Premises (limited to and in conjunction with the private clubhouse and Restaurant, Group III)

Entrance Gates and Gatehouses

Marina
Marina Accessory Uses
- Boat Repair and Service
- Outdoor Display of Boats
- Bait and Tackle Shop
- Clubs, Private (limited to 6,950 SF)
- Convenience Food and Beverage Store
- Fuel Pumps/Dock, Boat
- Personal Services, Group I (coin operated laundries, limited to 250 SF)
- Recreational Facilities, Personal/private (limited to 6,950 SF)
- Restaurant, Group I (snack bar), (limited to 850 SF)
- Rest Room/Shower Sanitary Facilities (limited to 1,560 SF)
- Sale of Fuel & Lubricants
- Specialty Retail Shop, Groups I and II

Restaurant, Group III, limited to 9,600 SF *subject to* Condition 9
Signs

b. Site Development Regulations

Minimum Lot Dimensions and Area:

Lot Area:	20,000 square feet
Lot Width:	75 feet
Lot Depth:	100 feet

Minimum Setbacks:

Street:	25 feet
Side:	15 feet
Rear:	25 feet
Water Body:	25 feet, *subject to* Deviation 1

Maximum Building Height:

Development Areas 1, 3, 4:	28 feet
Development Area 2:	48 feet (not including boats stored on top)
Development Area 5/6:	48 feet (for marina service and repair building 28 feet all other structures)

Maximum Lot Coverage: 40 percent

4. Excess Spoil Removal

Excess spoil removal approved consistent with the LDC.

5. Marina Management, Hazardous Materials, and Hurricane Preparedness Plans

Marina operations must conform with the following documents, and may be subject to further conditions during development order review process.

- Marina Management Plan (**Exhibit B2**)
- Hazardous Materials Emergency Plan (**Exhibit B3**)
- Hurricane Preparedness Plan (**Exhibit B4**)

6. Blasting

Blasting is prohibited.

7. Vehicular/Pedestrian Impacts

Zoning approval does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

8. Development Permits

County development permits do not establish a right to obtain permits from state or federal agencies. Further, County permits do not establish liability on the County if the developer: (a) does not obtain requisite approvals or fulfill obligations imposed by state or federal agencies or (b) undertakes actions that result in a violation of state or federal law.

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The Group III Restaurant is subject to the following conditions:

a. Consumption on the Premises is limited to 11:00 AM to 12:00 AM (midnight).

b. Outdoor live entertainment is permitted subject to the following:

1. Speakers for outdoor music must be located at the south end of the restaurant parcel facing north, towards the restaurant.

2. The property owner must construct a wall at the south end of the restaurant parcel to provide additional noise abatement for area residents. Location of wall is illustrated on the attached plan approved pursuant to ADD2010-00034. (**Exhibit B5)**

3. The volume must be maintained at or below a normal conversation level as measured at the boundary of Development Area 4.

10. The development must provide pump-out facilities.

DEVIATIONS:

1. Waterbody Setbacks. Deviation (1) seeks relief from LDC 34-2194 (b)(1), Setback from bodies of water, requiring a minimum setback of 25 feet to the mean high water line, to allow a setback of 0 (zero) feet.

Hearing Examiner Recommendation: Approve.

2. Open Space. Deviation (2) seeks relief from LDC 10-415(a), Open space calculations, requiring a minimum of 30 percent open space for large commercial projects, to a permit a minimum of 29 percent open space.

Hearing Examiner Recommendation: Approve

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4. Landscape Standards – Buffering Adjacent Property. Deviation (4) seeks relief from LDC 10-416(d), Buffering adjacent property, requiring a Type A buffer between commercially zoned properties, to eliminate this requirement between Development Areas 5, 6, and 7.

Hearing Examiner Recommendation: Approve.

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Hearing Examiner Recommendation: Approve, subject to the condition that the landscape buffer plantings must comply with LDC 34-1352(g)(1)(c) and (d).

6. Display, Sale, Rental or Storage of Boats – Landscaping Property Lines. Deviation (6) seeks relief from LDC 34-1352(g)(2) Landscaping adjacent to other property lines, which requires the planting of a single hedge row along the side and rear property lines, to allow no landscape buffer.

Hearing Examiner Recommendation: Approve, subject to the condition that if the existing wall is removed from the southern property boundary, the marina operator must comply with LDC 341352(g)(2).

7. Display, Sale, Rental or Storage of Boats – Perimeter Walls. Deviation (7) seeks relief from LDC 34-1352(h) Perimeter walls requirement, which requires an eight-foot high solid wall adjacent to residentially zoned property, to allow no wall.

Hearing Examiner Recommendation: Approve, subject to the condition that if the existing residential wall is removed from the southern property boundary, the marina operator must comply with LDC 341352(g)(2).

Exhibits to Conditions:

B1 Master Concept Plan entitled MarineMax Lee County, Florida stamped received by Community Development July 25, 2018
B2 Marina Management Plan
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B4 Hurricane Preparedness Plan
B5 Site plan from ADD2010-00034, depicting wall at the south end of the restaurant parcel.

PROPOSED USE

RECREATIONAL MARINA FACILITY

PROPOSED ZONING

COMMERCIAL PLANNED DEVELOPMENT

N

100 50 0 100

1" = 100'

FUEL DOCK

Existing gas pump facility, oil/fuel containment system , diesel gas pump, and sewage pump-out station

PERMANENT WET SLIPS

(North and South peninsula)

DEVELOPMENT AREA # 1

Proposed

Recreation Facility, private on-site
Club, Private (Deep Lagoon Boat Club)
Restaurant, Group I (Snack Bar)
Administration Offices
Self-Service Laundry
Rest Rooms and Shower Facilities
Signs, in accordance with the Lee County Sign Ordinance
Stabilized Outdoor Boat Display
Maximum Height = 28 ft above Min. FFE

DEVELOPMENT AREA # 2

Proposed

Administrative Offices for Marina
Clubhouse, private
Entrance gates/gatehouse
Docking Facilities
Marine Related Retail
Sale of Fuel and Lubricants
Rest Room And Shower Facilities
Recreation Facility, private on-site
Fuel dock
Signs, in accordance with the Lee County Sign Ordinance
Stabilized Outdoor Boat Display
Maximum Height = 48 ft above Min. FFE

DEVELOPMENT AREA # 3

Proposed

Wet Slips
Recreation Facility, private on-site
Entrance gates/gatehouse
Restrooms and Shower Facilities
Signs, in accordance with the Lee County Sign Ordinance
Stabilized Outdoor Boat Display
Maximum Height = 28 ft above Min. FFE

DEVELOPMENT AREA # 4

Proposed

Consumption on Premises
Restaurant, Group III (per ADD2011-00006)
Signs, in accordance with the Lee County Sign Ordinance
Stabilized Outdoor Boat Display
Maximum Height = 28 ft above Min. FFE

DEVELOPMENT AREA # 5/6

PROPOSED

Administration office and Sales
Boat sales, service and repairs of boats, motors, and accessories/parts
Stabilized Outdoor Boat Display
Signs, in accordance with the Lee County Sign Ordinance
Maximum Height = 46 ft above Min. FFE

DEVELOPMENT AREA # 7

NOT INCLUDED IN THIS APPLICATION

Undisturbed mangrove system
Property Line
Service area for delivery of goods
Existing FPL easement
Temporary Mooring Slips
[3] Vertical unmanned security gate
Existing 8' Tall concrete block wall
TRAVEL LIFT
Existing 10' FPL easement
Prop Dry Boat Storage (open storage) 48 FT height [1]
Boat Launch
10' Boat display offset
Service area for delivery of goods
NOT INCLUDED IN THIS APPLICATION
Existing access gate (To Be Removed)
±900 LF of Rip-rap
[3] Vertical unmanned security gate
Service area for delivery of goods
Existing 20' drainage easement
10' wide Landscape Buffer (double row hedge)
Existing 10' FPL easement
Access point dimensions
LAGOON LANE
McGREGOR BOULEVARD (S.R. 867) (EXISTING-TWO LANE UNDIVIDED) (FUTURE FOUR LANE DIVIDED)
PLACID COURT
161'
212'
366'

LEGEND

- [1] Deviations (7 total)
- Wetland Vegetation
- Development Area 1
- Development Area 2
- Development Area 3
- Development Area 4
- Development Area 5/6
- Landscape Buffer (double row hedge)
- Prop. Rip-Rap
- Existing Building

EXHIBIT B-1

Development Area	Total Area	Open Space	Percent Open Space
1	1.66	0.54	32.53%
2	5.84	1.11	18.98%
3	3.30	0.96	29.23%
4	1.49	0.49	33.08%
5&6	2.75	0.99	36.01%
Submerged Land*	8.11	2.03	25.00%
Mangroves	0.83	0.83	100.00%
Total Provided	23.98	6.95	29.00%
Total Required	23.98	6.95	29.00%

*Submerged Land includes all existing water bodies not included in development areas

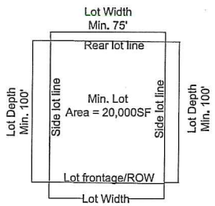
Notes

A) No public transit facilities will be located on-site; and
B) All proposed points of access shown on this plan have existing driveway access to McGregor Boulevard in approximately the same location.

Land Use Summary - Ac		
	Build-Out	Percentage
Buildings	2.78	11.59
Impervious/Pavement	5.74	23.92
Pervious/Landscaping	4.36	18.19
Submerged Land	11.10	46.29
Totals	23.98	100.00

[2] Open Space - Required & Provided - 29% - 6.95 Ac. (Submerged Land Included at 25%)

Typical Minimum Lot Layout:
N.T.S



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JUL 25 2018
COMMUNITY DEVELOPMENT

NUMBER	REVISIONS	DATE

MARINEMAX
LEE COUNTY, FLORIDA

DESIGNED BY	BNT	DATE
DRAWN BY	TPB	DATE 04/2017
CHECKED BY	REB	DATE 04/2017
VERTICAL SCALE	N/A	HORIZONTAL SCALE 1"=100'

HOLE MONTES
ENGINEERS · PLANNERS · SURVEYORS
6200 Whiskey Creek Drive
Fort Myers, FL. 33919
Phone: (239) 985-1200
Florida Certificate of Authorization No.1772

MASTER CONCEPT PLAN
EXHIBIT M-1

THESE DRAWINGS ARE NOT APPROVED UNLESS SIGNED & SEALED BELOW:

DATE: July 20, 2018

CAD FILE NAME:	DRAWING NO.:
16022MCP	
PROJECT NO.:	SHEET NO.:
2016022	1

DCI 2017-00012

LEE COUNTY
HEARING EXAMINER
2018 JUL 27 PM 1:07
H:\2016\2016022\DWG\LDI\Zoning\2016022_MCP.dwg Tab: zoning Jul 20, 2018 - 10:39am

EXHIBIT B2

RECEIVED
MAY 23 2017
COMMUNITY DEVELOPMENT

DEEP LAGOON BOAT CLUB

Marina Managment Plan (MMP)
Revised 3/6/02

DCI 2017-00012

INTRODUCTION

DEEP LAGOON BOAT CLUB LTD is the owner of an existing commercial marina facility originally built in the 1960's. The marina provides a number of services to boaters. The marina currently provides both wet and dry boat slips, a marina retail ships store, maintenance supply, fueling facilities, boat repair, and boat sales and service. Development codes regulating surface water management and environmental protection did not exist when the original facility was constructed. Given that new developments in the area include surface water management systems that manage environmental impacts, the current owners are concerned about the lack of a water management system on the site. Aside from the older residential subdivisions located on the adjacent canal systems, this marina is the only commercial facility left in the immediate area that does not have a water management plan to control runoff.

The proposed facilities will add a restaurant, convert open land storage to covered dry storage, renovate and improve service facilities, install a stormwater management system, and create overall improvements which will make it a premier, full service marina. Boat Clubs America, LLC is a general partner with DEEP LAGOON BOAT CLUB LTD. and is currently pursuing permits to allow for the final phase of dock construction and upland development.

Beginning with their ownership on August 28, 1997, DEEP LAGOON BOAT CLUB LTD. has been undertaking a comprehensive upgrading of the property. To date, the fueling facilities have been relocated and upgraded. Metal enriched sediments in the basin have been removed, and capped with clean upland sand, resulting in physical changes to the surrounding basin. This work has improved flushing, eliminated potential sources of heavy metals in the water column, and removed organics that affect dissolved oxygen levels at the bottom. These efforts have been completed so that the marina will meet state standards for water quality.

A comprehensive renovation of the wet and dry slip storage facilities is proposed, as well as a stormwater management plan, and a surface water treatment system for the boat wash and repair facilities. It is the goal of DEEP LAGOON BOAT CLUB LTD. to achieve Florida Clean Marina Program designation with the State, representing a facility where aesthetics, cleanliness, and environmental concerns are the very highest priority. The new ownership is directly involved in overseeing the progress of this project and has a successful history of accomplishing similar successes with other waterfront facilities.

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D.E.P. - South District

PERMIT #
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DEP

To provide the Dept. of Environmental Protection (DEP) reasonable assurances that the final phase of development will meet water quality standards, in addition to the physical improvements, this **Marina Management Plan** (Management Plan) is proposed to address the water quality issues involved in operating a commercial marina. To maintain the physical improvements and eliminate concerns about secondary and cumulative impacts, the following elements will help maintain state standards for water quality over the life of the project. Many of these changes reflect recommendations found in the Florida Clean Marina Program.

Best Management Practices (BMP's) are proposed activities that assist with maintaining water quality to state standards. A **compliance** and **monitoring** element is included in the Management Plan. This element is necessary to properly implement the BMP's and monitor the results. An **enforcement** element is included to add measures necessary to assure compliance with the Management Plan. It also provides the regulatory agencies reasonable assurance that the Management Plan is implemented and monitored in a timely manner, with a clear understanding of the parties **responsible** for compliance. Finally an **education element** is included to educate resident boaters, guests, and marina staff regarding water quality and marina management. The Management Plan is broken down into areas and elements that directly affect the water in the basin.

MONITORING/COMPLIANCE

DEEP LAGOON BOAT CLUB LTD. shall designate an Environmental Compliance Officer (ECO) who will be responsible for water quality in the marina basin. The ECO shall operate autonomously from the Harbormaster, shall answer directly to the owner, and shall remain as a permanent operating position as long as the marina is in operation. The ECO shall be responsible for all documentation and reporting and shall work pro-actively with the Harbormaster, boat club staff, resident boaters, and guests to assure full compliance with the Management Plan, DEP Permit, and state water quality criteria. The ECO will be identified to the DEP and will be the point of contact between DEEP LAGOON BOAT CLUB LTD. and the DEP. The ECO will take immediate action to rectify any violations of the Management Plan, the State permit, or State water quality standards, reporting these actions to the DEP. The criteria for reporting to DEP will be any observable violation of the Management Plan, the DEP permit, or State law/rule. The ECO will provide the DEP an annual summary report of compliance efforts within the marina. The report will include various items such as quantity numbers for oil recycled, batteries disposed, and general information regarding compliance by boat owners and marina operating staff. This will drive changes in the education program and improvements in the marina operations.

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ENFORCEMENT

Responsibility - It will be the responsibility of DEEP LAGOON BOAT CLUB, LTD., or successor in title, for protection and maintenance of water quality standards within the marina. It shall be the responsibility of DEEP LAGOON BOAT CLUB LTD. to identify pollution sources from within the marina that may result in water quality violations and to take appropriate actions to prevent such occurrences.

Notification - It shall be the ECO's responsibility to monitor all boaters using the marina and overall marina operations on a daily basis. Upon observation of any noncompliance with the Rules and Regulations of DEEP LAGOON BOAT CLUB LTD. or Management Plan, the ECO, in coordination with the Harbor master, shall serve a written/verbal "Caution" statement to the violator, informing him of the infraction. A second infraction shall result in a written "Warning" notice, informing the violator and the boat slip owner of a second infraction. A third infraction may result in a fine, which will include all penalties assessed by the DEP, and any cost of remediation, which will be placed as a lien on the boat slip occupied by the violator, or ejection of a slip renter from the marina. All Violation Notices shall be documented in the Daily Log, including the reason for the infraction.

EDUCATION PROGRAM

In order to implement long term objectives to protect environmental conditions at the DEEP LAGOON BOAT CLUB LTD. Marina, a workshop series will be developed. This education program will involve all users of the facility and focus on their role in the long-term health of the marina and surrounding area. Each workshop shall include a review of the Management Plan, discussion of non-compliance issues, and evaluation of changes to the Management Plan as appropriate. This workshop program will include a welcome and orientation session for users of the marina, as well as a continuing education segment for returning and long term users of the marina.

There will be two workshops a year, one in December and one in April. The program will be designed to educate the marina staff and users on environmental stewardship.

The topics to be discussed will include the following:

-- An explanation of the consequences of bottom cleaning and zinc replacement in the basin relative to releasing heavy metals into the water.

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-- Overview the battery recycling program, designated areas for disposal, proper techniques regarding handling of batteries over the water surface and on docks.

-- Suggest boat owners not use hard abrasives or chemical treatments.

-- An explanation of the value of floating debris collection and recycling efforts.

-- Information and instruction on fueling procedures and the long term impacts of fuel spilling into the water.

-- Explain methods to reduce or eliminate oil content in bilge water.

-- Provide information regarding proper handling and disposal of used oil products.

-- Explain the value of using environmentally friendly cleaning methods and products.

-- Demonstrate the proper disposal of hazardous wastes such as paint, old gasoline, left over chemicals, out of date flares and paint chips.

-- Discuss compliance concerns, non-compliance trends, and provide refresher discussions on areas of consistent non-compliance.

-- Review all elements of the education program and discuss modifications that would make implementation of the Management Plan more effective.

Employee Education - Conduct semi-annual workshops for marina employees regarding implementation, compliance, and monitoring of Management Plan. Tailor the education program to include methods and procedures for executing the BMP's listed in the Management Plan. Include a provision within the employee handbook that requires compliance with the all provisions of the Management Plan.

BOAT BASINS

MANATEE PROTECTION - The following Best Management Practices are proposed to address secondary and cumulative impacts to manatees.

ISSUE: Trends in watercraft-related manatee mortality continue to rise statewide. Decreasing the possibility of watercraft/manatee interaction at this location would increase manatee protection.

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BMP #1: Improve public awareness of manatees by posting "Idle Speed" and "Caution, Manatee Awareness" signs from the marina site out to the Caloosahatchee River main channel.

TIMEFRAME: Effective upon construction completion.

MONITORING: Monitor signage every six months and replace when necessary.

ISSUE: Manatee mortality is closely related to the existence and enforcement of speed protection zones.

BMP #2: Implement boater awareness of designated speed zones in Lee County through the Deep Lagoon Education Workshop Program.

TIMEFRAME: Effective upon construction completion.

MONITORING: Review the Education Workshop for currency every six months.

ISSUE: Improper boating in shallow waters can damage manatee habitat such as destroying seagrass and creating trenches through seagrass meadows. The loss of manatee habitat diminishes food supply and protection areas.

BMP #3: Include an element in the Education Workshop discussing the importance of manatee habitat and methods to identify and avoid these areas. Information on manatee awareness, protection, and habitat will be distributed at the semi-annual Education Workshop.

TIMEFRAME: Effective upon construction completion.

MONITORING: Review the Education Workshop for currency every six months.

ISSUE: The need for construction personnel to avoid collisions with manatees during construction.

BMP#4: Implement the Standard Manatee Protection Construction conditions issued by the COE, which include instruction of all personnel associated with the project of the presence of manatees and the need to avoid collisions with manatees. All personnel will be advised that there are civil and criminal penalties for harming, harassing or killing manatees which are protected under the Endangered species Act of 1973, the Marine Mammal Protection Act of 1972 and the Florida Manatee Sanctuary Act of 1978.

TIMEFRAME: Effective immediately.

MONITORING: During construction of the project.

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ISSUE: Increase the awareness of boaters using the facility of the presence of manatees in the canal system and Deep Lagoon waterway, and the need to minimize interference, including observation, of these animals.

BMP #5: Establish and maintain a permanent educational display at select locations to increase the awareness of boaters using the facility of the presence of manatees.

TIMEFRAME: Effective immediately.

MONITORING: Educational displays are to be maintained for the life of the marina.

HULL MAINTENANCE: In water hull scraping, cleaning, brushing.

ISSUE: Hull maintenance in the water, particularly in the form of hard scraping of sailboats with lead keels, may "shave" particulate lead into the bottom sediments and drive copper into solution as a function of brushing boat bottoms with copper-based paints.

BMP: Eliminate cleaning of boat hulls, with the exception of vessels too large for the travel lift to carry, throughout the marina basins and only allow it within the self-contained upland areas where runoff is treated by the closed loop recycling system in each wash down area.

TIMEFRAME: Effective upon completion of construction.

MONITORING: Monitor heavy metal concentrations semiannually within the sediments and water column pursuant to the permit.

BOAT CLEANING: Washing of Boats

ISSUE: Hard abrasives, such as stainless steel wool, or similar cleaning pads, may drive chromium treatments into the water column during cleaning of boat bright work. Use of certain soaps, detergents, and cleansers can be detrimental to the environment and degrade water quality. Products used to wash boats' hulls and decks often contain toxic ingredients such as ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates, or lye.

BMP: All boats should be maintained using the type of cleansers limited to those permitted under local, state and federal regulations. Use fresh water to clean boats after every use, minimizing the use of cleansers. Provide information to boaters regarding use of cleansers and provide recommendations for brand names that are

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compliant with local, state, and federal regulations. All "cleaners", professional or owners, will be provided with an educational review sheet regarding environmentally safe techniques and cleansers.

TIMEFRAME: 30 days after permit issuance.

MONITOR: Monitor boat cleaning in the marina basins daily, and provide noncompliant boaters with updated information from the boater education program.

ORGANIC ACCUMULATIONS: Biological Oxygen Demand (BOD)

ISSUE: Sea grasses, other organic detritus, and manmade products float into the marina and settle to the bottom. The decomposing process extracts oxygen from the water column, driving dissolved oxygen to lower levels, possibly below state standards.

BMP: Collect floating debris from the marina. Organic materials will be deposited in an approved offsite waste containment facility and manmade products will be recycled as appropriate.

TIMEFRAME: 30 - 60 days after permit issuance.

MONITOR: Clean up will be monitored and reported to DEP on an annual basis. Collect debris on a daily basis during heavy periods of sea grass production in the area. Document approximate amounts of organic and recyclable materials removed and summarize results in the annual report to DEP. The purpose for quantitative estimates is to determine if alternative solutions are necessary to control debris.

PETROLEUM DISTRIBUTION: Dispensing of Fuel

ISSUE: Fueling operations result in small spillages of gas and diesel when fuel tanks are topped off. Even with automatic shut off dispensers, overflow through the tank vent on the boat results in some spillage into the water.

BMP: Marina staff will be certified in fuel spill containment. Staff will be trained to be observant of the fueling operation conducted by the boater. Basic instruction on fueling procedures employed by the marina will be verbally provided to each boater fueling at

the dock. A sign will be posted at the fuel dock providing information on fueling procedures, emergency action required in case of a spill, and emergency contacts and phone numbers.

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These instructions will include, but are not limited to, the following precautions:

-- The boater will be required to attend to the fuel nozzle at all times to avoid spillage into the water.

-- A vent collection device will be used to capture escaping fuel.

-- Surface overflow will be contained by a sorbent pad versus hosing down the overflow fuel into the water. The sorbent pad will be maintained in the proper disposal container.

-- Install a fuel spill kit with absorbent pads and booms at the fuel dock for immediate access by boaters. Mark the container for visibility and assure the container remains unlocked and accessible.

TIMEFRAME: Effective upon completion of construction in this area.

BMP: Retrofit fuel dock to add containment devices (concrete berm/catch pans) under fuel pumps.

TIMEFRAME: 90 to 180 days.

MONITOR: Monitor operations daily. Complete monthly review of fueling procedures and fire prevention with staff. Provide education, and new product updates, to employees and patrons when available/appropriate.

PETROLEUM BYPRODUCTS: Bilge Maintenance

ISSUE: Oil and grease from the operation and maintenance of inboard engines are sources of petroleum in bilges. Discharged bilge water, with associated oils and greases, are a source of pollution in marinas.

BMP: Reduce or eliminate oil content in bilge water and monitor discharges. Methods to be employed by marina management will include the following:

-- Educate resident and guest boaters on the importance of maintaining bilge water free of oils and associated greases. Encourage boaters to conduct periodic inspections of engine components and to repair leaks and eliminate spillage.

-- Encourage use of absorbent pads, including making them easily available to resident boaters at reasonable costs, to maintain bilge's oil free. Use drip pans with absorbent pads while draining oil from the bilge. Keep all engines well tuned; regularly check seals, gaskets, hoses and connections for leaks and drips. Place oil absorbent material or bioremediating bilge booms in the bilge.

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-- Discharges can occur.when boats are being removed from the water at both the travel lift and fork truck locations. Do not pull the drain plug on boats at either location until they are situated "upstream" of collection systems used to separate oil from water, or located to treat runoff.

TIMEFRAME: Effective immediately.

MONITOR: "Flag" or report observations of petroleum products to vessels owners from whom the discharge originates. Require immediate inspection of the bilge by the owner to determine if oil is leaking into the bilge. Provide absorbent pads at reasonable cost to the owner to contain any oil leakage. Provide a secure vessel to transport saturated pads to a suitable upland disposal site. Provide the owner with information from the education program, and inform him/her of the availability of absorbent pads at the ship's store. If the boat owner is absent, the boat will be surrounded by containment booms and the owner notified of the problem. All clean up will be at the expense of the boat owner.

UPLAND AREAS

STORMWATER MANAGEMENT: Upland Runoff

ISSUE: The marina is on filled land, surrounded by artificial canals. The main peninsula, surrounded by the north canal, Deep Lagoon waterway, the south canal, and a storage yard, has no formal stormwater management system to prevent runoff from reaching waters of the state.

BMP#1: Application for a stormwater management permit to address complete renovation of the uplands system include treatment of stormwater runoff for water quality. Systems include retrofit of the marina, as shown on the surface water management plan.

TIMEFRAME: Effective upon completion of construction in this area.

MONITOR: Inspect stormwater systems per the approved maintenance schedule to assure that they are working properly. Remove debris and other materials that have accumulated.

HULL MAINTENANCE: Bottom Washing, Scraping, Sanding, and Sandblasting

ISSUE: Hull maintenance in the boat yard involves removing old paint coatings in preparation for application of new coatings. This maintenance produces solid waste such as paint chips, dust, and contaminated blasting sand, which can contaminate air, soil, surface waters and eventually bottom sediments. Conducting these operations

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outdoors increases the potential for pollutants to be dispersed into the environment by wind, rain, and/or stormwater runoff. Paint chip accumulation in marina bottom sediments may be a contributing factor to violations of state standards in the water column.

BMP: Implement the following pollution prevention measures to prevent the release of contaminants produced during hull maintenance activities from reaching the soil, air and surface waters of the marina.

-- All hull maintenance, including pressure washing and bottom scraping shall be conducted at the Boat Wash Down area and collected by the stormwater management system and treated by a CPE 2000 closed loop system.

-- All hull sanding and sandblasting will be performed in a designated, protected, enclosed area. A filter drain trap system will be installed to collect any runoff, paint chips, and/or contaminated blasting sand. Maintenance will be performed over tarps. Trash, sandings, paint chips, etc. will be cleaned up immediately after any maintenance activity and placed into a covered trash receptacle.

-- Replace traditional sandblasting material (e.g., silica sand) with recoverable and reusable plastic medium blast (PMB), which can remove anti-fouling paint without stripping fiberglass gelcoat (unless desired). Old paint dust will be separated from reusable PMB for disposal, resulting in waste minimization and lower hazardous waste disposal fees for your facility.

-- For all sanding operations, use dustless vacuum sanding machines that are highly efficient in reducing airborne dust concentrations. Capture and filter the dust at the source to reduce cleanup time, reduces hazardous waste volume and disposal fees, and eliminate the need for respirators.

-- For fiberglass hulls, incorporate a sponge blast system which uses a urethane foam mixed with plastic chips. The blast media is reusable and the benefits are the same as those listed for PMB and vacuum sanding systems.

– Preclude boat owners from performing any hull maintenance activity, insuring only professionally trained yard maintenance staff do bottom work.

– Incorporate new products and techniques, as available and feasible to use, to further enhance compliance with the Management Plan.

TIMEFRAME: Effective upon completion of construction in this area.

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MONITOR: Daily

PETROLEUM BY PRODUCTS: Used Oil/Petroleum Management

ISSUE: Resident boaters conduct limited maintenance of their vessels within their slips. Maintenance, typically changing of engine oils and oil/water separators, and repair of injection nozzles and similar maintenance results in contaminates and used products that boaters do not have a convenient means of properly disposing.

BMP: Provide containers that store petroleum products that are readily accessible and can be disposed of appropriately. Containers must be managed to assure they are not contaminated with a mixture of fuel and oil. All containers storing used oil will be located in an area that has a secondary form of containment, such as a perimeter berm, and is covered. Maintain proper documentation regarding waste oil disposal in the form of check in with the harbor master or designee.

TIMEFRAME: 180 days after permit issuance.

MONITOR: Daily

BATTERY MANAGEMENT: Lead Acid Marine/Auto and Rechargeable

ISSUE: Lead acid batteries contain a wet electrolyte sulfuric acid solution which can spill if the cell caps are removed or missing, if the battery is not properly anchored down, or if the battery case cracks. These batteries also contain several pounds of lead which, along with the acid electrolyte, which may be a contributor to elevated levels of lead in the water column. Smaller, dry cell, nickel-cadmium and sealed lead acid rechargeable batteries, if improperly discarded into the marina basins, may also contribute to degraded water quality.

BMP: Educate boaters and marina staff regarding battery recycling and provide for designated, secure areas where batteries that are no longer usable can be stored for recycling. All batteries shall be stored on an impervious surface such as concrete, fiberglass or plastic, with sides to contain spilled electrolytes and under cover from rain with all cell caps in place. Handling of batteries over the water surface and on docks shall include use of containers to hold batteries during transport to minimize potential for spillage of battery acid, or loss of batteries.

The storage of batteries on docks is prohibited.

Post signs in the service area and at the battery storage building to alert the public to the disposal ban on lead acid and rechargeable batteries. Include the 1-800-8-BATTERY phone number for nickel-cadmium battery recycling information. Ready-made signs and fliers for these batteries may be available from the Rechargeable Battery Recycling Corporation (RBRC). Call 352-376-6693 or check the

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RBRC web site at www.rbrc.com for information. Include the DEP information line phone number of 1-800-741-4DEP and DEP web site at www.dep.state.fl.us for help in recycling batteries or other materials.

Place flyers in customers' bills or other correspondence on a quarterly basis reminding them of the battery disposal policies in the marina.

TIMEFRAME: 60 days after permit issuance.

MONITOR: Inspect the battery disposal location daily to assure all batteries are upright and in the proper containment location.

HAZARDOUS WASTE - Household Byproducts

ISSUE - Every day products used to maintain and operate boats and surrounding service operations include hazardous wastes as a by-product. Typical hazardous wastes generated by boaters include solvent paint waste, used batteries, mercury containing bilge pump switches, old gasoline, and out of date flares.

BMP: Place ignitable paint waste and old gasoline in closed containers so the waste does not escape into the air or create a fire hazard. Consider reuse before disposal. Out of date flares that have not been exposed to water or have other damage may be kept on the boat as long as the Coast guard required number of in date flares are also on board. When possible, use paints that are not solvent based. Buy bilge pump switches that do not contain mercury. The marina management will provide information and locations suitable to dispose of solvent paint waste, mercury containing bilge pump switches, old flares, old gasoline, and other potentially hazardous or toxic materials.

TIMEFRAME: 60 days after permit issuance.

MONITOR: Daily. Recycle products on a monthly basis.

BOAT SERVICE AREA - Improvements to Operations/General Information

BMP: Designated work areas will be clearly marked for boat repairs and hull maintenance, including hull preparation and painting. No hull maintenance or boat repair will be allowed out of these designated areas. Work shall be performed in a manner to avoid drift of materials, paint, or dust outside of the designated work area, at all times. A temporary facility will be constructed as needed for all abrasive blasting to prevent residue from being carried into surface waters. Tarps shall extend high enough above the abrasive blasting surface to contain the blasting material and residue.

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Abrasive blasting shall be discontinued if materials drift outside of the defined work area.

TIMEFRAME: Effective immediately.

MONITOR: Monitor designated work areas for boat repairs on a daily basis. Re-mark, as needed, areas on a monthly basis depending on wear and visibility.

PAINT CHIPS

ISSUE: Paint chips can be classified hazardous waste if they exceed the Toxicity Characteristic Leaching Procedure (TCLP) concentration of 5.0 mg/l lead. However, it is highly unlikely that any boats using the service yard will have lead-based coatings.

BMP: Hazardous waste paint chips shall be properly containerized and sent to a permitted transfer/storage/disposal facility in accordance with Resource Conservation and Recovery Act (RCRA) regulations.

TIMEFRAME: Effective Immediately.

MONITOR: Monitor disposal of hazardous wastes in accordance with RCRA regulations.

HULL MAINTENANCE: Painting

ISSUE: Painting of vessel hulls or application of topside coatings, and activities associated with paint handling may result in the concentrated release of harmful vapors and liquids. Wastes generated from painting activities will be hazardous if the paints and lacquer thinners contain solvents and/or heavy metals such as lead, cadmium, or chromium. Water-based paints containing heavy metals such as lead, cadmium, chromium or mercury may also generate hazardous wastes. Disposal of hazardous waste is expensive. Mismanagement of hazardous waste can lead to costly penalties and cleanup costs if discharges occur.

BMP: Vessel painting shall use low solvent/high solid content paints or water-based paints that do not contain environmentally harmful solvents that release destructive vapors into the atmosphere. The use of rollers or brushes shall be a consideration as opposed to spray painting.

When spray painting, proper techniques can significantly reduce emissions. Spray painting shall not be conducted under adverse windy conditions. If spray painting is to be done, use equipment such as high-volume-low-pressure (HVLP) spray guns which have transfer efficiencies of about 65%. (Transfer efficiency, of TE is the percentage of paint sprayed that actually reaches the surface being painted. What doesn't reach the

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surface is lost as over spray, therefore, the higher the TE, the better paint coverage and lowers the paint consumption.)

Empty paint and thinner cans, and solvents, must be completely dry before they are placed in the dumpster for approved upland disposal. Solvent soaked rags shall be placed in fire proof storage bins and recycled through an industrial laundry service. Use portable tarps and barriers to control dust and materials and sweep or vacuum to collect the waste for proper removal.

TIMEFRAME: Effective immediately.

MONITOR: Monitor spray painting techniques and disposal methods daily.

HAZARDOUS WASTE - Liquid Material Management

ISSUE: Hazardous liquid materials such as waste fuel, used oil, spent solvents, and spent antifreeze can reach the marina basins if not properly handled and disposed of.

BMP: Provide and maintain appropriate storage, transfer, containment, and disposal facilities for hazardous liquid material, such as used oil, harmful spent solvents, waste antifreeze and paint, and encourage recycling of these materials. Management policies as part of the second phase of the project will include the following procedures.

Provide separate labeled containers for the disposal of waste oil; waste gasoline; used antifreeze; and waste diesel, kerosene, and mineral spirits. (40 CFR 262.34)

Provide CLEARLY MARKED designated areas for storage of hazardous materials. Build curbs, berms, or other barriers around areas used for the storage of hazardous liquid material to contain spills. Store materials in areas impervious to the type of material stored. Include overhead cover to prevent rain penetration.

Direct marina patrons as to the proper disposal of all liquid materials through the use of signs, mailings, and other means. Insert language into slip rental agreements and service contracts requiring the disposal of hazardous liquid materials in the in the proper containment facilities. Provide recognition and incentives to those boaters who can document the use of proper hazardous waste management techniques.

Maintain a spill contingency plan for hazardous material. The spill response plan for hazardous material shall be integrated into the oil spill response plan. DEEP LAGOON BOAT CLUB, LTD. will maintain an ongoing contract with Sea Spill or similar spill response provider as part of the spill contingency plan. A sign will be posted at the fuel dock outlining procedures to address a fuel/hazardous material spill.

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TIMEFRAME: 60 days after permit issuance.

MONITOR: Daily for proper use. Monthly for recycling.

WASTEWATER MANAGEMENT - Closed loop recycling and wastewater disposal.

ISSUE: The DEEP LAGOON BOAT CLUB LTD. marina is currently serviced by a wastewater collection system that is inadequate for the proposed development. There is the potential for decreased water quality in the area due to leaching from the drainfield into the canal system.

BMP: DEEP LAGOON BOAT CLUB LTD. will install a new wastewater collection system. The collection system will also provide connections to the sewage pumpout facilities at the docks, the fish cleaning station , and the Closed Loop Recycling Systems at the boat washing locations.

TIMEFRAME: Prior to issuance of the first Certificate of Occupancy.

MONITORING: A record of pump outs shall be maintained by the Harbormaster. The wastewater collection system and lift station shall be maintained and monitored by DEEP LAGOON BOAT CLUB LTD. staff, in accordance with the DEP permit and/or manufacturers specifications. The staff will be trained and certified in the maintenance of the wastewater collection system and the lift station.

This document prepared by:

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EXHIBIT B3

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COMMUNITY DEVELOPMENT

MarineMax (Deep Lagoon Marina CPD)

Hazardous Materials Emergency Plan

The Deep Lagoon Marina/Marine Max will continue to comply with the U.S. EPA Spill Prevention, Control, and Countermeasure (SPCC) Regulation, 40 CFR 112.

On-Site Pressure washing:

- Collect discharge water and remove all visible solids before discharging to a sewer system, or where permitted, to a drainage system, or receiving water.
- Perform pressure washing only in designated areas where wash water containment can be effectively achieved.
- Use no detergents or additives in the pressure wash water.
- Direct deck drainage to a collection system sump for settling and/or additional treatment.

Surface preparation, sanding, and paint removal:

- Enclose, cover, or contain blasting and sanding activities to the extent practical to prevent abrasives, dust, and paint chips from reaching storm sewers or receiving water.
- Where feasible, cover drains, trenches, and drainage channels to prevent entry of blasting debris to the system.
- Prohibit uncontained blasting or sanding activities performed over open water.
- Prohibit blasting or sanding activities performed during windy conditions which render containment ineffective.
- Inspect and clean sediment traps to ensure the interception and retention of solids prior to entering the drainage system.
- Collect spent abrasives routinely and store under a cover to await proper disposal.

Painting:

- Enclose, cover, or contain painting activities to the maximum extent practical to prevent overspray from reaching the receiving water.
- Prohibit uncontained spray painting activities over open water.
- Prohibit spray painting activities during windy conditions which render containment ineffective.
- Mix paints and solvents in designated areas away from drains, ditches, piers, and surface waters, preferably indoors or under cover.
- Have absorbent and other cleanup items readily available for immediate cleanup of spills.
- Allow empty paint cans to dry before disposal.
- Keep paint and paint thinner away from traffic areas to avoid spills.

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- Recycle paint, paint thinner, and solvents.
- Train employees on proper painting and spraying techniques, and use effective spray equipment that delivers more paint to the target and less overspray.

Engine maintenance and repairs:

- Maintain an organized inventory of materials used in the maintenance shop.
- Dispose of greasy rag, oil filters, air filters, batteries, spent coolant, and degreasers properly.
- Label and track the recycling of waste material (i.e., used oil, spent solvents, batteries).
- Drain oil filters before disposal or recycling.
- Store cracked batteries in a non-leaking secondary container.
- Promptly transfer used fluids to the proper container; do not leave full drip pans or other open containers around the shop. Empty and clean drip pans and containers.
- Do not pour liquid waste down floor drains, sinks, or outdoor storm drain inlets.
- Plug floor drains that are connected to the storm or sanitary sewer; if necessary, install a sump that is pumped regularly.
- Inspect the maintenance area regularly for proper implementation of control measures.
- Train employees on proper waste control and disposal procedures.

Material Handling: Bulk liquid storage and containment:

- Store permanent tanks in a paved area surrounded by a dike system which provides sufficient containment for the larger of either 10 percent of the volume of all containers or 110 percent of the volume of the largest tank.
- Maintain good integrity of all storage tanks.
- Inspect storage tanks to detect potential leaks and perform preventive maintenance.
- Inspect piping systems (pipes, pumps, flanges, couplings, hoses, valves) for failures or leaks.
- Train employees on proper filling and transfer procedures.

Material Handling: Containerized material storage:

- Store containerized materials (fuels, paints, solvents, etc.) in a protected, secure location and away from drains.
- Store reactive, ignitable, or flammable liquids in compliance with the local fire code.
- Identify potentially hazardous materials, their characteristics, and use.
- Control excessive purchasing, storage, and handling of potentially hazardous materials.
- Keep records to identify quantity, receipt date, service life, users, and disposal routes.
- Secure and carefully monitor hazardous materials to prevent theft, vandalism, and misuse of materials.

- Educate personnel for proper storage, use, cleanup, and disposal of materials.
- Provide sufficient containment for outdoor storage areas for the larger of either 10 percent of the volume of all containers or 110 percent of the volume of the largest tank.
- Use temporary containment where required by portable drip pans.

Material Handling – Posted onsite:

- Mix paints and solvents in designated areas away from drains, ditches, piers, and surface waters.
- Locate designated areas preferably indoors or under a shed.

Designated material mixing areas - if spills occur:

- Stop the source of the spill immediately.
- Contain the liquid until cleanup is complete.
- Deploy oil containment booms if the spill may reach the water.
- Cover the spill with absorbent material.
- Keep the area well ventilated.
- Dispose of cleanup materials properly.
- Do not use emulsifier or dispersant.

Shipboard sanitary waste disposal:

- Discharge sanitary wastes from the ship being repaired to the yard's sanitary system or dispose of by a commercial waste disposal company.

Bilge and Ballast water:

- Collect and dispose of bilge and ballast waters which contain oils, solvents, detergents, or other additives to a licensed waste disposal company. Contracted through HOWCO.

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COMMUNITY DEVELOPMENT

MarineMax Hurricane Preparedness Plan SOP
2015

Goals and Assumptions
The goal is to provide for the security of MarineMax assets both in the water and on land. The secondary goal is to return to scheduled service as soon as possible with minimal disruption to scheduled events.

Preparation Strategy
Stage 1 – Hurricane Season Preparation (June 1- November 30)

Tasks	Assignment	
Monitor weather forecast	RYAN WEST	
Review Hurricane Response Team (HRT) & fill vacancies; list all current team member and HRT contact information on attached Exhibit B.	TERRI BRYAN SECURE LIST	JANA PHILLIPS PREPARE BRINDER
Convene HRT and inspect facility and boats for hurricane readiness.	TOM MAUCH MIKE GROLL	
Meet with managers of each department and office to develop a prioritized list of equipment, records, stock, etc. for evacuation, including but not limited to Team Member personal tools. Mark these items for quick identification and prepare checklist.	CHRIS LASELVA	
Compile Hurricane Preparedness Kit with spare supplies, fenders, lines, etc (See Exhibit A)	MIKE GROLL	
Identify marking system for prepared boats and implement for fully prepared boats and canvas	CHRIS LASELVA	

Stage 2 – Storm in the vicinity – A tropical depression, tropical storm, or hurricane is tracking within a 1,200-mile radius of facility. This is the time to assemble the HRT to evaluate the threat to the area and to develop a preliminary action timetable for this particular storm.

Tasks	Assignment	
When a storm is anticipated to make landfall within 96 hours: • Schedule and conduct meetings with HRT to determine threat potential and action time tables • Review communication strategy and requirements • Discuss stock movement and on-sight owner's vessel notification • Delegate supervision; assign HRT member for follow-up on each item	RYAN WEST	
Meet with each department Team Leader to review communications strategy and requirements, and verify current Team Member contact information	RYAN WEST	
Review list of pre-selected equipment and records to be evacuated in each department, including but not limited to, Team Member personal tools.	MIKE GROLL	
Confirm with office readiness to secure rental generators, trucks, fuel, etc. for evacuation and/or storm recovery	MIKE GROLL	
Coordinate securing the facility, equipment and boats, and take any actions you deem appropriate from Stage 3	CHRIS LASELVA	

Stage 3 – Hurricane Watch - 72-48 Hours to Landfall – Projected path within 100-mile radius of your location and is expected to be a Category 1 Hurricane or stronger.

Tasks	Assignments	
• Meet with Team Members to increase each Team Member's level of preparedness.	RYAN WEST	
• Prepare to issue a notice that evacuation of wet/dry stack slips is recommended.	TERRI BRYAN	
• Remove all vessel canvas	CHRIS LASELVA	INVENTORY BOATS ONLY
• Pull all drain plugs, except those vessels stored in potential flooding or low lying areas.	TOM MAUCH	
• Start larger vessel movement to safe harbor prior to lock-down of bridges.	N/A	

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MarineMax Hurricane Preparedness Plan SOP

• Make continual checks of storm readiness preparations in all departments	RYAN WEST	
• Remove as much hazardous waste from facility as possible.	MIKE GROLL	
• Fill all AST/UST to full capacity.	PETER TOPPIN	FILL TANKS TO ½ CAPACITY
• Remove vessels from "outside" dry stack. Tie down vessels remaining on dry stack	N/A	
• Store all exterior objects/items on vessels in cabin	TOM MAUCH	
• Secure vessels by tying jacks together at bow and stern	TOM MAUCH	SAILBOATS ONLY
• Mark each boat per marking system as complete when fully prepared.	CHRIS LASELVA	

Stage 4 - Hurricane Warning – 36 – 48 Hours to Landfall – Storm is expected within a 100-mile radius of your location.

Tasks	*Assignments*	
• Make continual checks of storm readiness	RYAN WEST	
• Determine security requirements	MIKE GROLL	
• Prepare communications equipment and contact lists for evacuation	TERRI BRYAN	
• Put pre-qualified repair, salvage and distributors on notice. Fuel all company vehicles.	MIKE GROLL	
• According to management directive, load evacuation files and equipment.	MIKE GROLL	
• Secure flags, trashcans, carts, furniture, fire extinguishes, and other loose items.	MIKE GROLL	
• Coordinate boarding up of all windows at store, office, ships	TOM MAUCH	
• Relocate items that cannot be evacuated, but could be damaged by flood including, but not limited to , Team Member personal tools.	MIKE GROLL	
• The facility should be in final stages of hurricane preparedness.	RYAN WEST	

Stage 5 - Hurricane Warning-- 24 Hours to Landfall

Tasks	*Assignments*
• Prepare to Evacuate	TERRI BRYAN-NOTIFY TEAM IF THERE IS A *MANDATORY EVACUATION NOTICE*
• Account for all Team Members and update contact information as necessary. Fax completed update to Team Support 1-727-450-1162. (Note: This is a secure fax line)	TERRI BRYAN
• Make final checks of storm readiness of all departments	RYAN WEST
• Evacuate customers, essential files, records, equipment and Team Members when premises are secured	RYAN WEST
• Organize post-storm meeting	RYAN WEST
• Fuel and then park forklifts at highest ground point. Park power forks in down position	TOM MAUCH
• Ensure all vessels, docks, fuel tanks, fuel pumps, power cables and emergency pumps are secured. Turn off power and water.	TOM MAUCH
• Collect and consolidate Hurricane Kit materials.	MIKE GROLL

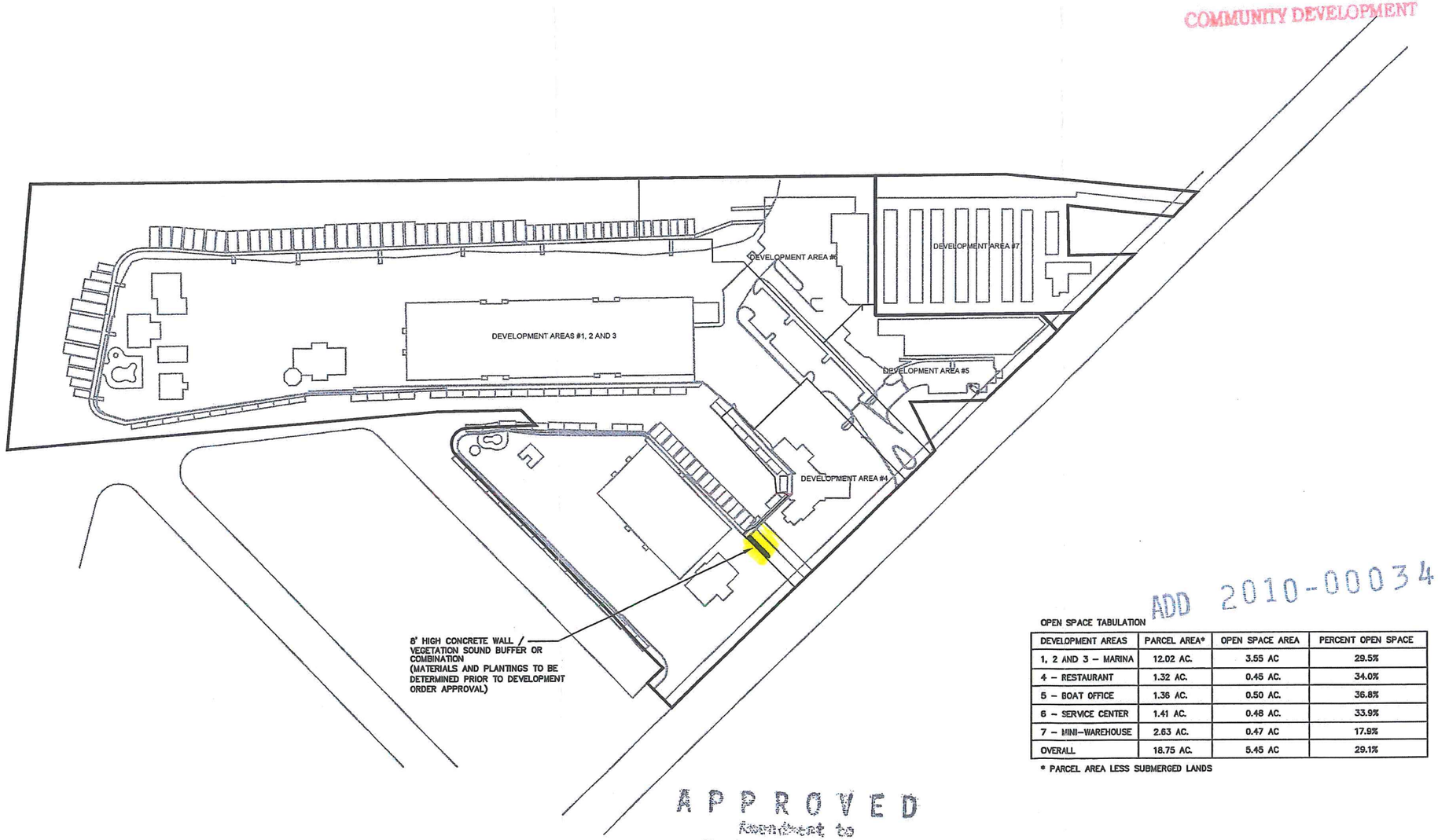
MarineMax Hurricane Preparedness Plan SOP

Stage 6 – Hurricane Recovery

Tasks	*Assignments*
• All Team members will contact the management as instructed during Hurricane Preparedness Plan facility review	ALL EMPLOYEES REPORT TO THEIR RESPECTIVE DEPARTMENT HEAD WITHIN 24 HOURS OF STORMS PASSING
• All Team members will report to work as directed prior to hurricane evacuation.	TO BE DETERMINED BY EACH DEPARTMENT HEAD
• Contact Salvage Company for removal of any items blocking water ingress and egress.	MIKE GROLL
• Management will assess the condition of the facility and vessels. Take pictures of all damage. To be done with use of drone.	RYAN WEST
• Upon arrival at facility, or as directed, Store Management will contact District Manager (DM). DM will contact Regional President (RP). RP will contact Vice President of Operations	RYAN WEST

RECEIVED
SEP 0 8 2010
COMMUNITY DEVELOPMENT

EXHIBIT B-5



ADD 2010-00034

OPEN SPACE TABULATION

DEVELOPMENT AREAS	PARCEL AREA*	OPEN SPACE AREA	PERCENT OPEN SPACE
1, 2 AND 3 – MARINA	12.02 AC.	3.55 AC	29.5%
4 – RESTAURANT	1.32 AC.	0.45 AC.	34.0%
5 – BOAT OFFICE	1.36 AC.	0.50 AC.	36.8%
6 – SERVICE CENTER	1.41 AC.	0.48 AC.	33.9%
7 – MINI–WAREHOUSE	2.63 AC.	0.47 AC	17.9%
OVERALL	18.75 AC.	5.45 AC	29.1%

* PARCEL AREA LESS SUBMERGED LANDS

APPROVED
Amendment to
Master Concept Plan
Subject to Case # ADD2010-00034
Date 9/27/10

date 11-09
file name: EXHIBIT
job deep lagoon

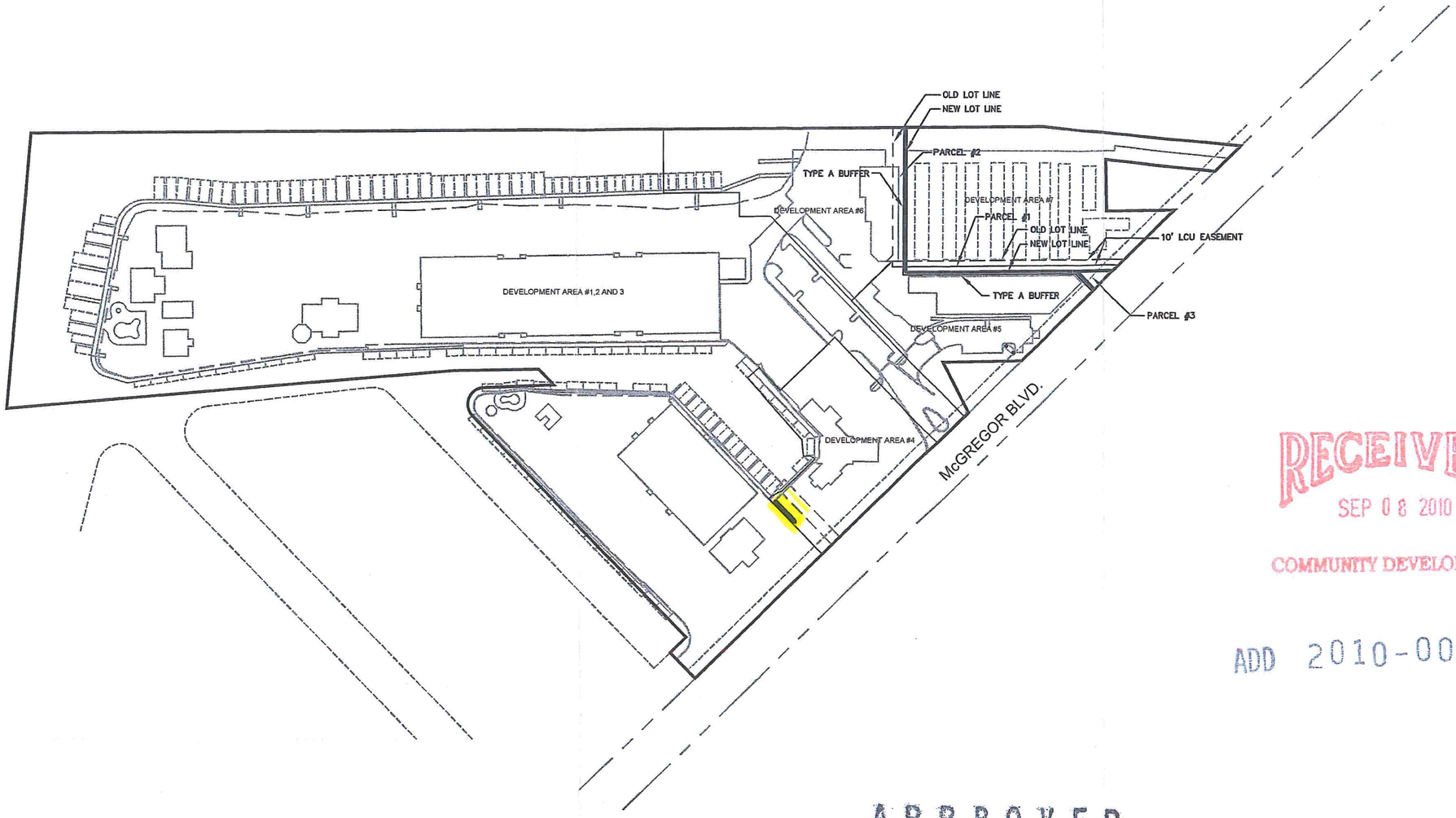
No.	Date	Revisions

community engineering services, inc.
civil engineering · surveying · project management
EB–0006613 LB–6572
2740 Oak Ridge Court, Suite 301
Fort Myers, Florida 33901
Telephone (239) 936–9777 Fax (239) 936–0064

OPEN SPACE PLAN
OF
FT MYERS BOATCLUB
EXHIBIT H-2.B.2

scale: 1"=100'
SHEET
1 OF 1

date



RECEIVED
SEP 08 2010
COMMUNITY DEVELOPMENT

ADD 2010-00034

DEEP LAGOON
NARRATIVE
EXHIBIT H-2.A

JUSTIFICATION FOR AMENDMENT

The proposed administrative amendment contains the following components:

1. A boundary adjustment is made between Development Areas 5, 6, and 7 on the MCP, with a corresponding setback deviation for Area 5, in order to eliminate a dispute between the property owners within the planned development.
2. The office building shown in Development Area 5 is being moved to Development Area 3, while the sales building in Area 3 is being moved to Area 5. No square footage changes are included in this request.
3. Additional parking spaces are being provided for the restaurant. The equivalent amount of pavement is being removed elsewhere on the plan, so open space is not being reduced.
4. Condition 6 of Resolution Z-99-013 will be revised to permit live and recorded music outside the restaurant and to extend its hours of operation from 11:00 PM to midnight.

The first three of these amendments clearly do not create any new or increased external impacts, and thus meet the legal standard for an administrative amendment. The applicant states the following in support of the revisions to Condition 6:

1. The amendment is being requested solely for the benefit of an established restaurant, The Prawnbroker. The applicant understands that any approvals which may be granted in this process for revisions to Condition 6 may not apply to other restaurants.
2. The restaurant is located in an area which is relatively remote from residential uses and close to McGregor Boulevard. It is likely that ambient noise levels from the road will exceed any noise emanating from the restaurant area.
3. The applicant will agree to a condition prohibiting any noise from the restaurant which exceeds levels associated with normal conversation at the restaurant property line.
4. Any speakers for outdoor music will be placed at the south end of the restaurant parcel and face north, towards the restaurant.
5. A wall will be placed at the south end of the restaurant parcel to provide additional noise abatement for residents to the south. It is shown on the plan submitted with this application.
6. The proposed midnight closing time is consistent with many other restaurants in the general area.

APPROVED
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DEVELOPMENT AREA	AREA PER (Z-06-026)	PROPOSED AREA	NET CHANGE
DA-5	1.57	1.36	-0.21
DA-6	1.26	1.41	0.14
DA-7	2.56	2.63	0.07

date 11-09
file name: EXHIBIT
job deep lagoon

No.	Date	Revisions

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EXHIBIT PLAN
OF
FT MYERS BOATCLUB
EXHIBIT H-2.B.2

scale: 1"=100'
SHEET
1 OF 1
date

Exhibit D

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

a. *48-Hour Notice: Memorandum dated May 8, 2018 f*rom Alvin Block, Principal Planner to Hearing Examiner (5 pages – 8.5"x11")

1. *DCD Staff Report with attachments:* Prepared by Alvin Block, Principal Planner, stamped received April 26, 2018 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]

2. *Zoning Approval Area 7:* (multiple pages – 8.5"x11")

APPLICANT EXHIBITS

a. *48-Hour Notice:* Letter from Neale Montgomery, Esq., Pavese Law Firm, to Donna Marie Collins, Chief Hearing Examiner (multiple pages – 8.5" x 11")

1. *Turn Movements:* Prepared by Hole Montes for NKA Restaurant at Marine Max (1 page – 11"x17")

2. *Stacking:* Prepared by Hole Montes for NKA Restaurant at Marine Max (1 page – 11"x17")

3. *PowerPoint Presentation:* Prepared for MarineMax Deep Lagoon Marina CPD, case number DCI2017-00012, dated July 24, 2018 (multiple pages – 8.5"x11")

4. *Revised Master Concept Plan:* Letter from Paula N.C. McMichael, Director of Planning, Hole Montes, Inc., to Alvin Block, Principal Planner with Lee County Community Development, stamped received July 25, 2018 by Community Development (1 page – 8.5"x11" & 1 page - 11"x17" & 1 page – 24"x36")

5. *Petitions of No Objection: M*ultiple pages – 8.5"x11"

6. *Photographs:* Depicting building (1 page – 8.5"x11")[color]

7. *Photographs:* Depicting building (1 page – 8.5"x11")[color]

Exhibit E

HEARING PARTICIPANTS

County Staff:

1. Alvin Block
2. Elizabeth Workman

Applicant Representatives:

1. Ramon Acevedo
2. Rick Brylanski
3. Sam Lowrey
4. Paula McMichael
5. Neale Montgomery, Esq.
6 Ryan West
7. Hans Wilson. P.E.

Public Participants:

1. Lawrence Cremia
2. Mike Flaherty
3. Larry Lynn
4. Mark Pollack

Exhibit F

INFORMATION

UNAUTHORIZED COMMUNICATIONS:

This Hearing Examiner Decision is final on the date rendered. The Decision may be appealed to the Circuit Court in Lee County within 30 days of the date rendered. Appeal is by Petition for *Writ of Certiorari* in accordance with LDC 34-146

HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS:

A. The Hearing Examiner will provide a copy of this recommendation to the Board of County Commissioners.

B. The Board will hold a final hearing to consider the Recommendation and record made before the Hearing Examiner. The Department of Community Development will notify hearing participants of the final hearing date. Only Parties and participants may address the Board at the final hearing. Presentation by participants are limited to the substance of testimony presented to the Hearing Examiner, testimony concerning the correctness of Findings of Fact or Conclusions of Law contained in the Recommendation, or allegations of relevant new evidence not known or that could not have been reasonably discovered by the speaker at the time of the Hearing Examiner hearing.

COPIES OF TESTIMONY AND TRANSCRIPTS:

A. Every hearing is recorded. Recordings are public records that become part of the case file maintained by the Department of Community Development. The case file and recordings are available for public examination Monday through Friday between 8:00 a.m. and 4:30 p.m.

B. A verbatim transcript may also be available for purchase from the court reporting service.